

**Colorado Department of Education**  
**Colorado Revised Statutes – Safe School Act (Senate Bill 00-133), amended 2008**

**CRS 22-32-109.1. Board of education - specific powers and duties - safe schools.**

(1) **Mission statement.** Each school district board of education shall adopt a mission statement for the school district, which statement shall include making safety a priority in each public school of the school district.

(2) **Safe school plan.** In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school advisory councils, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, if necessary, any existing plans or policies already in effect, which shall include, but not be limited to, the following:

(a) **Conduct and discipline code.** A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The code shall include, but shall not be limited to:

(I) General policies on student conduct, safety, and welfare;

(II) General policies and procedures for dealing with students who cause a disruption in the classroom, on school grounds, in school vehicles, or at school activities or sanctioned events, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom and, upon the third such removal from a teacher's class, to remove the disruptive student from such teacher's class for the remainder of the term of the class. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. A behavior plan may be developed after the first such removal from class, and shall be developed after the second such removal from class. Any policy or procedure adopted shall comply with applicable federal and state laws, including, but not limited to laws regarding students with disabilities.

(III) Provisions for the initiation of expulsion proceedings for students who qualify as habitually disruptive by causing a disruption in the classroom, on school grounds, in school vehicles, or at school activities or sanctioned events for a third time during a single school year or calendar year;

(IV) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that no board shall adopt a discipline code that includes provisions that are in conflict with the definition of child

abuse in section [18-6-401](#) (1), C.R.S., and section [19-1-103](#) (1), C.R.S.;

(V) General policies and procedures for determining the circumstances under and the manner in which disciplinary actions, including suspension and expulsion, shall be imposed in accordance with the provisions of sections [22-33-105](#) and 22-33-106;

(VI) A specific policy concerning gang-related activities in the school, on school grounds, in school vehicles, or at school activities or sanctioned events;

(VII) Written prohibition, consistent with section [22-33-106](#), of students from bringing dangerous weapons, drugs, or other controlled substances to school, on school grounds, in school vehicles, or at school activities or sanctioned events and from using drugs, other controlled substances, or tobacco products on school grounds, in school vehicles, or at school activities or sanctioned events;

(VIII) A written policy concerning searches on school grounds, including student lockers;

(IX) A dress code policy that defines and prohibits students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school. The dress code policy may require students to wear a school uniform or may establish minimum standards of dress; and

(X) On and after August 8, 2001, a specific policy concerning bullying prevention and education. For purposes of this subparagraph (X), "bullying" means any written or verbal expression, or physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated school bus stop, or at school activities or sanctioned events. The school district's policy shall include a reasonable balance between the pattern and the severity of such bullying behavior.

(b) **Safe school reporting requirements.** A policy whereby the principal of each public school in a school district shall submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of such school district concerning the learning environment in the school during that school year. The board of education of the school district annually shall compile the reports from every school in the district and shall submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report shall be made available to the general public. Such report shall include, but need not be limited to, the following specific information for the preceding school year:

(I) The total enrollment for the school;

(II) The average daily attendance rate at the school;

(III) Dropout rates for grades seven through twelve, if such grades are taught at the school; and

(IV) The number of conduct and discipline code violations, each of which violations shall be reported only in the most serious category that is applicable to that violation, including but not limited to specific information on the number of and the action taken with respect to each of the following types of violations:

(A) Carrying, bringing, using, or possessing a dangerous weapon on school grounds, in school vehicles, or at school activities or sanctioned events without the authorization of the school or the school district;

(B) Use or possession of alcohol on school grounds, in school vehicles, or at school activities or sanctioned events;

(C) Use, possession, or sale of a drug or controlled substance on school grounds, in school vehicles, or at school activities or sanctioned events;

(D) Use or possession of tobacco products on school grounds, in school vehicles, or at school activities or sanctioned events;

(E) Being willfully disobedient or openly and persistently defiant or repeatedly interfering with the school's ability to provide educational opportunities to and a safe environment for other students;

(F) Commission of an act on school grounds that, if committed by an adult, would be considered first degree assault, as described in section [18-3-202](#), C.R.S., second degree assault, as described in section [18-3-203](#), C.R.S., or vehicular assault, as described in section [18-3-205](#), C.R.S.;

(G) Behavior on school property that is detrimental to the welfare or safety of other students or of school personnel, including behavior that creates a threat of physical harm to the student or to other students;

(H) Willful destruction or defacement of school property;

