



Guidance for Implementation of Support for Justice-Engaged Youth

Colorado Department of Education

January 2026

This document is intended to provide guidance to Local Education Agency (LEA) staff and other individuals working directly with youth. It will be updated during the 2025-26 school year to include all required components.

This document does not constitute legal advice and it is not a substitute for sound legal advice from your local counsel. In addition, laws change regularly, and best practices evolve over time. Readers should consult their own counsel with all legal questions and issues that may arise.

Purpose and Charge to Develop Guidance

The Colorado Department of Education (CDE) is required to develop guidance to support varying aspects of House Bill 24-1216: Support for Justice-Engaged Youth prior to August 1, 2026. The guidance should be publicly available to any youth-serving agency or community-based organization. As part of this work, CDE partnered with a variety of stakeholders to develop this and other guidance documents and resources. Per the legislation, this guidance must include information about:

- State attendance laws
- Cases pertaining to education as a protected property interest
- Re-entry best practices
- Credit transfer process
- Requirements of the federal “Individuals with Disabilities Education Act” (IDEA) and Section 504 of the federal “Rehabilitation Act of 1973”
- Accommodations to participate in school activities

Each LEA point of contact should review this guidance, and the guidance is recommended for persons acting as child welfare education liaisons, guardian ad litem, counsel for youth, and others who work with youth.



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Any headers that include asterisks (*) are topics that must be, pursuant to state law, included in this guidance document.

Unit 1: Background and Overview*

During the 2024 legislative session, the General Assembly passed, and the Governor signed House Bill 24-1216: Supports for Youth in the Juvenile Justice System. The legislation established a justice-engaged students' bill of rights, created the Justice-Engaged Students (JES) Interagency Working Group, directed CDE to provide guidance on participation in school activities and to establish a hotline for justice-engaged students and their families, directed the promulgation of rules relating to credit transfer and established additional support requirements for justice-engaged students in small and rural districts. These components were intended to be implemented over the course of multiple years.

- The Interagency Working group completed its [final report](#) in December 2024.
- The State Board of Education promulgated [rules for credit transfer for justice-engaged youth in custody](#) in Summer 2025.

Definition of Justice-Engaged Youth

HB 24-1216 defines a justice-engaged student as a student who is involved in the criminal justice system in any capacity, including, but not limited to, adjudication, probation, ticketing, detention, diversion, commitment, or community supervision.¹

Terms

The following list provides definitions for each of the categories that were included in the definition for justice-engaged youth. For full definitions of each term, please see the index at the end of this document.

Adjudication: Adjudication is when a judicial office decides if a person under age 18 is guilty or not guilty of a delinquent offense. This is similar to adults in court when they are found guilty of an offense. Most young people who break the law go through the juvenile court system; however, if the offense is very serious, they may go through the adult court instead.

Pre-adjudication: Pre-adjudication means a young person is waiting for the court to decide if they broke the law. These youth sometimes have cases referred to as “pre-trial” because their case has not been decided yet. An individual may be kept in detention while they wait for their court hearing.

Detention vs. Commitment: In Colorado, the Division of Youth Services (DYS) works with two main groups of young people: those in detention and those in commitment. Detention is typically shorter and

¹ C.R.S. § 22-108-102(3).



is temporary. It usually means a young person is being held in a secure place while they wait for a court decision or hearing. Sometimes, they might be placed in a program in the community instead of being placed in a secure facility. Commitment is long-term. It means a judicial office (usually a judge or magistrate) has decided the individual must stay in the care of the state for a longer time. Once an individual is released, they may still have certain rules while on parole.

Detention: Detention is when a young person is held in a secure place or supervised in the community after being arrested. This can happen while they wait for their court hearing (pre-adjudicated) or if a judicial office gives them a short-term sentence to detention.

Youth in detention are usually between the ages of 10 and 17. Some stay in locked, state-run youth centers. Others take part in programs where they live at home but are still supervised. These programs are part of the Colorado Youth Detention Continuum (CYDC).

Young people in detention are not committed to DYS as their legal guardians still have custody. DYS provides supervision or care while their case moves through the court system or during their sentence.

There are eight detention centers in Colorado for youth whose cases are pre-trial, and local school districts provide education to them while they are there.

Commitment: Commitment happens when a judicial office decides that a young person who broke the law should be placed in the custody of the Colorado Department of Human Services (CDHS). DYS is a part of CDHS. This usually follows a court hearing where the youth is found guilty of a delinquent act.

Once committed, the youth will live in a treatment program, which could be in a secure (locked) or non-secure (more open) setting. They get help through services like counseling, education, and support. Education is provided by DYS when a student is committed to CDHS and in a DYS facility.

Parole: Parole is the time after a committed youth finishes their sentence. The court requires them to spend this time under supervision in the community. While on parole, the youth has a parole officer (who may have previously been their Client Manager) who checks in with them regularly. The youth must follow specific rules set by the parole officer and the Juvenile Parole Board. The Parole Board is a nine member appointed board in Colorado that is authorized to grant, deny, modify, suspend, or revoke, and specify conditions of parole using statutory criteria.

Youthful Offender System: The Youthful Offender System (YOS) is a special prison program run by the Colorado Department of Corrections (DOC) for certain young people who commit serious offenses. YOS started in 1994 for violent offenders who were 14 to 17 years old when they committed the offense and were charged as adults. In 2009, the program expanded to include 18- and 19-year-olds who committed violent offenses and were sentenced before turning 21. YOS is meant to help young people



change their behavior through structure, discipline, education, and support, instead of placing them in regular adult prisons.

Probation: Probation is when a young person is allowed to live in the community instead of being in a secure facility, but they must follow certain rules set by the court. This might include meeting regularly with a supervisory officer (a.k.a. a., a probation officer), going to programs that help change behavior, paying money to someone they harmed, or taking drug tests.

Diversion: Diversion is a way to help young people stay out of the court system by giving them a chance to fix their mistakes without going through a full court process.

If the youth agree to follow certain rules—like going to classes, doing community service, or getting counseling—they can avoid having charges stay on their record. These programs are usually run by the district attorney’s office or nonprofit groups.

Ticketing: A ticket is a notice given by law enforcement when someone breaks a rule or law. There are two main types: civil and criminal. Most tickets are for things like traffic violations, but young people can also get tickets for things like trespassing or having alcohol or drugs.

- Civil tickets usually mean the person has to pay a fine or face other penalties, like points on their driver's license.
- Criminal tickets are more serious and could lead to arrest, detention, or even commitment, depending on the situation.

Community Supervision: Community supervision means a young person is allowed to stay in their community instead of being detained at a facility, but they must follow certain rules set by the court. These rules can include things like staying away from certain people or places, not owning weapons, checking in with someone regularly, and showing up for court. They also must not break any laws while under supervision. The court may ask for updates about what the youth is doing during this time.



Background Data

Data on students who are justice-engaged are housed in a variety of different locations including court systems, Division of Youth Services (DYS), Colorado Division of Human Services (CDHS), and elsewhere. There is not a single agency that analyzes outcomes for all justice-engaged youth. The data that the Colorado Department of Education (CDE) collects are limited to an end-of-year collection when data indicate which students transfer in from a facility or transfer to a facility. The data in this section will be updated as new data become available.

There are a number of estimates of the size of this the justice-engaged youth within Colorado. For instance, the Generation Schools Network, an organization that works with school districts and directly with youth estimated that in 2024, there were 22,000 students in Colorado who were justice-engaged. And from Colorado agencies, we know the following:

- According to Colorado Crime Statistics, in 2024, there were more than 6,500 Colorado youth who were newly justice-engaged, having been arrested for the first time (Colorado Crime Statistics, 2024).
- DYS estimates that there were 2,578 students who were detained or committed during the 2024 fiscal year.
- CDE estimates that there were 1,320 public-school students in Colorado detention centers in during the 2023-24 school year.

Interagency Workgroup

One of the tasks required by HB24-1216 was the convening of an interagency workgroup to examine what data are available and make recommendations about how data could be used for better understanding and supporting students who are involved in the justice system. The workgroup met from August to December 2024, shared information about what is currently available, and developed recommendations for how data could provide a better understanding of youth outcomes and support stronger interventions and responses.

- [Final report with recommendations](#)



CDE Data

One of the challenges identified through legislation and in the interagency workgroup is that information about youth involved in the justice system is dispersed among a variety of places. CDE and local education agencies (LEAs) have academic information but typically minimal information regarding which students are justice-engaged. While the recommendations from the interagency workgroup focused on how data compiling and reporting could be improved, there are some pieces of information currently available. CDE collects enrollment information for students who were enrolled in one of eight detention centers across the state where an LEA was providing educational services and when a student has transferred into or out of a Department of Corrections (DOC) facility. Note that this is only a small portion of the students who are included in the legislative definition of justice-engaged youth.

- Over 1,000 individual students were in a Colorado detention center in each of the past three years. The populations of detention centers on a single day varies widely throughout the year, as many students are in detention for less than one month (**Table 1**).
- Around 100 students were reported as exiting from an LEA to DOC during each of the past two years and almost 50 students entering from DOC (**Table 2**).

Table 1: Number of Public-School Students in Colorado Detention Centers

School Year	Unduplicated Student Count	Enrolled as of May 1 or Later
2021-22	1,043	106
2022-23	1,285	141
2023-24	1,320	191

Note: An unduplicated count is one in which every student is counted once regardless of how many times or for how long or how many times they were placed in a Colorado detention center.

Table 2: Number of Public-School Students Entering and Exiting DOC Facilities at the End of the School Year

School Year	Entry to PS from DOC	Exit from PS to DOC
2021-22	40	92
2022-23	46	100
2023-24	46	107

Note: PS = Public School



DYS Data

DYS publishes an [annual report](#) on the number of students who attended a detention center or received services through DYS.

DYS reported that there were 2,017 detained youth served during the 2024 fiscal year, with an average length of stay of 23.3 days. Additionally, there was an average of 193.2 students in detention centers every day in the 2024 fiscal year, which according to DYS was a 7.8% increase in daily population since the previous fiscal year. Lastly, there were 2,892 new detention admissions during the 2024 fiscal year.

When the demographic information of students who were in detention centers is disaggregated, DYS reported that in 2023-24:

- 43.1% were Hispanic/Latinx, 27.7% were Black, 24.6% were White, and 4.5% were of another race.
- 78.2% of students in detention centers were male and 21.8% were female.
- The average age when a student was detained was 15.9 years.
- 37.6% of students committed to DYS had an individualized education program (IEP).

DYS also provides services to committed youth through a Continuum of Care model in which students receive services throughout the initial assessment, residential placement, transition, and parole supervision services. During the 2024 fiscal year, there were 561 youths receiving these services, with an average daily population of 264.8 students. The service length for these students was, on average, about a year and a half, and there were 200 new students receiving these services during the 2024 fiscal year.

Regarding the demographic information of students that were committed, DYS reported that 36.9% were Hispanic/Latinx, 33.6% were White, 26.0% were Black, and 3.5% were of another race. Of these students, 86% were male and 14% were female.

Newly committed students had increasing mental health and substance use treatment needs in the 2023-24 fiscal year: 84% of the population required services for the treatment of substance abuse, 87% needed formal mental health intervention services, and 75% had both mental health and substance abuse treatment needs.

According to the 2023-24 annual report regarding graduation and student pathways for students committed to DYS:

- 88.1% of students who received services through DYS earned a high school diploma or GED.
- 65.8% of students obtained a certificate or took Career and Technical Education classes during their time with DYS.
- 26 students took college courses.



