

CHAPTER 314

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 24-1216

BY REPRESENTATIVE(S) Bacon and Hernandez, Amabile, Boesenecker, Brown, Clifford, Daugherty, deGruy Kennedy, Duran, English, Froelich, Garcia, Hamrick, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Mabrey, Martinez, Marvin, Mauro, Ortiz, Parenti, Ricks, Rutinel, Sirota, Story, Titone, Valdez, Velasco, Vigil, Willford, Woodrow, Young, McCluskie, Weissman; also SENATOR(S) Coleman, Buckner, Cutter, Exum, Gonzales, Jaquez Lewis, Kolker, Michaelson Jenet, Priola, Zenzinger.

AN ACT

CONCERNING MULTI-LEVEL SUPPORTS FOR YOUTH IN VARYING STAGES OF THE JUVENILE JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 108 to title 22 as follows:

ARTICLE 108
Justice-Engaged Students in Education Act

22-108-101. Short title. THE SHORT TITLE OF THIS ARTICLE 108 IS THE "SUPPORTING JUSTICE-ENGAGED STUDENTS IN EDUCATION ACT".

22-108-102. Definitions. AS USED IN THIS ARTICLE 108, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

(2) "HOTLINE" MEANS THE STATEWIDE JUSTICE-ENGAGED STUDENT HOTLINE CREATED PURSUANT TO SECTION 22-108-108.

(3) "JUSTICE-ENGAGED STUDENT" MEANS A STUDENT WHO IS INVOLVED IN THE CRIMINAL JUSTICE SYSTEM IN ANY CAPACITY, INCLUDING, BUT NOT LIMITED TO, ADJUDICATION, PROBATION, TICKETING, DETENTION, DIVERSION, COMMITMENT, OR COMMUNITY SUPERVISION.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(4) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT CREATED PURSUANT TO ARTICLE 30 OF THIS TITLE 22, A BOARD OF COOPERATIVE SERVICES, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, OR AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22.

(5) "MULTI-TIERED SYSTEMS OF SUPPORTS" MEANS A SYSTEMIC PREVENTIVE APPROACH THAT ADDRESSES THE ACADEMIC AND SOCIAL-EMOTIONAL NEEDS OF ALL STUDENTS AT THE UNIVERSAL, TARGETED, AND INTENSIVE LEVELS. THROUGH THE MULTI-TIERED SYSTEMS OF SUPPORTS, SCHOOL PERSONNEL PROVIDES HIGH-QUALITY, SCIENTIFICALLY BASED OR EVIDENCE-BASED INSTRUCTION AND INTERVENTION THAT IS MATCHED TO STUDENT NEEDS; USES A METHOD OF MONITORING PROGRESS TO INFORM DECISIONS ABOUT INSTRUCTION AND GOALS; AND USES STUDENT RESPONSE DATA TO INFORM IMPORTANT EDUCATIONAL DECISIONS.

22-108-103. Justice-engaged student's bill of rights. (1) WITH RESPECT TO EDUCATION, A JUSTICE-ENGAGED STUDENT HAS THE RIGHT TO:

(a) PROVISION OF ALTERNATIVE SOLUTIONS TO A GENERAL EDUCATION, INCLUDING, BUT NOT LIMITED TO, APPROPRIATE AVAILABLE ALTERNATE EDUCATION PROGRAMS;

