

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

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.

SENATE
Am ended 2nd Reading
May 7, 2010

HOUSE
3rd Reading Unam ended
March 23, 2010

HOUSE
Am ended 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 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 LICENSED OR
5 CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S., PURSUANT TO
6 SECTION 22-2-409. THE MEMORANDUM OF UNDERSTANDING SHALL
7 INCLUDE, BUT NEED NOT BE LIMITED TO:

8 (a) A CONSISTENT AND UNIFORM APPROACH TO NOTIFICATION AND
9 APPROPRIATE AND ALLOWABLE DATA-SHARING ABOUT STUDENTS,
10 INCLUDING BUT NOT LIMITED TO MEDICAL, MENTAL HEALTH,
11 SOCIOLOGICAL, AND SCHOLASTIC ACHIEVEMENT, WITHIN THE LIMITS OF
12 STATE AND FEDERAL PRIVACY AND CONFIDENTIALITY LAW, BETWEEN
13 SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER SCHOOLS,
14 AND COUNTY DEPARTMENTS OF SOCIAL SERVICES FOR THE PURPOSES OF
15 COLLABORATION IN THE PLACEMENT OF STUDENTS PURSUANT TO THIS
16 SECTION AND SECTION 22-20-108, BETTER FACILITATION OF THE CREATION
17 OF TRANSITION PLANS FOR STUDENTS, AND ENSURING THE SAFETY OF THE
18 PEOPLE IN THE 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 THE NOTIFICATIONS AND
23 INVITATION REQUIRED PURSUANT TO THIS SECTION AND A MECHANISM BY
24 WHICH SCHOOL DISTRICTS AND THE STATE CHARTER SCHOOL INSTITUTE
25 SHALL REPORT THE AGGREGATE DATA TO THE DEPARTMENT OF HUMAN
26 SERVICES AND DEPARTMENT OF EDUCATION ON OR BEFORE FEBRUARY 15,
27 2012, AND ON OR BEFORE FEBRUARY 15 EACH YEAR THEREAFTER. THE

1 DATA TO REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:
2 (I) THE NUMBER OF PLACEMENTS OCCURRING IN A SCHOOL YEAR;
3 (II) THE NUMBER OF EMERGENCY PLACEMENTS OCCURRING IN A
4 SCHOOL YEAR;
5 (III) THE TYPES OF PLACEMENTS FROM WHICH THE STUDENTS ARE
6 TRANSITIONING;
7 (IV) THE EDUCATIONAL SETTING INTO WHICH THE STUDENT IS
8 BEING PLACED; AND
9 (V) DEMOGRAPHIC INFORMATION OF STUDENTS, INCLUDING BUT
10 NOT LIMITED TO AGE, RACE, GENDER, AND ETHNICITY;
11 (d) A PROCESS FOR DETERMINING INFORMATION SHARING AND
12 COLLABORATION FOR PLACEMENT OF STUDENTS PURSUANT TO SECTIONS
13 22-20-108 AND 26-1-137, C.R.S.;
14 (e) RECOMMENDATIONS FOR AN APPROACH TO SHARING DATA
15 THAT CONFORMS WITH THE INTERDEPARTMENTAL DATA PROTOCOL
16 ESTABLISHED PURSUANT TO SECTION 24-37.5-704, C.R.S., AND THAT IS IN
17 COMPLIANCE WITH ALL STATE AND FEDERAL LAWS, RULES, AND
18 REGULATIONS CONCERNING THE PRIVACY OF INFORMATION;
19 (f) IDENTIFICATION OF TRAINING AND PROFESSIONAL
20 DEVELOPMENT NEEDS ASSOCIATED WITH IMPLEMENTING INFORMATION
21 SHARING BETWEEN RESPONSIBLE ENTITIES AND FUNDING SOURCES THAT
22 COULD BE UTILIZED FOR THIS PURPOSE; AND
23 (g) CONSIDERATION OF RECOMMENDATIONS MADE BY EXISTING
24 WORKING GROUPS OR PROJECTS THAT HAVE BEEN INVOLVED WITH
25 INFORMATION SHARING OR TECHNOLOGY RELATING TO INFORMATION
26 SHARING AMONG MULTIPLE ENTITIES AS IT RELATES TO STUDENTS
27 TRANSITIONING BACK INTO PUBLIC SCHOOLS. A REPORT OF THESE