(I) Commission of an act on school grounds that, if committed by an adult, would be considered third degree assault, as described in section [18-3-204](#), C.R.S., or disorderly conduct, as described in section [18-9-106](#) (1) (d), C.R.S., but not disorderly conduct involving firearms or other deadly weapons, as described in section [18-9-106](#) (1) (e) and (1) (f), C.R.S.;

(J) Commission of an act on school grounds that, if committed by an adult, would be considered robbery; and

(K) Other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record;

(V) For purposes of subparagraph (IV) of this paragraph (b), "action taken" means the specific type of discipline, including but not limited to the following categories of discipline:

- (A) In-school suspension;
  - (B) Out-of-school suspension;
  - (C) Classroom removal in accordance with board policy;
  - (D) Expulsion;
  - (E) Referral to a law enforcement agency; or
  - (F) Any other form of discipline, which shall be officially identified as part of a board policy;
- (VI) The conduct and discipline code violations required to be reported pursuant to subparagraph (IV) of this paragraph (b) shall specifically identify each conduct and discipline code violation by a student with a disability and each action taken with respect to each violation by a student with a disability;
- (VII) The average class size for each public elementary school, middle school or junior high school, and senior high school in the state calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school. For purposes of this subparagraph (VII), "full-time teacher" means a person who is licensed pursuant to article 60.5 of this title or is authorized pursuant to section [22-60.5-111](#) to teach, and is primarily engaged in teaching during a substantial majority of the instructional minutes per school day.
- (VIII) On and after August 8, 2001, the school's policy concerning bullying prevention and education, including information related to the development and implementation of any bullying prevention programs.
- (c) **Internet safety plan.** (I) Each school district is encouraged to provide a comprehensive, age-appropriate curriculum that teaches safety in working and interacting on the internet in grades kindergarten through twelve. At a minimum, the curriculum may address the following topics:
- (A) Interaction with persons in the cyber community;
  - (B) Personal safety in interacting with persons on the internet;
  - (C) Recognition and avoidance of on-line bullying;
  - (D) Technology, computer virus issues, and ways to avoid computer virus infection;
  - (E) Predator identification;
  - (F) Intellectual property, including education concerning plagiarism and techniques to avoid committing plagiarism and laws concerning downloading of copyrighted materials including music;

(G) Privacy and the internet;

(H) On-line literacy, including instruction in how to identify credible, factual, trustworthy web sites; and

(I) Homeland security issues related to internet use.

(II) Each school district is encouraged to structure the internet safety plan so as to incorporate the internet safety topics into the teaching of the regular classroom curricula, rather than isolating the topics as a separate class. Each school district is encouraged to use available internet safety curricula resources, including but not limited to materials available through nonprofit internet safety foundations that are endorsed by the federal government. Each school district is also encouraged to work with the local law enforcement agencies for the jurisdiction in which the school district is located in developing the internet safety curricula, especially with regard to topics that address personal safety on the internet, internet predator identification, privacy issues, and homeland security issues. Each school district is also encouraged to collaborate with parents and teachers in developing the internet safety curricula, including collaborating with district and statewide organizations that represent parents and teachers.

(III) Each school district is encouraged to begin implementing the internet safety plan with the 2005-06 school year and to annually review and, as necessary, revise the plan. Each school district is encouraged to identify a person who is responsible for overseeing implementation of the internet safety plan within each public school of the school district to ensure that each public school complies with the requirements of the plan.

(IV) If a school district chooses to adopt an internet safety plan and to identify a person who is responsible for overseeing implementation of the plan, the person is encouraged to annually submit an internet safety plan implementation report to the school district board of education specifying the level of implementation achieved by each public school of the school district and providing an overview of the internet safety curricula adopted and implemented in each public school of the school district. The school district board of education of each school district that chooses to adopt an internet safety plan is encouraged to submit to the department of education an annual report summarizing the internet safety plan implementation report and is encouraged to make the annual summary report available on the school district web site.

(3) **Agreements with state agencies.** Each board of education shall cooperate and, to the extent possible, develop written agreements with law enforcement officials, the juvenile justice system, and social services, as allowed under state and federal law, to keep each school environment safe. Each board of education shall adopt a policy whereby procedures will be used following instances of assault upon, disorderly conduct toward, harassment of, the making knowingly of a false allegation of child abuse against, or any alleged offense under the "Colorado Criminal Code" directed toward a school teacher or school employee or instances of damage occurring on the premises to the personal property of a school teacher or school employee by a student. Such procedures shall include, at a minimum, the following provisions:

(a) Such school teacher or school employee shall file a complaint with the school administration and the board of education.

