



## OFFICE OF THE ATTORNEY GENERAL

### STATE OF COLORADO

#### **Colorado Juvenile Information Exchange Laws: A Model for Implementation**

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## PREFACE

### Background

In the summer of 2000, the Colorado legislature passed significant modifications to Colorado statutes applicable to the exchange of information concerning juveniles. This legislation, presented in HB 00-1119 and SB 00-133, provides schools, and other agencies working with juveniles, with the means to ensure that all necessary information is available to the appropriate people under the appropriate circumstances. In addition to substantive changes regarding the scope of information exchange authorized or mandated by law, the legislature also explicitly encouraged “open communication among appropriate agencies, including criminal justice agencies, assessment centers for children, school districts, and schools in order to assist disruptive children and to maintain safe schools.” § 19-1-302(1)(b) C.R.S.

With respect to interagency cooperation, and the effective implementation of the new ‘safe school’ laws, the 2000 General Assembly passed the following mandate: “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.” § 22-32-109.1(3) C.R.S. Without a written agreement, adopted by all impacted agencies, the effective implementation of HB 00-1119 and SB 00-133 is difficult at best.

### Purpose of this Model Interagency Agreement

It is the purpose of this document to provide guidance, in the form of a Model Interagency Agreement, to Colorado agencies and professionals responsible for the effective implementation of HB 00-1119 and SB 00-133. It is based primarily on Colorado Revised Statutes, recommendations from the Department of Justice Juvenile Accountability Incentive Block Grant program, and the National School Safety Center. This document is not intended as a comprehensive legal analysis or summary of all federal and state laws concerning the exchange of juvenile information, nor does the inclusion or exclusion of certain procedures preclude other avenues of information exchange. Local agencies and professionals are encouraged to consult with their own counsel in drafting and adopting their Interagency Agreements. Statutory citations are provided in the body of the Model Agreement, in italics.

### A Word About Local Control

THIS DOCUMENT IS A MODEL ONLY: Local jurisdictions may adopt it in its entirety, but it is anticipated that local needs will dictate appropriate modifications in order to ensure the most effective implementation of the new laws in a given environment. For example, there are words and phrases that are not defined by law,

and different jurisdictions will likely find it necessary to apply their own standards in reaching a common definition. In smaller jurisdictions with relatively low rates of delinquency and school crime or violence, community standards may dictate a different level and manner of information exchange than in larger jurisdictions, with higher delinquency rates and significant school safety issues. Local agencies and professionals are urged to utilize this Model as a starting point for their own Interagency Agreements. Important words and phrases for which local jurisdictions may want to consider a customized and common definition are indicated in bold type. Words or phrases for which there is a statutory definition are indicated in bold and italic type.

Finally, the mandates of HB 00-1119 and SB 00-133 could result, if not implemented effectively, in duplicative efforts by various agencies providing information to schools, particularly among prosecuting attorney's, police, and courts. A good interagency agreement should strive to minimize this possibility by assigning certain notification responsibilities which may apply to multiple agencies to that agency which can most easily execute the notification in an efficient manner. This Model Agreement does duplicate certain notification responsibilities so that local jurisdictions can see what options are available. Additionally, as this Model makes clear, while certain information must be automatically disseminated to schools, other information is available to schools only upon request. Depending on the size of the jurisdiction, a standing request for the receipt of certain information in the latter category may be advisable, and could be incorporated into a model agreement. In short, local jurisdictions can decide how best to use their resources.

#### “Public Safety Concern” Information

As you will see in this Model Agreement, one of the most significant portions of HB 00-1119 is the creation of a category of information that is now available to schools, and is informally labeled “public safety concern” information. *See, § 19-1-303(2)(b)(I) C.R.S.* Because data falls within this category at the discretion of the agency that possess it, and because so much data can potentially come within this category, it is crucial that local jurisdictions adopt a common definition of when information gives rise to a “public safety concern”. Again, local standards may vary. The following is a non-exhaustive list of what types of information or incidents local jurisdictions may want to include in such a definition:

- Any act of violence or intimidation on school grounds or at a school sponsored event.
- Any act that compromises school or community safety, such as threats or expressed desires to commit violence at a school, or in a way that involves a risk of injury to multiple people, or to a student or school employee.
- Any act involving a firearm or explosive device.
- Any act involving sexual assault.
- Any act involving arson.
- Any act involving cruelty to animals.

- Any act of violence executed pursuant advance planning.
- Any act involving the distribution of narcotics.
- Information concerning a student's affiliation with a gang.
- Information concerning a student with a history of acts falling within the above categories.

In creating such a potentially broad category of information subject to dissemination, the legislature did not express with detailed clarity to which agencies this portion of the law applies. Reference to pre-existing statutes, however, does provide a sensible result. For the guidance of local jurisdictions, the following analysis is offered:

According to § 19-1-303 C.R.S., “criminal justice agencies” and “assessment centers for children” are subject to the law regarding “public safety concern” information. Because of the way “criminal justice agencies” and “assessment centers for children” are defined by other statutes, whether a particular agency falls within these classifications may depend on the type of services the agency provides in a given jurisdiction:

“Criminal justice agency” is defined by statute as follows: “Any court with criminal jurisdiction and any agency of the state or of any county, city and county, home rule city and county, home rule city or county, city, town, territorial charter city, governing boards of institutions of higher education, school district, special district, judicial district, or law enforcement authority which performs *any activity directly relating to the detection or investigation of crime; the apprehension, pretrial release, posttrial release, prosecution, correctional supervision, rehabilitation, evaluation, or treatment of accused persons or criminal offenders; or criminal identification activities or the collection, storage, or dissemination of arrest and criminal records information.*” § 19-1-103(34.6) and § 24-72-302(3) C.R.S. Based on the italicized language, agencies which may not think of themselves as a “criminal justice agency” are, by virtue of the services they provide, such agencies in many jurisdictions, and are therefore subject to legislative mandates concerning “public safety concern” information.

“Assessment center for children” is defined by statute as follows: “A multi-disciplinary, community based center that provides services to children and their families, including, but not limited to, *detention screening, case management, and therapeutic intervention relating to delinquency, abuse or neglect, family conflict, and truancy.*” § 19-1-103(10.5) C.R.S. Based on the italicized language, the wide array of agencies that in fact participate in assessment centers for children are subject to legislative mandates concerning “public safety concern” information.