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

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

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

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

22 (3) THE NOTIFICATION REQUIRED IN SUBSECTION (2) OF THIS
23 SECTION SHALL BE MADE AT LEAST TEN CALENDAR DAYS PRIOR TO THE
24 STUDENT'S TRANSITION FROM THE STATE-LICENSED DAY TREATMENT
25 FACILITY, FACILITY SCHOOL, OR HOSPITAL LICENSED OR CERTIFIED
26 PURSUANT TO SECTION 25-3-101, C.R.S., AND SUBSEQUENT ENROLLMENT
27 IN A PUBLIC SCHOOL AND SHALL INCLUDE AN INVITATION TO THE CHILD

1 WELFARE EDUCATION LIAISON, OR HIS OR HER DESIGNEE, TO PARTICIPATE
2 IN THE DEVELOPMENT OF A TRANSITION PLAN FOR THE STUDENT. THE
3 INFORMATION PROVIDED TO THE CHILD WELFARE EDUCATION LIAISON
4 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE TRANSITIONING
5 STUDENT'S EDUCATIONAL RECORDS FROM THE TRANSFERRING
6 EDUCATIONAL FACILITY AND AN OUTLINE OF THE STUDENT'S
7 TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC SCHOOL SETTING,
8 WHICH INFORMATION WOULD ASSIST THE SCHOOL DISTRICT IN MEETING
9 THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL TRANSITION. IF THE
10 TRANSITIONING STUDENT IS IN THE CUSTODY OF THE DEPARTMENT OF
11 HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL SERVICES, THE
12 STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR
13 HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101,
14 C.R.S., SHALL ALSO PROVIDE THE NOTIFICATION TO THE DEPARTMENT OF
15 HUMAN SERVICES.

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

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

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

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

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

26 (8) THE STATE BOARD OF EDUCATION MAY PROMULGATE RULES
27 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE

1 4 OF TITLE 24, C.R.S., CONCERNING THE IMPLEMENTATION OF THIS
2 SECTION, INCLUDING BUT NOT LIMITED TO RULES REGARDING
3 NOTIFICATION AND SHARING OF INFORMATION AS DESCRIBED IN
4 SUBSECTION (1) OF THIS SECTION.

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

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

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

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

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

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

20 (V) PROVIDING TO THE DEPARTMENT OF EDUCATION, THE
21 DEPARTMENT OF HUMAN SERVICES, AND THE EDUCATION COMMITTEES OF
22 THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
23 COMMITTEES, THE INFORMATION REQUIRED PURSUANT TO SECTIONS
24 22-2-138 AND 26-1-137, C.R.S.

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

1 22-2-409. Notification of risk. (1) BEGINNING AUGUST 15, 2010,
2 A STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR
3 HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101,
4 C.R.S., SHALL NOTIFY THE APPROPRIATE CHILD WELFARE EDUCATION
5 LIAISON, DESIGNATED PURSUANT TO SECTION 22-32-138 (2) (a), OF A
6 STUDENT WHO:

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

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

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

1 COMMUNITY WITHIN THE TWELVE MONTHS PRIOR TO DISCHARGE.

2 (3) THE NOTIFICATION REQUIRED IN SUBSECTION (1) OF THIS
3 SECTION SHALL BE MADE AT LEAST TEN CALENDAR DAYS PRIOR TO THE
4 STUDENT'S TRANSITION FROM THE STATE-LICENSED DAY TREATMENT
5 FACILITY, FACILITY SCHOOL, OR HOSPITAL LICENSED OR CERTIFIED
6 PURSUANT TO SECTION 25-3-101, C.R.S., AND SUBSEQUENT ENROLLMENT
7 IN A PUBLIC SCHOOL AND SHALL INCLUDE AN INVITATION TO THE CHILD
8 WELFARE EDUCATION LIAISON, OR HIS OR HER DESIGNEE, TO PARTICIPATE
9 IN THE DEVELOPMENT OF A TRANSITION PLAN FOR THE STUDENT. THE
10 INFORMATION PROVIDED TO THE CHILD WELFARE EDUCATION LIAISON
11 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE TRANSITIONING
12 STUDENT'S EDUCATIONAL RECORDS FROM THE TRANSFERRING
13 EDUCATIONAL FACILITY AND AN OUTLINE OF THE STUDENT'S
14 TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC SCHOOL SETTING,
15 WHICH INFORMATION WOULD ASSIST THE SCHOOL DISTRICT IN MEETING
16 THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL TRANSITION. IF THE
17 TRANSITIONING STUDENT IS IN THE CUSTODY OF THE DEPARTMENT OF
18 HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL SERVICES, THE
19 STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR
20 HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101,
21 C.R.S., SHALL ALSO PROVIDE THE NOTIFICATION TO THE DEPARTMENT OF
22 HUMAN SERVICES.