Unit 2: Student Bill of Rights and Requirements*

Bill of Rights*

The legislation establishes the following bill of rights for justice-engaged students ([HB24-1216 Flyer](#)).

With respect to education, a justice-engaged student has the right to:

1. The provision of alternative solutions to a general education, including, but not limited to, appropriate available alternate education programs.
2. Prompt enrollment or re-enrollment no later than 10 business days after the first request to the local education provider, so long as the student is eligible for enrollment, as determined by the local education provider.
3. Appropriate credit for coursework completed while justice engaged, and for that coursework to be applied toward graduation or school continuation.
4. A clearly defined and documented plan – developed with the justice-engaged student and the student's family, caregiver, or advocate – for graduation upon re-entry, reenrollment, or continuation with a local education provider. The plan must consider all prior coursework completed by the student. In developing the plan, the team shall make every effort to account for all credits earned by the student and clarify requirements to allow the student to complete high school graduation requirements at the earliest possible date.
5. Privacy, including privacy when related to diversion, probation or questioning about a crime at a local education provider and not in view of the student's peers.
6. Protection by the federal "Individuals with Disabilities Education Act", Section 504 of the federal "Rehabilitation Act of 1973", applicable foster care regulations, and the federal "McKinney-Vento Homeless Assistance Act".
7. Create evidence of and be evaluated for giftedness, with support and information from the student's family or caregiver.
8. Participation in school activities or career readiness pathways in accordance with rules promulgated by the State Board of Education.



Requirements of Local Education Providers

Local education providers (LEPs) include school districts, boards of cooperative educational services, charter schools authorized by a school district, and charter schools authorized by the Colorado Charter School Institute.

With respect to justice-engaged youth, each LEP must publish the following prominently on the LEP's website in a way that is accessible and available in multiple languages:

- the name, phone number, and email address of a point of contact at the LEP; and
- an explanation of services and resources available for justice-engaged students.

The point of contact must possess knowledge of:

- this guidance;
- the LEP's enrollment process; and
- alternative education options and wraparound services available to students enrolled the LEP.

The point of contact must:

- Respond to inquiries and connect with justice-engaged students and their families or caregivers within three business days after an inquiry.
- Actively engage with justice-engaged students and their families or caregivers to explore alternative solutions for educational attainment before resorting to a denial of access to education. If the LEP denies the student access to education, the point of contact must refer the student to the hotline.

Upon notification or request, a LEP must work with a team of professionals, including the multi-tiered system of supports (MTSS) and appropriate intervention teams, families, and justice-engaged students to ensure a pathway to graduation, including workforce development opportunities, access to alternative educational programming, and mental health and other supports, if appropriate and available. The team must develop a plan to guide implementation of these supports. MTSS means a systemic preventive approach that addresses the academic and social-emotional needs of all students at the universal, targeted, and intensive levels.

Small and rural districts can refer students and families to the following point of contact at CDE or to the Justice-Engaged Youth hotline when that becomes available: Jewel Sale, sale_j@cde.state.co.us.



Education as a Protected Property Interest*

All students in Colorado, including those who are justice-engaged, are entitled to a free public education, and although that right is not absolute, it is nevertheless protected by procedural safeguards. This section will provide an overview of the legal framework for education as a protected property interest.

“Today, education is perhaps the most important function of state and local governments.”²

When states decide to offer a benefit like education, they create a “legitimate entitlement” (or “property interest”) for people to receive that benefit.³

What is “property interest”?

A “property interest” in the constitutional sense is any legally recognized claim of entitlement, and it’s not necessarily limited to physical, tangible property. The U.S. Supreme Court has held that people may have a property interest in things like welfare benefits, public employment, licenses, and more. When states decide to offer a benefit like education, they create a “legitimate claim of entitlement” for people to receive that benefit, thereby conferring a property interest. And, like every other state in the U.S., Colorado has decided to offer a free public education to all residents. Article IX, section 2 of the Colorado State Constitution reads:

“The general assembly shall ... provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state, wherein all residents of the state, between the ages of six and twenty-one years, may be educated gratuitously.”

Thus, according to the U.S. Supreme Court’s decision in *Goss*, students in Colorado have a property interest in receiving an education, and that interest may not be deprived without due process.

Exclusion from Educational Activities

Justice-engaged students, like all students in Colorado, have a right to receive an education and participate in education-related activities. Safeguards must be in place to ensure that this right is not unfairly taken away from a student solely due to their justice involvement.

If necessary, students can be excluded from education or educational activities for a short period of time but not without due process. This pertains to student discipline, as well as access to other components of education and education courses at the school or district. For instance, if a student is suspended or expelled, that necessarily means they are not in class receiving instruction—i.e., they are being deprived of their protected property interest in education. Importantly, this does not mean that students can never be suspended or expelled. As the Supreme Court *Goss* decision recognized, “The Due Process Clause will not shield [students] from suspensions properly imposed.”⁴

² *Brown v. Bd. of Educ.*, 347 U.S. 483, 493 (1954).

³ *Goss v. Lopez*, 419 U.S. 565, 574 (1975).

⁴ *Goss v. Lopez*, 419 U.S. at 579.



But, because students have a protected property interest in receiving an education, they can only be excluded from the classroom or from other educational activities if they receive due process. According to state law, “any student who is sanctioned or is found by the school . . . to be ineligible to participate in any activity . . . may appeal the sanction or finding” in accordance with school or district policy.⁵

Due Process

In the context of education as a protected property interest for discipline, due process means that a student may not be suspended or expelled “on grounds of misconduct absent *fundamentally fair procedures* to determine whether the misconduct has occurred.”⁶ Simply put, due process requires the overseeing entity, local education provider, school district, etc., to confirm the allegations and give the student a chance to defend against the allegations before imposing a punishment.

The particular procedures required for school discipline may vary by district and may depend on the specific circumstances. There are also state statutes that set certain procedural expectations for disciplinary actions.⁷ At a minimum, due process requires written or oral notification and a chance to respond to the allegations; in some cases, such as longer suspensions or expulsions, more intensive processes such as a hearing may also be necessary.

- For more information on requirements of an expulsion hearing and the legal framework for discipline, this [mini course for administrators](#) created by CDE provides an overview.

For other educational activities, the local education provider operating a school must have clear procedures to ensure that students are not excluded from education and related activities without clear communication and procedures of why a student is not allowed to participate. This is true for justice-engaged students as well.⁸

Overall, justice-engaged students, like all students in Colorado, have a right to participate in education and education-related activities. Set safeguards must be in place to protect victims rights and ensure that student’s right to education isn’t unfairly taken away due to their justice involvement.

⁵ C.R.S. § 22-32-116.5(9.5)(a).

⁶ *Goss*, 419 U.S. at 574. (emphasis added).

⁷ See, e.g., § 22-33-105(2.3), C.R.S. (requirements for long-term suspensions and expulsions).

⁸ C.R.S. § 22-108-103(1).



Unit 3: Student Enrollment, Attendance, and Participation

Guidance in State Attendance Laws

Attendance law in Colorado includes provisions for mandatory attendance, rules for excused and unexcused absences, and required interventions and support. Unit 3 provides an overview of state attendance laws that may impact students who are involved in the justice system.

State Statute

Compulsory school attendance requires that all children between the age of six, as of August 1 of each year, and under the age of 17 years, attend public school.⁹ The exceptions to this law include students who:

- are temporarily ill or injured and whose absence is approved by a school administrator;
- are attending an independent or parochial school that provides a basic academic education;
- are absent for an extended period of time due to physical, mental, or behavioral health reasons;
- are suspended, expelled, or have been denied admission;
- have a school certificate or work permit;
- have been incarcerated;
- are pursuing a work-study program and have graduated; or
- are homeschooled or part of a nonpublic home-based educational program.

A student is considered to be chronically absent when the student has missed ten percent or more of the school days the student has been enrolled, including both excused and unexcused absences, during the school year.¹⁰

A student is considered to be habitually truant if they have four unexcused absences in a month or 10 unexcused absences in a year, and the student is aged six through 16.¹¹ When a student is habitually truant, the district can take legal actions to get the student to attend school regularly. Truancy court is typically utilized in more excessive cases and requires multiple interventions to be utilized prior to being used.

Other Enrollment Laws/Procedures

There are legal exceptions for the residency rules for enrollment for students who meet certain definitions, including homeless students, students in foster care and students whose families move for specific migrant work activities. For more information, please see below.

- [CDE Homeless Education](#)
- [CDE Foster Care Education](#)
- [CDE Migrant Education](#)

⁹ C.R.S. § 22-33-104.

¹⁰ C.R.S. § 22-33-201.5(2).

¹¹ C.R.S. § 22-33-102(3.5).



School Placement

As the student prepares to return to school, the district will work with the student, parents/guardians, case managers, and/or probation or parole officers to determine appropriate school placement. Justice-engaged youth have the right to prompt enrollment or re-enrollment with the local education provider, including potential alternative solutions to a general education program. This could be at the students' boundary or "home" school, another school in the enrollment district, an alternative education campus, virtual school, or other district program. Enrollment must take place within ten business days after the first request to the local education provider.¹²

The point-of-contact should actively engage with the student and family/caregivers to explore alternative solutions for educational attainment, if attending school in a traditional environment is not a viable option, resorting to a denial of access to education pursuant to Colorado's compulsory attendance law. If a student is denied access to an education, the point-of-contact will refer the student to the hotline created pursuant to C.R.S. §22-108-108.

Upon notification or request, the LEP will work with a team of professionals, including the multi-tiered system of supports and other appropriate interventional teams, families, and justice-engaged students, to ensure the educational pathway to graduation is consistent with graduation requirements including workforce development opportunities, alternative education programming, and mental health and other supports, if appropriate and available.¹³

Return from Expulsion

If a justice-engaged student is expelled, or is in the process of being expelled, prior to becoming involved in the justice system, they must satisfy the terms of the expulsion period prior to re-enrolling in school. The expulsion period would not pause due to involvement in the justice system. If a student is incarcerated during the expulsion period and is enrolled in courses during the expulsion period while being incarcerated, the credit earned would still be accepted toward graduation, similar to work completed through any other expulsion program a student who is not incarcerated might complete.

**Note that a hotline for justice-engaged youth is scheduled to be created in July 2026. It will offer additional support for families with finding school options.*

Denial of Admission

A public school district may be able to deny admission if the student:

- has graduated from the 12th grade;
- was expelled from any other school district within the previous 12 months;
- is not a resident of the district and is not entitled to attend school under another legal provision;
- failed to comply with the terms of a suspension or expulsion; or

¹² C.R.S. § 22-108-103(1)(b).

¹³ C.R.S. § 22-108-104(4).



- demonstrated behavior in another district within the preceding 12 months that was detrimental to the welfare and safety of others.¹⁴

Furthermore, a district must prohibit a student who is expelled from a public school of the school district from re-enrolling at the same school as the victim of the offense or members of a victim's immediate family is enrolled or employed.¹⁵ If the district is unaware of the name of the victim, this prohibition will only be implemented at the request of the victim or a member of the victim's immediate family. If the district only has one school, the district must prohibit the student who is expelled from enrolling or designing a schedule that avoids contact with the victim and family. These requirements do not apply to any crime against property.

