

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 10-0171.01 Julie Pelegrin

SENATE BILL 10-054

SENATE SPONSORSHIP

Hudak, Steadman

HOUSE SPONSORSHIP

Levy,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF EDUCATIONAL SERVICES FOR**
102 **JUVENILES AGAINST WHOM CHARGES HAVE BEEN FILED IN**
103 **DISTRICT COURT, AND MAKING AN APPROPRIATION THEREFOR.**

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 a school district to provide educational services during the school year to a juvenile who is held, pending trial as an adult, in a jail located within the school district. The school district is also required to comply with the federal "Individuals with Disabilities

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
Amended 2nd Reading
April 20, 2010

Education Act" if the juvenile has a disability. A school district is not required to provide educational services to a juvenile who has already graduated from high school or to a student who has received a GED, unless the student has a disability. A school district also does not have to provide educational services if:

- ! The juvenile refuses to receive the services, but the official in charge of the jail (official) must offer the services at least weekly and the school district must provide them upon the juvenile's acceptance; or
- ! The school district or the official determine that an appropriate and safe environment in which to provide the educational services is not available. If this occurs, the official must notify the juvenile's parents, his or her attorney, and the court.

The school district that provides the educational services may include the juvenile in its pupil enrollment if the school district is providing the services as of October 1 or may seek reimbursement from another school district or charter school if the juvenile was included in the other district's or charter school's pupil enrollment for the applicable budget year. If the juvenile was not included in the state's pupil enrollment, the school district may seek reimbursement from the department of education. The school district may also seek excess costs tuition from the juvenile's school district of residence if the juvenile is receiving special education services.

The official that receives a juvenile for holding pending trial as an adult must request educational services from the school district in which the jail is located and cooperate with the school district to provide an appropriate and safe environment in which to provide the services. The official will annually compile specified information concerning educational services received by the juveniles in the jail and report the information to the division of criminal justice in the department of public safety. The division of criminal justice will release the information upon request by a member of the public.

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

2 **SECTION 1.** Article 32 of title 22, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **22-32-140. Student awaiting trial as adult - educational**
5 **services.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

1 (a) "FEDERAL IDEA ACT" MEANS THE FEDERAL "INDIVIDUALS
2 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. 1400 ET SEQ., AND THE
3 FEDERAL REGULATIONS FOR IMPLEMENTING SAID ACT REGARDING THE
4 PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES TO STUDENTS
5 WITH DISABILITIES.

6 (b) "JUVENILE" MEANS A PERSON:

7 (I) AGAINST WHOM CRIMINAL CHARGES ARE DIRECTLY FILED IN
8 DISTRICT COURT PURSUANT TO SECTION 19-2-517, C.R.S., OR FOR WHOM
9 CRIMINAL CHARGES ARE TRANSFERRED TO DISTRICT COURT PURSUANT TO
10 SECTION 19-2-518, C.R.S.;

11 (II) WHO IS UNDER EIGHTEEN YEARS OF AGE AT THE TIME THE
12 OFFENSE IS COMMITTED; AND

13 (III) WHO IS LESS THAN TWENTY-ONE YEARS OF AGE.

14 (2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS (c) TO
15 (g) OF THIS SUBSECTION (2), IF A JUVENILE IS HELD IN A JAIL OR OTHER
16 FACILITY FOR THE DETENTION OF ADULT OFFENDERS PENDING CRIMINAL
17 PROCEEDINGS AS AN ADULT, THE SCHOOL DISTRICT IN WHICH THE JAIL OR
18 FACILITY IS LOCATED SHALL PROVIDE EDUCATIONAL SERVICES FOR THE
19 JUVENILE UPON REQUEST OF THE OFFICIAL IN CHARGE OF THE JAIL OR
20 FACILITY, OR HIS OR HER DESIGNEE, PURSUANT TO SECTION 19-2-508 (4)
21 (b.5), C.R.S. A SCHOOL DISTRICT MAY PROVIDE EDUCATIONAL SERVICES
22 DIRECTLY USING ONE OR MORE OF ITS EMPLOYEES OR MAY ENSURE THAT
23 EDUCATIONAL SERVICES ARE PROVIDED THROUGH A BOARD OF
24 COOPERATIVE SERVICES, AN ADMINISTRATIVE UNIT, OR OTHERWISE
25 THROUGH CONTRACT WITH A PERSON OR ENTITY.

