

**Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0634.01 Jane Ritter

**HOUSE BILL 10-1274**

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**A BILL FOR AN ACT**

101     **CONCERNING SUCCESSFUL TRANSITIONS BACK TO THE PUBLIC SCHOOL**  
102             **SYSTEM FOR STUDENTS IN OUT-OF-HOME PLACEMENT WHO**  
103             **HAVE DEMONSTRATED BEHAVIOR THAT IS DETRIMENTAL TO THE**  
104             **SAFETY OR WELFARE OF THEMSELVES OR OTHERS DURING THE**  
105             **PREVIOUS TWELVE MONTHS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill requires the department of human services (department)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
March 23, 2010

HOUSE  
Amended 2nd Reading  
March 22, 2010

to provide written notification to a school district, charter school, or institute charter school (school) 10 days prior to enrollment of a student who has been placed in out-of-home placement and is identified as potentially presenting a risk to himself or herself or the community (student). In a case where the student requires an emergency placement, the bill requires the department to provide written notification to the school 5 days prior to the student's enrollment. The school is encouraged to use the notification period to gather medical, mental health, sociological, and scholastic achievement data about the student from various sources to develop a transition plan for the student.

The department of human services and the department of education are required to enter into a memorandum of understanding that includes, at a minimum:

(1) A consistent and uniform approach to sharing medical, mental health, sociological, and scholastic achievement data about students between a school district, charter school, or institute charter school and the county department of social services to better facilitate the creation of transition plans for those students and ensure the safety of the people in the school community;

(2) A plan for utilizing existing state and federal data and any existing information-sharing activities;

(3) An appeals process to follow if there is a disagreement between a school district, charter school, or institute charter school and the county department of social services regarding the enrollment of a student; and

(4) A plan for determining accountability concerning the use of the notification periods and the number of emergency placements that occur.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Students enrolled in a public school may often receive  
5 additional support during the school day to ensure their success at school;

6 (b) Students who have been in the care of day treatment facilities,  
7 facility schools, or hospitals and who have not been enrolled in a public  
8 school may benefit from additional support services to help them achieve  
9 a successful transition back to a public school;

1           (c) School districts should be active partners in developing  
2 transition plans for students to achieve successful transitions to public  
3 schools; and

4           (d) Sharing of medical, mental health, sociological, and scholastic  
5 achievement data about a student between the department of human  
6 services and a receiving school district and school will enable the school  
7 district and school to better determine the types of support, services, and  
8 appropriate settings for the student who is making the transition back into  
9 the public school system.

10           (2) The general assembly further finds and declares that:

11           (a) The expansion of state and local collaborative agreements will  
12 allow school districts and other agencies to operate more effectively in  
13 the decision-making process for these students;

14           (b) Multiple agencies, departments, and other participants can  
15 help ensure school safety by developing plans and collaborating with one  
16 another to create an atmosphere that promotes safety and success for  
17 students; and

18           (c) Sharing of medical, mental health, sociological, and scholastic  
19 achievement data by various entities and school districts, within the  
20 constraints of state and federal law, should provide as much information  
21 as possible, and appropriate use of that information will allow students to  
22 successfully transition to and succeed in the public school system.

23           **SECTION 2.** Part 1 of article 2 of title 22, Colorado Revised  
24 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
25 read:

26           **22-2-138. Memorandum of understanding - notification of risk**  
27 **- rules.** (1) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN

1 SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A  
2 MEMORANDUM OF UNDERSTANDING CONCERNING THE ENROLLMENT OF  
3 STUDENTS IN THE PUBLIC SCHOOL SYSTEM FROM A STATE-LICENSED DAY  
4 TREATMENT FACILITY, FACILITY SCHOOL, OR HOSPITAL, PURSUANT TO  
5 SECTION 22-2-409. THE MEMORANDUM OF UNDERSTANDING SHALL  
6 INCLUDE, BUT NEED NOT BE LIMITED TO:

