

## HB19-1194

House Bill 19-1194 (C.R.S. 22-33-106.1, *et. seq.*), passed in the 2019 Colorado legislative session, implements new discipline procedures for all public schools in Colorado regarding students in preschool through second grade. As a public school, all CSI-authorized charter schools are obligated to follow and adhere to these new requirements when disciplining children in grades preschool through second grade. This statute is not waivable.

**NOTE:** A school operating a preschool is required to follow this law if they provide a preschool program that receives funding from the Colorado Preschool Program Act or enrolls students who receive funding with state or federal money to educate children with disabilities.

### **Requirements to move forward with an out-of-school suspension or expulsion**

A school may impose an out-of-school suspension or expel a student enrolled in preschool, kindergarten, first grade, or second grade, **only if**

1. The school determines that student has engaged in conduct on school grounds, in a school vehicle, or at a school activity event that:
  - a. Involves the possession of a dangerous weapon without the authorization of the school;
  - b. Involves the use, possession, or sale of a drug or controlled substance, as defined in C.R.S. 18-18-102(5); or
  - c. Endangers the health or safety of others.
2. If the school determines the student has engaged in one of the conducts above, the school must determine that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed.
3. If the school determines that provisions (1) and (2) are satisfied, the school, on a case-by-case basis, must consider each of the factors set forth in C.R.S. 22-33-106(1.2) before suspending or expelling the student. The school shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

### **Factors of C.R.S. 22-33-106(1.2)**

- age of the student
- disciplinary history of the student
- whether the student has a disability
- the seriousness of the violation committed by the student
- whether the violation committed by the student threatened the safety of any student or staff member

- whether a lesser intervention would properly address the violation committed by the student

**Note: The school must determine that (1), (2), and (3) of the determinations are met before moving forward with an out-of-school suspension or expulsion.**

### **Timeframe for suspension**

If a school imposes an out-of-school suspension on a student who meets the criteria listed in (1) through (3), the out-of-school suspension **must not exceed three school days**. The chief administrative officer or designee may extend the suspension past three school days only if the chief administrative officer or designee determines that a longer period of suspension is necessary to resolve the safety threat or recommends that the student be expelled in accordance with C.R.S. 22-33-105(2)(c).

### **Removal from school grounds is equivalent to a suspension**

If a school requests that a parent remove a child for disciplinary reasons from the school grounds for any length of time during a school day, the request constitutes a suspension and is subject to the requirements of this law.

### **Documentation**

Schools should maintain accurate documentation of any and all suspensions and expulsion determinations. Particularly for out-of-school suspension and expulsions of children in preschool through second grade, this documentation should outline the school's thought process and determinations for each of the listed criteria and evidence of how the school made this determination.

### **References**

- C.R.S. 22-33-105(2)(c) (Expulsion procedure)
- C.R.S. 22-33-106.1, *et. seq.* (Suspension-expulsion –preschool through second grade)
- C.R.S. 22-33-106.1(2) (Factors to consider before determining a suspension or expulsion)
- C.R.S. 18-18-102(5) (use, possession, or sale of a drug or controlled substance, defined)

### **Contact Information**

Contact the Legal and Policy Department at [legalandpolicy\\_csi@csi.state.co.us](mailto:legalandpolicy_csi@csi.state.co.us) with questions.