26 (b) IN ADDITION TO MEETING THE REQUIREMENTS SPECIFIED IN
27 THIS SECTION, FOR EACH JUVENILE IN A JAIL OR FACILITY WHO IS A

1 STUDENT WITH DISABILITIES, THE SCHOOL DISTRICT SHALL COMPLY WITH
2 ANY APPLICABLE PROVISIONS OF THE FEDERAL IDEA ACT.

3 (c) A SCHOOL DISTRICT IS NOT REQUIRED TO PROVIDE
4 EDUCATIONAL SERVICES PURSUANT TO THIS SECTION TO A JUVENILE IF THE
5 JUVENILE HAS ALREADY GRADUATED FROM HIGH SCHOOL OR IF THE
6 JUVENILE RECEIVED A GENERAL EDUCATION DEVELOPMENT CERTIFICATE,
7 UNLESS OTHERWISE REQUIRED BY THE FEDERAL IDEA ACT.

8 (d) A SCHOOL DISTRICT IS NOT REQUIRED TO PROVIDE
9 EDUCATIONAL SERVICES PURSUANT TO THIS SECTION TO A JUVENILE FOR
10 MORE THAN FOUR HOURS PER WEEK OR DURING PERIODS OF THE SCHOOL
11 YEAR WHEN STUDENTS ENROLLED IN THE SCHOOL DISTRICT ARE NOT
12 REQUIRED TO ATTEND SCHOOL, EXCEPT AS MAY OTHERWISE BE REQUIRED
13 BY THE FEDERAL IDEA ACT.

14 (e) IF A SCHOOL DISTRICT OR THE OFFICIAL IN CHARGE OF THE JAIL
15 OR FACILITY DETERMINES AS PROVIDED IN SECTION 19-2-508 (4) (b.5) (II),
16 C.R.S., THAT AN APPROPRIATE AND SAFE ENVIRONMENT FOR SCHOOL
17 DISTRICT EMPLOYEES OR CONTRACTORS IS NOT AVAILABLE IN WHICH TO
18 PROVIDE EDUCATIONAL SERVICES TO A SPECIFIC JUVENILE, THE SCHOOL
19 DISTRICT IS EXEMPT FROM THE REQUIREMENT OF PROVIDING EDUCATIONAL
20 SERVICES TO THE JUVENILE UNTIL SUCH TIME AS BOTH THE SCHOOL
21 DISTRICT AND THE OFFICIAL IN CHARGE OF THE JAIL OR FACILITY
22 DETERMINE THAT AN APPROPRIATE AND SAFE ENVIRONMENT FOR SCHOOL
23 DISTRICT EMPLOYEES OR CONTRACTORS IS AVAILABLE. IF THE SCHOOL
24 DISTRICT WILL NOT BE PROVIDING EDUCATIONAL SERVICES TO A JUVENILE
25 BECAUSE OF THE LACK OF AN APPROPRIATE AND SAFE ENVIRONMENT FOR
26 SCHOOL DISTRICT EMPLOYEES OR CONTRACTORS, THE OFFICIAL IN CHARGE
27 OF THE JAIL OR FACILITY SHALL NOTIFY THE JUVENILE, HIS OR HER PARENT

1 OR LEGAL GUARDIAN, THE JUVENILE'S DEFENSE ATTORNEY, AND THE
2 COURT HAVING JURISDICTION OVER THE JUVENILE'S CASE.

3 (f) IF A JUVENILE IS VIOLENT TOWARD OR PHYSICALLY INJURES THE
4 SCHOOL DISTRICT EMPLOYEE OR CONTRACTOR WHO IS PROVIDING
5 EDUCATIONAL SERVICES TO THE JUVENILE PURSUANT TO THIS SECTION,
6 THE SCHOOL DISTRICT SHALL NOT REQUIRE THE EMPLOYEE OR
7 CONTRACTOR TO CONTINUE PROVIDING EDUCATIONAL SERVICES TO THE
8 JUVENILE, AND THE SCHOOL DISTRICT MAY CHOOSE TO CEASE PROVIDING
9 EDUCATIONAL SERVICES TO THE JUVENILE, UNLESS OTHERWISE REQUIRED
10 BY THE FEDERAL IDEA ACT. IF A SCHOOL DISTRICT CEASES TO PROVIDE
11 EDUCATIONAL SERVICES TO A JUVENILE PURSUANT TO THIS PARAGRAPH
12 (f), THE SCHOOL DISTRICT SHALL NOTIFY THE OFFICIAL IN CHARGE OF THE
13 JAIL OR FACILITY, AND THE OFFICIAL SHALL NOTIFY THE JUVENILE, THE
14 JUVENILE'S PARENT OR LEGAL GUARDIAN, THE JUVENILE'S DEFENSE
15 ATTORNEY, AND THE COURT HAVING JURISDICTION OVER THE JUVENILE'S
16 CASE.