7 (a) A CONSISTENT AND UNIFORM APPROACH TO NOTIFICATION AND  
8 APPROPRIATE AND ALLOWABLE DATA-SHARING ABOUT STUDENTS,  
9 INCLUDING BUT NOT LIMITED TO MEDICAL, MENTAL HEALTH,  
10 SOCIOLOGICAL, AND SCHOLASTIC ACHIEVEMENT, WITHIN THE LIMITS OF  
11 STATE AND FEDERAL PRIVACY AND CONFIDENTIALITY LAW, BETWEEN  
12 SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER SCHOOLS,  
13 AND COUNTY DEPARTMENTS OF SOCIAL SERVICES FOR THE PURPOSES OF  
14 COLLABORATION IN THE PLACEMENT OF STUDENTS PURSUANT TO THIS  
15 SECTION AND SECTION 22-20-108, BETTER FACILITATION OF THE CREATION  
16 OF TRANSITION PLANS FOR STUDENTS, AND ENSURING THE SAFETY OF THE  
17 PEOPLE IN THE SCHOOL COMMUNITY;

18 (b) A PLAN FOR UTILIZING EXISTING STATE AND FEDERAL DATA  
19 AND ANY EXISTING INFORMATION-SHARING ACTIVITIES;

20 (c) A PLAN FOR DETERMINING ACCOUNTABILITY AND COLLECTING  
21 DATA CONCERNING THE IMPLEMENTATION OF THE NOTIFICATIONS AND  
22 INVITATION REQUIRED PURSUANT TO THIS SECTION AND A MECHANISM BY  
23 WHICH SCHOOL DISTRICTS AND THE STATE CHARTER SCHOOL INSTITUTE  
24 SHALL REPORT THE AGGREGATE DATA TO THE DEPARTMENT OF HUMAN  
25 SERVICES AND DEPARTMENT OF EDUCATION ON OR BEFORE FEBRUARY 15,  
26 2012, AND ON OR BEFORE FEBRUARY 15 EACH YEAR THEREAFTER. THE  
27 DATA TO REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

1           (I) THE NUMBER OF PLACEMENTS OCCURRING IN A SCHOOL YEAR;

2           (II) THE NUMBER OF EMERGENCY PLACEMENTS OCCURRING IN A  
3 SCHOOL YEAR;

4           (III) THE TYPES OF PLACEMENTS FROM WHICH THE STUDENTS ARE  
5 TRANSITIONING;

6           (IV) THE EDUCATIONAL SETTING INTO WHICH THE STUDENT IS  
7 BEING PLACED; AND

8           (V) DEMOGRAPHIC INFORMATION OF STUDENTS, INCLUDING BUT  
9 NOT LIMITED TO AGE, RACE, GENDER, AND ETHNICITY;

10          (d) A PROCESS FOR DETERMINING INFORMATION SHARING AND  
11 COLLABORATION FOR PLACEMENT OF STUDENTS PURSUANT TO SECTIONS  
12 22-20-108 AND 26-1-137, C.R.S.;

13          (e) RECOMMENDATIONS FOR AN APPROACH TO SHARING DATA  
14 THAT CONFORMS WITH THE INTERDEPARTMENTAL DATA PROTOCOL  
15 ESTABLISHED PURSUANT TO SECTION 24-37.5-704, C.R.S., AND THAT IS IN  
16 COMPLIANCE WITH ALL STATE AND FEDERAL LAWS, RULES, AND  
17 REGULATIONS CONCERNING THE PRIVACY OF INFORMATION;

18          (f) IDENTIFICATION OF TRAINING AND PROFESSIONAL  
19 DEVELOPMENT NEEDS ASSOCIATED WITH IMPLEMENTING INFORMATION  
20 SHARING BETWEEN RESPONSIBLE ENTITIES AND FUNDING SOURCES THAT  
21 COULD BE UTILIZED FOR THIS PURPOSE; AND

