

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

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.**

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.

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 the department of
7 human services and who have not been enrolled in a public school may
8 benefit from additional support services to help them achieve a successful
9 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

24 **SECTION 2.** 19-1-115.5, Colorado Revised Statutes, is amended
25 **BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to**
26 **read:**

27 **19-1-115.5. Placement of children out of home - legislative**

1 **declaration.** (4) (a) THE RESPONSIBLE STATE OR COUNTY DEPARTMENT
2 OF HUMAN SERVICES AS DETERMINED BY THE COURT SHALL PROVIDE
3 WRITTEN OR ELECTRONIC NOTIFICATION TO THE CHILD WELFARE
4 EDUCATION LIAISON DESIGNATED IN A SCHOOL DISTRICT PURSUANT TO
5 SECTION 22-32-138 (2) (a), C.R.S., OF THE PENDING ENROLLMENT IN A
6 PUBLIC SCHOOL OF A STUDENT WHO:

7 (I) IS TRANSFERRING FROM A STATE-LICENSED DAY TREATMENT
8 FACILITY LICENSED BY THE DEPARTMENT OF HUMAN SERVICES PURSUANT
9 TO SECTION 26-6-102 (2.5), C.R.S., FACILITY SCHOOL AS DEFINED IN
10 SECTION 22-2-402 (1), C.R.S., OR STATE HOSPITAL, AND HAS BEEN
11 DETERMINED BY THE STATE-LICENSED DAY TREATMENT FACILITY,
12 FACILITY SCHOOL, STATE HOSPITAL, OR THE COURT TO BE A RISK TO
13 THEMSELVES OR THE COMMUNITY WITHIN THE TWELVE MONTHS PRIOR TO
14 THE PROPOSED TRANSFER; AND

15 (II) IS TRANSFERRING TO A PUBLIC SCHOOL.

16 (b) THE NOTIFICATION SHALL BE AT LEAST TEN DAYS PRIOR TO THE
17 STUDENT'S TRANSITION FROM THE STATE-LICENSED DAY TREATMENT
18 FACILITY, FACILITY SCHOOL, OR STATE HOSPITAL AND SUBSEQUENT
19 ENROLLMENT IN A PUBLIC SCHOOL AND SHALL ALSO INCLUDE AN
20 INVITATION TO THE CHILD WELFARE EDUCATION LIAISON, OR HIS OR HER
21 DESIGNEE IN THE SCHOOL WHERE THE STUDENT WILL BE ENROLLING, TO
22 PARTICIPATE IN THE DEVELOPMENT OF A TRANSITION PLAN FOR THE
23 STUDENT. THE INFORMATION PROVIDED TO THE CHILD WELFARE
24 EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT BE LIMITED TO,
25 EDUCATIONAL RECORDS FROM THE TRANSFERRING EDUCATIONAL FACILITY
26 AND AN OUTLINE OF THE STUDENT'S TRANSITIONAL NEEDS TO BE
27 SUCCESSFUL IN THE PUBLIC SCHOOL SETTING THAT WOULD ASSIST THE

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

3 (5) IF A CHANGE OF PUBLIC PLACEMENT IS REQUIRED FOR THE
4 SAFETY OF THE STUDENT, THE RESPONSIBLE STATE OR COUNTY
5 DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE INFORMATION TO THE
6 CHILD WELFARE EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION
7 22-32-138 (2) (a), C.R.S., OF THE RECEIVING SCHOOL DISTRICT, CHARTER
8 SCHOOL, OR INSTITUTE CHARTER SCHOOL AT LEAST FIVE BUSINESS DAYS
9 FOLLOWING THE STUDENT'S PLACEMENT. THE INFORMATION PROVIDED TO
10 THE CHILD WELFARE EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT
11 BE LIMITED TO, EDUCATIONAL RECORDS FROM THE TRANSFERRING
12 EDUCATIONAL FACILITY AND AN OUTLINE OF THE STUDENT'S
13 TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC SCHOOL SETTING
14 THAT WOULD ASSIST THE DISTRICT IN MEETING THE STUDENT'S NEEDS AND
15 ENSURING A SUCCESSFUL TRANSITION.

16 (6) THE RESPONSIBLE COUNTY DEPARTMENT OF HUMAN SERVICES
17 AND THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE
18 CHARTER SCHOOL SHALL WORK COOPERATIVELY TO ENSURE AN
19 APPROPRIATE PLACEMENT INCLUDING EDUCATIONAL SERVICES IS MADE
20 PURSUANT TO THIS SECTION AND SECTIONS 22-20-108 AND 22-32-138,
21 C.R.S., AS APPLICABLE.

