

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

2nd REREVISED

*This Version Includes All Amendments
Adopted 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
Recall 3rd Reading
May 11, 2010

SENATE
3rd Reading Unamended
May 10, 2010

SENATE
Amended 2nd Reading
May 7, 2010

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 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. _____ THE
6 MEMORANDUM OF UNDERSTANDING SHALL INCLUDE, BUT NEED NOT BE
7 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, LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101,
17 C.R.S.; AND

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

23 (3) THIS SECTION SHALL APPLY ONLY TO A HOSPITAL LICENSED OR
24 CERTIFIED PURSUANT TO SECTION 25-3-301, C.R.S., THAT IS PROVIDING
25 INPATIENT ACUTE CARE OR PSYCHIATRIC SERVICES FOR A STUDENT FOR
26 MORE THAN TEN DAYS AND IF THERE IS ACTUAL KNOWLEDGE THAT THE
27 STUDENT WILL ATTEND AN IDENTIFIED PUBLIC SCHOOL WITHIN SIXTY DAYS

1 AFTER DISCHARGE FROM THE HOSPITAL. FOR PURPOSES OF THIS
2 SUBSECTION (3), INFORMATION SHARED WITH THE DEPARTMENT OF HUMAN
3 SERVICES, COUNTY DEPARTMENT OF SOCIAL SERVICES, OR CHILD
4 EDUCATION WELFARE LIAISON SHALL BE SHARED ONLY FOR A STUDENT
5 WHO HAS BEEN DEEMED TO BE A RISK TO HIMSELF OR HERSELF OR THE
6 COMMUNITY WITHIN THE TWELVE MONTHS PRIOR TO DISCHARGE.

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

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

18 (6) THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL SERVICES
19 AND THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE
20 CHARTER SCHOOL SHALL COOPERATE TO ENSURE THAT AN APPROPRIATE
21 PLACEMENT INCLUDING EDUCATIONAL SERVICES IS MADE PURSUANT TO
22 THIS SECTION AND SECTIONS 19-1-115.5, C.R.S., 22-20-108, AND
23 22-32-138, AS APPLICABLE.

24 (7) WITHIN THE CONFIDENTIALITY AND PRIVACY LIMITS OF STATE
25 AND FEDERAL LAW, THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL
26 SERVICES OR THE SCHOOL DISTRICT, CHARTER SCHOOL, INSTITUTE
27 CHARTER SCHOOL, OR FACILITY SCHOOL SHALL PROVIDE INFORMATION

1 ABOUT THE STUDENT TO ASSIST THE RECEIVING ENTITY IN DETERMINING
2 AN APPROPRIATE EDUCATIONAL PLACEMENT FOR THE STUDENT.

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

11 (9) THE STATE BOARD OF EDUCATION MAY PROMULGATE RULES
12 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE
13 4 OF TITLE 24, C.R.S., CONCERNING THE IMPLEMENTATION OF THIS
14 SECTION, INCLUDING BUT NOT LIMITED TO RULES REGARDING
15 NOTIFICATION AND SHARING OF INFORMATION AS DESCRIBED IN
16 SUBSECTION (1) OF THIS SECTION.

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

19 **22-32-138. Out-of-home placement students - transfer**
20 **procedures - absences - exemptions.** (2) (a) Each school district and
21 the state charter school institute, created pursuant to section 22-30.5-503,
22 shall designate an employee of the school district or the institute to act as
23 the child welfare education liaison for the district or for state charter
24 schools. In lieu of designating an employee, a school district or the state
25 charter school institute may contract with an individual to act as the child
26 welfare education liaison. EACH SCHOOL DISTRICT AND THE STATE
27 CHARTER SCHOOL INSTITUTE SHALL REPORT TO THE DEPARTMENT OF

1 EDUCATION BY AUGUST 15, 2010, AND BY AUGUST 15 EACH YEAR
2 THEREAFTER, THE NAME AND CONTACT INFORMATION OF THE CHILD
3 WELFARE EDUCATION LIAISON. THE DEPARTMENT OF EDUCATION SHALL
4 BE RESPONSIBLE FOR POSTING THAT INFORMATION ON THE DEPARTMENT
5 OF EDUCATION'S WEB SITE AND PROVIDING THE INFORMATION TO THE
6 DEPARTMENT OF HUMAN SERVICES. The child welfare education liaison
7 shall be responsible for working with child placement agencies, county
8 departments, and the state department to facilitate the prompt and
9 appropriate placement, transfer, and enrollment in school of students in
10 out-of-home placement within the school district or who are enrolled or
11 enrolling in institute charter schools. The specific duties of the child
12 welfare education liaison shall include, but need not be limited to:

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

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

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

1 (IV) PARTICIPATING IN ANY INTERAGENCY COLLABORATION
2 TEAMS OR THREAT-ASSESSMENT TEAMS CENTERED ON STUDENTS, WHICH
3 TEAMS THE SCHOOL DISTRICT MAY DEVELOP OR ON WHICH TEAMS THE
4 SCHOOL DISTRICT MAY BE INVITED TO PARTICIPATE; AND

5 (V) PROVIDING TO THE DEPARTMENT OF EDUCATION, THE
6 DEPARTMENT OF HUMAN SERVICES, AND THE EDUCATION COMMITTEES OF
7 THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
8 COMMITTEES, THE INFORMATION REQUIRED PURSUANT TO SECTIONS
9 22-2-138 AND 26-1-137, C.R.S.