Participation in School Activities

Generally, students should not be excluded from participating in school activities, such as those listed below, solely due to their justice engagement:

- outside of school activities (e.g., sporting events, after-school clubs, dances, etc.);
- matriculation or graduation ceremonies; and
- academic coursework or classes (e.g., college or career readiness pathways, career and technical education (CTE) programs, etc.).

If there is a concern about safety of the individual student or other students due to participation, the district should use their procedures for creating a safety plan and policies for participation. Accommodations should be designed to allow students to participate in school activities as much as possible while ensuring a safe environment. Each accommodation is often unique and based on the type of activity, the needs of the student, and the safety of other students. Based on feedback from staff supporting youth directly, the following accommodations should be considered:

- **Information sharing:** Prior to participation, sharing information between the family, school, and any other outside entities that are involved (e.g., probation) to help make the best plan possible.
 - Some districts have set up timelines, such as a 48-hour notice, in order to ensure there is a plan in place for an event.
 - Some districts shared safety plan templates that help define clear expectations for the student and staff members for behavior and a check-in process before, during, and after the event.
- **Communication:** Ensure there is clear communication with staff who are supervising the event and about what, if any, accommodations are needed. This included examples of a family member accompanying a student to the school activity.

¹⁴ C.R.S. § 22-33-106(3).

¹⁵ C.R.S. § 22-33-106(4).



Student Safety Plans

A student safety plan can be utilized to keep the student and community safe while a student is engaged in school-based activities. It is not required for all students and should be created on an individualized basis as needed to address potential safety concerns. A safety plan can be developed proactively—outside of a Behavioral Threat Assessment and Management (BTAM) process—to support a student’s wellbeing, regulation, and access to supports when concerns are present but no credible threat has been made. The BTAM process is initiated only when there are observable behaviors, communications, or actions that indicate a credible, imminent, or intentional threat of violence toward self or others, and therefore, require formal threat assessment and management. Items to consider in a safety plan:

- **Daily Safety Plan:** The day-to-day supports, expectations, and responsibilities and who is involved.
- **Response and Support Plan:** A coordinated, strengths-based plan that outlines how a school will respond to identified needs, reduce risk, and provide targeted academic, behavioral, mental health, and reentry supports.
- **Event-specific safety plan:** This may apply to a student when they participate in an event that is not already outlined in a student safety plan and requires a specific set of needs for that student to participate in that event. Examples could include field trips, school dances, games, sporting events, etc.
- **Signature Page:** This includes the “Role of Signee”. Remember to print copies of the plans and signatures for both the student’s family/caregiver and the school.



Re-entry Best Practices

Education plays a critical role in ensuring the successful reintegration of youth post-incarceration/justice involvement. A strong educational reentry plan can reduce recidivism, support career development, and empower youth toward a stable and meaningful future. While this should include academic planning, as discussed in the next section, consistent with the rules for credit transfer, it may include planning in other areas, such as transportation, extracurricular activities, and non-academic supports.

Reentry planning should be driven by young people themselves, along with supportive adults who can ensure that youth receive all the support and resource connections they need to succeed in the community. Who are the supportive adults whose job is to get youth positively reengaged in the community after returning to school? The parole or probation officer? The social worker? The case manager? Or the community partner?

Youth need a team of people to help plan for reentry. Team members may include a reentry coordinator or case manager, a parent or guardian, a mentor, facility staff, an educator, health professionals, housing providers, lawyers, or other key people in the youth's support system. Partnerships with local young people with lived expertise can also be an effective way to support improving reentry practices. They can serve as trainers, reentry team members, and subject matter experts in developing reentry planning tools and resources. Minimally, for school reentry planning, a team that includes the student, building administration, support staff, trusted teachers/adults, and family/caregivers should be included.

Resources

[Juvenile Justice Re-entry Resource](#)

[Re-entry for Rural Students](#)



Credit Transfer Process*

The State Board of Education held a rulemaking hearing in June 2025 and passed the rules below during the August 2025 meeting.¹⁶ These rules are intended to support the credit transfer process for youth who are transferring into a local education agency and were informed by a number of stakeholders who work within the credit transfer process.

Rules for the Voluntary Credit Transfer Process for Justice-Engaged Youth in Custody

1 CCR 301-115

1.0 STATEMENT OF BASIS AND PURPOSE

The statutory basis for these rules is section 22-108-106, et seq., C.R.S., the Supporting Justice-Engaged Students in Education Act. The purpose of these rules is to establish a voluntary process which ensures that, upon their return to the traditional educational environment, justice-engaged youth have access to quality educational programs and receive credit for any work completed while in custody.

2.0 DEFINITIONS

2.1 “Academic Records” means those records, files, documents, and other materials made or maintained by an educational agency or institution which relate to a student’s scholastic performance or achievements, as well as any specialized services they receive.

2.2 “Credit” means any formal merit applied toward graduation or school continuation that a local education provider awards for the satisfactory completion of course requirements within the parameters of the academic calendar. Local education providers determine how credits are defined based on local graduation requirements.

2.3 “Custody” means, but is not limited to, a justice-engaged student’s time spent in a facility operated by the department of human services, facility school, psychiatric facility, or day treatment center. This does not include a student whose placement is solely based on the determination of an IEP team pursuant to the Individuals with Disabilities Education Act.

2.4 “Department” means the department of education created and existing pursuant to section 24-1-115, C.R.S.

2.5 “Facility” means any facility operated by the Department of Human Services, a facility school as defined by section 22-2-4-2(1), C.R.S., psychiatric facility, or a day treatment center.

2.6 “Justice-engaged student” means a student who is involved in the criminal justice system in any capacity, including, but not limited to, adjudication, probation, ticketing, detention, diversion, commitment, or community supervision.

2.7 “Local education provider” means a school district created pursuant to article 30 of title 22, C.R.S., a board of cooperative services, a charter school authorized by a school district pursuant to part 1 of

¹⁶ C.R.S. § 22-108-106.



article 30.5 of title 22, C.R.C., or an institute charter school authorized by the state Charter School Institute pursuant to part 5 of article 30.5 of title 22, C.R.S.

2.8 “Traditional Educational Environment” means a school operated by a local education agency or the Charter School Institute that is not a facility or detention center. A traditional educational environment may include alternative education campuses or online schools.

3.0 CREDIT TRANSFER PROCESS

3.1 In order to ensure that students transferring into or returning to a Traditional Educational Environment from any facility or other form of state custody can continue their academic progress, local education providers are encouraged, but not required, to adhere to the credit transfer process outlined below.

3.2 Once a local education provider is informed that a student is newly enrolling or returning for enrollment from a facility or other form of state custody, the local education provider will:

3.2 (1) Within 10 business days of contact, both: request academic records from the previous facility, if known and available, from the time the student was in attendance; and request academic records from any previous local education provider, if different from the current local education provider.

Disclosures of academic records in response to a request under these rules must be conducted in compliance with all applicable state and federal laws, including the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. Part 99."

3.3 After receiving academic records or other requested information, the local education provider shall:

3.3 (1) Review all academic records provided by a facility or previous local education provider to identify where they align with the local education provider’s academic courses.

3.3 (2) Identify where credit or partial credit can be awarded for work completed.

3.3 (3) Identify course placements that are based on student academic records, progress, and any previous diagnostic or summative assessments as applicable.

3.3 (4) Identify where coursework can be recognized within courses.

3.3 (5) If applicable, determine whether students need specialized services and what, if any, required services are needed based on a students’ Individualized Education Program (IEP), 504 plan, or Advanced Learning Plan (ALP).

3.4 After a local education provider has reviewed the student’s records and evaluated the items above, the local education providers will:

3.4 (1) Notify a student and family of placement and/or course schedule, and any credits or partial credits awarded and rationale for this.



3.4 (2) Ensure that previous academic records, academic progress, credit and partial credit are incorporated into a student’s Individual Career and Academic Plan (ICAP) including how many credits count towards graduation requirements.

3.4 (3) Share the local education provider’s process for updating a student’s ICAP.

3.4 (4) Share the local education provider’s services and course opportunities that support student’s academic progress and growth.

4.0 SUPPORT PROVIDED BY DEPARTMENT OF EDUCATION

4.1 The department must coordinate with the Division of Youth Services in the Colorado Department of Human Services to develop the guidance required by section 22-108-104, C.R.S. This guidance must incorporate best practices for addressing credit transfer and recognition of work completed.

4.2 The department must publish this guidance on its website for local education providers to use in developing and implementing their credit transfer process.

Unit 4: Laws About Students with Disabilities

This section provides an overview of the federal and state laws on supporting students with disabilities, including the Individuals with Disabilities Education Act (IDEA), the Colorado Exceptional Children’s Educational Act (ECEA), and Section 504 of the Rehabilitation Act of 1973 (Section 504). The section is intended to provide a brief overview of important components and call out specific issues or situations that may occur for justice-engaged youth.

<p>Individuals with Disability Act (IDEA) IDEA is a federal law to ensure that qualified students with disabilities have available to them a free appropriate public education (FAPE).</p>	<p>Colorado Exceptional Children’s Educational Act (ECEA) ECEA is a Colorado law that is a companion to IDEA and has some additional requirements.</p>
<p>Section 504 of the Rehabilitation Act of 1973 Section 504 is a federal civil rights law that prohibits discrimination on the basis of disability in programs or activities that receive federal financial assistance from the U.S. Department of Education.</p>	



IDEA

Introduction and IDEA Overview

The overarching purpose of the IDEA is to ensure that qualifying students with disabilities have available to them a FAPE, including special education and related services, that meet the unique needs of individual students and prepare them for further education, employment, and independent living.¹⁷

Free Appropriate Public Education (FAPE)

FAPE means special education and related services that are provided at public expense (i.e., free to the student and parent), meet the standards of the Colorado Department of Education, and are provided in conformity with an individualized education program (IEP). To ensure FAPE, the IEP must be developed in accordance with IDEA's comprehensive procedural requirements and be reasonably calculated to enable the student to make progress in the general education curriculum, as well as provide the services and supports that are appropriate in light of the student's unique circumstances.¹⁸

In Colorado, the local education agency responsible for providing FAPE and meeting the requirements of both IDEA and Colorado's state law companion, the ECEA, is called an administrative unit (AU). An AU may be a school district, a board of cooperative educational services (BOCES), a multi-district AU, a charter school network or collaborative, or a State-Operated Program (SOP), such as the Department of Corrections and the Colorado Department of Human Services' Division of Youth Services.¹⁹

Absent a specific exception, all IDEA protections apply to students with disabilities in correctional and detention facilities and their parents.²⁰ This means that you should assume that any of the rights and protections described in the following IDEA sections apply to youth who are justice-engaged unless a specific exemption is referenced.

The following sections will address the following IDEA requirements: 1) Child Find, 2) Eligibility, 3) Provision of Special Education and Related Services, and 4) Disciplinary Protections.

Child Find: The affirmative obligation of administrative units to locate, identify, and evaluate youth who may be IDEA-eligible.

IDEA mandates that administrative units (AU), including the Division of Youth Services and the Department of Corrections, develop and implement adequate procedures to identify, locate, and evaluate children with disabilities who may need special education and related services.²¹ This affirmative obligation is commonly referred to as "child find."

IDEA's child find requirement applies to students in all AUs, including local school districts and juvenile correction facilities, who have not yet been identified as needing special education and related services

¹⁷ 34 C.F.R. § 300.1.

¹⁸ 34 C.F.R. § 300.17; *Bd. of Educ. of the Hendrick Hudson Central Sch. Dist. v. Rowley*, 458 U.S. 176 (1982); *Andrew F. v. Douglas County Sch. Dist. RE-1*, 580 U.S. 386 (2017).