(b) PROMPT ENROLLMENT OR RE-ENROLLMENT WITH A LOCAL EDUCATION PROVIDER, SO LONG AS THE STUDENT IS ELIGIBLE FOR ENROLLMENT, AS DETERMINED BY THE LOCAL EDUCATION PROVIDER PURSUANT TO SECTION 22-33-104, NO LATER THAN TEN BUSINESS DAYS AFTER THE FIRST REQUEST TO THE LOCAL EDUCATION PROVIDER AND INITIAL CONTACT WITH THE POINT-OF-CONTACT PERSON FOR THE LOCAL EDUCATION PROVIDER. IF THE JUSTICE-ENGAGED STUDENT IS BEING SERVED THROUGH THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, OR SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 794, AS AMENDED, THE FEDERAL TIME REQUIREMENTS REMAIN IN EFFECT FOR THAT STUDENT. THE LOCAL EDUCATION PROVIDER SHALL PROVIDE ALL JUSTICE-ENGAGED STUDENTS WITH A RESPONSE WITHIN THREE BUSINESS DAYS AFTER THE JUSTICE-ENGAGED STUDENT CONTACTS THE LOCAL EDUCATION PROVIDER.

(c) APPROPRIATE CREDIT FOR COURSEWORK COMPLETED WHILE JUSTICE-ENGAGED AND FOR THAT COURSEWORK TO BE APPLIED TOWARD GRADUATION OR SCHOOL CONTINUATION WHILE RE-ENROLLED AT A LOCAL EDUCATION PROVIDER, ACCORDING TO RULES PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO THIS ARTICLE 108;

(d) A PLAN FOR GRADUATION DEVELOPED IN CONSULTATION WITH THE JUSTICE-ENGAGED STUDENT, THE STUDENT'S FAMILY, CAREGIVER OR ADVOCATE. THE PLAN MUST CONSIDER ALL PRIOR COURSEWORK COMPLETED BY THE STUDENT. IN DEVELOPING THE PLAN, THE TEAM SHALL MAKE EVERY EFFORT TO ACCOUNT FOR ALL CREDITS EARNED BY THE JUSTICE-ENGAGED STUDENT AND CLARIFY REQUIREMENTS TO ALLOW THE JUSTICE-ENGAGED STUDENT TO COMPLETE THE STUDENT'S HIGH SCHOOL GRADUATION REQUIREMENTS AT THE EARLIEST POSSIBLE DATE.

(e) A CLEARLY DEFINED AND DOCUMENTED PLAN FOR GRADUATION PROVIDED TO THE JUSTICE-ENGAGED STUDENT AND THE STUDENT'S FAMILY OR CAREGIVER UPON RE-ENTRY, RE-ENROLLMENT, OR CONTINUATION WITH A LOCAL EDUCATION PROVIDER;

(f) PRIVACY, INCLUDING PRIVACY WHEN RELATED TO DIVERSION, PROBATION, OR QUESTIONING ABOUT A CRIME AT A LOCAL EDUCATION PROVIDER AND NOT IN VIEW OF THE STUDENT'S PEERS. IF SUCH A VISIT IS NECESSARY, THE APPROPRIATE OFFICER SHALL SCHEDULE THE VISIT IN ADVANCE WITH THE LOCAL EDUCATION PROVIDER'S OFFICE IN A PRIVATE AREA OUT OF SIGHT OF THE OTHER STUDENTS.

(g) PROTECTION BY THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 794, AS AMENDED, APPLICABLE FOSTER CARE REGULATIONS, AND THE FEDERAL "MCKINNEY-VENTO HOMELESS ASSISTANCE ACT", 42 U.S.C. SEC. 11431 ET SEQ.;

(h) CREATE EVIDENCE OF AND BE EVALUATED FOR GIFTEDNESS WITH SUPPORT AND INFORMATION FROM THE JUSTICE-ENGAGED STUDENT'S FAMILY OR CAREGIVERS TO ALLOW CONSIDERATION OF THE JUSTICE-ENGAGED STUDENT FOR GIFTED AND TALENTED PROGRAMS THAT ARE AVAILABLE WITHIN EXISTING RESOURCES; AND

(i) PARTICIPATE IN SCHOOL ACTIVITIES AND COLLEGE OR CAREER READINESS PATHWAYS, INCLUDING, BUT NOT LIMITED TO, CAREER AND TECHNICAL CERTIFICATION PROGRAMS, IN ACCORDANCE WITH THE RULES PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO THIS ARTICLE 108.