**MODEL INTER-AGENCY AGREEMENT: JUVENILE INFORMATION EXCHANGE**

Each of the parties agrees to:

1. Promote a coordinated effort among agencies and staff to achieve maximum public and school safety, while at the same time maintaining the appropriate level of confidentiality of information.
2. Participate in interagency planning meetings, as appropriate.
3. Adopt and abide by a set of common definitions applicable to this agreement.
4. Assign staff, as appropriate, to participate in information-sharing activities undertaken pursuant to this agreement, and to assess and develop plans for at-risk youth and those involved in the juvenile justice system.
5. Jointly plan and/or provide information and access to training opportunities, when feasible.
6. Develop internal policies and cooperative procedures, as needed, to implement this agreement as effectively as possible.
7. Periodically review all procedures and policies effecting the goals of this agreement, and implement changes as needed.
8. Comply with relevant State and Federal law and other applicable local rules that relate to records use, security, dissemination of information, and retention/destruction of records, and request and disseminate information pursuant to this agreement only for purposes authorized by law.
9. Develop and disseminate appropriate internal written policies to ensure that confidential information, including **education information** and **juvenile or criminal justice information**, is disseminated only to appropriate and authorized personnel.

10. Develop and maintain a method and procedure of transmitting information pursuant to this agreement that reasonably minimizes any possibility the information will become known to unauthorized persons.
11. Designate specific personnel to respond to requests for information made pursuant to this agreement, and to receive information pursuant to this agreement. The name of the designated personnel will be made available to all parties to this agreement.
12. Advise all personnel within the agency who may become aware of information covered by this agreement of the duties and responsibilities articulated in this agreement, and provide them with a means to assure information reaches the designated personnel responsible for responding to requests made pursuant to this agreement.
13. Designate and identify for all parties to this agreement a person who is ultimately responsible for the execution of this agreement.
14. Maintain a **record of all information exchanged pursuant to this agreement.**
15. Execute this agreement uniformly with respect to all persons, without regard to any person's race, color, religion, ancestry or national origin.

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Each police/sheriff's agency agrees to:

1. Delinquency and Dependency & Neglect Information

- a. Within \_\_\_ hours of a request, and upon representation that the information is required in the performance of school personnel's legal duties and responsibilities, provide **school personnel** any information maintained by the agency as part of its duties with respect to juvenile delinquency or dependency and neglect matters, and concerning the student enrolled in the personnel's school. *[19-1-303(2)(a) C.R.S.]*
- b. Within \_\_\_ hours of a request, and upon representation by the requesting agency that the information is **necessary for the acquisition, provision, oversight, or referral of services and support**, police and sheriff's agencies will provide information to other agencies **performing duties with respect to delinquency and dependency and neglect cases or other provisions of Title 19, C.R.S.** *[§ 19-1-303(1)(a) C.R.S.]*

2. Other Law Enforcement Records

- a. Within \_\_\_ hours of a request, allow a principal or superintendent, or their designee, of a school in which a student is or will be enrolled to inspect all **law enforcement records** concerning that student. *[19-1-304(2)(a)(XV) C.R.S.]*

3. Providing Information to Prosecutors

- a. Upon submitting any case to a prosecuting attorney's office for the filing of a delinquency petition in juvenile court against a student, make

reasonable attempts to determine the name of the school in which the student is enrolled, and provide that information to the prosecuting attorney's office for execution of the prosecuting attorney's statutory obligations. [see 19-1-304(5.5) C.R.S.]

4. Other Information:

a. Municipal Adjudication and Conviction

- I. Upon **adjudication or conviction** of a student for a municipal ordinance violation, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to **mental health or medical records**. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

b. Misdemeanors and Felonies:

- I. Upon obtaining information related to the charging of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]
- II. Upon obtaining information related to the **adjudication** of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the

student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

III. Upon obtaining information related to the **deferred prosecution** of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

IV. Upon obtaining information related to **the deferred adjudication/judgment** of a student, for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

V. Upon obtaining information related to the entry of a student into a **diversion program**, for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not

apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

5. Public Safety Concern Information

a. Arrest & Summons:

- I. Upon arrest of any student for a **criminal or delinquent act** constituting a misdemeanor or felony, which, in the agency's opinion, **rises to the level of a public safety concern**, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]
- II. Upon issuance of any summons for a municipal ordinance violation which, in the agency's opinion, rises to the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [same].

b. Threats and Other Incidents:

- I. Upon learning of any **threat** by a student, which, in the agency's opinion rises to the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of

the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[same]*

- II. Upon learning of any incident, which, in the agency's opinion, rises to the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[same]*.

#### 6. Interagency Support Team Participation

- a. An **interagency social support team** consists of representatives from mental health, education, law enforcement, and juvenile justice professionals, as well as appropriate members of the community. Its purpose is to collectively identify and evaluate warning signs for violence, explore the likelihood that a situation will escalate in seriousness, and make informed, collective recommendations for treatment and intervention.
- b. Police and Sheriff's agencies will make a determination as to whether it is in the **best interest of a student** to participate in an interagency support team convened by any state or local agency to address the needs of the student, or to convene such a support team, as long as:
  - I. the student is 18 years of age or older and has consented in writing to the disclosure of the student's **education records**, or
  - II. the student is under 18 years of age and his or her parent or guardian has consented in writing to the disclosure of the student's education records, or
  - III. if consent is not obtained, disclosure of **student information** or education records by participating school personnel shall be only to the extent allowed under state and federal law. *See 34 C.F.R. 99 and § 24-72-204(3)(d)(III) C.R.S.*
- c. The interagency support team shall include representatives of such state and local agencies as the convening agency determines are necessary to address mental, emotional, behavioral, family, educational or other issues affecting the student.