22          (g) CONSIDERATION OF RECOMMENDATIONS MADE BY EXISTING  
23 WORKING GROUPS OR PROJECTS THAT HAVE BEEN INVOLVED WITH  
24 INFORMATION SHARING OR TECHNOLOGY RELATING TO INFORMATION  
25 SHARING AMONG MULTIPLE ENTITIES AS IT RELATES TO STUDENTS  
26 TRANSITIONING BACK INTO PUBLIC SCHOOLS. A REPORT OF THESE  
27 RECOMMENDATIONS SHALL BE PROVIDED TO THE DEPARTMENT OF HUMAN

1 SERVICES, THE STATE BOARD OF HUMAN SERVICES, THE DEPARTMENT OF  
2 EDUCATION, AND THE STATE BOARD OF EDUCATION PRIOR TO THE FINAL  
3 ADOPTION OF THE MEMORANDUM OF UNDERSTANDING.

4 (2) BEGINNING AUGUST 15, 2010, A STATE-LICENSED DAY  
5 TREATMENT FACILITY, FACILITY SCHOOL, OR HOSPITAL LICENSED OR  
6 CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S., THAT IS  
7 TRANSFERRING A STUDENT TO A PUBLIC SCHOOL SHALL NOTIFY THE  
8 APPROPRIATE SCHOOL DISTRICT CHILD WELFARE EDUCATION LIAISON,  
9 DESIGNATED PURSUANT TO SECTION 22-32-138 (2) (a), OF THE PENDING  
10 ENROLLMENT IN A PUBLIC SCHOOL OF A STUDENT WHO:

11 (a) IS TRANSFERRING TO A PUBLIC SCHOOL FROM A  
12 STATE-LICENSED DAY TREATMENT FACILITY LICENSED BY THE  
13 DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-6-102 (2.5),  
14 C.R.S., FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1), OR  
15 HOSPITAL; AND

16 (b) HAS BEEN DETERMINED BY THE STATE-LICENSED DAY  
17 TREATMENT FACILITY, THE FACILITY SCHOOL, THE HOSPITAL LICENSED OR  
18 CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S., OR THE COURT TO BE  
19 A RISK TO HIMSELF OR HERSELF OR THE COMMUNITY WITHIN THE TWELVE  
20 MONTHS PRIOR TO THE PROPOSED TRANSFER.

21 (3) THE NOTIFICATION REQUIRED IN SUBSECTION (2) OF THIS  
22 SECTION SHALL BE MADE AT LEAST TEN CALENDAR DAYS PRIOR TO THE  
23 STUDENT'S TRANSITION FROM THE STATE-LICENSED DAY TREATMENT  
24 FACILITY, FACILITY SCHOOL, OR HOSPITAL AND SUBSEQUENT ENROLLMENT  
25 IN A PUBLIC SCHOOL AND SHALL INCLUDE AN INVITATION TO THE CHILD  
26 WELFARE EDUCATION LIAISON, OR HIS OR HER DESIGNEE, TO PARTICIPATE  
27 IN THE DEVELOPMENT OF A TRANSITION PLAN FOR THE STUDENT. THE

1 INFORMATION PROVIDED TO THE CHILD WELFARE EDUCATION LIAISON  
2 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE TRANSITIONING  
3 STUDENT'S EDUCATIONAL RECORDS FROM THE TRANSFERRING  
4 EDUCATIONAL FACILITY AND AN OUTLINE OF THE STUDENT'S  
5 TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC SCHOOL SETTING,  
6 WHICH INFORMATION WOULD ASSIST THE SCHOOL DISTRICT IN MEETING  
7 THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL TRANSITION. IF THE  
8 TRANSITIONING STUDENT IS IN THE CUSTODY OF THE DEPARTMENT OF  
9 HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL SERVICES, THE  
10 STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR  
11 HOSPITAL SHALL ALSO PROVIDE THE NOTIFICATION TO THE DEPARTMENT  
12 OF HUMAN SERVICES.