¹⁹ 1 CCR 301-8, Rules 2.03 and 2.50.

²⁰ *Dear Colleague Letter*, 64 IDELR 249 (OSERS/OSEP 2014).

²¹ 34 C.F.R. § 300.111(a).



because of a disability.²² This means that the obligation applies to students who have never been identified as having a disability before entering or returning from a detention or correctional facility.²³

The threshold for suspecting a disability is relatively low. The appropriate question is whether the student should be referred for an evaluation, not whether the student actually qualifies for special education and related services. Suspicion “may be inferred from written parental concern, the behavior, academic or functional performance of the student, teacher concern, or a parental request for an evaluation.”²⁴

In Colorado, the child identification process “includes child find, special education referral, initial evaluation, and determination of disability and eligibility for special education.”²⁵ Under the “special education referral” component of the identification process, AUs have an affirmative obligation to evaluate a child where it has reason to suspect a qualifying IDEA disability and a need for special education and related services.²⁶

Potential Indicators of a Disability

Indications that a student may have a disability, commonly referred to as “red flags,” may include having an IEP or 504 plan at some time in their academic history, poor academic performance, history of truancy or chronic absenteeism, history of disciplinary incidents (suspension, expulsion, office referrals), incident reports, psychiatric hospitalizations, medical records that reference a diagnosis or disability, and information from parents, teachers, and other professional staff who know the student. While one red flag is generally not sufficient to raise a reasonable suspicion that the student may have a qualifying disability, a combination of these circumstances will likely trigger the obligation to refer a student for evaluation because the threshold for suspicion is low.

Identifying and Evaluating Justice-Engaged Youth

Remaining vigilant for red flags and referring justice-engaged students for a comprehensive evaluation when there is reason to suspect that they may have a disability is part of this ongoing “child find” obligation.²⁷ To that end, AUs should have procedures that address the difficulties of identifying youth who are justice-engaged, including those in detention and correctional facilities. These procedures should include individuals who are typically in contact with justice-engaged youth, such as social workers, mental health and medical professionals, truancy and probation officers, and law enforcement.²⁸

A facility cannot refuse to evaluate a student suspected of having a disability simply because the student may not remain in the facility long enough to complete the evaluation.²⁹ Moreover, if the student transfers from an

²² *Dear Colleague Letter*, 64 IDELR 249 (OSERS/OSEP 2014).

²³ *Id.*

²⁴ *Cheyenne Mtn. Sch. Dist. 12*, 117 LRP 25901 (D. Colo. 2017) (quoting *Wiesenberg v. Bd. of Educ. of Salt Lake City Sch. Dist.*, 181 F. Supp. 2d 1307, 1311 (D. Utah 2002)).

²⁵ 1 CCR 301-8, Rule 4.02(1)(a)(ii).

²⁶ 34 C.F.R. § 300.111(c); 1 CCR 301-8, Rule 4.02(1)(a).

²⁷ *Arapahoe County Sch. Dist. 5*, 117 LRP 2988 (SEA CO 12/21/16) (citing *Cincinnati City Sch.*, 115 LRP 26069 (SEA OH 5/07/15)).

²⁸ *Dear Colleague Letter*, 64 IDELR 249 (OSERS/OSEP 2014).

²⁹ *Dear Colleague Letter*, 64 IDELR 249 (OSERS/OSEP 2014).



AU to a detention or correctional facility during the school year, the two public agencies must coordinate assessments to ensure that the evaluation is completed.³⁰

IDEA-Eligibility

Eligibility for special education and related services under the IDEA requires that (1) the student meets the eligibility criteria for one of 13 qualifying disabilities and, (2) the student needs special education and related services as a result of that disability to access and make progress in the general education curriculum.³¹ This means that even if a student has one of the 13 qualifying disabilities, they must also need special education, also called specially designed instruction, to meet their unique, disability-related needs to be considered IDEA-eligible.³² A student is not IDEA-eligible if the determinant factor supporting eligibility is a lack of appropriate instruction in reading or math or limited English proficiency.³³

Eligibility Age Limits

IDEA also limits eligibility for FAPE based on graduation with a regular diploma and age, even when the student may otherwise have a qualifying disability. This means that a youth who has obtained a regular high school diploma or has reached the age of 21 is no longer eligible to receive FAPE.³⁴ Because a General Educational Development (GED) program is not considered a regular diploma under IDEA, a youth who has earned a GED and is under 21 is still eligible for FAPE.³⁵ If a student turns 21 after the beginning of the school year, they have the right to complete the semester during which they turn 21 unless they graduate before then with a regular diploma.³⁶

Eligibility for Students Incarcerated in an Adult Correction Facility

Finally, IDEA limits eligibility for students who have ***been convicted as adults and are incarcerated in an adult correction facility*** when the following circumstances apply. A youth between the ages of 18 and 21 who is incarcerated in an adult correctional facility is not eligible for FAPE if they were not identified as IDEA-eligible in the last educational placement prior to incarceration and did not have an IEP.³⁷ This exception does not apply if 1) the youth had been identified as IDEA-eligible and had received services through an IEP but left school prior to incarceration, or 2) the youth did not have an IEP in their last educational placement but had been identified as IDEA-eligible.³⁸

³⁰ *Id.*

³¹ 34 C.F.R. § 300.8(a)(1); 1 CCR 301-8, Rule 2.09.

³² 34 C.F.R. § 300.39(a)(1).

³³ 34 C.F.R. § 300.306(b); 1 CCR 301-8, Rule 2.09.

³⁴ 34 C.F.R. § 300.102(a)(3); 1 CCR 301-8, Rule 2.09.

³⁵ 34 C.F.R. § 300.102(3)(iv); C.R.S. § 22-32-141(2)(c).

³⁶ 1 CCR 301-8, Rule 2.09.

³⁷ 34 C.F.R. § 300.102(a)(2)(i).

³⁸ 34 C.F.R. § 300.102(a)(2)(ii).



Provision of Special Education and Related Services

Initial Evaluation and IEP

All IDEA-eligible students must have an IEP within 30 days of determining that they qualify for services or 90 days from the date that consent for an initial special education evaluation was obtained.³⁹

The IEP is the vehicle for determining the special education, related services, and other supports a student needs to receive a FAPE based on their individualized needs. The IEP is developed by an IEP team which must include the parent/legal guardian, at least one special education teacher of the student, at least one general education teacher of the student (if the student is, or may be, participating in the regular education environment), the special education director or designee, someone who can interpret the instructional implications of evaluation data, and others invited at the discretion of the parent and public agency (AU).⁴⁰

The IEP must be developed by the team according to IDEA's procedural requirements and include: 1) the student's present levels of academic and functional achievement, 2) measurable annual goals in areas of identified need, 3) a description of the special education, related services, and supplementary aids and services necessary to enable the student to make progress towards their annual goals, and 4) a definition of the least restrictive environment in which the student will receive educational services.⁴¹

Addressing Gaps in Services

When developing an IEP for a student in a correctional or detention facility or recently transitioning from one, the IEP team should consider whether there have been interruptions or gaps in the provision of special education and related services and how those gaps may inform the type and amount of services that are necessary for the student to receive FAPE.⁴²

Addressing Behavioral Needs

For a student whose behavior interferes with their ability to learn and benefit from educational programming, the IEP team must consider the use of positive behavioral interventions and supports.⁴³ This includes where the consequences of a child's behavior, such as "violations of a school's code of student conduct, classroom disruptions, disciplinary removals, and other exclusionary disciplinary measures" impede the student's learning.⁴⁴ A student's need for behavioral interventions and supports must be decided on an individual basis by the student's IEP team.⁴⁵

For students aged 15 and older, the IEP must contain appropriate and measurable postsecondary goals based on age-appropriate transition assessments that address training, education, employment, and if appropriate, independent living skills. The IEP must also contain the services needed to help the student reach these

³⁹ 34 C.F.R. § 300.323(c)(1); 1 CCR-8, Rule 4.03(1)(d)(i).

⁴⁰ 34 C.F.R. § 300.321.

⁴¹ 34 C.F.R. § 300.320.

⁴² *Dear Colleague Letter*, 64 IDELR 249 (OSERS/OSEP 2014).

⁴³ 34 C.F.R. § 300.324(a)(2)(i).

⁴⁴ *Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Disciplinary Provisions* (OSERS Jul. 19, 2022).

⁴⁵ *Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities*, 71 Fed. Reg. 46540, 46691 (Aug. 14, 2006).



goals.⁴⁶ Transition planning and services are not required if the student was convicted as an adult, is incarcerated in an adult prison, and will not be released from prison until after they turn 21 years of age.⁴⁷

Students Transferring with an Existing IEP

For a student with an existing IEP who transfers into a facility from a Colorado school district during the school year, the facility or school must provide comparable services until the new school or facility: (1) adopts the IEP developed by the prior school, or (2) develops, adopts and implements a new IEP.⁴⁸ For a student who transfers from another state within the school year, the facility or school must provide services comparable to those services the student received in the prior school until the receiving school or facility: (1) conducts an initial evaluation, and (2) develops, adopts, and implements a new IEP.⁴⁹

Comparable services are developed in consultation with the student’s parent/legal and mean services that are “similar” or “equivalent” to those services described in the student’s IEP from the prior school.⁵⁰

Federal regulation does not set out a specific timeframe for determining comparable services. However, the school or facility must act “within a reasonable period of time to avoid any undue interruption in the provision of required special education and related services.”⁵¹

Because the sharing of education records is essential to ensure that IDEA-eligible students continue to receive the educational services to which they are entitled, local education agencies and correction/detention facilities should have procedures in place for sharing education records as soon as possible. The prompt sharing of educational records is also required by IDEA.⁵² Public agencies should also consider designating specific staff to ensure the prompt transfer of educational records. See the Credit Transfer Process section of this guidance document for rules regarding transferring of educational records when justice-engaged youth return to the traditional educational environment.

Provision of Special Education and Related Services for Eligible Youth Awaiting Trial in County Jails.

Eligible youth with disabilities detained in county jails are entitled to special education and related services to meet their needs and prepare them for further education, employment, and independent living.⁵³ AUs share the responsibility for ensuring educational services for detained youth with local juvenile and adult detention centers, including county jails.⁵⁴

⁴⁶ 34 C.F.R. § 300.320(b).

⁴⁷ 34 C.F.R. § 300.324(d).

⁴⁸ 34 C.F.R. § 300.323(e).

⁴⁹ 34 C.F.R. § 300.323(f).

⁵⁰ 71 Fed. Reg. 46681 (Aug. 14, 2006).

⁵¹ *Questions and Answers on Individualized Educ. Programs (IEPs), Evaluations, and Reevaluations*, 111 LRP 63322 (OSERS Sep. 1, 2011).

⁵² 34 C.F.R. § 300.323(g).

⁵³ 34 C.F.R. § 300.1.

⁵⁴ 34 C.F.R. § 300.2(b).