17 (g) IF A JUVENILE REFUSES TO ACCEPT OR PARTICIPATE IN
18 EDUCATIONAL SERVICES, INCLUDING SPECIAL EDUCATION SERVICES, A
19 SCHOOL DISTRICT SHALL NOT BE REQUIRED TO PROVIDE EDUCATIONAL
20 SERVICES PURSUANT TO THIS SECTION. THE OFFICIAL IN CHARGE OF THE
21 JAIL OR FACILITY IN WHICH THE JUVENILE IS HELD SHALL OFFER, AT LEAST
22 WEEKLY, TO ARRANGE EDUCATIONAL SERVICES FOR A JUVENILE WHO
23 PREVIOUSLY REFUSED EDUCATIONAL SERVICES. THE SCHOOL DISTRICT
24 SHALL BE REQUIRED TO PROVIDE EDUCATIONAL SERVICES PURSUANT TO
25 THIS SECTION UPON ACCEPTANCE BY THE JUVENILE.

26 (3)(a) EACH SCHOOL DISTRICT IN WHICH A JAIL OR OTHER FACILITY
27 FOR THE DETENTION OF ADULT OFFENDERS IS LOCATED SHALL DESIGNATE

1 A SCHOOL DISTRICT EMPLOYEE TO ACT AS THE CONTACT PERSON FOR THE
2 JAIL OR FACILITY, WHICH EMPLOYEE MAY BE THE CHILD WELFARE
3 EDUCATION LIAISON DESIGNATED PURSUANT TO SECTION 22-32-138 (2).
4 THE SCHOOL DISTRICT SHALL PROVIDE TO THE JAIL OR FACILITY THE
5 EMPLOYEE'S NAME AND CONTACT INFORMATION.

6 (b) FOLLOWING A REQUEST FOR EDUCATIONAL SERVICES
7 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE DESIGNATED
8 EMPLOYEE SHALL DETERMINE WHETHER THE JUVENILE WAS HELD IN A
9 JUVENILE DETENTION FACILITY PRIOR TO TRANSFER TO THE JAIL OR
10 FACILITY AND, IF SO, SHALL CONTACT THE JUVENILE DETENTION FACILITY
11 TO REQUEST THE TRANSFER OF ANY EDUCATIONAL OR OTHER
12 INFORMATION THE JUVENILE FACILITY MAY HAVE CONCERNING THE
13 JUVENILE. THE DESIGNATED EMPLOYEE SHALL ENSURE THAT THE
14 JUVENILE RECEIVES EDUCATIONAL SERVICES PURSUANT TO THIS SECTION
15 SO LONG AS THE JUVENILE IS HELD IN THE JAIL OR FACILITY, UNLESS THE
16 DESIGNATED EMPLOYEE DETERMINES THAT THE JUVENILE MEETS THE
17 CONDITIONS SPECIFIED IN PARAGRAPH (c) OF SUBSECTION (2) OF THIS
18 SECTION, OR THE SCHOOL DISTRICT IS EXEMPT AS PROVIDED IN PARAGRAPH
19 (e) OR (f) OF SUBSECTION (2) OF THIS SECTION, OR THE JUVENILE REFUSES
20 SERVICES AS PROVIDED IN PARAGRAPH (g) OF SUBSECTION (2) OF THIS
21 SECTION.

22 (4) (a) IN ANY BUDGET YEAR IN WHICH A SCHOOL DISTRICT IS
23 PROVIDING EDUCATIONAL SERVICES TO A JUVENILE PURSUANT TO THIS
24 SECTION ON OCTOBER 1 OF SAID BUDGET YEAR, THE SCHOOL DISTRICT
25 MAY INCLUDE THE JUVENILE IN ITS PUPIL ENROLLMENT, AS DEFINED IN
26 SECTION 22-54-103 (10), FOR PURPOSES OF DETERMINING THE SCHOOL
27 DISTRICT'S TOTAL PROGRAM FUNDING UNDER THE "PUBLIC SCHOOL