13 (4) IF A CHANGE OF PLACEMENT IS REQUIRED FOR THE SAFETY OF  
14 THE STUDENT OR IF A COURT, THE DEPARTMENT OF HUMAN SERVICES, OR  
15 A COUNTY DEPARTMENT OF SOCIAL SERVICES MAKES A PLACEMENT  
16 CHANGE WITH FEWER THAN TEN CALENDAR DAYS NOTICE, THE  
17 RESPONSIBLE STATE OR COUNTY DEPARTMENT OF HUMAN SERVICES OR  
18 SOCIAL SERVICES SHALL PROVIDE INFORMATION TO THE CHILD WELFARE  
19 EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION 22-32-138 (2)  
20 (a), OF THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE  
21 CHARTER SCHOOL WITHIN FIVE CALENDAR DAYS FOLLOWING THE  
22 STUDENT'S PLACEMENT. THE INFORMATION PROVIDED TO THE CHILD  
23 WELFARE EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT BE LIMITED  
24 TO, THE TRANSITIONING STUDENT'S EDUCATIONAL RECORDS FROM THE  
25 TRANSFERRING EDUCATIONAL FACILITY AND AN OUTLINE OF THE  
26 STUDENT'S TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC  
27 SCHOOL SETTING, WHICH INFORMATION WOULD ASSIST THE DISTRICT IN

1 MEETING THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL  
2 TRANSITION.

3 (5) THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL SERVICES  
4 AND THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE  
5 CHARTER SCHOOL SHALL COOPERATE TO ENSURE THAT AN APPROPRIATE  
6 PLACEMENT INCLUDING EDUCATIONAL SERVICES IS MADE PURSUANT TO  
7 THIS SECTION AND SECTIONS 19-1-115.5, C.R.S., 22-20-108, AND  
8 22-32-138, AS APPLICABLE.

9 (6) WITHIN THE CONFIDENTIALITY AND PRIVACY LIMITS OF STATE  
10 AND FEDERAL LAW, THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL  
11 SERVICES OR THE SCHOOL DISTRICT, CHARTER SCHOOL, INSTITUTE  
12 CHARTER SCHOOL, OR FACILITY SCHOOL SHALL PROVIDE INFORMATION  
13 ABOUT THE STUDENT TO ASSIST THE RECEIVING ENTITY IN DETERMINING  
14 AN APPROPRIATE EDUCATIONAL PLACEMENT FOR THE STUDENT.

15 (7) NOTHING IN THIS SECTION SHALL ALTER THE RIGHTS AND  
16 OBLIGATIONS OF THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF  
17 HUMAN SERVICES, A COUNTY DEPARTMENT OF SOCIAL SERVICES, OR A  
18 SCHOOL DISTRICT, AS SUCH RIGHTS AND OBLIGATIONS ARE SET FORTH IN  
19 THIS TITLE; 20 U.S.C. SEC. 1400 ET SEQ.; 29 U.S.C. SEC. 701 ET SEQ.; 42  
20 U.S.C. SEC. 11431 ET SEQ.; AND 42 U.S.C. SEC. 675, AS AMENDED BY THE  
21 FEDERAL "FOSTERING CONNECTIONS TO SUCCESS AND INCREASING  
22 ADOPTIONS ACT OF 2008", PUB.L. 110-351.

23 (8) THE STATE BOARD OF EDUCATION MAY PROMULGATE RULES  
24 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE  
25 4 OF TITLE 24, C.R.S., CONCERNING THE IMPLEMENTATION OF THIS  
26 SECTION, INCLUDING BUT NOT LIMITED TO RULES REGARDING  
27 NOTIFICATION AND SHARING OF INFORMATION AS DESCRIBED IN