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Each school (district) agrees to:

1. **Student Education Records:**

- a. Adopt and implement policy consistent with federal and state law that allows disclosure of student *education records* as follows:
  - I. To state and local officials when disclosure relates to the juvenile justice system's ability to effectively serve a student prior to adjudication, and written assurance of confidentiality is provided. § 24-72-204(3)(e)(I)(c).
  - II. For purposes of this agreement, “**effectively serve a student prior to adjudication**” shall include:
    - a disclosure related to any criminal or juvenile justice system investigation of a student for an alleged criminal or delinquent wrongdoing; or
    - a disclosure related to a student who has been arrested or is otherwise involved in the criminal or juvenile justice system as an accused party, prior to trial or adjudication; or
    - a disclosure related to making sentencing recommendations and referring a student to programs or services intended to address mental, emotional, behavioral, family, educational or other issues affecting the student and could include, among others: diversion, mental health, community service, drug and alcohol counseling and rehabilitation, anger management, family intervention, or social services.
  - III. To state and local officials when disclosure relates to an **emergency health or safety concern**. § 24-72-204(3)(e)(I)(E) C.R.S.
  - IV. To comply with a judicial order or lawfully issued subpoena, after any legally required notice has been given. § 24-72-204(3)(e)(I)(D) C.R.S.
  - V. To the county department of human or social services and local law enforcement agencies, when school officials or employees have **reasonable cause** to know or suspect that a student has been subjected to abuse or neglect, including the observation of circumstances or conditions which could reasonably result in abuse or neglect. § 19-3-304 C.R.S

2. Attendance & Disciplinary Records (§ 19-1-303(2)(c)C.R.S.):

- a. Within \_\_\_\_ hours of a request from a *criminal justice agency*, schools will provide student records upon written certification that the criminal justice agency:
  - I. will not disclose the information unlawfully, and;
  - II. that the agency is conducting a **criminal investigation** of the student, *or a matter under the School Attendance Law of 1963, Title 22, Article 33, Part 1 C.R.S. (matters concerning truancy, suspension and expulsion)*<sup>1</sup> and;
  - III. the agency shows that the data or information **is necessary for the investigation**, and;
  - IV. that the agency needs the information to effectively serve the student prior to *adjudication*.<sup>2</sup>

3. Criminal Offenses by Students and Directed Toward School Employees (§ 22-33-109.1(3)(c) C.R.S)

- a. Within \_\_\_\_ hours of becoming aware of the incident, schools will report the following to the **local law enforcement agency**:
  - I. instances on or off school premises of *assault, disorderly conduct, harassment, knowingly false allegation of child abuse*, or any alleged offense under title 18 of C.R.S. by a student, and directed towards a teacher or school employee, and
  - II. instances on school premises of damage by a student to the personal property of a teacher or other school employee.

4. School Attendance

- a. Schools will notify, within \_\_\_\_ hours, a student’s supervising court or parole officer, when a student enrolled in that school district has failed to attend all or part of any school day, without authorization, when the school district has been notified by the supervising court or parole officer that the student is required to attend school. § 22-33-107.5 C.R.S.

5. Other Crimes and Acts Compromising School Safety:

- a. Within \_\_\_\_ hours of becoming aware of the incident, schools will report to the local law enforcement agency, when the school has reasonable cause to know or suspect that any of the following acts have been perpetrated by a student or adult on school grounds or at school related activities:

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<sup>1</sup> The italicized provisions represent pending legislation in HB 01-1260.

<sup>2</sup> Currently, the applicable statute uses the word “trial”. HB 01-1260, pending, will change this to “adjudication”.

- I. Any act that **compromises school safety**\*\* , or;
  - II. The following criminal or delinquent offenses as defined by state law or municipal ordinance: ***homicide; assault; battery; robbery; menacing; theft; extortion; child abuse; sexual assault; criminal mischief; harassment; stalking; disorderly conduct; endangering public transportation; hazing; false imprisonment; kidnapping; inciting a riot; engaging in a riot; ethnic intimidation; arson; cruelty to animals; possession, distribution or use of a controlled substance; false report of explosives; illegal possession, use or sale of a deadly weapon; prohibited use of a weapon; illegal discharge of a firearm; interference with students or faculty.***
- b. If the alleged perpetrator or victim of the act or offense is a student, the student(s) parent(s) or **guardian** will also be notified.

*\*\* (§ 18-8-115 C.R.S. mandates that all persons have a duty to report to law enforcement any crime that the person has reasonable grounds to believe has been committed. It specifically excludes the dissemination of privileged information, for example, a communication made under the protections of the statutory physician-patient privilege. The dissemination of information regarding acts which compromise school safety, but do not, under a “reasonable grounds” standard, constitute a crime, is simply recommended, and is not mandated by § 18-8-115 C.R.S. School officials must keep in mind that § 24-72-204 C.R.S., which addresses limitations on the dissemination of student records, specifically exempts from these restrictions the disclosure of “information derived from personal knowledge or observation and not derived from a student’s records . . .” § 24-72-204(3)(e)(II) C.R.S. Local jurisdictions are urged to adopt a common understanding, among all participating agencies and schools, as to what criteria will be used to classify acts which compromise school safety but may not rise to the level of a criminal offense.)*

6. Gang Activity:

- a. Within \_\_\_\_\_ hours of learning of the incident, schools will notify the local law enforcement agency of any violation of the school’s **gang activity policy**.

7. Interagency Support Team Participation

- a. An **interagency social support team** consists of representatives from mental health, education, law enforcement, and juvenile justice professionals, as well as appropriate members of the community. Its purpose is to collectively identify and evaluate warning signs for violence, explore the likelihood that a situation will escalate in seriousness, and make informed, collective recommendations for treatment and intervention.

- b. Schools will make a determination as to whether it is in the **best interest of a student** to participate in an interagency support team convened by any state or local agency to address the needs of the student, or to convene such a support team, as long as:
  - I. the student is 18 years of age or older and has consented in writing to the disclosure of the student's *education records*, or
  - II. the student is under 18 years of age and his or her parent or guardian has consented in writing to the disclosure of the student's education records, or
  - III. if consent is not obtained, disclosure of *student information* or education records by participating school personnel shall be only to the extent allowed under state and federal law. *See 34 C.F.R. 99 and § 24-72-204(3)(d)(III) C.R.S.*
- c. The interagency support team shall include representatives of such state and local agencies as the convening agency determines are necessary to address mental, emotional, behavioral, family, educational or other issues affecting the student.