22 (7) WITHIN THE CONFIDENTIALITY AND PRIVACY PARAMETERS OF
23 STATE AND FEDERAL LAW, THE RESPONSIBLE COUNTY DEPARTMENT OF
24 HUMAN SERVICES OR THE SCHOOL DISTRICT, CHARTER SCHOOL, INSTITUTE
25 CHARTER SCHOOL, OR FACILITY SCHOOL SHALL PROVIDE INFORMATION
26 ABOUT THE STUDENT TO ASSIST THE RECEIVING ENTITY IN DETERMINING
27 AN APPROPRIATE EDUCATIONAL PLACEMENT FOR THE STUDENT.

1 (8) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN
2 SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A
3 MEMORANDUM OF UNDERSTANDING CONCERNING THE ENROLLMENT OF
4 STUDENTS WHO MEET THE REQUIREMENTS OF SUBSECTION (4) OF THIS
5 SECTION IN THE PUBLIC SCHOOL SYSTEM. THE MEMORANDUM OF
6 UNDERSTANDING SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

7 (a) A CONSISTENT AND UNIFORM APPROACH TO NOTIFICATION AND
8 TO SHARING MEDICAL, MENTAL HEALTH, SOCIOLOGICAL, AND SCHOLASTIC
9 ACHIEVEMENT DATA ABOUT STUDENTS, WITHIN THE PARAMETERS OF
10 STATE AND FEDERAL PRIVACY AND CONFIDENTIALITY LAW, BETWEEN
11 SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER SCHOOLS,
12 AND COUNTY DEPARTMENTS OF HUMAN SERVICES FOR THE PURPOSES OF
13 COLLABORATION IN THE PLACEMENT OF A STUDENT PURSUANT TO THIS
14 SECTION AND SECTION 22-20-108, C.R.S., AND TO FACILITATE THE
15 CREATION OF A TRANSITION PLAN FOR A STUDENT AND TO FACILITATE THE
16 CREATION OF A TRANSITION PLAN FOR THE SUCCESS OF THE STUDENT
17 WHILE BALANCING THE SAFETY OF THE STUDENTS AND STAFF IN THE
18 SCHOOL COMMUNITY.

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

21 (c) A PLAN FOR DETERMINING ACCOUNTABILITY AND COLLECTING
22 DATA CONCERNING THE IMPLEMENTATION OF NOTIFICATIONS AND
23 INVITATIONS REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION,
24 THE NUMBER OF EMERGENCY CHANGE OF PLACEMENTS OCCURRING IN A
25 CALENDAR YEAR, AND THE SHARING OF INFORMATION PURSUANT TO THIS
26 SECTION;

27 (d) A PROCESS FOR DETERMINING INFORMATION SHARING AND

1 COLLABORATION FOR PLACEMENT OF STUDENTS PURSUANT TO SECTION
2 19-1-115.5 AND SECTION 22-20-108, C.R.S.;

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

8 (f) IDENTIFICATION OF TRAINING AND PROFESSIONAL
9 DEVELOPMENT NEEDS ASSOCIATED WITH IMPLEMENTING INFORMATION
10 SHARING BETWEEN RESPONSIBLE ENTITIES AND FUNDING SOURCES THAT
11 COULD BE UTILIZED FOR THIS PURPOSE; AND

12 (g) TAKING INTO CONSIDERATION RECOMMENDATIONS MADE BY
13 EXISTING WORKING GROUPS OR PROJECTS THAT HAVE BEEN INVOLVED
14 WITH INFORMATION SHARING OR TECHNOLOGY RELATING TO INFORMATION
15 SHARING AMONG MULTIPLE ENTITIES AS IT RELATES TO STUDENTS
16 TRANSITIONING BACK INTO PUBLIC SCHOOLS. A REPORT OF THESE
17 RECOMMENDATIONS SHALL BE PROVIDED TO THE DEPARTMENT OF HUMAN
18 SERVICES, THE STATE BOARD OF HUMAN SERVICES, THE DEPARTMENT OF
19 EDUCATION, AND THE STATE BOARD OF EDUCATION PRIOR TO THE FINAL
20 ADOPTION OF THE MEMORANDUM OF UNDERSTANDING.

21 (9) (a) NOTHING IN THE SECTION SHALL ALTER THE RIGHTS AND
22 OBLIGATIONS OF THE DEPARTMENT OF EDUCATION OR ANY LOCAL AGENCY
23 CREATED PURSUANT TO TITLE 22, C.R.S.; 20 U.S.C. SEC. 1400 ET SEQ.; 29
24 U.S.C. ET SEQ.; 42 U.S.C. SEC. 11431 ET SEQ.; AND 42 U.S.C. SEC. 675 ET
25 SEQ., AS AMENDED BY THE FEDERAL "FOSTERING CONNECTIONS TO
26 SUCCESS AND INCREASING ADOPTIONS ACT OF 2008", PUB.L. 110-351.