1 SUBSECTION (1) OF THIS SECTION.

2 SECTION 3. 22-32-138 (2) (a), Colorado Revised Statutes, is  
3 amended to read:

4 22-32-138. Out-of-home placement students - transfer  
5 procedures - absences - exemptions. (2) (a) Each school district and  
6 the state charter school institute, created pursuant to section 22-30.5-503,  
7 shall designate an employee of the school district or the institute to act as  
8 the child welfare education liaison for the district or for state charter  
9 schools. In lieu of designating an employee, a school district or the state  
10 charter school institute may contract with an individual to act as the child  
11 welfare education liaison. EACH SCHOOL DISTRICT AND THE STATE  
12 CHARTER SCHOOL INSTITUTE SHALL REPORT TO THE DEPARTMENT OF  
13 EDUCATION BY AUGUST 15, 2010, AND BY AUGUST 15 EACH YEAR  
14 THEREAFTER, THE NAME AND CONTACT INFORMATION OF THE CHILD  
15 WELFARE EDUCATION LIAISON. THE DEPARTMENT OF EDUCATION SHALL  
16 BE RESPONSIBLE FOR POSTING THAT INFORMATION ON THE DEPARTMENT  
17 OF EDUCATION'S WEB SITE AND PROVIDING THE INFORMATION TO THE  
18 DEPARTMENT OF HUMAN SERVICES. The child welfare education liaison  
19 shall be responsible for working with child placement agencies, county  
20 departments, and the state department to facilitate the prompt and  
21 appropriate placement, transfer, and enrollment in school of students in  
22 out-of-home placement within the school district or who are enrolled or  
23 enrolling in institute charter schools. The specific duties of the child  
24 welfare education liaison shall include, but need not be limited to:

25 (I) Working with social workers from county departments,  
26 juvenile probation officers, and foster care parents to ensure the prompt  
27 school enrollment of students in out-of-home placement and the prompt

1 transfer of their education information and records when students are  
2 required to change school enrollment due to changes in placement;

3 (II) Ensuring that the education information and records of a  
4 student in out-of-home placement are delivered to the student's new  
5 school within five school days after receiving a request for the transfer of  
6 the student's education information and records from a county department  
7 as required in subsection (3) of this section;

8 (III) UPON RECEIVING THE REQUIRED NOTIFICATION AND  
9 INVITATION, PARTICIPATING IN A TRANSITION PLANNING MEETING  
10 REGARDING THE ENROLLMENT IN A PUBLIC SCHOOL OF A STUDENT IN AN  
11 OUT-OF-HOME PLACEMENT PURSUANT TO SECTION 22-2-138, OR HAVING  
12 HIS OR HER DESIGNEE PARTICIPATING IN SAID MEETING;

13 (IV) PARTICIPATING IN ANY INTERAGENCY COLLABORATION  
14 TEAMS OR THREAT-ASSESSMENT TEAMS CENTERED ON STUDENTS, WHICH  
15 TEAMS THE SCHOOL DISTRICT MAY DEVELOP OR ON WHICH TEAMS THE  
16 SCHOOL DISTRICT MAY BE INVITED TO PARTICIPATE; AND

17 (V) PROVIDING TO THE DEPARTMENT OF EDUCATION, THE  
18 DEPARTMENT OF HUMAN SERVICES, AND THE EDUCATION COMMITTEES OF  
19 THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR  
20 COMMITTEES, THE INFORMATION REQUIRED PURSUANT TO SECTIONS  
21 22-2-138 AND 26-1-137, C.R.S.

22 **SECTION 4.** Part 4 of article 2 of title 22, Colorado Revised  
23 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
24 read:

25 **22-2-409. Notification of risk.** (1) BEGINNING AUGUST 15, 2010,  
26 A STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR  
27 STATE HOSPITAL SHALL NOTIFY THE APPROPRIATE CHILD WELFARE

1 EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION 22-32-138 (2)

2 (a), OF A STUDENT WHO:

3 (a) IS TRANSFERRING TO A PUBLIC SCHOOL FROM A  
4 STATE-LICENSED DAY TREATMENT FACILITY LICENSED BY THE  
5 DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-6-102 (2.5),  
6 C.R.S., FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1), OR  
7 HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101,  
8 C.R.S.; AND

9 (b) HAS BEEN DETERMINED BY THE STATE-LICENSED DAY  
10 TREATMENT FACILITY, THE FACILITY SCHOOL, THE STATE OR PRIVATE  
11 HOSPITAL, OR THE COURT TO BE A RISK TO HIMSELF OR HERSELF OR THE  
12 COMMUNITY WITHIN THE TWELVE MONTHS PRIOR TO THE PROPOSED  
13 TRANSFER.