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Each Prosecuting Attorney's office agrees to:

1. All Juvenile Delinquency Petitions:

a. Upon filing a *delinquency petition* in *juvenile court* against a student, alleging any of the offenses listed below, the prosecuting attorney shall make reasonable good faith efforts to determine the name of the school in which the student is enrolled. [see 19-1-304(5.5) C.R.S.]

I. Any Felony.

II. Any Class 1 Misdemeanor.

III. Menacing, pursuant to § 18-3-206 C.R.S.

IV. Harassment, pursuant to § 18-9-111 C.R.S.

V. Fourth Degree Arson, pursuant to § 18-4-105 C.R.S.

VI. Theft, pursuant to § 18-4-401 C.R.S.

VII. Aggravated Motor Vehicle Theft, pursuant to § 18-4-409 C.R.S.

VIII. Criminal Mischief, pursuant to § 18-4-501 C.R.S.

IX. Defacing Property, pursuant to § 18-4-509 C.R.S.

X. Disorderly Conduct, pursuant to § 18-9-106 C.R.S.

XI. Hazing, pursuant to § 18-9-124 C.R.S.

XII. Possession of a Handgun by a Juvenile, pursuant to § 18-12-108.5 C.R.S.

b. Upon filing a delinquency petition in juvenile court against a student, alleging any of the offenses listed below, the prosecuting attorney shall make reasonable good faith efforts to notify, within three working days, the principal of the school in which the student is enrolled of the case

filing, and provide to the principal *arrest and criminal records information* for the student. If the prosecuting attorney is in good faith unable to identify the student's school or contact the student's principal, the prosecuting attorney shall instead make this notification to the superintendent of the student's school district. [19-1-304(5.5) & 24-72-302(1) C.R.S.]

- I. Any Felony.
- II. Any Class 1 Misdemeanor.
- III. Menacing, pursuant to § 18-3-206 C.R.S.
- IV. Harassment, pursuant to § 18-9-111 C.R.S.
- V. Fourth Degree Arson, pursuant to § 18-4-105 C.R.S.
- VI. Theft, pursuant to § 18-4-401 C.R.S.
- VII. Aggravated Motor Vehicle Theft, pursuant to § 18-4-409 C.R.S.
- VIII. Criminal Mischief, pursuant to § 18-4-501 C.R.S.
- IX. Defacing Property, pursuant to § 18-4-509 C.R.S.
- X. Disorderly Conduct, pursuant to § 18-9-106 C.R.S.
- XI. Hazing, pursuant to § 18-9-124 C.R.S.
- XII. Possession of a Handgun by a Juvenile, pursuant to § 18-12-108.5 C.R.S.

2. Charging: Crimes of Violence & Unlawful Sexual Behavior:

- a. Upon charging a student between the ages of 12 and 18, either by a delinquency petition in juvenile court or pursuant to a *direct file* in district court, for any *crime of violence* or *unlawful sexual behavior*, provide *basic identification information* and **details of the alleged offense** to the

school district in which the student is enrolled. [19-1-304(5) & 22-33-105(5)(a) C.R.S.]

3. Other Information:

a. Municipal Adjudication and Conviction

- I. Upon **adjudication or conviction** of a student for a municipal ordinance violation, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to **mental health or medical records**. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

b. Misdemeanors and Felonies:

- I. Upon obtaining information related to the charging of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

- II. Upon obtaining information related to the **adjudication** of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical

records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

III. Upon obtaining information related to the *deferred prosecution* of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

IV. Upon obtaining information related to the *deferred adjudication/judgment* of a student, for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

V. Upon obtaining information related to the entry of a student into a **diversion program**, for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

4. Delinquency and Dependency & Neglect Information

- a. Within \_\_\_\_ hours of a request, and upon representation that the information is required in the performance of school personnel's legal duties and responsibilities, provide school personnel any information maintained by the prosecuting attorney's office as part of its duties with respect to *juvenile delinquency or dependency and neglect matters*, and concerning the student enrolled in the school personnel's school. [19-1-303(2)(a) C.R.S.]
- b. Within \_\_\_\_ hours of a request, and upon representation by the requesting agency that the information is **necessary for the acquisition, provision, oversight, or referral of services and support**, prosecuting attorneys will provide information to other agencies **performing duties with respect to delinquency and dependency and neglect cases or other provisions of Title 19, C.R.S.** [§ 19-1-303(1)(a) C.R.S.]

5. Other Law Enforcement Records:

- a. Within \_\_\_\_ hours of a request, allow a principal or superintendent, or their designee, of a school in which a student is or will be enrolled to inspect all *law enforcement records* concerning that student. [19-1-304(2)(a)(XV) C.R.S.]

6. Public Safety Concern Information:

a. Charging & Arrest Information – Misdemeanors and Felonies:

- I. Upon the arrest of any student, or upon the filing of charges constituting misdemeanors or felonies if committed by an adult,

against a student, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled, of any arrest or charging information, which in the prosecuting attorney's opinion, **rises to the level of a public safety concern**. This provision does not apply to mental health or medical records. *[19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]*

b. Municipal Ordinance Violations:

I. Upon learning of information relating to a student's municipal ordinance violation which, in the prosecuting attorney's opinion, rises to the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]*

c. Threats and Other Incidents:

I. Upon learning of any **threat** by a student, which, in the prosecuting attorney's opinion, rises the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]*

- II. Upon learning of any incident which, in the prosecuting attorney's opinion, rises the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]*

7. Interagency Support Team Participation

- a. An **interagency social support team** consists of representatives from mental health, education, law enforcement, and juvenile justice professionals, as well as appropriate members of the community. Its purpose is to collectively identify and evaluate warning signs for violence, explore the likelihood that a situation will escalate in seriousness, and make informed, collective recommendations for treatment and intervention.
- b. Prosecuting attorney's will make a determination as to whether it is in the **best interest of a student** to participate in an interagency support team convened by any state or local agency to address the needs of the student, or to convene such a support team, as long as:
- I. the student is 18 years of age or older and has consented in writing to the disclosure of the student's **education records**, or
  - II. the student is under 18 years of age and his or her parent or guardian has consented in writing to the disclosure of the student's education records, or
  - III. if consent is not obtained, disclosure of **student** information or education records by participating school personnel shall be only to the extent allowed under state and federal law. *See 34 C.F.R. 99 and § 24-72-204(3)(d)(III) C.R.S.*
- c. The interagency support team shall include representatives of such state and local agencies as the convening agency determines are necessary to address mental, emotional, behavioral, family, educational or other issues affecting the student.