27 (b) THE STATE OR COUNTY DEPARTMENT OF HUMAN SERVICES

1 SHALL CEASE TO HAVE RESPONSIBILITIES FOR A STUDENT PURSUANT TO
2 THIS SECTION WHEN THE STUDENT IS NO LONGER UNDER THE SUPERVISION
3 AND MONITORING BY THE STATE OR COUNTY DEPARTMENT OF HUMAN
4 SERVICES.

5 **SECTION 3.** Part 1 of article 2 of title 22, Colorado Revised
6 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
7 read:

8 **22-2-138. Department of education - out-of-home placement**
9 **- commitment - school enrollment - memorandum of understanding**

10 **- rules.** (1) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN
11 SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A
12 MEMORANDUM OF UNDERSTANDING CONCERNING THE ENROLLMENT OF
13 STUDENTS IN THE PUBLIC SCHOOL SYSTEM. THE MEMORANDUM OF
14 UNDERSTANDING SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

15 (a) A CONSISTENT AND UNIFORM APPROACH TO NOTIFICATION AND
16 TO SHARING MEDICAL, MENTAL HEALTH, SOCIOLOGICAL, AND SCHOLASTIC
17 ACHIEVEMENT DATA ABOUT STUDENTS, WITHIN THE PARAMETERS OF
18 STATE AND FEDERAL PRIVACY AND CONFIDENTIALITY LAW, BETWEEN
19 SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER SCHOOLS,
20 AND COUNTY DEPARTMENTS OF HUMAN SERVICES FOR THE PURPOSES OF
21 COLLABORATION IN THE PLACEMENT OF STUDENTS PURSUANT TO THIS
22 SECTION AND SECTION 22-20-108, BETTER FACILITATION OF THE CREATION
23 OF TRANSITION PLANS FOR STUDENTS, AND ENSURING THE SAFETY OF THE
24 PEOPLE IN THE SCHOOL COMMUNITY;

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

27 (c) A PLAN FOR DETERMINING ACCOUNTABILITY AND COLLECTING

1 DATA CONCERNING THE IMPLEMENTATION OF THE NOTIFICATIONS AND
2 INVITATION REQUIRED PURSUANT TO SECTION 19-1-115.5 (4) (a) AND (4)
3 (b), C.R.S., THE NUMBER OF EMERGENCY PLACEMENTS OCCURRING IN A
4 CALENDAR YEAR, AND THE SHARING OF INFORMATION UNDER THIS
5 SECTION;

6 (d) A PROCESS FOR DETERMINING INFORMATION SHARING AND
7 COLLABORATION FOR PLACEMENT OF STUDENTS PURSUANT TO SECTION
8 19-1-115.5, C.R.S. AND SECTION 22-20-108;

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

14 (f) IDENTIFICATION OF TRAINING AND PROFESSIONAL
15 DEVELOPMENT NEEDS ASSOCIATED WITH IMPLEMENTING INFORMATION
16 SHARING BETWEEN RESPONSIBLE ENTITIES AND FUNDING SOURCES THAT
17 COULD BE UTILIZED FOR THIS PURPOSE; AND

18 (g) TAKING INTO CONSIDERATION RECOMMENDATIONS MADE BY
19 EXISTING WORKING GROUPS OR PROJECTS THAT HAVE BEEN INVOLVED
20 WITH INFORMATION SHARING OR TECHNOLOGY RELATING TO INFORMATION
21 SHARING AMONG MULTIPLE ENTITIES AS IT RELATES TO STUDENTS
22 TRANSITIONING BACK INTO PUBLIC SCHOOLS. A REPORT OF THESE
23 RECOMMENDATIONS SHALL BE PROVIDED TO THE DEPARTMENT OF HUMAN
24 SERVICES, THE STATE BOARD OF HUMAN SERVICES, THE DEPARTMENT OF
25 EDUCATION, AND THE STATE BOARD OF EDUCATION PRIOR TO THE FINAL
26 ADOPTION OF THE MEMORANDUM OF UNDERSTANDING.

27 (2) NOTHING IN THE SECTION SHALL ALTER THE RIGHTS AND

1 OBLIGATIONS OF THE DEPARTMENT OF EDUCATION, COUNTY OR STATE
2 DEPARTMENT OF HUMAN SERVICES, OR SCHOOL DISTRICTS AS SET FORTH
3 IN TITLE 22, C.R.S.; 20 U.S.C. SEC. 1400 ET SEQ.; 29 U.S.C. SEC. 701 ET
4 SEQ.; 42 U.S.C. SEC. 11431 ET SEQ.; AND 42 U.S.C. SEC. 675, AS AMENDED
5 BY THE FEDERAL "FOSTERING CONNECTIONS TO SUCCESS AND
6 INCREASING ADOPTIONS ACT OF 2008", PUB.L. 110-351.