An eligible youth includes students under the age of 21 who have not graduated with a regular high school diploma. Because a GED does not count as graduation with a regular diploma, a student with disabilities who has obtained a GED is still entitled to special education and related services if they are under the age of 21.⁵⁵

Eligibility for services includes youth who fall within the following circumstances:

- A youth awaiting trial as an adult who was under the age of 18 when the crime was committed and is currently under the age of 21.⁵⁶
- A youth aged 18-21 who was identified as a student with a disability and received special education and related services through an IEP, even if they left school prior to incarceration.⁵⁷
- A youth aged 18-21 who was identified as student with a disability under IDEA, even if they did not have an IEP in their last educational setting.⁵⁸

[For more information, please see CDE resources for youth in county jails.](#)

IDEA Disciplinary Protections

IDEA includes comprehensive disciplinary procedures designed to ensure two primary objectives: 1) a student with a disability is not punished for conduct that is the result of their disability, and 2) changes of placement are made by an IEP team via the special education process, not the student code of conduct, to prevent interruption to educational services.

While this does not mean that a student with a disability cannot be suspended or expelled for behavior that violates the student code of conduct, it does add legal requirements and protections for disciplinary actions that constitute a change of placement.

Notably, the U.S. Department of Education reminds us that removal from the classroom is particularly harmful to students in correctional and detention facilities because they have already lost considerable instructional time due to their involvement in the juvenile justice system.⁵⁹ For these reasons, it is important to recognize that IDEA's disciplinary protections apply to students who are justice-engaged in the same way that they apply to other students with disabilities, regardless of whether they are subject to discipline in a facility or removed to a restrictive setting, such as the student's cell, living pod, or a lock-down unit.⁶⁰

What is a disciplinary change of placement under IDEA?

A disciplinary change of placement occurs if: (1) a student has been removed from their current educational placement for more than 10 consecutive school days, or (2) a student has been subjected to a series of short-term removals that total more than 10 school days in a school year, and these removals constitute a pattern.⁶¹ A pattern exists where the removals involve "substantially similar" behavior and where other factors—such as the length of each removal, total amount of time removed, and the proximity of removals—support the

⁵⁵ 34 C.F.R. § 300.102(3)(iv); C.R.S. § 22-32-141(2)(c).

⁵⁶ C.R.S. § 22-32-141(3)(a).

⁵⁷ 34 C.F.R. § 300.102(a)(2).

⁵⁸ 34 C.F.R. § 300.102(a)(2).

⁵⁹ *Dear Colleague Letter*, 64 IDELR 249 (OSERS/OSEP 2014).

⁶⁰ *Id.*

⁶¹ 34 C.F.R. § 300.536(a).



existence of a pattern.⁶² The school or facility must determine whether a series of removals constitutes a pattern on a case-by-case basis.⁶³

Schools and facilities must consider both formal removals (such as suspensions and expulsions) and informal removals when determining whether a disciplinary change of placement has occurred.⁶⁴

Though not defined by the IDEA, the U.S. Department of Education has provided guidance on what constitutes an informal removal:

Informal removal . . . means action taken by school personnel in response to a child’s behavior that excludes the child for part or all of the school day, or even an indefinite period of time. These exclusions are considered informal because the school removes the child with a disability from class or school without invoking IDEA’s disciplinary procedures. **Informal removals are subject to IDEA’s requirements to the same extent as disciplinary removals by school personnel using the school’s disciplinary procedures.** Informal removals include administratively shortened school days when a child’s school day is reduced by school personnel, outside of the IEP Team and placement process, in response to the child’s behavior.⁶⁵

In this guidance, the U.S. Department of Education cautioned that the repeated use of informal removals to address behavior “could constitute a disciplinary removal from current placement” and make the IDEA’s disciplinary procedures applicable.⁶⁶

The IDEA’s disciplinary procedures apply to a removal unless all three of the following factors are met: (1) the student is afforded the opportunity to continue to appropriately participate in the general curriculum, (2) the student continues to receive the services specified on the IEP, and (3) the student continues to participate with nondisabled peers to the extent the student would have in the student’s current placement.⁶⁷

This means that informal removals must be counted and tracked in the same way as formal removals so that the school or facility recognizes when a disciplinary change of placement has occurred, triggering the additional requirements and protections discussed in the section on manifestation determination review below. A failure to follow IDEA’s procedural protections following a disciplinary change of placement violates the student’s educational rights.

⁶² 34 C.F.R. § 300.536(a)(2)(i)-(iii).

⁶³ 34 C.F.R. § 300.526(b)(1); *Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities*, 71 Fed. Reg. 46729 (Aug. 14, 2006).

⁶⁴ *Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA’s Discipline Provisions*, 122 LRP 24161, Question C-6 (OSERS Jul. 19, 2022).

⁶⁵ *Id.* at p. 54. (emphasis added).

⁶⁶ *Id.* at Question C-6.

⁶⁷ *Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities*, 71 Fed. Reg. 46715 (Aug. 14, 2006); *Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA’s Discipline Provisions*, Question C-6 (OSERS Jul. 19, 2022).



Colorado State Law on Abbreviated School Days and Abbreviated School Day Schedules

In enacting House Bill 24-1063, the Colorado General Assembly found that “[m]any children with disabilities are not allowed to attend a full day of school,” which makes it difficult for them to access the general education curriculum and to receive services in accordance with their IEP or Section 504 Plan. In summary, this law limits the ability of school administrators to shorten a student with a disability’s school day to address behavior and appropriately places the responsibility for addressing behavior on the IEP or Section 504 team. This means that a student with a disability should only be placed on a shortened school day schedule when their IEP or Section 504 team has determined that such a schedule is necessary to provide FAPE based on the student’s individualized needs.

As required by state statute, CDE has developed a model policy to clarify “when and how abbreviated school day schedules may be implemented” in compliance with the requirements of IDEA, Section 504, and ECEA. Each AU is required to have its own policy and procedures for complying with this state law. [For more information about these requirements, please see CDE’s Model Policy.](#)

The abbreviated school day law and requirements apply to justice-engaged youth.

Manifestation Determination Review and Continuing Education Services

Within 10 school days of a disciplinary change in placement, a school or facility must conduct a manifestation determination review (MDR) to determine whether the student’s behavior was a manifestation of the student’s disability.⁶⁸

To protect a student from being punished for conduct that is the result of their disability, IDEA requires a multidisciplinary team meet to review the conduct and all relevant information to answer two primary questions: (1) Was the behavior in question “caused by, or have a direct and substantial relationship to” the student’s disability, or (2) Was the behavior in question a result of the school district’s failure to implement the student’s IEP.⁶⁹

If the answer to either question is yes, the conduct was a manifestation of the student’s disability. If the answer to the second question is yes, the school or facility is required to take immediate action to remedy the failure to implement the IEP, such as meeting with each teacher to review their specific responsibilities and further verifying that the student is receiving all special education and related services.⁷⁰

If an MDR team concludes that a student’s behavior was a manifestation of the student’s disability, the student must be returned to the placement from which the student was removed.⁷¹ This requirement does not apply if the parent and the school or facility agree to a change of placement.⁷² Additionally, a student does not need to be returned to the prior placement if one of the special circumstances outlined in 34 C.F.R. § 300.530(g)

⁶⁸ *Id.* at § 300.536(a).

⁶⁹ 34 C.F.R. § 300.530(e)(1).

⁷⁰ 34 C.F.R. § 300.530(e)(3); *Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA’s Discipline Provisions*, Question F-4 (OSERS Jul. 19, 2022).

⁷¹ 34 C.F.R. § 300.530(f)(2).

⁷² *Id.*



applies. These special circumstances include possession of a dangerous weapon, illegal drugs, or infliction of serious bodily injury on school premises or at a school function.⁷³

If the conduct is determined to be a manifestation of the student's disability, the IEP team must also do the following:

1. Conduct a functional behavioral assessment (FBA) as soon as possible, unless one has already recently been done. An FBA is a way of understanding why the student behaved in a certain way by looking at a variety of factors, such as social-emotional functioning and triggers in their environment. An FBA will provide information that will be directly helpful in developing a behavioral intervention plan and/or other positive behavioral supports.
2. Develop a behavioral intervention plan (BIP) based on the FBA. A BIP addresses the behaviors that are not appropriate for school and specific ways the school will try to reduce those behaviors by teaching the student more appropriate ways to get their needs met.
3. If a BIP already exists, the team must review the plan and make any needed changes.⁷⁴

If the student's conduct is not determined to be a manifestation, the school or facility may impose the same disciplinary consequences that it would for a student without a disability. If this results in a removal from their setting for more than 10 days, the IEP team must decide what educational services are appropriate to allow the student to participate in the general education curriculum and make progress towards their IEP goals. The school or facility must then provide those services in an interim alternative educational setting. The school or facility must also provide appropriate behavioral intervention services and modifications that are designed to address the challenging behavior so that it does not continue to happen.⁷⁵

If an IDEA-eligible student has been removed for more than 10 days and ***the removal does not constitute a disciplinary change of placement***, the student is still entitled to educational services on day 11. In that case, the educational services needed to allow the student to make progress towards their IEP goals are determined by school personnel and at least one of the students' teachers, rather than the IEP team.⁷⁶

Resources referenced in this section:

[*Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions, \(OSERS Jul. 19, 2022\).*](#)

[*Dear Colleague Letter, 64 IDELR 249 \(OSERS/OSEP 2014\).*](#)

Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, 71 Fed. Reg. 46715 (Aug. 14, 2006)

⁷³ *Id.*

⁷⁴ 34 C.F.R. § 300.530(d) and (f).

⁷⁵ 34 C.F.R. § 300.530(d).

⁷⁶ 34 C.F.R. § 300.530(d)(4).



Section 504

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal civil rights law that prohibits discrimination on the basis of disability in programs or activities that receive federal financial assistance from the U.S. Department of Education.⁷⁷

Section 504 and Justice-Engaged Youth

The fact that a student is justice-engaged does not negate or lessen the student's rights under Section 504. For example:

- A qualified student with a disability has the right to a FAPE. Thus, a school district must not deny enrollment or educational services to an otherwise eligible student with a disability solely on the basis that the student is justice-engaged.
- A student with a disability has the right to be educated in the least restrictive environment and to individualized educational placement. Therefore, a school district must not automatically place a student with a disability in an alternative school or facility for students with disabilities solely on the basis that the student is justice-engaged.
- A school district must comply with a student with a disability's Section 504 rights related to discipline, even if the student is justice-engaged. For instance, where a justice-engaged student's evaluation shows that challenging behavior is caused by or directly and substantially related to the student's disability or disabilities, the student's Section 504 or IEP team must identify individualized services, such as behavioral supports, to meet the student's educational needs.

Recipients

In Colorado, entities that receive such financial assistance (called "recipients") include all elementary and secondary public schools (including charter schools) and school districts, boards of cooperative educational services (BOCES), the Colorado Charter School Institute, the Colorado Department of Education (CDE), and the Colorado Department of Human Services' Division of Youth Services.⁷⁸

Significant Assistance

Recipients must not provide significant assistance to entities, including private companies and organizations, that discriminate on the basis of disability.⁷⁹ Examples of entities include preschool or after-school programs, parent-run associations, community-based residential programs, and clubs or leagues. Examples of significant assistance may include indirect and direct financial assistance, staff, materials, space in facilities, recognition and approval, help with coordination and organization, and promoting or publicizing an entity's programs or services.

Eligibility

Section 504 protects any person who: (a) has a physical or mental impairment which substantially limits one or more major life activities;⁸⁰ (b) has a record of such an impairment;⁸¹ or (c) is regarded as having such an

⁷⁷ 29 U.S.C. § 794; 34 C.F.R. Part 104.

⁷⁸ See 34 C.F.R. §§ 104.3(f), (h).

⁷⁹ 34 C.F.R. § 104.4(b)(1)(v).

⁸⁰ An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. See 42 U.S.C. § 12102(4)(D).