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Each juvenile, county, district and municipal court agrees to ensure that:

1. Mandatory School Attendance:

- a. Upon ordering school attendance as a condition of any sentence, probation, parole or **pre-trial release**, notify the principal of the school in which the student is enrolled of the requirement. [13-10-113(8); 19-2-508(3)(a)(VI); 22-33-107.5 C.R.S.]

2. Adjudication & Conviction – Mandatory Expulsion Offenses:

- a. Within \_\_\_\_ hours of entering *judgement of conviction or adjudication* upon a student under 18 years of age for any of the crimes listed below occurring on school property or in a school building, notify the school district in which the student is enrolled of the conviction or adjudication, and of the fact that the student is *subject to expulsion*. This provision applies to the following crimes: *Carrying, bringing, using or possessing a dangerous weapon; Sale of controlled substances, Robbery, First or Second Degree Assault*. [See 22-33-106.5(1) & 22-33-106(1)(d) C.R.S.]

3. Adjudication & Conviction – Controlled Substances & Crimes of Violence:

- a. Within \_\_\_\_ hours of entering judgement of conviction or adjudication upon a student under 18 years of age for any *crime of violence*, or for any *crime involving controlled substances*, notify the school district in which the student is enrolled of the conviction or adjudication. [22-33-106.5(2) C.R.S.]

4. Adjudication & Conviction – Unlawful Sexual Behavior:

- a. Within \_\_\_\_ hours of entering judgement of conviction or adjudication upon a student between 12 and 18 years of age for any offense constituting ***unlawful sexual behavior***, notify the school district in which the student is enrolled of the conviction or adjudication. [22-33-106.5(2) C.R.S.]

5. Other Information:

a. Municipal Adjudication and Conviction

- I. Upon adjudication or conviction of a student for a municipal ordinance violation, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to ***mental health or medical records***. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

b. Misdemeanors and Felonies:

- I. Upon obtaining information related to the charging of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]
- II. Upon obtaining information related to the ***adjudication*** of a student for an act constituting a misdemeanor or felony if committed by an

adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

- III. Upon obtaining information related to the ***deferred prosecution*** of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]
- IV. Upon obtaining information related to the ***deferred adjudication/judgment*** of a student, for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]
- V. Upon obtaining information related to the entry of a student into a ***diversion program***, for an act constituting a misdemeanor or

felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

6. Delinquency and Dependency & Neglect Information:

- a. Within \_\_\_\_ hours of a request, and upon representation that the information is required in the performance of school personnel's legal duties and responsibilities, provide school personnel any information maintained by the court as part of its duties with respect to ***delinquency or dependency and neglect matters***, and concerning the student enrolled the school personnel's school. [19-1-303(2)(a) C.R.S.]
- b. Within \_\_\_\_ hours of a request, and upon representation by the requesting agency that the information is **necessary for the acquisition, provision, oversight, or referral of services and support**, court's will provide information to other agencies **performing duties with respect to delinquency and dependency and neglect cases or other provisions of Title 19, C.R.S.** [§ 19-1-303(1)(a) C.R.S.]

7. Other Court Records:

- a. Within \_\_\_\_ hours of a request, allow a principal or superintendent, or their designee, of a school in which a student is or will be enrolled to inspect all ***court records*** regarding delinquency proceedings involving the student as

the alleged perpetrator, or regarding a municipal ordinance violation involving the student as the alleged perpetrator. This provision does not apply to municipal ordinance violations constituting traffic violations. [19-1-304(1)(a) C.R.S.]

8. Public Safety Concern Information:

a. Charging & Arrest Information – Misdemeanors and Felonies:

I. Upon the arrest of any student, or upon the filing of charges constituting misdemeanors or felonies if committed by an adult, against a student, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled, of any arrest or charging information, which in the court's opinion, **rises to the level of a public safety concern**. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

b. Municipal Ordinance Violations:

I. Upon learning of information relating to a student's municipal ordinance violation which, in the court's opinion, rises to the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

c. Threats and Other Incidents:

- I. Upon learning of any **threat** by a student, which, in court's opinion, rises the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]
- II. Upon learning of any incident which, in the court's opinion, rises the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

9. Providing Information to Prosecutors:

- a. At the first court appearance of a student charged with **any delinquent act in juvenile court**, make reasonable efforts to determine the name of the school which the student attends, and provide that information to the prosecuting attorney's office for execution of its statutory duty to notify the student's principal of the delinquency case filing. [see 19-1-304(5.5) C.R.S.]

10. Interagency Support Team Participation

- a. An **interagency social support team** consists of representatives from mental health, education, law enforcement, and juvenile justice professionals, as well as appropriate members of the community. Its purpose is to collectively identify and evaluate warning signs for violence, explore the likelihood that a

- situation will escalate in seriousness, and make informed, collective recommendations for treatment and intervention.
- b. Courts will make a determination as to whether it is in the **best interest of a student** to participate in an interagency support team convened by any state or local agency to address the needs of the student, or to convene such a support team, as long as:
    - I. the student is 18 years of age or older and has consented in writing the disclosure of the student's *education records*, or
    - II. the student is under 18 years of age and his or her parent or guardian consented in writing to the disclosure of the student's education records, or
    - III. if consent is not obtained, disclosure of *student information* or education records by participating school personnel shall be only to the extent allowed under state and federal law. *See 34 C.F.R. 99 and § 24-72-204(3)(d)(III) C.R.S.*
  - c. The interagency support team shall include representatives of such state and local agencies as the convening agency determines are necessary to address mental, emotional, behavioral, family, educational or other issues affecting the student.

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Each probation department agrees to:

1. Delinquency and Dependency & Neglect Information:

- a. Within \_\_\_\_ hours of a request, and upon representation that the information is required in the performance of school personnel's legal duties and responsibilities, provide school personnel any information maintained by the probation department as part of its duties with respect to ***delinquency or dependency and neglect matters***, and concerning the student enrolled in the school personnel's school. [19-1-303(2)(a) C.R.S.]
- b. Within \_\_\_\_ hours of a request, and upon representation by the requesting agency that the information is **necessary for the acquisition, provision, oversight, or referral of services and support**, the probation department will provide information to other agencies **performing duties with respect to delinquency and dependency and neglect cases or other provisions of Title 19, C.R.S.** [§ 19-1-303(1)(a) C.R.S.]