(b) The school administration shall, after receipt of such report and proof deemed adequate to the school administration, suspend the student for three days, such suspension to be in accordance with the procedures established therefor, and shall initiate procedures for the further suspension or expulsion of the student where injury or property damage has occurred.

(c) The school administration shall report the incident to the district attorney or the appropriate local law enforcement agency or officer, who shall, upon receiving such report, investigate the incident to determine the appropriateness of filing criminal charges or initiating delinquency proceedings.

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— (4) **School response framework - school safety, readiness, and incident management plan.** Each board of education shall establish a school response framework that shall consist of policies described in this subsection (4). By satisfying the requirements of this subsection (4), a school or school district shall be in compliance with the national incident management system, referred to in this subsection (4) as "NIMS", developed by the federal emergency management system. At a minimum, the policies shall require:

(a) (I) Each school district, on or before July 1, 2009, to establish a date by which each school of the school district shall be in compliance with the requirements of this subsection (4); except that the date may be changed by the school board for cause.

(II) Each school district shall make the dates established pursuant to subparagraph (I) of this paragraph (a) available to the public upon request.

(b) Each school district to adopt the national response framework released by the federal department of homeland security and NIMS formally through orders or resolutions;

(c) Each school district to institutionalize the incident command system as taught by the emergency management institute of the federal emergency management agency;

(d) Each school district, on or before July 1, 2009, to start to develop, in conjunction with local fire departments, local law enforcement agencies, local emergency medical service personnel, local mental health organizations, and local public health agencies, collectively referred to in this subsection (4) as "community partners", a school safety, readiness, and incident management plan that coordinates with any statewide or local homeland security plans and that, at a minimum, identifies for each public school in the school district:

(I) Safety teams and backups who are responsible for interacting with community partners and assuming key incident command positions; and

(II) Potential locations for various types of operational locations and support

functions or facilities;

(e) To the extent possible, each school district to enter into memoranda of understanding with the community partners specifying responsibilities for responding to incidents;

(f) To the extent possible, each public school to create an all-hazard exercise program based on NIMS and to conduct tabletop exercises and other exercises in collaboration with community partners from multiple disciplines and, if possible, multiple jurisdictions to practice and assess preparedness;

(g) To the extent possible, each public school, in collaboration with its school district, to hold coordinated exercises among school employees and community partners including at a minimum:

(I) Orientation meetings to inform all parties about emergency operation plans and procedures;

(II) Drills, in addition to annual fire drills, to improve individual and student emergency procedures; and

(III) Tabletop exercises to discuss and identify roles and responsibilities in different scenarios;

(h) Each public school to conduct a written evaluation following the exercises and certain incidents as identified by the school or school district and identify and address lessons learned and corrective actions in updating response plans and procedures;

(i) Each public school, at least every academic term, to inventory emergency equipment and review communications equipment and its interoperability with affected state and local agencies;

(j) Each school district to adopt written procedures for taking action and communicating with local law enforcement agencies, community emergency services, parents, students, and the media in the event of certain incidents as identified by the school or school district;

(k) Key emergency school personnel, including but not limited to safety teams and backups, to complete courses provided by the federal emergency management agency's emergency management institute or by institutions of higher education in the state system of community and technical colleges;

(l) School district employee safety and incident management training, including provisions stating that completion of any courses identified by the department of public safety pursuant to section 24-33.5-110, C.R.S., as related to NIMS count toward the professional development requirements of a person licensed pursuant to article 60.5 of this title;

(m) Each school district to work with community partners to update and revise all standard operating procedures, ensuring that all aspects of NIMS are incorporated, including but not limited to policies and principles, planning, procedures, training, response, exercises, equipment, evaluation, and corrective actions;

(n) Each school district to coordinate with community partners to assess overall alignment and compliance with NIMS; identify requirements already met; establish a baseline for NIMS compliance; and determine action steps, including developing a plan and timeline, to achieve and maintain all NIMS goals; and

(o) Each school district to develop a timeline and strategy for compliance with the requirements of this subsection (4) and to strategically plan, schedule, and conduct all activities with community partners.

(5) **Safety and security policy.** Each board of education shall adopt a policy requiring annual school building inspections to address the removal of hazards and vandalism and any other barriers to safety and supervision.

(6) **Sharing information.** Notwithstanding any provision to the contrary in title [24](#), C.R.S., each board of education shall establish policies consistent with section [24-72-204](#) (3), C.R.S., and with applicable provisions of the federal "Family Education Rights and Privacy Act of 1974" (FERPA), 20 U.S.C. sec. 1232g, and all federal regulations and applicable guidelines adopted thereto, to share and release information directly related to a student and maintained by a public school or by a person acting for the public school in the interest of making schools safer.

