COLORADO
School Safety Resource Center
Department of Public Safety

Claire Davis School Safety Act (C.R.S. 24-10-106.3)

SB15-213 Concerning the Limited Waiver of Governmental Immunity for Claims involving Public Schools for Injuries Resulting from Incidents of School Violence known as the **Claire Davis School Safety Act. (C.R.S. 24-10-106.3) This Act imposes a limited waiver of sovereign immunity for schools if a school fails to exercise "reasonable care" to protect all students, faculty and staff from "reasonably foreseeable" acts of violence that occurs at school or a school-sponsored activity.**

- "Crime of violence" means that the person committed, conspired to commit or attempted to commit one of the following crimes: murder; first degree assault; or a felony sexual assault as defined in section C.R.S. 18-3-402.
- "Schools" include public schools, school districts or charter schools.
- An incident of school violence may be between students, staff members or any other persons.
- A district may be liable for up to $350,000 for an injury to one person in a single occurrence and up to $990,000 for an injury to two or more persons in a single occurrence.
- A public school, school district, or charter school shall not be found negligent under this section solely as a result of not expelling or suspending any student.
- An employee of a public school, school district or a charter school is not subject to suit under this section in his or her individual capacity unless the employee's actions or omissions are willful and wanton.

SB15-214 School Safety and Youth in Crisis Interim Committee

- Created in an effort to define terms in C.R.S. 24-10-106.3.
- No additional definitions beyond what is in C.R.S. 24-10-106.3 have been forthcoming.
- Attempts were made to create a "Safe Harbor" bill in Legislative Session 2017. This was unsuccessful.

Colorado School Safety Resource Center recommendations:

- Districts/schools should ensure they have met all required elements of the Safe Schools Act (C.R.S. 22.32.109.1).

In addition:

- School safety planning team and crisis response team with initial training
  - IS 100 SCa for Schools for all with ICS role
  - IS 362A Multi Hazard for those creating the school/district plan
- Assess community and building safety concerns
- Write/Update existing school safety plans
- Incident Command Structure in place
- Develop and document emergency actions and conduct drills including communications checks
- Threat assessment policies and procedures in place
- Threat assessment team trained
- Psychological recovery team trained
- Consistent and ongoing prevention training for staff and students regarding sexual assault
- Continue to complete and update plan and train according to best practices