1 FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE.

2 (b) IF THE SCHOOL DISTRICT BEGINS PROVIDING EDUCATIONAL
3 SERVICES PURSUANT TO THIS SECTION AFTER OCTOBER 1, THE SCHOOL
4 DISTRICT MAY SEEK REIMBURSEMENT FOR THE COSTS INCURRED PURSUANT
5 TO THIS SECTION FROM THE SCHOOL DISTRICT OR CHARTER SCHOOL THAT
6 INCLUDED SAID JUVENILE IN ITS PUPIL ENROLLMENT FOR THE APPLICABLE
7 BUDGET YEAR. ANY AMOUNT RECEIVED AS REIMBURSEMENT MAY NOT
8 EXCEED THE REIMBURSING SCHOOL DISTRICT'S OR CHARTER SCHOOL'S PER
9 PUPIL REVENUE FOR THE APPLICABLE BUDGET YEAR, PRORATED FOR THE
10 PERIOD OF TIME THAT THE RECEIVING SCHOOL DISTRICT PROVIDES
11 EDUCATIONAL SERVICES PURSUANT TO THIS SECTION.

12 (c) IF A JUVENILE WHO RECEIVES EDUCATIONAL SERVICES
13 PURSUANT TO THIS SECTION WAS NOT INCLUDED IN THE PUPIL
14 ENROLLMENT FOR THE STATE FOR A BUDGET YEAR IN WHICH A SCHOOL
15 DISTRICT PROVIDES EDUCATIONAL SERVICES FOR THE JUVENILE, THE
16 SCHOOL DISTRICT MAY SEEK REIMBURSEMENT FROM THE DEPARTMENT OF
17 EDUCATION FOR THE COSTS INCURRED PURSUANT TO THIS SECTION. ANY
18 AMOUNT RECEIVED AS REIMBURSEMENT MAY NOT EXCEED THE STATE
19 AVERAGE PER PUPIL REVENUE FOR THE APPLICABLE BUDGET YEAR,
20 PRORATED FOR THE PERIOD THAT THE RECEIVING SCHOOL DISTRICT
21 PROVIDES EDUCATIONAL SERVICES PURSUANT TO THIS SECTION. THE
22 DEPARTMENT OF EDUCATION SHALL PAY REIMBURSEMENT PURSUANT TO
23 THIS PARAGRAPH (c) FROM THE AMOUNT RECOVERED BY THE DEPARTMENT
24 DURING THE APPLICABLE BUDGET YEAR AS OVERPAYMENTS MADE TO
25 SCHOOL DISTRICTS AND INSTITUTE CHARTER SCHOOLS, AS DESCRIBED IN
26 SECTION 22-54-114 (4).

27 (d) (I) IN ADDITION TO ANY MONEYS RECEIVED PURSUANT TO

1 PARAGRAPH (a), (b), OR (c) OF THIS SUBSECTION (4), A SCHOOL DISTRICT
2 THAT PROVIDES EDUCATIONAL SERVICES PURSUANT TO THIS SECTION
3 SHALL RECEIVE FROM THE DEPARTMENT OF EDUCATION AN AMOUNT
4 EQUAL TO THE DAILY RATE ESTABLISHED PURSUANT TO SECTION
5 22-54-129 FOR EDUCATIONAL SERVICES PROVIDED BY APPROVED FACILITY
6 SCHOOLS, MULTIPLIED BY THE NUMBER OF DAYS, EXCLUDING SATURDAYS
7 AND SUNDAYS, THAT THE JUVENILE IS HELD IN A JAIL OR FACILITY, SO
8 LONG AS THE JUVENILE IS RECEIVING AT LEAST FOUR HOURS OF
9 EDUCATIONAL SERVICES PER WEEK.

10 (II) ON OR BEFORE THE FIFTEENTH DAY OF EACH MONTH IN WHICH
11 A JUVENILE IS HELD IN A JAIL OR FACILITY, THE OFFICIAL IN CHARGE OF THE
12 JAIL OR FACILITY IN WHICH A JUVENILE IS HELD, OR HIS OR HER DESIGNEE,
13 SHALL REPORT TO THE DEPARTMENT OF EDUCATION IN A MANNER TO BE
14 DETERMINED BY THE DEPARTMENT, THE ACTUAL NUMBER OF JUVENILES
15 WHO RECEIVED EDUCATIONAL SERVICES AT THE JAIL OR FACILITY DURING
16 THE PRIOR CALENDAR MONTH TO WHOM THE SCHOOL DISTRICT PROVIDED
17 EDUCATIONAL SERVICES AT THE JAIL OR FACILITY. THE DEPARTMENT OF
18 EDUCATION MAY ACCEPT AMENDED MONTHLY REPORTS FROM THE JAIL OR
19 FACILITY PRIOR TO MAKING THE DISTRIBUTION OF FUNDING FOR THE
20 APPLICABLE MONTH PURSUANT TO SUBPARAGRAPH (III) OF THIS
21 PARAGRAPH (d).