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

13 22-2-409. Notification of risk. (1) BEGINNING AUGUST 15, 2010,
14 A STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR
15 HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101,
16 C.R.S., SHALL NOTIFY THE APPROPRIATE CHILD WELFARE EDUCATION
17 LIAISON, DESIGNATED PURSUANT TO SECTION 22-32-138 (2) (a), OF A
18 STUDENT WHO:

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

25 (b) HAS BEEN DETERMINED BY THE STATE-LICENSED DAY
26 TREATMENT FACILITY, THE FACILITY SCHOOL, THE HOSPITAL LICENSED
27 OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S., OR THE COURT TO

1 BE A RISK TO HIMSELF OR HERSELF OR THE COMMUNITY WITHIN THE
2 TWELVE MONTHS PRIOR TO THE PROPOSED TRANSFER.

3 (2) THIS SECTION SHALL APPLY ONLY TO A HOSPITAL LICENSED OR
4 CERTIFIED PURSUANT TO SECTION 25-3-301, C.R.S., THAT IS PROVIDING
5 INPATIENT ACUTE CARE OR PSYCHIATRIC SERVICES FOR A STUDENT FOR
6 MORE THAN TEN DAYS AND IF THERE IS ACTUAL KNOWLEDGE THAT THE
7 STUDENT WILL ATTEND AN IDENTIFIED PUBLIC SCHOOL WITHIN SIXTY DAYS
8 AFTER DISCHARGE FROM THE HOSPITAL. FOR PURPOSES OF THIS
9 SUBSECTION (2), INFORMATION SHARED WITH THE DEPARTMENT OF HUMAN
10 SERVICES, COUNTY DEPARTMENT OF SOCIAL SERVICES, OR CHILD
11 EDUCATION WELFARE LIAISON SHALL BE SHARED ONLY FOR A STUDENT
12 WHO HAS BEEN DEEMED TO BE A RISK TO HIMSELF OR HERSELF OR THE
13 COMMUNITY WITHIN THE TWELVE MONTHS PRIOR TO DISCHARGE.

14 (3) THE NOTIFICATION REQUIRED IN SUBSECTION (1) OF THIS
15 SECTION SHALL BE MADE AT LEAST TEN CALENDAR DAYS PRIOR TO THE
16 STUDENT'S TRANSITION FROM THE STATE-LICENSED DAY TREATMENT
17 FACILITY, FACILITY SCHOOL, OR HOSPITAL LICENSED OR CERTIFIED
18 PURSUANT TO SECTION 25-3-101, C.R.S., AND SUBSEQUENT ENROLLMENT
19 IN A PUBLIC SCHOOL AND SHALL INCLUDE AN INVITATION TO THE CHILD
20 WELFARE EDUCATION LIAISON, OR HIS OR HER DESIGNEE, TO PARTICIPATE
21 IN THE DEVELOPMENT OF A TRANSITION PLAN FOR THE STUDENT. THE
22 INFORMATION PROVIDED TO THE CHILD WELFARE EDUCATION LIAISON
23 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE TRANSITIONING
24 STUDENT'S EDUCATIONAL RECORDS FROM THE TRANSFERRING
25 EDUCATIONAL FACILITY AND AN OUTLINE OF THE STUDENT'S
26 TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC SCHOOL SETTING,
27 WHICH INFORMATION WOULD ASSIST THE SCHOOL DISTRICT IN MEETING

1 THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL TRANSITION. IF THE
2 TRANSITIONING STUDENT IS IN THE CUSTODY OF THE DEPARTMENT OF
3 HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL SERVICES, THE
4 STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR
5 HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101,
6 C.R.S., SHALL ALSO PROVIDE THE NOTIFICATION TO THE DEPARTMENT OF
7 HUMAN SERVICES.

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

25 (5) THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL SERVICES
26 AND THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE
27 CHARTER SCHOOL SHALL COOPERATE TO ENSURE THAT AN APPROPRIATE

1 PLACEMENT INCLUDING EDUCATIONAL SERVICES IS MADE PURSUANT TO
2 THIS SECTION AND SECTIONS 19-1-115.5, C.R.S., 22-20-108, AND
3 22-32-138, AS APPLICABLE.

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

10 (7) 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, PURSUANT TO SECTION 22-2-138,
13 CONCERNING THE ENROLLMENT OF STUDENTS IN THE PUBLIC SCHOOL
14 SYSTEM WHO MEET THE REQUIREMENTS OF SUBSECTION (1) OF THIS
15 SECTION.

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

18 **22-32-109.1. Board of education - specific powers and duties**
19 **- safe schools. (6) Sharing information.** Notwithstanding any
20 provision to the contrary in title 24, C.R.S., each board of education shall
21 establish policies consistent with section 24-72-204 (3), C.R.S., and with
22 applicable provisions of the federal "Family Education Rights and Privacy
23 Act of 1974" (FERPA), 20 U.S.C. sec. 1232g, and all federal regulations
24 and applicable guidelines adopted thereto, to share and release
25 information directly related to a student and maintained by a public
26 school or by a person acting for the public school in the interest of
27 making schools safer. SHARING OF INFORMATION CONCERNING AN

1 OUT-OF-HOME PLACEMENT STUDENT WHO IS BEING TRANSFERRED TO A
2 PUBLIC SCHOOL SHALL COMPLY WITH THE RULES ESTABLISHED BY THE
3 STATE BOARD PURSUANT TO SECTION 22-2-138 (8).

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

7 **26-1-137. Memorandum of understanding - notification of risk**
8 **- rules.** (1) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN
9 SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A
10 MEMORANDUM OF UNDERSTANDING, PURSUANT TO SECTION 22-2-138,
11 C.R.S., CONCERNING THE ENROLLMENT OF STUDENTS IN THE PUBLIC
12 SCHOOL SYSTEM FROM A STATE-LICENSED DAY TREATMENT FACILITY,
13 FACILITY SCHOOL, OR HOSPITAL LICENSED OR CERTIFIED PURSUANT TO
14 SECTION 25-3-101, C.R.S.

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

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