14 (2) THIS SECTION SHALL APPLY ONLY TO A HOSPITAL LICENSED OR  
15 CERTIFIED PURSUANT TO SECTION 25-3-301, C.R.S., THAT IS PROVIDING  
16 INPATIENT OR ACUTE PSYCHIATRIC SERVICES FOR A STUDENT FOR MORE  
17 THAN TEN DAYS AND IF THERE IS KNOWLEDGE THAT THE STUDENT WILL  
18 ATTEND AN IDENTIFIED PUBLIC SCHOOL WITHIN SIXTY DAYS AFTER  
19 DISCHARGE FROM THE HOSPITAL. FOR PURPOSES OF THIS SUBSECTION (2),  
20 INFORMATION SHARED WITH THE DEPARTMENT OF HUMAN SERVICES,  
21 COUNTY DEPARTMENT OF SOCIAL SERVICES, OR CHILD EDUCATION  
22 WELFARE LIAISON SHALL BE SHARED ONLY FOR A STUDENT WHO HAS BEEN  
23 DEEMED TO BE A RISK TO HIMSELF OR HERSELF OR THE COMMUNITY  
24 WITHIN THE TWELVE MONTHS PRIOR TO DISCHARGE.

25 (3) THE NOTIFICATION REQUIRED IN SUBSECTION (1) OF THIS  
26 SECTION SHALL BE MADE AT LEAST TEN CALENDAR DAYS PRIOR TO THE  
27 STUDENT'S TRANSITION FROM THE STATE-LICENSED DAY TREATMENT

1 FACILITY, FACILITY SCHOOL, OR STATE OR PRIVATE HOSPITAL AND  
2 SUBSEQUENT ENROLLMENT IN A PUBLIC SCHOOL AND SHALL INCLUDE AN  
3 INVITATION TO THE CHILD WELFARE EDUCATION LIAISON, OR HIS OR HER  
4 DESIGNEE, TO PARTICIPATE IN THE DEVELOPMENT OF A TRANSITION PLAN  
5 FOR THE STUDENT. THE INFORMATION PROVIDED TO THE CHILD WELFARE  
6 EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE  
7 TRANSITIONING STUDENT'S EDUCATIONAL RECORDS FROM THE  
8 TRANSFERRING EDUCATIONAL FACILITY AND AN OUTLINE OF THE  
9 STUDENT'S TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC  
10 SCHOOL SETTING, WHICH INFORMATION WOULD ASSIST THE SCHOOL  
11 DISTRICT IN MEETING THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL  
12 TRANSITION. IF THE TRANSITIONING STUDENT IS IN THE CUSTODY OF THE  
13 DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL  
14 SERVICES, THE STATE-LICENSED DAY TREATMENT FACILITY, FACILITY  
15 SCHOOL, OR STATE HOSPITAL SHALL ALSO PROVIDE THE NOTIFICATION TO  
16 THE DEPARTMENT OF HUMAN SERVICES.

17 (4) IF A CHANGE OF PLACEMENT IS REQUIRED FOR THE SAFETY OF  
18 THE STUDENT OR IF A COURT, THE DEPARTMENT OF HUMAN SERVICES, OR  
19 A COUNTY DEPARTMENT OF SOCIAL SERVICES MAKES A PLACEMENT  
20 CHANGE WITH FEWER THAN TEN CALENDAR DAYS NOTICE, THE  
21 RESPONSIBLE STATE OR COUNTY DEPARTMENT OF HUMAN SERVICES OR  
22 SOCIAL SERVICES SHALL PROVIDE INFORMATION TO THE CHILD WELFARE  
23 EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION 22-32-138 (2)  
24 (a), OF THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE  
25 CHARTER SCHOOL WITHIN FIVE CALENDAR DAYS FOLLOWING THE  
26 STUDENT'S PLACEMENT. THE INFORMATION PROVIDED TO THE CHILD  
27 WELFARE EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT BE LIMITED

1 TO, THE TRANSITIONING STUDENT'S EDUCATIONAL RECORDS FROM THE  
2 TRANSFERRING EDUCATIONAL FACILITY AND AN OUTLINE OF THE  
3 STUDENT'S TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC  
4 SCHOOL SETTING, WHICH INFORMATION WOULD ASSIST THE DISTRICT IN  
5 MEETING THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL  
6 TRANSITION.