7 (3) THE STATE BOARD MAY PROMULGATE RULES PURSUANT TO THE
8 "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,
9 C.R.S., CONCERNING THE IMPLEMENTATION OF THIS SECTION, INCLUDING
10 BUT NOT LIMITED TO RULES REGARDING NOTIFICATION AND SHARING OF
11 INFORMATION AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

12 **SECTION 4.** 22-32-138 (2) (a), Colorado Revised Statutes, is
13 amended to read:

14 **22-32-138. Out-of-home placement students - transfer**
15 **procedures - absences - exemptions.** (2) (a) Each school district and
16 the state charter school institute, created pursuant to section 22-30.5-503,
17 shall designate an employee of the school district or the institute to act as
18 the child welfare education liaison for the district or for state charter
19 schools. In lieu of designating an employee, a school district or the state
20 charter school institute may contract with an individual to act as the child
21 welfare education liaison. SCHOOL DISTRICTS AND THE STATE CHARTER
22 SCHOOL INSTITUTE SHALL REPORT BY AUGUST 15, 2010, AND EACH
23 AUGUST 15 THEREAFTER, THE NAME AND CONTACT INFORMATION OF THE
24 CHILD WELFARE EDUCATION LIAISON TO THE STATE DEPARTMENT. THE
25 STATE DEPARTMENT SHALL BE RESPONSIBLE FOR POSTING THAT
26 INFORMATION ON THE STATE DEPARTMENT WEB SITE AND PROVIDING THE
27 INFORMATION TO THE DEPARTMENT OF HUMAN SERVICES. The child

1 welfare education liaison shall be responsible for working with child
2 placement agencies, county departments, and the state department to
3 facilitate the prompt and appropriate placement, transfer, and enrollment
4 in school of students in out-of-home placement within the school district
5 or who are enrolled or enrolling in institute charter schools. The specific
6 duties of the child welfare education liaison shall include, but need not be
7 limited to:

8 (I) Working with social workers from county departments,
9 juvenile probation officers, and foster care parents to ensure the prompt
10 school enrollment of students in out-of-home placement and the prompt
11 transfer of their education information and records when students are
12 required to change school enrollment due to changes in placement;

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

18 (III) RECEIVING THE REQUIRED NOTIFICATION AND INVITATION TO
19 PARTICIPATE AND ACTUAL PARTICIPATION IN A TRANSITION PLANNING
20 MEETING REGARDING THE ENROLLMENT IN A PUBLIC SCHOOL OF A
21 STUDENT IN AN OUT-OF-HOME PLACEMENT PURSUANT TO SECTION
22 22-2-138; AND

23 (IV) BEING INCLUDED IN AND PARTICIPATING WITH ANY
24 INTERAGENCY COLLABORATION TEAMS OR THREAT ASSESSMENT TEAMS
25 CENTERED ON STUDENTS THAT THE SCHOOL DISTRICT MAY DEVELOP OR
26 TEAMS IN WHICH THE SCHOOL DISTRICT MAY BE INVITED TO PARTICIPATE.

27 **SECTION 5.** 22-32-109.1 (6), Colorado Revised Statutes, is

1 amended to read:

2 **22-32-109.1. Board of education - specific powers and duties**

3 **- safe schools. (6) Sharing information.** Notwithstanding any

4 provision to the contrary in title 24, C.R.S., each board of education shall

5 establish policies consistent with section 24-72-204 (3), C.R.S., and with

6 applicable provisions of the federal "Family Education Rights and Privacy

7 Act of 1974" (FERPA), 20 U.S.C. sec. 1232g, and all federal regulations

8 and applicable guidelines adopted thereto, to share and release

9 information directly related to a student and maintained by a public

10 school or by a person acting for the public school in the interest of

11 making schools safer. SHARING OF INFORMATION CONCERNING AN

12 OUT-OF-HOME PLACEMENT STUDENT WHO IS BEING TRANSFERRED TO A

13 PUBLIC SCHOOL SHALL COMPLY WITH THE RULES ESTABLISHED BY THE

14 STATE BOARD PURSUANT TO SECTION 22-2-138 (3).

15 **SECTION 6. Safety clause.** The general assembly hereby finds,

16 determines, and declares that this act is necessary for the immediate

17 preservation of the public peace, health, and safety.