22 (III) ON OR BEFORE THE FIFTEENTH DAY OF THE MONTH
23 FOLLOWING THE MONTH IN WHICH A JAIL OR FACILITY REPORTED THE
24 NUMBER OF JUVENILES WHO RECEIVED EDUCATIONAL SERVICES AT THE
25 JAIL OR FACILITY, THE DEPARTMENT OF EDUCATION SHALL PAY THE
26 SCHOOL DISTRICT THAT PROVIDED THE EDUCATIONAL SERVICES THE
27 APPROPRIATE AMOUNT BASED ON THE DAILY RATE ESTABLISHED FOR

1 APPROVED FACILITY SCHOOLS PURSUANT TO SECTION 22-54-129 AND THE
2 NUMBER OF JUVENILES WHO RECEIVED EDUCATIONAL SERVICES.

3 (IV) IN EACH APPLICABLE BUDGET YEAR, THE GENERAL ASSEMBLY
4 SHALL APPROPRIATE TO THE DEPARTMENT OF EDUCATION THE AMOUNT
5 REQUIRED TO REIMBURSE SCHOOL DISTRICTS PURSUANT TO THIS
6 PARAGRAPH (d) FOR EDUCATIONAL SERVICES PROVIDED PURSUANT TO
7 THIS SECTION. IN ANY YEAR IN WHICH THE AMOUNT APPROPRIATED IS
8 INSUFFICIENT TO FULLY REIMBURSE SCHOOL DISTRICTS PURSUANT TO THIS
9 SECTION, THE DEPARTMENT OF EDUCATION MAY PRORATE THE PAYMENTS
10 MADE PURSUANT TO THIS PARAGRAPH (d).

11 (V) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (d)
12 TO THE CONTRARY, A SCHOOL DISTRICT SHALL NOT RECEIVE
13 REIMBURSEMENT PURSUANT TO THIS PARAGRAPH (d) FOR ANY PERIOD
14 DURING WHICH THE SCHOOL DISTRICT WAS NOT PROVIDING EDUCATIONAL
15 SERVICES DUE TO THE CIRCUMSTANCES DESCRIBED IN ANY OF
16 PARAGRAPHS (c) TO (g) OF SUBSECTION (2) OF THIS SECTION. THE
17 OFFICIAL IN CHARGE OF THE JAIL OR FACILITY, OR HIS OR HER DESIGNEE,
18 SHALL NOTE ANY SUCH PERIOD IN THE REPORT SUBMITTED TO THE
19 DEPARTMENT OF EDUCATION PURSUANT TO SUBPARAGRAPH (II) OF THIS
20 PARAGRAPH (d), AND THE DEPARTMENT SHALL REDUCE THE AMOUNT OF
21 REIMBURSEMENT TO THE SCHOOL DISTRICT ACCORDINGLY.

22 (e) IN ADDITION TO ANY MONEYS RECEIVED PURSUANT TO
23 PARAGRAPH (a), (b), (c), OR (d) OF THIS SUBSECTION (4), A SCHOOL
24 DISTRICT OR ADMINISTRATIVE UNIT THAT PROVIDES SPECIAL EDUCATION
25 SERVICES PURSUANT TO THIS SECTION TO A JUVENILE WHO HAS AN
26 INDIVIDUALIZED EDUCATION PROGRAM PURSUANT TO SECTION 22-20-108
27 MAY SEEK EXCESS COSTS TUITION FROM THE JUVENILE'S ADMINISTRATIVE

1 UNIT OF RESIDENCE AS PROVIDED IN SECTION 22-20-109.

2 **SECTION 2.** 22-54-103 (10) (a), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

4 **22-54-103. Definitions - repeal.** As used in this article, unless
5 the context otherwise requires:

6 (10) (a) (III.5) FOR THE 2009-10 BUDGET YEAR AND BUDGET
7 YEARS THEREAFTER, "PUPIL ENROLLMENT" SHALL INCLUDE ANY JUVENILE
8 TO WHOM THE SCHOOL DISTRICT IS PROVIDING EDUCATIONAL SERVICES
9 PURSUANT TO SECTION 22-32-140 AS OF OCTOBER 1 OF THE APPLICABLE
10 BUDGET YEAR.