7 (5) THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL SERVICES  
8 AND THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE  
9 CHARTER SCHOOL SHALL COOPERATE TO ENSURE THAT AN APPROPRIATE  
10 PLACEMENT INCLUDING EDUCATIONAL SERVICES IS MADE PURSUANT TO  
11 THIS SECTION AND SECTIONS 19-1-115.5, C.R.S., 22-20-108, AND  
12 22-32-138, AS APPLICABLE.

13 (6) WITHIN THE CONFIDENTIALITY AND PRIVACY LIMITS OF STATE  
14 AND FEDERAL LAW, THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL  
15 SERVICES OR THE SCHOOL DISTRICT, CHARTER SCHOOL, INSTITUTE  
16 CHARTER SCHOOL, OR FACILITY SCHOOL SHALL PROVIDE INFORMATION  
17 ABOUT THE STUDENT TO ASSIST THE RECEIVING ENTITY IN DETERMINING  
18 AN APPROPRIATE EDUCATIONAL PLACEMENT FOR THE STUDENT.

19 (7) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN  
20 SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A  
21 MEMORANDUM OF UNDERSTANDING, PURSUANT TO SECTION 22-2-138,  
22 CONCERNING THE ENROLLMENT OF STUDENTS IN THE PUBLIC SCHOOL  
23 SYSTEM WHO MEET THE REQUIREMENTS OF SUBSECTION (1) OF THIS  
24 SECTION.

25 SECTION 5. 22-32-109.1 (6), Colorado Revised Statutes, is  
26 amended to read:

27 **22-32-109.1. Board of education - specific powers and duties**

1 - safe schools. (6) Sharing information. Notwithstanding any  
2 provision to the contrary in title 24, C.R.S., each board of education shall  
3 establish policies consistent with section 24-72-204 (3), C.R.S., and with  
4 applicable provisions of the federal "Family Education Rights and Privacy  
5 Act of 1974" (FERPA), 20 U.S.C. sec. 1232g, and all federal regulations  
6 and applicable guidelines adopted thereto, to share and release  
7 information directly related to a student and maintained by a public  
8 school or by a person acting for the public school in the interest of  
9 making schools safer. SHARING OF INFORMATION CONCERNING AN  
10 OUT-OF-HOME PLACEMENT STUDENT WHO IS BEING TRANSFERRED TO A  
11 PUBLIC SCHOOL SHALL COMPLY WITH THE RULES ESTABLISHED BY THE  
12 STATE BOARD PURSUANT TO SECTION 22-2-138 (8).

13 SECTION 6. Part 1 of article 1 of title 26, Colorado Revised  
14 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
15 read:

16 26-1-137. Memorandum of understanding - notification of risk  
17 - rules. (1) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN  
18 SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A  
19 MEMORANDUM OF UNDERSTANDING, PURSUANT TO SECTION 22-2-138,  
20 C.R.S., CONCERNING THE ENROLLMENT OF STUDENTS IN THE PUBLIC  
21 SCHOOL SYSTEM FROM A STATE-LICENSED DAY TREATMENT FACILITY,  
22 FACILITY SCHOOL, OR STATE OR PRIVATE HOSPITAL PURSUANT TO SECTION  
23 22-2-409, C.R.S.

24 (2) THE STATE BOARD MAY PROMULGATE RULES PURSUANT TO THE  
25 "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,  
26 C.R.S., CONCERNING THE IMPLEMENTATION OF THE MEMORANDUM OF  
27 UNDERSTANDING, INCLUDING BUT NOT LIMITED TO RULES REGARDING

1 NOTIFICATION OF AND SHARING OF INFORMATION AS DESCRIBED IN  
2 SECTION 22-2-138, C.R.S.

3 **SECTION 7. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.