23 (4) IF A CHANGE OF PLACEMENT IS REQUIRED FOR THE SAFETY OF
24 THE STUDENT OR IF A COURT, THE DEPARTMENT OF HUMAN SERVICES, OR
25 A COUNTY DEPARTMENT OF SOCIAL SERVICES MAKES A PLACEMENT
26 CHANGE WITH FEWER THAN TEN CALENDAR DAYS NOTICE, THE
27 RESPONSIBLE STATE OR COUNTY DEPARTMENT OF HUMAN SERVICES OR

1 SOCIAL SERVICES SHALL PROVIDE INFORMATION TO THE CHILD WELFARE
2 EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION 22-32-138 (2)
3 (a), OF THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE
4 CHARTER SCHOOL WITHIN FIVE CALENDAR DAYS FOLLOWING THE
5 STUDENT'S PLACEMENT. THE INFORMATION PROVIDED TO THE CHILD
6 WELFARE EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT BE LIMITED
7 TO, THE 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 DISTRICT IN
11 MEETING THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL
12 TRANSITION.

13 (5) THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL SERVICES
14 AND THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE
15 CHARTER SCHOOL SHALL COOPERATE TO ENSURE THAT AN APPROPRIATE
16 PLACEMENT INCLUDING EDUCATIONAL SERVICES IS MADE PURSUANT TO
17 THIS SECTION AND SECTIONS 19-1-115.5, C.R.S., 22-20-108, AND
18 22-32-138, AS APPLICABLE.

19 (6) WITHIN THE CONFIDENTIALITY AND PRIVACY LIMITS OF STATE
20 AND FEDERAL LAW, THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL
21 SERVICES OR THE SCHOOL DISTRICT, CHARTER SCHOOL, INSTITUTE
22 CHARTER SCHOOL, OR FACILITY SCHOOL SHALL PROVIDE INFORMATION
23 ABOUT THE STUDENT TO ASSIST THE RECEIVING ENTITY IN DETERMINING
24 AN APPROPRIATE EDUCATIONAL PLACEMENT FOR THE STUDENT.

25 (7) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN
26 SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A
27 MEMORANDUM OF UNDERSTANDING, PURSUANT TO SECTION 22-2-138,

1 CONCERNING THE ENROLLMENT OF STUDENTS IN THE PUBLIC SCHOOL
2 SYSTEM WHO MEET THE REQUIREMENTS OF SUBSECTION (1) OF THIS
3 SECTION.

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

6 22-32-109.1. Board of education - specific powers and duties
7 - safe schools. (6) Sharing information. Notwithstanding any
8 provision to the contrary in title 24, C.R.S., each board of education shall
9 establish policies consistent with section 24-72-204 (3), C.R.S., and with
10 applicable provisions of the federal "Family Education Rights and Privacy
11 Act of 1974" (FERPA), 20 U.S.C. sec. 1232g, and all federal regulations
12 and applicable guidelines adopted thereto, to share and release
13 information directly related to a student and maintained by a public
14 school or by a person acting for the public school in the interest of
15 making schools safer. SHARING OF INFORMATION CONCERNING AN
16 OUT-OF-HOME PLACEMENT STUDENT WHO IS BEING TRANSFERRED TO A
17 PUBLIC SCHOOL SHALL COMPLY WITH THE RULES ESTABLISHED BY THE
18 STATE BOARD PURSUANT TO SECTION 22-2-138 (8).

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

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

1 FACILITY SCHOOL, OR STATE OR PRIVATE HOSPITAL PURSUANT TO SECTION
2 22-2-409, C.R.S.

3 (2) THE STATE BOARD MAY PROMULGATE RULES PURSUANT TO THE
4 "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,
5 C.R.S., CONCERNING THE IMPLEMENTATION OF THE MEMORANDUM OF
6 UNDERSTANDING, INCLUDING BUT NOT LIMITED TO RULES REGARDING
7 NOTIFICATION OF AND SHARING OF INFORMATION AS DESCRIBED IN
8 SECTION 22-2-138, C.R.S.

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