⁸¹ "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. 34 C.F.R. § 104.3(j)(2)(iii).



impairment.⁸² Major life activities include, but are not limited to, caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.⁸³ Examples of impairments that may substantially limit major life activities include ADHD, allergies, anxiety, asthma, bipolar disorder, blindness, cancer, cerebral palsy, deafness, depression, diabetes, dyslexia, epilepsy, heart disease, HIV/AIDS, a mobility impairment, multiple sclerosis, muscular dystrophy, an orthopedic impairment, post-traumatic stress disorder, schizophrenia, and traumatic brain injury. Section 504 protects students who are eligible under the Individuals with Disabilities Education Act (IDEA) and students with disabilities who do not qualify for an individualized education program (IEP).

Section 504 Coordinators, Grievance Procedures, and Notices of Non-Discrimination

A recipient that employs 15 or more persons must: (a) designate at least one person to coordinate its efforts to comply with Section 504;⁸⁴ (b) adopt grievance procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504;⁸⁵ and (c) take appropriate initial and continuing steps to notify students, parents, employees, and others that it does not discriminate on the basis of disability in violation of Section 504.⁸⁶

Initial Evaluations

A K-12 recipient must evaluate any student who, because of disability, needs or is believed to need special education or related services.⁸⁷ The evaluation must be conducted: (a) even if the student only exhibits behavioral (and not academic) challenges;⁸⁸ (b) only after the recipient obtains informed parent or guardian consent;⁸⁹ (c) at no cost to parents or guardians;⁹⁰ and (d) before taking any action with respect to the initial placement of a student in regular or special education and before any subsequent significant change in placement.⁹¹ K-12 recipients violate Section 504 when they deny or delay conducting an evaluation of a student when it would have been reasonable for a staff member to have suspected that a student has a disability and needs special education or related services because of that disability.⁹²

⁸² “Is regarded as having an impairment” means: (a) has an impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (b) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (c) has none of the impairments defined in Section 504 but is treated by a recipient as having such an impairment. 34 C.F.R. § 104.3(j)(2)(iv). An individual is not “regarded as” an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six months or less. See 42 U.S.C. § 12102(3)(B).

⁸³ 34 C.F.R. § 104.3(j)(2)(ii).

⁸⁴ 34 C.F.R. § 104.7(a).

⁸⁵ 34 C.F.R. § 104.7(b).

⁸⁶ 34 C.F.R. § 104.8(a).

⁸⁷ 34 C.F.R. § 104.35(a).

⁸⁸ See U.S. Dep’t. of Educ., Office for Civ. Rights, “Parent and Educator Resource Guide to Section 504” (Dec. 2016), p. 12.

⁸⁹ See *id.* at 19.

⁹⁰ If a K-12 recipient determines, based on the facts and circumstances of the individual case, that a medical assessment is necessary to conduct a Section 504 individual evaluation in order to determine whether a child is eligible under Section 504, the recipient must ensure that the student receives this assessment at no cost to the student’s parents. See *supra* note 12, at 13.

⁹¹ 34 C.F.R. § 104.35(a).

⁹² See *supra* note 12, at 18.



Eligibility Determinations

In determining whether a student is eligible under Section 504, recipients must not: (a) rely on presumptions and stereotypes regarding persons with disabilities or classes of such persons;⁹³ (b) consider the ameliorating effects of any mitigating measures (except ordinary eyeglasses or contact lenses);⁹⁴ or (c) determine that a student is not eligible based solely on a high level of academic success.⁹⁵

Placements

In interpreting evaluation data and in making placement decisions, a K-12 recipient must: (a) draw upon information from a variety of sources;⁹⁶ (b) establish procedures to ensure that information obtained from all such sources is documented and carefully considered; (c) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options (typically referred to as a “504 team”); and (d) ensure that the placement decision is made in conformity with least restrictive environment requirements (see below).⁹⁷

Reevaluations

A K-12 recipient must reevaluate students with disabilities periodically and prior to a significant change of placement, including excluding a student from the educational program for more than 10 school days, changing a student from one type of program to another, or terminating or significantly reducing a related service. A reevaluation procedure consistent with the IDEA is one means of meeting this requirement.⁹⁸

Free Appropriate Public Education (FAPE)

K-12 public school students who are eligible under Section 504 are entitled to a FAPE. An appropriate education is the provision of regular or special education and related aids and services that are: (a) designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met; and (b) based upon adherence to Section 504’s procedures regarding educational setting, evaluation and placement, and procedural safeguards.⁹⁹ Implementation of an IEP developed in accordance with the IDEA is one means of meeting the Section 504 FAPE standard.¹⁰⁰ For students who are eligible under Section 504 only, K-12 recipients typically implement Section 504 plans that specify the accommodations, modifications, and/or services the students will receive.

Least Restrictive Environment (LRE)

K-12 public school students who are eligible under Section 504 are entitled to an education in the LRE – i.e., with students who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability. A K-12 recipient must place a student with a disability in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the student in the

⁹³ Any decision about whether an impairment substantially limits a student must be made on an individualized basis.

⁹⁴ See U.S.C. § 12102(4)(E); *supra* note 12, at 6.

⁹⁵ See *supra* note 12, at 14.

⁹⁶ A medical diagnosis alone is not sufficient as an evaluation; it may be considered, among other sources, in evaluating and placing a student. See *supra* note 12, at 21.

⁹⁷ 34 C.F.R. § 104.35(c).

⁹⁸ 34 C.F.R. § 104.35(d).

⁹⁹ 34 C.F.R. § 104.33(b)(1).

¹⁰⁰ 34 C.F.R. § 104.33(b)(2).



regular environment with the use of supplementary aids and services cannot be achieved satisfactorily.¹⁰¹ The LRE requirement also applies to nonacademic settings, such as meals, recess, transportation, and clubs and groups sponsored by the recipient.¹⁰²

Non-Academic Services and Activities

K-12 recipients must provide non-academic and extracurricular services and activities (e.g., counseling, transportation, recreational activities, transportation, and clubs) in such manner as is necessary to afford students with disabilities an equal opportunity for participation in such services and activities.¹⁰³

Procedural Safeguards

K-12 recipients must establish and implement – with respect to actions regarding the identification, evaluation, or educational placement of students who, because of disability, need or are believed to need special instruction or related services – a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the student to examine relevant records, an impartial hearing with opportunity for participation by the student’s parents or guardian and representation by counsel, and a review procedure. Compliance with procedural safeguards for the IDEA is one means of meeting this requirement.¹⁰⁴

Different Treatment

Section 504 prohibits recipients from unnecessarily treating a student differently on the basis of disability.¹⁰⁵ For example, a school may not discipline a student with a disability more severely than students without disabilities for similar behavior unless it has a legitimate, nondiscriminatory reason for doing so and the reason is not a pretext for discrimination.¹⁰⁶ As an additional example, charter schools must not have a policy that explicitly excludes students with disabilities or engage in such a practice.¹⁰⁷

Accessibility

Recipients are required to ensure that students and others with disabilities, including parents, are not denied access to programs or activities because of inaccessible facilities, including academic buildings, walkways, restrooms, athletic facilities, and parking spaces.¹⁰⁸

Dispute Resolution

Complaints alleging that a recipient violated Section 504 may be filed with the recipient, pursuant to its grievance procedure (see above), or with the U.S. Department of Education, Office for Civil Rights (OCR).¹⁰⁹ Additionally, a parent or guardian who disagrees with a recipient’s action related to identification, evaluation, or

¹⁰¹ 34 C.F.R. § 104.34(a).

¹⁰² 34 C.F.R. § 104.34(b).

¹⁰³ 34 C.F.R. § 104.37(a).

¹⁰⁴ 34 C.F.R. § 104.36.

¹⁰⁵ 34 C.F.R. § 104.4(b)(1)(iv).

¹⁰⁶ See U.S. Dep’t. of Educ., Office for Civ. Rights, “Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973” (Jul. 2022), pp. 27-30.

¹⁰⁷ See U.S. Dep’t. of Educ., Office for Civ. Rights, “Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under Section 504 of the Rehabilitation Act of 1973” (Dec. 2016), p. 13.

¹⁰⁸ 34 C.F.R. § 104.21. For accessibility standards, visit www.access-board.gov/ada/ and www.ada.gov/law-and-regs/design-standards/.

¹⁰⁹ For more information about filing a complaint with OCR, visit www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint.



educational placement may request an impartial hearing from the recipient (see above). CDE does not currently have jurisdiction over Section 504.

Additional Information

CDE is working on a comprehensive guide to Section 504. This publication will be updated to include a link to the guide upon its completion. In the meantime, additional information about Section 504 may be found in the following OCR resources:

- [Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#)
- [Frequently Asked Questions: Section 504 Free Appropriate Public Education \(FAPE\)](#)
- [Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under Section 504 of the Rehabilitation Act of 1973](#)
- [Dear Colleague Letter: Civil Rights in Juvenile Justice Residential Facilities](#)
- [Dear Colleague Letter: Responding to Bullying of Students with Disabilities](#)
- [Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973](#)
- [Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities](#)

Unit 4: Strong Tiered Response System

A strong tiered response system ensures that justice-engaged youth receive the necessary academic, social-emotional, and behavioral support to be successful. Schools that have strong systems in place are able to provide the foundational structures and respond to unique situations of individual students.

Colorado schools use two frameworks for foundational support and responses to best meet students' needs, especially the unique needs of justice-engaged youth.

- The Colorado Multi-Tiered System of Supports (COMTSS) framework has five areas for school leadership teams to address to ensure that all students' needs are met. This includes foundational strategies, such as equipping teachers to both understand and support students, processes to ensure all student needs are known, and tiered strategies for students who are not achieving outcomes.
- The Landscape of Wellbeing and Belonging names foundational practices that create a safe and welcoming environment, prioritize health and wellness, establish positive and trust-filled relationships, provide opportunities for social, emotional, and behavior skill-building, and support meaningful engagement for students and staff.

Colorado Multi-Tiered System of Supports

The Colorado Multi-Tiered System of Supports (COMTSS) framework has five components to guide school leadership teams to implement systemic changes to support staff and students.

- **Team-driven shared leadership:** Ensure that pertinent staff (general education and special education), administrator(s), and other relevant perspectives (families, students, etc.) are included in decision making and implementation of systemic changes.



- **Data-based problem solving and decision making:** Review multiple sources of data, both quantitative and qualitative, to understand trends and problems and solve them.
- **Family, school, and community partnerships:** Ensure that there are partnerships with families and with community organizations.
- **Comprehensive screening and assessment system:** Gather information across multiple measures to support decision making at the system- and student-level for the whole child.
- **Layered continuum of support:** Provide different layers or tiers of support to students, staff and families depending on level of need.

It's important to consider that when a student's behavior is formalized by the criminal justice system, that may impact how a student sees themselves and their future. As you review how students are supported, addressing the whole child, emphasizing mental, physical, and emotional health will be important aspects. This includes planning for how other individuals respond to or judge justice-engaged youth.

Schools using the COMTSS framework to organize their efforts should consider the following components if they know or may think that they have justice-engaged youth.