2. Other Juvenile Probation Records:

- a. Within \_\_\_\_ hours of a request, allow a principal or superintendent, or their designee, of a school in which a student is or will be enrolled to inspect all ***juvenile probation records*** concerning that student, whether or not part of the court file. [19-1-304(1)(c)(X) C.R.S.]

3. Other Information:

- a. Municipal Adjudication and Conviction

- I. Upon ***adjudication or conviction*** of a student for a municipal ordinance violation, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]*
- b. Misdemeanors and Felonies:
  - I. Upon obtaining information related to the charging of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to ***mental health or medical records***. *[19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]*
  - II. Upon obtaining information related to the ***adjudication*** of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]*
  - III. Upon obtaining information related to the ***deferred prosecution*** of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information

to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

IV. Upon obtaining information related to the **deferred adjudication/judgment** of a student, for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

V. Upon obtaining information related to the entry of a student into a **diversion program**, for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

4. Public Safety Concern Information:

a. Charging & Arrest Information – Misdemeanors and Felonies:

I. Upon the arrest of any student, or upon the filing of charges constituting misdemeanors or felonies if committed by an adult,

against a student, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled, of any arrest or charging information, which in the probation department's opinion, **rises to the level of a public safety concern**. This provision does not apply to mental health or medical records. *[19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]*

b. Municipal Ordinance Violations:

I. Upon learning of information relating to a student's municipal ordinance violation which, in the probation department's opinion, rises to the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]*

c. Threats and Other Incidents:

I. Upon learning of any **threat** by a student, which, in the probation department's opinion, rises the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]*

- II. Upon learning of any incident which, in the probation department's opinion, rises the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

5. Interagency Support Team Participation

- a. An **interagency social support team** consists of representatives from mental health, education, law enforcement, and juvenile justice professionals, as well as appropriate members of the community. Its purpose is to collectively identify and evaluate warning signs for violence, explore the likelihood that a situation will escalate in seriousness, and make informed, collective recommendations for treatment and intervention.
- b. Probation will make a determination as to whether it is in the **best interest of a student** to participate in an interagency support team convened by any state or local agency to address the needs of the student, or to convene such a support team, as long as:
- I. the student is 18 years of age or older and has consented in writing the disclosure of the student's *education records*, or
  - II. the student is under 18 years of age and his or her parent or guardian consented in writing to the disclosure of the student's education records, or
  - III. if consent is not obtained, disclosure of *student information* or education records by participating school personnel shall be only to the extent allowed under state and federal law. *See 34 C.F.R. 99 and § 24-72-204(3)(d)(III) C.R.S.*
- c. The interagency support team shall include representatives of such state and local agencies as the convening agency determines are necessary to address mental, emotional, behavioral, family, educational or other issues affecting the student.

## **Corrections Facilities<sup>3</sup> – Table of Contents – By Type of Information**

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<sup>3</sup> The term “corrections facility”, as used in this agreement, refers to any state, local or privately operated facility or agency responsible for the detention or incarceration of juveniles.

Each corrections facility agrees to:

1. Delinquency and Dependency & Neglect Information:

- a. Within \_\_\_\_ hours of a request, and upon representation that the information is required in the performance of school personnel's legal duties and responsibilities, provide school personnel any information maintained by *corrections* as part of its duties with respect to *delinquency or dependency and neglect matters*, and concerning the student enrolled in the school personnel's school. [19-1-303(2)(a) C.R.S.]
- b. Within \_\_\_\_ hours of a request, and upon representation by the requesting agency that the information is **necessary for the acquisition, provision, oversight, or referral of services and support**, corrections facilities will provide information to other agencies **performing duties with respect to delinquency and dependency and neglect cases or other provisions of Title 19, C.R.S.** [§ 19-1-303(1)(a) C.R.S.]

2. Other Parole Records:

- a. Within \_\_\_\_ hours of a request, allow the principal or superintendent, or their designee, of a school in which a student is enrolled to inspect *all parole records* concerning that student. [19-1-304(2.5) C.R.S.]

3. Other Information:

- a. Municipal Adjudication and Conviction
  - I. Upon adjudication or conviction of a student for a municipal ordinance violation, notify, within \_\_\_\_\_ hours, the principal or superintendent,

or their designee, of the school in which the student is enrolled. This provision does not apply to **mental health or medical records**. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

b. Misdemeanors and Felonies:

- I. Upon obtaining information related to the charging of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]
- II. Upon obtaining information related to the **adjudication** of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]
- III. Upon obtaining information related to the **deferred prosecution** of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental

health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

IV. Upon obtaining information related to the **deferred adjudication/judgment** of a student, for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

V. Upon obtaining information related to the entry of a student into a **diversion program**, for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

4. Public Safety Concern Information:

a. Charging & Arrest Information – Misdemeanors and Felonies:

I. Upon the arrest of any student, or upon the filing of charges constituting misdemeanors or felonies if committed by an adult, against a student, notify, within \_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student

is enrolled, of any arrest or charging information, which in the correction facility's opinion, **rises to the level of a public safety concern**. This provision does not apply to mental health or medical records. *[19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]*

b. Municipal Ordinance Violations:

I. Upon learning of information relating to a student's municipal ordinance violation which, in the correction facility's opinion, rises to the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]*

c. Threats and Other Incidents:

I. Upon learning of any **threat** by a student, which, in the correction facility's opinion, rises the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]*

II. Upon learning of any incident which, in the correction facility's opinion, rises the level of a public safety concern, notify, within

\_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

#### 5. Interagency Support Team Participation

- a. An **interagency social support team** consists of representatives from mental health, education, law enforcement, and juvenile justice professionals, as well as appropriate members of the community. Its purpose is to collectively identify and evaluate warning signs for violence, explore the likelihood that a situation will escalate in seriousness, and make informed, collective recommendations for treatment and intervention.
- b. Corrections facilities will make a determination as to whether it is in the **best interest of a student** to participate in an interagency support team convened by any state or local agency to address the needs of the student, or to convene such a support team, as long as:
  - I. the student is 18 years of age or older and has consented in writing to the disclosure of the student's **education records**, or
  - II. the student is under 18 years of age and his or her parent or guardian consented in writing to the disclosure of the student's education records, or
  - III. if consent is not obtained, disclosure of **student information** or education records by participating school personnel shall be only to the extent allowed under state and federal law. *See 34 C.F.R. 99 and § 24-72-204(3)(d)(III) C.R.S.*
- c. The interagency support team shall include representatives of such state and local agencies as the convening agency determines are necessary to address mental, emotional, behavioral, family, educational or other issues affecting the student.