22-108-104. Educational support for justice-engaged students - local education provider responsibilities - point-of-contact person - guidance - automatic referral to multi-tiered systems of supports. (1) EACH LOCAL EDUCATION PROVIDER IN THE STATE SHALL:

(a) PROMINENTLY PUBLISH ON ITS WEBSITE AN EXPLANATION OF SERVICES AND RESOURCES AVAILABLE FOR JUSTICE-ENGAGED STUDENTS, INCLUDING THE NAME, PHONE NUMBER, AND EMAIL ADDRESS OF A POINT-OF-CONTACT PERSON AT THE LOCAL EDUCATION PROVIDER. THE INFORMATION SHOULD BE EASILY ACCESSIBLE AND OFFERED IN MULTIPLE LANGUAGES, AS BEST SUITS THE NEEDS OF THE DEMOGRAPHIC MAKEUP OF THE AREA IN WHICH THE LOCAL EDUCATION PROVIDER IS LOCATED.

(b) DESIGNATE ONE PERSON TO SERVE AS POINT OF CONTACT FOR JUSTICE-ENGAGED STUDENTS AND THEIR FAMILIES OR CAREGIVERS. THE POINT-OF-CONTACT PERSON SHALL RESPOND TO INQUIRIES AND CONNECT WITH JUSTICE-ENGAGED STUDENTS AND THEIR FAMILIES OR CAREGIVERS WITHIN THREE BUSINESS DAYS AFTER AN INQUIRY, PURSUANT TO THE JUSTICE-ENGAGED STUDENT'S BILL OF RIGHTS ESTABLISHED IN SECTION 22-108-103. FOR SMALL AND RURAL SCHOOL DISTRICTS THAT ARE NOT MEMBERS OF A BOCES, A DESIGNATED SUPPORT PERSON WITHIN THE DEPARTMENT MAY ACT AS A POINT OF CONTACT FOR THE PURPOSES OF THIS SECTION, PURSUANT TO SECTION 22-108-109.

(2) (a) THE DESIGNATED POINT-OF-CONTACT PERSON FOR EACH LOCAL EDUCATION PROVIDER SHALL READ AND UNDERSTAND THE GUIDANCE DEVELOPED AND PROVIDED PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION UPON DESIGNATION AS THE POINT-OF-CONTACT. THE POINT-OF-CONTACT PERSON SHALL BE KNOWLEDGEABLE ABOUT ALTERNATIVE EDUCATION OPTIONS AND WRAPAROUND SERVICES AVAILABLE TO STUDENTS ENROLLED IN THE LOCAL EDUCATION PROVIDER.

(b) THE DEPARTMENT SHALL PARTNER WITH PERSONS INVOLVED WITH JUSTICE-ENGAGED STUDENTS IN THE STATE TO DEVELOP GUIDANCE THAT ALIGNS WITH THE JUSTICE-ENGAGED STUDENT'S BILL OF RIGHTS ESTABLISHED IN SECTION 22-108-103 AND THAT INCLUDES GUIDANCE IN STATE ATTENDANCE LAWS, CASES PERTAINING TO EDUCATION AS A PROTECTED PROPERTY INTEREST, RE-ENTRY BEST PRACTICES, THE CREDIT TRANSFER PROCESS DEVELOPED PURSUANT TO SECTION 22-108-106, AND REQUIREMENTS OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, OR SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 794, AS AMENDED. ON OR BEFORE AUGUST 1, 2026, THE DEPARTMENT SHALL DEVELOP GUIDANCE AND MAKE IT AVAILABLE TO LOCAL EDUCATION PROVIDERS ONLINE AND IN MODULES FOR EASE OF ACCESS. EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE POINT-OF-CONTACT PERSON FOR THE PROVIDER HAS COMPLETE UNDERSTANDING OF THE GUIDANCE DEVELOPED PURSUANT TO THIS SUBSECTION (2)(b) ON OR BEFORE THE PUPIL ENROLLMENT COUNT DAY AS DEFINED IN SECTION 22-54-103 AND MAINTAIN THE POSITION OF A DESIGNATED POINT-OF-CONTACT PERSON.