Team-Driven Shared Leadership

Every school should have a multidisciplinary team that addresses systems and structures. In most settings, there are two teams engaging in this work. One team, often a school leadership team, addresses school-wide systems and decisions and another team is focused on creating plans or strategies for students. This team is often called the student support or response to intervention (RtI) team. To support justice-engaged students, there may be items that the system-wide team would need to establish, such as an overall process and procedure for students upon re-entry, and the student level team would meet to determine, and then implement and monitor, the individual plan when a student enters the school. When supporting justice-engaged youth, it is important to collaborate with the student and a member of the student's family to create a plan and address any barriers the student may encounter. It is very important to include the student as a member of the team. Giving students a safe space to reflect in a very real way on what they need from the adults in the building and what they commit to doing to ensure success is vital for motivation and commitment to the plan.

Data-Based Problem Solving and Decision-Making

Data-based problem solving is important for understanding systemic and individual student problems that need to be addressed. Schools can monitor attendance and engagement trends to identify early signs of disengagement and respond quickly with support. Importantly, data should never be used to escalate discipline or surveillance for justice-engaged students. Instead, it should inform collaborative problem-solving and connect students to the resources they need.

For many students, including justice-engaged youth, it is important to consider not only academic and behavior data, but also the cognitive motivational constructs of self-efficacy, hope, and external locus of control. These can greatly impact a student's motivation to engage in school. Understanding the root causes of why a student may struggle will make the plan more effective.



Cognitive Motivational Constructs

When students have low self-efficacy, they don't believe that they can be successful, and they are less likely to engage in class content and activities. If this is the case, carefully scaffolded lessons where students are able to succeed can dramatically transform a student's self-image and increase class engagement.

When students don't have hope for their future, they fail to see the relevance of school, don't engage, and become much more likely to drop out. Hope includes two important aspects: agency and being able to think through sequential steps to reach a goal. Designing activities that help students develop the ability to plan out sequential steps to reaching a goal coupled with creating an environment of psychological safety where students are encouraged to have agency, can change the trajectory of a student's academic and adult life.

When students have an external locus of control, they believe that they have no control over what happens to them. They tend to believe their lives are fated and nothing they do will improve their situation. It is important to help these students realize that what they do does impact their lives. The more opportunities students have to connect their actions to positive and negative consequences, they more they can develop the belief that they do have some control over what happens in their lives and their life choices will improve.

Family, School, and Community Partnerships

Partnerships are an essential part of healthy schools. For students currently enrolled or students re-entering a school, the family partnership can be helpful in creating an initial plan and ongoing communication can help adjust support as needed. Specifically, it is important to create psychological safety for family members when you invite them to meetings. It may be difficult to walk into a room surrounded by educators, social workers, parole officers, etc. to talk about a child who has caused harm in some way or needs extra support. Ensuring that the tone is of collaboration and support for their child will greatly increase motivation and participation by family members. Families perspective and experience are vital to understanding the root cause of why the student may struggle, what supports they may need, and what strengths they have.

Comprehensive Screening and Assessment System

Screeners are used to identify what supports or enrichment may be needed across a school and to support individual planning. Screeners that assess resilience, social emotional and mental health, and academic needs may be helpful to teams as they determine need and coordinate support.

In order to provide the enrichment and/or additional supports that justice-engaged youth may need, it is important to ensure that they are able to make up any placement-type assessments they have missed. As outlined in the Rules for credit transfer for justice-engaged youth in custody, clear and quick communication is needed with previous student placements to ensure that all previous records are captured and students are able to receive credit for previous work completed.



Layered Continuum of Supports

All students have varying degrees of support and enrichment needs and a multi-tiered system helps provide foundational supports for all students and responsive supports for students who need them. It is important to be intentional and adjust support based on needs of the students. For instance:

- Youth who have been in custody may need targeted and/or intensive support as they will have missed valuable class content and may need additional time and support for missed content.
- Youth who are returning from custody may need additional supports in developing and practicing essential skills (e.g., self-management, organizational, and interpersonal) as they try to navigate catching up with schoolwork and the complex feelings and interactions they may encounter as they reintegrate into the educational setting.

Examples of tiered supports may include Tier 1 (universal) activities, such as schoolwide SEL and restorative practices integrated into classroom routines. Tier 2 (targeted) supports may include check-in/check-out, small group interventions, or mentoring. Tier 3 (intensive) supports may include individualized reentry plans for students returning from hospitalization, alternative placement, or extended suspension. These are not exclusive to justice-engaged youth and may be needed by different students.

It is important to remember that staff also need tiered supports when being asked to implement a new initiative. For example, when training staff to implement restorative practices, it is important to offer targeted and intensive supports to staff depending on need. Students only benefit from initiatives that adults implement well.

Team-driven shared leadership
<p>Examples & Resources:</p> <ul style="list-style-type: none"> • Establish procedures within your student support or Rtl team to support re-entry of justice-engaged students. When creating a plan for re-entry, the team should include the student, administrators, educators, student support staff, families, and other supportive adults (e.g., case manager, social worker, etc.). • Use agendas to organize your meetings, include everyone’s perspectives in decision-making, and create a safe environment where everyone is focused on supporting the student’s best interests. <p>CDE Resources: Meeting Agenda Template, Team-Driven Shared Leadership training module</p> <p>Real-Life Example: A middle school COMTSS leadership team includes an assistant principal, counselor, teacher(s), and social worker. The team creates systems to support justice-engaged youth, such as how to navigate re-entry, how and when to administer placement screeners, how to ensure teachers know what supports students need, etc.</p>
Data-based problem solving and decision making
<p>Examples & Resources</p>



- Teams should use discipline, attendance, and student perception data alongside qualitative (data) input from staff, families, the case manager, and the student when deciding on how best to support justice-engaged youth.
- Apply CDE’s COMTSS problem-solving cycle to guide data reviews.

CDE Resources:

[4-Step Problem Solving Process training module](#)

Real-Life Example:

A high school student support or Rtl team reviews a ninth grade student’s discipline and academic data and conducts interviews with the student, their case worker, and their family to determine how best to support them after re-entry. They create a plan in collaboration with the student that includes what they will do and what the student will do.

Family, school, and community partnerships

Examples & Resources

- Co-develop student reentry or success plans with the student, their families, and additional supportive adults (e.g., social workers, case managers, mental health agencies, probation officers, etc.).
- Integrate culturally and linguistically responsive tools and family feedback.

CDE Resources:

[CDE Community and Family Engagement](#)
[Family, School, and Community Engagement training module](#)

Real-Life Example:

A student returning from an out-of-school placement is supported by a re-entry meeting that includes the parent, school counselor, and a community therapist. The team aligns academic, social-emotional, and behavioral supports for a smooth transition back to class.

Comprehensive screening and assessment system

Examples & Resources:

- Justice-engaged youth may miss important placement screeners during their absence, so it is important to provide those screeners as soon as possible, while balancing the social and emotional needs of the student as they may need a little time to acclimate to being back in a school setting.
- Consider also screening for social, emotional, behavioral, and mental health needs to identify additional supports that might be helpful given their justice involvement.

CDE Resources:

[Comprehensive Screening and Assessment System training module](#)

Real-Life Example:

A middle school COMTSS team creates a schedule and protocol for administering placement screeners for justice-engaged youth after re-entry.

Layered continuum of supports

Examples & Resources:



- Justice-engaged students are best supported in schools with strong universal supports. It is important to determine what tier 2 and 3 supports these students will need as they navigate re-entry and the social, emotional, and academic needs they may have.

CDE Resources:

[Layered Continuum of Supports training module](#)

Real-Life Example:

A student is returning to the learning community after being in detention. The student support team engages in a reentry meeting using the Re-Entry Plan Template. Tier 3 supports (reduced workload and weekly counseling) are layered with Tier 1 teacher SEL strategies and Tier 2 check-in/check-out. The coordinated system supports both the student and staff in managing the transition.

More information is available at the links below:

- Overview: <https://www.cde.state.co.us/mtss/COMTSS>
- Additional resources to support implementation: <https://www.cde.state.co.us/mtss/resources>.

The Landscape of Wellbeing and Belonging

The Landscape of Wellbeing and Belonging and Colorado’s Multi-Tiered System of Supports (COMTSS) are deeply aligned frameworks that, when used together, offer schools a powerful approach to support justice-engaged youth. The Landscape of Wellbeing and Belonging identifies five key features—school environments; relationships; health and wellbeing; social, emotional, and behavioral competencies; and engaging learning practices—that represent the conditions and skills students need to feel safe, connected, valued, and capable of learning. For justice-engaged youth, who often experience disrupted relationships, heightened surveillance, and unmet support needs, this alignment allows schools to move beyond reactive or punitive responses and toward proactive, relational, and data-informed practices to best support these students. By grounding COMTSS implementation in the principles of wellbeing and belonging, schools can design universal supports that improve engagement, targeted interventions that respond to individual circumstances, and intensive, wraparound supports that promote stability, healing, and long-term success.

Understanding Justice-Engaged Youth

Justice-engaged students experience additional internal and external barriers that impact their success in school. It is important to set up systems to identify what barriers each justice-engaged student is experiencing and then support them in overcoming those barriers.

Internal Barriers

Justice-engaged individuals (adult and adolescent) tend to have a higher external locus of control (Tyler, Heffernan & Fortune, 2020), which means they believe that outcomes in their lives are due to external forces.



This perception can lead to low engagement and higher behavior challenges as students feel disempowered and don't believe that their efforts in school will shape their future lives. Shifting this perception can change students' academic and life trajectories. Helping students develop agency and reflecting on how their actions do impact their lives can be two strategies to improve this.

Justice-engaged youth may also feel a lower sense of belonging upon re-entry to school. They may be behind academically and feel different than their peers due to time missed in school. Adolescents have a strong desire for peer acceptance, so feeling different is more intense at that age than during other developmental stages. It is important to find ways to help justice-engaged students find a sense of community and belonging in school since that is vital to high engagement and success.

External Barriers

In addition to the internal barriers, justice-engaged students may also experience external barriers such as missed instructional time or not being present for screenings or placement assessments. It is important to set up systems to administer these placement assessments and screeners and plans to fill in academic gaps to ensure a smooth transition into the learning community.

Tiered Support for Justice-Engaged Youth

The Landscape of Wellbeing and Belonging describes the universal conditions every school should establish so that all students experience safety, connection, and meaningful opportunities to learn. At Tier 1, this includes a trauma-responsive culture that recognizes how prior experiences shape behavior and respond with consistency, empathy, and clear, fair expectations rather than exclusion or punishment. Tier 1 also includes intentionally centering strong, trusting relationships, predictable routines that support physical and emotional safety, explicit instruction in social, emotional, and behavioral skills, and supports for overall health and wellbeing. These universal supports create a stable foundation and reduce the likelihood of further harm or disengagement. In addition to these universal supports, justice-engaged students may require additional and more intensive Tier 2 and Tier 3 supports to address disrupted schooling, system involvement, and unmet behavioral and mental health needs. Universal conditions alone are necessary but not sufficient. They make it possible for targeted and intensive interventions to take hold, but they do not replace them. The guidance that follows builds on this foundation by outlining high-leverage Tier 2 and Tier 3 practices that schools can use within each of the five features of Landscape to provide individualized, coordinated, and sustained support for justice-engaged students.

Engaging Learning Practices

Regular attendance and meaningful engagement are foundational to student learning, connection, and wellbeing. Schools can promote attendance by approaching it as a relationship-based support issue rather than a compliance concern. Early outreach following absences, framed as care and concern, helps students feel noticed and valued. For justice-engaged students, attendance challenges can be complicated. There may be social-emotional motivations stemming from anxiety about re-entry or feelings of disconnectedness, but there are also structural barriers that need to be considered. Court involvement, probation requirements, transportation disruptions, housing instability, caregiving responsibilities, or anxiety related to school re-entry can all interfere with consistent attendance. Effective attendance and engagement policies and practices recognize these realities and respond with flexibility, support, and partnership rather than punishment. In



In addition to establishing responsive policies, it is important to identify and understand the root cause of why each student is missing school and, if needed, create an individual plan. Attendance specific plans may include working with trusted adults for a regular check-in, helping students problem-solve barriers to attendance, and reinforcing the message that the student's presence matters. When plans are created in this way, follow-through will improve and justice-engaged students can more easily reconnect to school.