11 **SECTION 3.** 22-54-114 (4), Colorado Revised Statutes, is
12 amended to read:

13 **22-54-114. State public school fund.** (4) (a) For the 1997-98
14 fiscal year and fiscal years thereafter, the net amount recovered by the
15 department OF EDUCATION during the applicable fiscal year, pursuant to
16 school district and institute charter school audits, as overpayments made
17 to school districts and institute charter schools that would otherwise be
18 transmitted to the state treasurer for deposit in the general fund shall
19 instead be transmitted to the state treasurer for deposit in the state public
20 school fund. ~~Such~~ THE amount shall be available for appropriation to the
21 department OF EDUCATION in subsequent fiscal years.

22 (b) FOR THE 2010-11 FISCAL YEAR AND FISCAL YEARS
23 THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL REIMBURSE SCHOOL
24 DISTRICTS FOR EDUCATIONAL SERVICES PROVIDED TO JUVENILES
25 PURSUANT TO SECTION 22-32-140 FROM MONEYS APPROPRIATED FOR SAID
26 PURPOSE.

27 **SECTION 4.** 19-2-508 (4), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2 **19-2-508. Detention and shelter - hearing - time limits -**
3 **findings - review - confinement with adult offenders - restrictions -**

4 **repeal.** (4) (b.5) (I) WHEN A JUVENILE WHO IS TO BE HELD FOR CRIMINAL
5 PROCEEDINGS AS AN ADULT PURSUANT TO A DIRECT FILING OR TRANSFER
6 OF CHARGES, AS PROVIDED IN SECTIONS 19-2-517 AND 19-2-518,
7 RESPECTIVELY, IS RECEIVED AT A JAIL OR OTHER FACILITY FOR THE
8 DETENTION OF ADULT OFFENDERS, THE OFFICIAL IN CHARGE OF THE JAIL
9 OR FACILITY, OR HIS OR HER DESIGNEE, SHALL, AS SOON AS PRACTICABLE,
10 CONTACT THE PERSON DESIGNATED PURSUANT TO SECTION 22-32-140,
11 C.R.S., BY THE SCHOOL DISTRICT IN WHICH THE JAIL OR FACILITY IS
12 LOCATED TO REQUEST THAT THE SCHOOL DISTRICT PROVIDE EDUCATIONAL
13 SERVICES FOR THE JUVENILE FOR THE PERIOD DURING WHICH THE JUVENILE
14 IS HELD AT THE JAIL OR FACILITY. THE SCHOOL DISTRICT SHALL PROVIDE
15 THE EDUCATIONAL SERVICES IN ACCORDANCE WITH THE PROVISIONS OF
16 SECTION 22-32-140, C.R.S. THE OFFICIAL, IN COOPERATION WITH THE
17 SCHOOL DISTRICT, SHALL PROVIDE AN APPROPRIATE AND SAFE
18 ENVIRONMENT TO THE EXTENT PRACTICABLE IN WHICH THE JUVENILE MAY
19 RECEIVE EDUCATIONAL SERVICES.

20 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
21 THIS PARAGRAPH (b.5), IF EITHER THE OFFICIAL IN CHARGE OF THE JAIL OR
22 FACILITY OR THE SCHOOL DISTRICT DETERMINES THAT AN APPROPRIATE
23 AND SAFE ENVIRONMENT CANNOT BE PROVIDED FOR A SPECIFIC JUVENILE,
24 THE OFFICIAL AND THE SCHOOL DISTRICT SHALL BE EXEMPT FROM THE
25 REQUIREMENT TO PROVIDE EDUCATIONAL SERVICES TO THE JUVENILE
26 UNTIL SUCH TIME AS AN ENVIRONMENT THAT IS DETERMINED TO BE
27 APPROPRIATE AND SAFE BY BOTH THE OFFICIAL AND THE SCHOOL DISTRICT

1 CAN BE PROVIDED. IF THE SCHOOL DISTRICT WILL NOT BE PROVIDING
2 EDUCATIONAL SERVICES TO A JUVENILE BECAUSE OF THE LACK OF AN
3 APPROPRIATE AND SAFE ENVIRONMENT, THE OFFICIAL IN CHARGE OF THE
4 JAIL OR FACILITY SHALL NOTIFY THE JUVENILE, HIS OR HER PARENT OR
5 LEGAL GUARDIAN, THE JUVENILE'S DEFENSE ATTORNEY, AND THE COURT
6 HAVING JURISDICTION OVER THE JUVENILE'S CASE.