(c) THE GUIDANCE DEVELOPED PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION IS RECOMMENDED FOR ANY PERSON ACTING AS A CHILD WELFARE EDUCATION LIAISON, GUARDIAN AD LITEM, COUNSEL FOR YOUTH, OR OTHER OFFICERS WHO WORK WITH YOUTH. THE DEPARTMENT SHALL MAKE THE GUIDANCE PUBLICLY AVAILABLE TO ANY YOUTH-SERVING AGENCY OR COMMUNITY-BASED ORGANIZATION.

(3) THE POINT-OF-CONTACT PERSON SHALL ACTIVELY ENGAGE WITH JUSTICE-ENGAGED STUDENTS AND THEIR FAMILIES OR CAREGIVERS TO EXPLORE ALTERNATIVE SOLUTIONS FOR EDUCATIONAL ATTAINMENT BEFORE RESORTING TO A DENIAL OF ACCESS TO EDUCATION PURSUANT TO ARTICLE 33 OF THIS TITLE 22, AND IF THE LOCAL EDUCATION PROVIDER DENIES THE STUDENT ACCESS TO EDUCATION, THE POINT-OF-CONTACT PERSON SHALL REFER THE STUDENT TO THE HOTLINE CREATED PURSUANT TO SECTION 22-108-108.

(4) UPON NOTIFICATION OR REQUEST, A LOCAL EDUCATION PROVIDER WILL WORK WITH THE TEAM OF PROFESSIONALS, INCLUDING THE MULTI-TIERED SYSTEMS OF SUPPORTS AND APPROPRIATE INTERVENTION TEAMS, FAMILIES, AND JUSTICE-ENGAGED STUDENTS, TO ENSURE A PATHWAY TO GRADUATION THAT IS CONSISTENT WITH REQUIREMENTS SET FORTH IN SECTIONS 22-2-106, 22-2-406, AND 22-32-109, INCLUDING WORKFORCE DEVELOPMENT OPPORTUNITIES, ACCESS TO ALTERNATIVE EDUCATIONAL PROGRAMMING, AND MENTAL HEALTH AND OTHER SUPPORTS AS AND IF APPROPRIATE AND AVAILABLE. THE TEAM SHALL DEVELOP A PLAN TO GUIDE IMPLEMENTATION OF THESE SUPPORTS.

22-108-105. Justice-engaged students interagency working group - duties - recommendations - rules. (1) ON OR BEFORE JULY 1, 2024, THE DEPARTMENT SHALL CONVENE AN INTERAGENCY WORKING GROUP COMPRISED OF MEMBERS FROM

THE DEPARTMENT OF EDUCATION, AS APPOINTED BY THE COMMISSIONER; THE DEPARTMENT OF HUMAN SERVICES, AS APPOINTED BY THE EXECUTIVE DIRECTOR; THE DIVISION OF YOUTH SERVICES, AS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES; AND THE JUDICIAL DEPARTMENT, AS APPOINTED BY THE CHIEF JUSTICE.

(2) THE INTERAGENCY WORKING GROUP SHALL, AT A MINIMUM, REVIEW AND MAKE RECOMMENDATIONS TO THE DEPARTMENT OF EDUCATION AND THE JOINT EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE NO LATER THAN DECEMBER 1, 2024, REGARDING:

(a) CRITERIA AND A MECHANISM FOR IDENTIFYING AND QUANTIFYING THE NUMBER OF JUSTICE-ENGAGED STUDENTS;

(b) INDICATORS OF AND CONTRIBUTING FACTORS TO ACADEMIC ATTAINMENT;