(7) **Open school policy.** Each board of education shall adopt an open school policy to allow parents and members of the school district board of education reasonable access to observe classes, activities, and functions at a public school upon reasonable notice to the school administrator's office.

(8) **Employee screenings.** Each board of education shall adopt a policy of making inquiries upon good cause to the department of education for the purposes of screening licensed employees and nonlicensed employees hired on or after January 1, 1991. Licensed employees employed by school districts on or after January 1, 1991, shall be screened upon good cause to check for any new instances of criminal activity listed in section [22-32-109.9](#) (1) (a). Nonlicensed employees employed by a school district on or after January 1, 1991, shall be screened upon good cause to check for any new instances of criminal activity listed in section [22-32-109.8](#) (2) (a).

(9) **Immunity.** (a) A school district board of education or a teacher or any other person acting in good faith in accordance with the provisions of subsection (2) of this section in carrying out the powers or duties authorized by said subsection shall be immune from criminal prosecution or civil liability for such actions; except that a teacher or any other person acting willfully or wantonly in violation of said subsection shall not be immune from criminal prosecution or civil liability pursuant to said subsection. A teacher or any other person claiming immunity from criminal prosecution under this paragraph (a) may file a motion that shall be heard prior to trial. At the hearing, the teacher or other person



claiming immunity shall bear the burden of establishing the right to immunity by a preponderance of the evidence.

(b) A teacher or any other person acting in good faith and in compliance with the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section shall be immune from civil liability; except that a person acting willfully and wantonly shall not be immune from liability pursuant to this paragraph (b). The court shall dismiss any civil action resulting from actions taken by a teacher or any other person pursuant to the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section upon a finding by the court that the person acted in good faith and in compliance with such conduct and discipline code and was therefore immune from civil liability pursuant to paragraph (a) of this subsection (9). The court shall award court costs and reasonable attorney fees to the prevailing party in such a civil action.

(c) If a teacher or any other person does not claim or is not granted immunity from criminal prosecution pursuant to paragraph (a) of this subsection (9) and a criminal action is brought against a teacher or any other person for actions taken pursuant to the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section, it shall be an affirmative defense in the criminal action that the teacher or such other person was acting in good faith and in compliance with the conduct and discipline code and was not acting in a willful or wanton manner in violation of the conduct and discipline code.

(d) An act of a teacher or any other person shall not be considered child abuse pursuant to sections [18-6-401](#) (1) and 19-1-103 (1), C.R.S., if:

(I) The act was performed in good faith and in compliance with the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section; or

(II) The act was an appropriate expression of affection or emotional support, as determined by the board of education.

(e) A teacher or any other person who acts in good faith and in compliance with the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section shall not have his or her contract nonrenewed or be subject to any disciplinary proceedings, including dismissal, as a result of such lawful actions, nor shall the actions of the teacher or other person be reflected in any written evaluation or other personnel record concerning such teacher or other person. A teacher or any other person aggrieved by an alleged violation of this paragraph (e) may file a civil action in the appropriate district court within two years after the alleged violation.

**(10) Compliance with safe school reporting requirements.** If the state board determines that a school district or one or more of the public schools in a school district is in willful noncompliance with the provisions of paragraph (b) of subsection (2) of this section, the state's share of the school district's total program, as determined pursuant to article 54 of this title, may be subject to forfeiture until the school district and each

school in the district attains compliance with the provisions of paragraph (b) of subsection (2) of this section.

**Source: L. 2000:** Entire section added, p. 1957, § 1, effective June 2. **L. 2001:** (2)(b)(VII) amended, p. 1272, § 26, effective June 5; IP(2), (2)(a)(VIII), and (2)(a)(IX) amended and (2)(a)(X) and (2)(b)(VIII) added, pp. 494, 495, §§ 2, 3, effective August 8. **L. 2002:** IP(2) and IP(9)(d) amended, p. 1020, § 30, effective June 1. **L. 2004:** (2)(b)(VII) amended, p. 1285, § 18, effective May 28. **L. 2005:** (2)(c) added, p. 261, § 2, effective April 14. **L. 2006:** (2)(b)(IV) amended, p. 405, § 2, effective April 6. **L. 2007:** (9)(a), (9)(c), and (9)(e) amended, p. 686, § 1, effective May 3. **L. 2008:** (4) amended, p. 802, § 3, effective May 14.