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Each Department of Social/Human Services agrees to:

1. Delinquency and Dependency & Neglect Information:

- a. Within \_\_\_\_ hours of a request, and upon representation that the information is required in the performance of school personnel's legal duties and responsibilities, provide school personnel any information maintained by the department as part of its duties with respect to ***delinquency or dependency and neglect matters***, and concerning the student enrolled in the school personnel's school. *[19-1-303(2)(a) C.R.S.]*
- b. Within \_\_\_\_ hours of a request, and upon representation by the requesting agency that the information is **necessary for the acquisition, provision, oversight, or referral of services and support**, social services will provide information to other agencies **performing duties with respect to delinquency and dependency and neglect cases or other provisions of Title 19, C.R.S.**  
*[§ 19-1-303(1)(a) C.R.S.]*

2. Other Information:

- a. This provisions applies to any Department of Social/Human Services which performs any activity directly relating to the detection or investigation of crime; the apprehension, pretrial release, posttrial release, prosecution, correctional supervision, rehabilitation, evaluation, or treatment of accused persons or criminal offenders, (*§ 24-72-302(3) C.R.S.*)or
- b. To any Department of Social/Human Services which participates in an Assessment Center for Children, as defined in *§ 19-1-103(10.5) C.R.S.*

c. Municipal Adjudication and Conviction

- I. Upon ***adjudication or conviction*** of a student for a municipal ordinance violation, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

d. Misdemeanors and Felonies:

- I. Upon obtaining information related to the charging of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to ***mental health or medical records***. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]
- II. Upon obtaining information related to the ***adjudication*** of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]
- III. Upon obtaining information related to the ***deferred prosecution*** of a student for an act constituting a misdemeanor or felony if committed by

an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

IV. Upon obtaining information related to ***the deferred adjudication/judgment*** of a student, for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

V. Upon obtaining information related to the entry of a student into a **diversion program**, for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

### 3. Public Safety Concern Information

a. This provision applies to any Department of Social/Human Services which performs any activity directly relating to the detection or investigation of

crime; the apprehension, pretrial release, posttrial release, prosecution, correctional supervision, rehabilitation, evaluation, or treatment of accused persons or criminal offenders, (§ 24-72-302(3))or

b. To any Department of Social/Human Services which participates in an Assessment Center for Children, as defined in § 19-1-103(10.5) C.R.S

c. Charging & Arrest Information – Misdemeanors and Felonies:

I. Upon arrest of any student, or upon the filing of charges constituting misdemeanors or felonies if committed by an adult, against a student, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled, of any arrest or charging information, which in the department’s opinion, **rises to the level of a public safety concern.**

This provision does not apply to mental health or medical records.

*[19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3)*

*C.R.S.]*

b. Municipal Ordinance Violation

I. Upon learning of information relating to a student’s municipal ordinance violation which, in the department’s opinion, rises to the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[same].*

d. Threats and Other Incidents:

- I. Upon learning of any **threat** by a student, which, in the department's opinion rises to the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[same]*
- II. Upon learning of any incident, which, in the department's opinion, rises to the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[same]*.

4. Interagency Support Team Participation

- a. An **interagency social support team** consists of representatives from mental health, education, law enforcement, and juvenile justice professional, as well as appropriate members of the community. Its purpose is to collectively identify and evaluate warning signs for violence, explore the likelihood that a situation will escalate in seriousness, and make informed, collective recommendations for treatment and intervention.
- b. The Department of Social/Human Services will make a determination as to whether it is in the **best interest of a student** to participate in an interagency support team convened by any state or local agency to address the needs of the student, or to convene such a support team, as long as:
  - I. the student is 18 years of age or older and has consented in writing to the disclosure of the student's **education records**, or
  - II. the student is under 18 years of age and his or her parent or guardian has consented in writing to the disclosure of the student's education records, or
  - III. if consent is not obtained, disclosure of **student information** or education records by participating school personnel shall be only to

the extent allowed under state and federal law. *See 34 C.F.R. 99 and § 24-72-204(3)(d)(III) C.R.S.*

- c. The interagency support team shall include representatives of such state and local agencies as the convening agency determines are necessary to address mental, emotional, behavioral, family, educational or other issues affecting the student.

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Each *assessment center for children* agrees to:

1. Delinquency and Dependency & Neglect Information

- a. Within \_\_\_\_ hours of a request, and upon representation that the information is required in the performance of school personnel's legal duties and responsibilities, provide **school personnel** any information maintained by the center as part of its duties with respect to juvenile delinquency or dependency and neglect matters, and concerning the student enrolled in the personnel's school. [19-1-303(2)(a) C.R.S.]
- b. Within \_\_\_\_ hours of a request, and upon representation by the requesting agency that the information is **necessary for the acquisition, provision, oversight, or referral of services and support**, assessment centers for children will provide information to other agencies **performing duties with respect to delinquency and dependency and neglect cases or other provisions of Title 19, C.R.S.** [§ 19-1-303(1)(a) C.R.S.]

2. Other Information:

a. Municipal Adjudication and Conviction

- I. Upon **adjudication or conviction** of a student for a municipal ordinance violation, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

b. Misdemeanors and Felonies:

- I. Upon obtaining information related to the charging of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to ***mental health or medical records***. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]
- II. Upon obtaining information related to the ***adjudication*** of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]
- III. Upon obtaining information related to the ***deferred prosecution*** of a student for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

- IV. Upon obtaining information related to *the deferred adjudication/judgment* of a student, for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]
- V. Upon obtaining information related to the entry of a student into a **diversion program**, for an act constituting a misdemeanor or felony if committed by an adult, and within \_\_\_\_ hours of a request, provide such information to the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. [19-1-303(2)(b)(II); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3) C.R.S.]