(c) DATA-SHARING AGREEMENTS AND REGULATORY AND STATUTORY CHANGES REQUIRED TO IMPLEMENT THE RECOMMENDATIONS;

(d) ADDITIONAL FUNDING OR SYSTEM ENHANCEMENTS REQUIRED TO IMPLEMENT THE RECOMMENDATIONS MADE PURSUANT TO THIS SUBSECTION (2); AND

(e) ANY OTHER RECOMMENDATIONS THAT THE INTERAGENCY WORKING GROUP FINDS RELEVANT TO BETTER UNDERSTAND OUTCOMES FOR JUSTICE-ENGAGED STUDENTS AND WAYS THE STATE CAN SUPPORT THIS POPULATION.

(3) THE INTERAGENCY WORKING GROUP SHALL CONSULT WITH LOCAL EDUCATION PROVIDERS TO DETERMINE WHAT DATA IS NEEDED BY DECEMBER 31, 2024.

(4) BEGINNING JULY 1, 2025, THE STATE BOARD OF EDUCATION SHALL PROMULGATE ANY NECESSARY RULES OR REQUEST STATUTORY CHANGES TO IMPLEMENT THE RECOMMENDATIONS MADE BY THE INTERAGENCY WORKING GROUP.

22-108-106. Credit transfer from state custody situations - rules - definition.

(1) FOR THE PURPOSES OF THIS SECTION, "CUSTODY" MEANS, BUT IS NOT LIMITED TO, TIME SPENT IN A FACILITY OPERATED BY THE DEPARTMENT OF HUMAN SERVICES, FACILITY SCHOOL, PSYCHIATRIC FACILITY, OR DAY TREATMENT CENTER.

(2) THE STATE BOARD OF EDUCATION, IN COLLABORATION WITH THE DEPARTMENT AND THE DIVISION OF YOUTH SERVICES, THE JUDICIAL DEPARTMENT, INTERESTED STAKEHOLDERS, AND JUSTICE-ENGAGED STUDENTS AND THEIR FAMILIES OR CAREGIVERS, SHALL PROMULGATE RULES ON OR BEFORE AUGUST 1, 2025, TO ESTABLISH A PROCESS AND TO ENSURE THAT YOUTH IN CUSTODY HAVE ACCESS TO QUALITY EDUCATIONAL PROGRAMS AND RECEIVE CREDITS FOR ANY WORK COMPLETED UPON THE YOUTH'S RETURN TO THE TRADITIONAL EDUCATIONAL ENVIRONMENT. THE PROCESS AND FRAMEWORK MUST BE IN PLACE ON OR BEFORE AUGUST 30, 2025, AND BE INCLUDED IN THE GUIDANCE REQUIRED PURSUANT TO SECTION 22-108-104. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (2), A LOCAL EDUCATION PROVIDER RETAINS THE RIGHT TO SUSPEND OR EXPEL A JUSTICE-ENGAGED STUDENT PURSUANT TO SECTIONS 22-33-105 AND 22-33-106.

22-108-107. Justice-engaged students - participation in school activities. ON OR BEFORE AUGUST 30, 2025, THE DEPARTMENT SHALL PROVIDE GUIDANCE TO LOCAL EDUCATION PROVIDERS ON HOW TO ALLOW A JUSTICE-ENGAGED STUDENT TO RECEIVE AN ACCOMMODATION TO PARTICIPATE IN SCHOOL ACTIVITIES, INCLUDING GRADUATION CEREMONIES, SPORTING EVENTS, AFTER-SCHOOL ACTIVITIES, DANCES, CLUBS, AND COLLEGE OR CAREER READINESS PATHWAYS, INCLUDING, BUT NOT LIMITED TO, CAREER AND TECHNICAL CERTIFICATION PROGRAMS. THE ACCOMMODATIONS MAY INCLUDE, BUT ARE NOT LIMITED TO, THE OPTION FOR A FAMILY MEMBER OR OTHER INVESTED ADULT TO ACCOMPANY THE JUSTICE-ENGAGED STUDENT TO THE SCHOOL ACTIVITY.