7 (III) THE OFFICIAL IN CHARGE OF THE JAIL OR FACILITY FOR THE
8 DETENTION OF ADULT OFFENDERS, OR HIS OR HER DESIGNEE, IN
9 CONJUNCTION WITH EACH SCHOOL DISTRICT THAT PROVIDES EDUCATIONAL
10 SERVICES AT THE JAIL OR FACILITY, SHALL ANNUALLY COLLECT
11 NONIDENTIFYING DATA CONCERNING:

12 (A) THE NUMBER OF JUVENILES HELD AT THE JAIL OR FACILITY
13 WHO ARE AWAITING CRIMINAL PROCEEDINGS AS AN ADULT PURSUANT TO
14 A DIRECT FILING OR TRANSFER OF CHARGES, AS PROVIDED IN SECTIONS
15 19-2-517 AND 19-2-518, RESPECTIVELY, FOR THE YEAR;

16 (B) THE LENGTH OF STAY OF EACH OF THE JUVENILES IN THE JAIL
17 OR FACILITY;

18 (C) THE NUMBER OF THE JUVENILES IN THE JAIL OR FACILITY WHO
19 RECEIVED EDUCATIONAL SERVICES PURSUANT TO THIS PARAGRAPH (b.5);

20 (D) THE NUMBER OF DAYS ON WHICH SCHOOL DISTRICTS PROVIDED
21 EDUCATIONAL SERVICES TO THE JUVENILES IN THE JAIL OR FACILITY AND
22 THE NUMBER OF HOURS FOR WHICH SCHOOL DISTRICTS PROVIDED THE
23 EDUCATIONAL SERVICES EACH DAY;

24 (E) THE NUMBER OF JUVENILES IN THE JAIL OR FACILITY WHO WERE
25 EXEMPT FROM RECEIVING EDUCATIONAL SERVICES PURSUANT TO SECTION
26 22-32-140 (2) (c), (2) (e), (2) (f), AND (2) (g), C.R.S.;

27 (F) THE NUMBER OF JUVENILES IN THE JAIL OR FACILITY WHO HAD

1 PREVIOUSLY BEEN DETERMINED PURSUANT TO SECTION 22-20-108, C.R.S.,
2 TO BE ELIGIBLE FOR SPECIAL EDUCATION SERVICES AND HAD AN
3 INDIVIDUALIZED EDUCATION PROGRAM; AND

4 (G) THE NUMBER OF JUVENILES IN THE JAIL OR FACILITY WHO,
5 WHILE RECEIVING EDUCATIONAL SERVICES AT THE JAIL OR FACILITY, WERE
6 DETERMINED PURSUANT TO SECTION 22-20-108, C.R.S., TO BE ELIGIBLE
7 FOR SPECIAL EDUCATION SERVICES AND HAD SUBSEQUENTLY RECEIVED AN
8 INDIVIDUALIZED EDUCATION PROGRAM.

9 (IV) THE OFFICIAL IN CHARGE OF THE JAIL OR FACILITY SHALL
10 SUBMIT THE INFORMATION COLLECTED PURSUANT TO SUBPARAGRAPH (III)
11 OF THIS PARAGRAPH (b.5) TO THE DIVISION OF CRIMINAL JUSTICE IN THE
12 DEPARTMENT OF PUBLIC SAFETY. THE DIVISION OF CRIMINAL JUSTICE
13 SHALL MAKE THE INFORMATION AVAILABLE TO A MEMBER OF THE PUBLIC
14 UPON REQUEST.

15 SECTION 5. 22-7-908 (1), Colorado Revised Statutes, is
16 amended to read:

17 22-7-908. Read-to-achieve cash fund - created. (1) There is
18 hereby established in the state treasury the read-to-achieve cash fund,
19 referred to in this section as the "cash fund". The cash fund shall consist
20 of moneys transferred thereto pursuant to subsection (3) of this section
21 and any other moneys that may be made available by the general
22 assembly. Subject to appropriation by the general assembly, moneys in
23 the cash fund shall be used to provide grants pursuant to this part 9, and
24 to the reading assistance grant program created pursuant to section
25 22-88-102, AND FOR REIMBURSEMENTS TO SCHOOL DISTRICTS FOR
26 EDUCATIONAL SERVICES PROVIDED PURSUANT TO SECTION 22-32-140 TO
27 JUVENILES HELD IN JAILS OR OTHER FACILITIES FOR THE DETENTION OF

1 ADULT OFFENDERS. Any moneys not provided as grants may be invested
2 by the state treasurer as provided in section 24-36-113, C.R.S. All
3 interest derived from the deposit and investment of moneys in the cash
4 fund shall be credited to the cash fund. Any amount remaining in the
5 cash fund at the end of any fiscal year shall remain in the cash fund and
6 shall not be credited or transferred to the general fund or to any other
7 fund.