3. Public Safety Concern Information

a. Charging & Arrest Information – Misdemeanors and Felonies:

- I. Upon arrest of any student, or upon the filing of charges constituting misdemeanors or felonies if committed by an adult, against a student, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled of any arrest or charging information, which, in the center's opinion, **rises to the level of a public safety concern.**

This provision does not apply to mental health or medical records.  
[19-1-303(2)(b)(I); 19-1-303(6)(a.3); 19-1-103(34.6); 24-72-302(3)  
C.R.S.]

b. Municipal Ordinance Violations:

I. Upon learning of information relating to a student's municipal ordinance violation which, in the center's opinion, rises to the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[same]*.

c. Threats and Other Incidents:

I. Upon learning of any **threat** by a student, which, in the center's opinion rises to the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[same]*

II. Upon learning of any incident, which, in the center's opinion, rises to the level of a public safety concern, notify, within \_\_\_\_\_ hours, the principal or superintendent, or their designee, of the school in which the student is enrolled. This provision does not apply to mental health or medical records. *[same]*.

4. Interagency Support Team Participation

- a. An **interagency social support team** consists of representatives from mental health, education, law enforcement, and juvenile justice professionals, as well as appropriate members of the community. Its purpose is to collectively identify and evaluate warning signs for violence, explore the likelihood that a situation will escalate in seriousness, and make informed, collective recommendations for treatment and intervention.
- b. Assessment centers for children will make a determination as to whether it is in the **best interest of a student** to participate in an interagency support team convened by any state or local agency to address the needs of the student, or to convene such a support team, as long as:
  - I. the student is 18 years of age or older and has consented in writing to the disclosure of the student's *education records*, or
  - II. the student is under 18 years of age and his or her parent or guardian has consented in writing to the disclosure of the student's education records, or
  - III. if consent is not obtained, disclosure of *student information* or education records by participating school personnel shall be only to the extent allowed under state and federal law. *See 34 C.F.R. 99 and § 24-72-204(3)(d)(III) C.R.S.*
- c. The interagency support team shall include representatives of such state and local agencies as the convening agency determines are necessary to address mental, emotional, behavioral, family, educational or other issues affecting the student.

## **Mental Health Agencies – Table of Contents – By Type of Information**

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Each **mental health agency** agrees to:

1. Share information with participants to this agreement in a manner consistent with the Care and Treatment of the Mentally Ill Act and other law (§ 27-10-101 et seq. C.R.S.).
2. Information regarding *students receiving mental health services pursuant to Title 27, Article 10 C.R.S.*, and which is obtained in the course of providing services pursuant to that law, will be shared as follows:
  - a. When the student is over 15 years of age and signs a “Consent to Release Information” document designating those participants eligible to receive the information, or when the student’s *parent(s) or guardian* sign such a release. § 27-10-120(1)(b) C.R.S.
  - b. When the information will be disseminated in a communication between **qualified professionals** in the **provision of services** or **appropriate referrals**. § 27-10-120(1)(a) C.R.S.
  - c. To courts, as necessary to the administration of the provisions of Title 27, Article 10, C.R.S. § 27-10-120(1)(d) C.R.S.
  - d. To persons authorized to receive such information by a court order, after notice and an opportunity for hearing have been provided to the student and the agency or professional in possession of the information. § 27-10-120(1)(f) C.R.S.
  - e. When the information constitutes the student’s observed **criminal behavior** upon the premises of any facility, or against any person,

providing or receiving services under Title 27, Article 10, C.R.S. § 27-10-120(2)(a) C.R.S.

- f. When the student communicates a **serious threat of imminent physical violence** against a **specific person or persons** to a mental health provider, such information shall be disseminated to:
  - I. the person or persons threatened, and
  - II. the **appropriate local law enforcement agency**, and
  - III. the principal or superintendent, or their designee, of the school in which the student is enrolled. § 13-21-117 C.R.S.
3. Information relating to the provision of services under Title 19, C.R.S.
  - a. Within \_\_\_\_\_ hours of a request from another **agency or professional providing services to a student under Title 19, C.R.S.**, mental health agencies will provide this information to the requesting agency or professional under the following circumstances:
    - I. The information is **necessary for the acquisition, provision, oversight, or referral of services and support**, and the **requesting agency has a need to know** the information for purposes of its' case management or investigation. § 19-1-303(1)(a) C.R.S.
  - b. Within \_\_\_\_\_ hours of a request from a student's principal or superintendent, or school personnel acting as their designee, mental health agencies **performing duties and functions in connection with delinquency or dependency and neglect proceedings under Title 19**

C.R.S. shall provide the requested information under the following circumstances:

- I. When the information is **required in order for school personnel to perform their legal duties and responsibilities**, and
- II. the requesting school personnel agrees to maintain the confidentiality of the information. § 19-1-303(2)(a) C.R.S.

4. Interagency Support Team Participation

- a. An **interagency social support team** consists of representatives from mental health, education, law enforcement, and juvenile justice professionals, as well as appropriate members of the community. Its purpose is to collectively identify and evaluate warning signs for violence, explore the likelihood that a situation will escalate in seriousness, and make informed, collective recommendations for treatment and intervention.
- b. Mental health agencies will make a determination as to whether it is in the **best interest of a student** to participate in an interagency support team convened by any state or local agency to address the needs of the student, or to convene such a support team, as long as:
  - I. the student is 18 years of age or older and has consented in writing to the disclosure of the student's **education records**, or
  - II. the student is under 18 years of age and his or her parent or guardian has consented in writing to the disclosure of the student's education records, or
  - III. if consent is not obtained, disclosure of **student information** or education records by participating school personnel shall be only to the extent allowed under state and federal law. *See 34 C.F.R. 99 and § 24-72-204(3)(d)(III) C.R.S.*, and
  - IV. mental health records and information will be disclosed only as allowed under state and federal law.
- c. The interagency support team shall include representatives of such state and local agencies as the convening agency determines are necessary to address mental, emotional, behavioral, family, educational or other issues affecting the student.