22-108-108. Statewide justice-engaged student hotline - report - repeal.
(1) ON OR BEFORE SEPTEMBER 1, 2026, THE DEPARTMENT SHALL SELECT AND CONTRACT WITH AN ENTITY TO ESTABLISH AND MAINTAIN A STATEWIDE HOTLINE FOR JUSTICE-ENGAGED STUDENTS, FAMILIES AND CAREGIVERS, JUSTICE SYSTEM PERSONNEL, AND EDUCATION PERSONNEL. THE HOTLINE MUST BE ACCESSIBLE IN AT LEAST ENGLISH AND SPANISH AND PROVIDE ACCESSIBILITY OPTIONS FOR PERSONS WITH DISABILITIES, AND OFFER REFERRALS FOR LEGAL ADVICE, SCHOOL OPTIONS, AND OTHER NECESSARY WRAPAROUND SERVICES AND SUPPORTS. THE ENTITY OPERATING THE HOTLINE SHALL TRACK THE TYPES OF CALLS RECEIVED TO IDENTIFY AND ADDRESS GAPS IN COMMUNICATION REGARDING EDUCATIONAL OPTIONS FOR JUSTICE-ENGAGED STUDENTS. EACH JUSTICE-ENGAGED STUDENT SHALL BE PROVIDED INFORMATION ABOUT THE HOTLINE BY LAW ENFORCEMENT AFTER TICKETING OR ARREST, BY THE DIVISION AFTER RELEASE FROM THE DIVISION, AND BY LOCAL EDUCATION PROVIDERS AFTER NOTIFICATION THAT A STUDENT IS JUSTICE-ENGAGED.

(2) ON OR BEFORE JUNE 30, 2027, AND EACH JUNE 30 THEREAFTER, THE ENTITY OPERATING THE HOTLINE SHALL SUBMIT A WRITTEN REPORT TO THE DEPARTMENT AND THE STATE BOARD OF EDUCATION THAT CATEGORIZES AND SUMMARIZES THE NUMBER OF CALLS RECEIVED, TYPE OF PERSON CALLING THE HOTLINE, TYPES OF SUPPORTS OR REFERRALS PROVIDED, AND GEOGRAPHY OF CALLS RECEIVED SO THAT SERVICE GAPS CAN BE IDENTIFIED.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2028.

22-108-109. Support person to assist students in small and rural districts. BEGINNING JULY 1, 2025, AS REQUIRED BY SECTION 22-108-104 (1)(b), THE DEPARTMENT SHALL ASSIST A STUDENT FROM SMALL AND RURAL SCHOOL DISTRICTS OR WHO HAS BEEN DENIED RE-ENTRY TO THE STUDENT'S LOCAL EDUCATION PROVIDER PURSUANT TO SECTION 22-33-105. THE SUPPORT PERSON SHALL WORK WITH THE SMALL OR RURAL SCHOOL DISTRICT, ALONG WITH THE MULTI-TIERED SYSTEMS OF SUPPORT TEAM, AND OTHER APPROPRIATE LOCAL EDUCATION PROVIDERS TO ALLOW THE STUDENT TO RE-ENTER SCHOOL. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A LOCAL EDUCATION PROVIDER RETAINS THE RIGHT TO SUSPEND OR EXPEL A JUSTICE-ENGAGED STUDENT PURSUANT TO SECTIONS 22-33-105 AND 22-33-106.

SECTION 2. In Colorado Revised Statutes, 19-2.5-303, **amend** (2)(f) as follows:

19-2.5-303. Duty of officer - screening teams - notification - release or detention. (2) (f) The screening team and the juvenile court shall use the results

from the detention screening instrument in making a release determination. THE COURT IS ENCOURAGED TO TAKE INTO CONSIDERATION THE JUVENILE'S EDUCATIONAL PROGRESS AND ABILITY TO ACHIEVE CREDITS TOWARD GRADUATION. Release options include allowing a juvenile to return home with no supervision, or with limited supervision such as a location monitoring device, or a referral to a preadjudication alternative to detention or service program established pursuant to section 19-2.5-606.