8 SECTION 6. 19-2-212 (1) (a), Colorado Revised Statutes, is
9 amended to read:

10 **19-2-212. Working group for criteria for placement of juvenile**
11 **offenders - establishment of formula - review of criteria.** (1) The
12 executive director of the department of human services and the state court
13 administrator of the judicial department, or any designees of such
14 persons, in consultation with the division of criminal justice of the
15 department of public safety, the office of state planning and budgeting,
16 the Colorado district attorneys council, law enforcement representatives,
17 and representatives of local and county governments, shall form a
18 working group that shall carry out the following duties:

19 (a) To establish a set of criteria for both detention and
20 commitment for the purposes of determining which juvenile offenders are
21 appropriate for placement in the physical or legal custody of the
22 department of human services. Such criteria shall conform with section
23 19-2-508. This set of criteria, when adopted by the department of human
24 services and the judicial department, shall be used to promote a more
25 uniform system of determining which juveniles should be placed in the
26 physical custody of the department of human services or in the legal
27 custody of the department of human services so that decisions for such

1 placement of a juvenile are made based upon a uniform set of criteria
2 throughout the state. In developing such set of criteria, the working
3 group shall utilize any existing risk scale devised by the department of
4 human services or any other measures to determine when it is appropriate
5 to place a juvenile in the physical custody of the department of human
6 services or in the legal custody of the department of human services. IN
7 ADDITION, THE CRITERIA SHALL SPECIFICALLY TAKE INTO ACCOUNT THE
8 EDUCATIONAL NEEDS OF THE JUVENILE AND ENSURE THE JUVENILE'S
9 ACCESS TO APPROPRIATE EDUCATIONAL SERVICES. The working group
10 established pursuant to this subsection (1) shall hold a meeting once each
11 year to review and propose revision to the criteria established pursuant to
12 this paragraph (a) and the formula created pursuant to paragraph (b) of
13 this subsection (1).

14 SECTION 7. 19-2-508 (3)(c)(II)(F), Colorado Revised Statutes,
15 is amended to read:

16 19-2-508. Detention and shelter - hearing - time limits -
17 findings - review - confinement with adult offenders - restrictions -
18 repeal. (3) (c) (II) Following a detention hearing held in accordance
19 with subparagraph (I) of this paragraph (c), a juvenile who is to be tried
20 as an adult for criminal proceedings pursuant to a direct filing or transfer
21 shall not be held at any facility intended to be utilized by juvenile
22 offenders, unless the district attorney and the defense counsel agree
23 otherwise. In determining whether jail is the appropriate place of
24 confinement, the district attorney and defense counsel shall consider the
25 following factors:

26 (F) The relative ability of the available adult and juvenile
27 detention facilities to meet the needs of the juvenile, INCLUDING THE

1 JUVENILE'S NEED FOR EDUCATIONAL SERVICES, and protect the public;

2 **SECTION 8. Appropriation - adjustments to the 2010 long**

3 **bill.** (1) In addition to any other appropriation, there is hereby
4 appropriated, out of any moneys in the read-to-achieve cash fund
5 established in section 22-7-908 (1), Colorado Revised Statutes, not
6 otherwise appropriated, to the department of education, assistance to
7 public schools, grant programs, distributions, and other assistance, for the
8 fiscal year beginning July 1, 2010, the sum of two hundred nine thousand
9 two hundred eighty-seven dollars (\$209,287) and 0.2 FTE, or so much
10 thereof as may be necessary, for the implementation of this act.

11 (2) For the implementation of this act, appropriations made in the
12 annual general appropriation act for the fiscal year beginning July 1,
13 2010, shall be adjusted as follows: the cash funds appropriation to the
14 department of education, assistance to public schools, grant programs,
15 distributions, and other assistance, reading and literacy, for the
16 read-to-achieve grant program, is decreased by two hundred nine
17 thousand two hundred eighty-seven dollars (\$209,287). Said sum shall
18 be from the read-to-achieve cash fund established in section 22-7-908 (1),
19 Colorado Revised Statutes.

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