SECTION 3. In Colorado Revised Statutes, 19-2.5-306, **add** (4)(a.5) as follows:

19-2.5-306. Conditions of release - personal recognizance bond. (4) (a.5) THE JUDGE OR MAGISTRATE IS ENCOURAGED TO TAKE INTO CONSIDERATION THE JUVENILE'S EDUCATIONAL PROGRESS AND ABILITY TO ACHIEVE CREDITS TOWARD GRADUATION.

SECTION 4. In Colorado Revised Statutes, 19-2.5-1117, **amend** (1)(a); and **add** (1)(d) as follows:

19-2.5-1117. Sentencing - commitment to the department of human services - definitions. (1) (a) Except as otherwise required in subsection (6) of this section and section 19-2.5-1127 for an aggravated juvenile offender, the court may commit a juvenile to the department of human services for a determinate period of up to two years if the juvenile is adjudicated for an offense that would constitute a felony or a misdemeanor if committed by an adult; except that, if the juvenile is younger than twelve years of age and is not adjudicated an aggravated juvenile offender, the court may commit the juvenile to the department of human services only if the juvenile is adjudicated for an offense that would constitute a class 1, class 2, or class 3 felony if committed by an adult. IF THE COURT COMMITS A JUSTICE-ENGAGED STUDENT, AS DEFINED IN SECTION 22-108-102, TO THE DEPARTMENT OF HUMAN SERVICES FOR ANY OFFENSE THAT DOES NOT INCLUDE A PHYSICAL THREAT OR BODILY INJURY TO ANOTHER PERSON, THE COURT IS ENCOURAGED TO ORDER THAT THE COMMITMENT TAKE PLACE IN A MANNER THAT ALLOWS THE JUSTICE-ENGAGED STUDENT TO CONTINUE TO ATTEND SCHOOL PRIOR TO COMMITMENT TO AVOID DISRUPTION OF THE JUSTICE-ENGAGED STUDENT'S ACADEMIC PROGRESS AND ABILITY TO ACHIEVE CREDITS FOR A SEMESTER. WHEN POSSIBLE, THE COURT MAY ORDER COMMITMENT AS FOLLOWS:

(I) IF THE SENTENCING TAKES PLACE IN THE FALL SEMESTER, THE JUSTICE-ENGAGED STUDENT MAY REMAIN IN SCHOOL TO COMPLETE THE FALL SEMESTER AND BEGIN COMMITMENT AT THE BEGINNING OF THE SPRING SEMESTER;

(II) IF THE SENTENCING TAKES PLACE IN THE SPRING SEMESTER, THE JUSTICE-ENGAGED STUDENT MAY REMAIN IN SCHOOL TO COMPLETE THE SPRING SEMESTER AND BEGIN COMMITMENT AT THE BEGINNING OF THE SUMMER SEMESTER; AND

(III) IF THE SENTENCING TAKES PLACE IN THE SUMMER SEMESTER, THE JUSTICE-ENGAGED STUDENT MAY REMAIN IN SCHOOL TO COMPLETE THE SUMMER SEMESTER AND BEGIN COMMITMENT AT THE BEGINNING OF THE FALL SEMESTER.

(d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A LOCAL

EDUCATION PROVIDER RETAINS THE RIGHT TO SUSPEND OR EXPEL A JUSTICE-ENGAGED STUDENT PURSUANT TO SECTIONS 22-33-105 AND 22-33-106.

SECTION 5. Appropriation. For the 2024-25 state fiscal year, \$82,883 is appropriated to the department of education for use by student pathways. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.1 FTE. To implement this act, the division may use this appropriation for supports for youth in juvenile justice system.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 31, 2024