Engagement in school is strengthened when learning experiences are relevant, affirming, and connected to students' goals. Adolescents are biologically wired to seek to understand themselves, the world, and the relevance of what they are learning in school. They need to know that what they are spending their time on is connected to what matters to them in real life. Understanding the relevance of what they are learning is even more important for justice-engaged students as it has been shown to increase motivation to engage in school and decrease recidivism. There are many ways to build this ownership and two are recommended here:

- **Goal Setting:** Adolescents have a developmental need for autonomy and respect and will put in more effort and be more engaged when adults collaborate with them in setting their educational goals. Partnering in goal setting helps students see school as meaningful and aligned with their future interests and aspirations. For justice-engaged students, this is even more important as their goals may involve adaptations from a traditional path or schedule. Collaborative goal setting with justice-engaged students can also increase how quickly they feel like a valued member of the school community after re-entry.
- **Choice:** In addition to having discussions with students about the learning objectives and their progress towards those objectives, clear choices in the plan or in other spaces can be valuable. This could include enabling students to: choose project topics, influence classroom routines, or design personal learning pathways.

High expectations coupled with scaffolding are an intentional approach in which schools clearly communicate belief in students' ability to learn, grow, and succeed while simultaneously providing the structured supports necessary to make that success attainable. Scaffolding requires designing activities that meet students where they are and support them to fill in gaps. Flexible pacing, tutoring, check-ins with trusted adults, clear rubrics, and opportunities to revise work are also helpful strategies to support justice-engaged students catch up. It is also important to maintain high expectations for justice-engaged youth. Their involvement in the justice system does not reflect their abilities to succeed in school. It is important that they know their teachers believe in their abilities to do well, and holding high expectations, coupled with the scaffolding and flexibility needed for their circumstances are important. This approach helps justice-engaged students rebuild academic confidence, strengthen engagement, and reinforce a sense of belonging by reshaping their identity as capable learners who deserve meaningful support, not lowered standards or exclusion.

Finally, justice-engaged students often face disrupted credits or lost instructional time, making clear and flexible pathways to graduation essential. Schools can provide mastery-based learning options, credit recovery, tutoring, and organizational coaching to help students progress and prevent dropout after absence, without feeling overwhelmed.



Relationships

Positive adult-student relationships are vital to student engagement and success in school. When students believe adults are invested in them, they are more likely to re-engage even after setbacks. This is even more important for justice-engaged students who may be feeling disconnected from school and need a supportive adult who believes in them.

One strategy to ensure justice-engaged students have positive connections with multiple adults in the school is relationship mapping. Relationship mapping is a process by which teachers identify the students they have relationships with and set up plans to connect with the students who don't already have strong adult relationships in the building. This process enables adults to intentionally build strong, positive relationships with students by checking in with them often, advocating for students' needs and goals, and consistently offering support. These adults may include teachers, counselors, mentors, security staff, or coaches. Although having one adult to go to when needed is essential, a network of adult-student relationships provides a safety net that justice-engaged students can rely on.

In addition to building positive relationships, schools should adopt non-stigmatizing practices and ensure that a student's justice involvement is never referenced publicly or in ways that make them feel exposed. Staff should use respectful, person-first language, and confidentiality should be treated as a core component of the student's rights in the education system, even when talking to each other in private meetings.

School Environment

School Environment encompasses the physical spaces, daily routines, and policies that communicate to students whether school is a place of safety, belonging, and opportunity. A positive school environment lays the foundation for all other academic, behavioral, and mental health supports by signaling to students that they belong, are valued, and are capable of success. Many justice-engaged students are navigating trauma, disrupted schooling, system surveillance, complex internal emotions, and strained relationships with adults. As a result, predictable structures and emotionally safe environments are essential to reduce the likelihood of re-traumatization and create the conditions for justice-engaged students to regulate, engage, and build positive relationships.

A positive and supportive school culture is especially critical for justice-engaged youth, many of whom have experienced system involvement, community violence, family disruption, housing instability, and persistent exposure to racism and bias. These experiences can shape how students perceive authority, respond to stress, and engage in relationships and learning. Exposure to trauma can affect physiology, brain development, behavior, and social interactions, often leading to heightened vigilance, difficulty with regulation, or mistrust of adults and institutions.

One method for improving the school environment is by creating predictable and consistent routines. Predictable and consistent routines are equally important in providing a sense of safety as they help justice-engaged students establish a flow for their school day and anticipate what will happen next and what is expected of them. Schools can support students by making routines, expectations, and procedures transparent, easy to understand, and explaining why they exist. Written guidance, visual cues, consistent language across classrooms, and a clear understanding of the purpose help justice-engaged students feel oriented and reduce the likelihood of misunderstandings.



Health and Wellbeing

To effectively support justice-engaged students, schools must establish strong Tier 2 and Tier 3 systems that proactively identify and respond to physical and mental health needs. This begins with routine, culturally responsive mental health and wellness screening processes that help teams recognize emerging concerns early and connect students to appropriate supports before challenges escalate. Schools partner with school-based and community providers to ensure timely access to assessment, counseling, and treatment, reducing gaps in care that justice-engaged youth often experience. Intensive supports are coordinated through multidisciplinary teams that develop individualized, wraparound plans addressing health, mental health, family context, and educational goals. These plans may include on-site or telehealth services, care coordination across probation, child welfare, and behavioral health systems, and structured re-entry and stabilization supports following detention, placement changes, or hospitalization.

These targeted and intensive efforts are most effective when built on strong Tier 1 foundations that promote health and wellbeing for all students. Clear protocols for responding to distress, staff trained in trauma-responsive and de-escalation strategies that reduce power struggles, and brief, structured breaks that allow students to regain control without being removed from the learning community are essential in teaching and promoting healthy behaviors that allow justice-engaged students to participate fully in learning.

Social, Emotional, and Behavioral Competencies

Developing students' social, emotional, and behavioral competencies is a core component of effective support for justice-engaged youth. Schools can play a critical role in explicitly teaching and reinforcing skills such as emotional regulation, communication, problem solving, and conflict navigation rather than assuming students already possess them. For many justice-engaged students, prior experiences of instability, exclusion, or system involvement may have limited opportunities to build and practice these skills in safe, supportive environments. A strengths-based approach recognizes that behavior communicates need and serves a function; instead of asking "What rule was broken," educators ask, "What skill is missing and what support is needed?" This shift moves responses away from punishment and toward instruction, coaching, and skill building embedded throughout the school day.

When paired with restorative and inclusive discipline practices, this approach promotes accountability while maintaining connection to the school community. Restorative conversations and processes center impact, repair, and reintegration rather than removal, reducing reliance on exclusionary discipline that can deepen justice involvement. Inclusive practices ensure students remain engaged in learning while receiving targeted behavioral and emotional supports, such as small-group skill building, check-in/check-out with a trusted adult, or individualized behavior support plans. By consistently teaching skills, responding to behavior as meaningful communication, and using restorative responses to address harm, schools create pathways for justice-engaged students to build competence, repair relationships, and remain connected to school.



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Full Definitions

Adjudication: An adjudication refers to a finding of guilt or innocence for a delinquent offense involving a defendant under the age of 18 and is analogous to a conviction of an adult defendant found guilty of a criminal offense. In juvenile delinquency cases, adjudication refers to the process of a judge or jury determining whether a defendant is guilty or not guilty of a crime. When a juvenile breaks the law, there are two possibilities after the arrest, depending on the type of charges involved/filed.

- Underage offenders who commit offenses are most often processed through the juvenile court system.
- Juveniles who commit more serious crimes, like serious person felonies, may be tried as an adult in the criminal justice system.

Pre-adjudication: The legal status of youth pending delinquency adjudication decisions. Often these youth are referred to as “pre-trial” youth since they are generally admitted to detention pending some type of court action.

Detention vs Commitment

The Division of Youth Services (DYS) falls under Colorado’s Department of Human Services (DHS) and provides a continuum of services to two distinct populations: detention and commitment. In general terms (see definitions that follow for more detailed descriptions), detention is comprised of short-term secure confinement and a continuum of community-based detention alternatives. Conversely, commitment is long-term treatment and supervision for youth sentenced to the Department’s legal and physical custody. Once committed youth complete their commitment sentence, they are required to serve a period of parole.

Detention: The custodial status of youth who are being confined or supervised after arrest, while awaiting the completion of judicial proceedings, or sentenced to detention by the court as a sanction. Detained youth are served in secure state-operated youth centers. Some detained youth are served in nonresidential, community-based supervision programs and receive community-based detention services through the Colorado Youth Detention Continuum (CYDC). The status of a detained individual informs how and where the individual is overseen:

- DYS serves youth between the ages of 10 and 17 who:
 - are awaiting resolution of their criminal cases (pre-adjudicated) or
 - have been sentenced to a term of incarceration (sentenced to detention) for a period of time.
- Pre-adjudicated or pre-trial youth or juveniles referred to detention are not “committed” to the care of Division of Youth Services. Legal custody remains with the guardian. These youth are being confined or supervised after arrest, while awaiting the completion of judicial proceedings, or sentenced to detention by the court as a sanction. Detention youth are served in secure state-operated youth centers.



- Eight detention centers for pre-trial youth operated by the Division of Human Services (DHS) have educational services provided by the school district where they are located.

Commitment: Commitments are dispositions of juvenile cases resulting in the transfer of legal custody to the Department of Human Services by the court as a result of an adjudicatory hearing on charges of delinquent acts committed by the youth. Committed youth receive assessment services, residential treatments services (secure and non-secure), as well as parole supervision and services.

Parole: Each youth that is committed to the Department of Human Services is also mandated by the court to serve a “period of parole.” This period of parole typically occurs after a youth has completed serving their commitment sentence. While on parole a youth is placed under the supervision of a parole officer (Client Manager) and is required to observe conditions of release set by the parole officer and the Juvenile Parole Board.

Youthful Offender System: The YOS is part of the Colorado Department of Corrections (CDOC or DOC). The Youthful Offender System (YOS) is a sentencing option for certain youthful offenders that began in 1994. “YOS was originally designed for violent youthful offenders between the ages of 14 and 17 at the time of their offense who were direct filed or transferred as adults in accordance with Colorado Revised Statute (C.R.S.) § 19-2-517, C.R.S. § 19-2-518 and C.R.S. § 18-1.3-407.” “Effective October 1, 2009, the eligibility criteria for sentencing to YOS was expanded as a result of House Bill (HB) 09-1122 to include violent young adult offenders who commit Class 3 through 6 violent felony offenses between the ages of 18 and 19 at the time of their offense and who are sentenced prior to their 21st birthday. As a result of HB 09-1122, the Young Adult Offender sentencing statute, C.R.S. § 18-1.3-407.5 was passed into law.” Source: Colorado Department of Corrections, Youthful Offender System Fiscal Year 2023 Annual Report

Probation: Juvenile probation is a form of community supervision that may include reporting to a supervisory officer, participating in behavior-change programming, paying victim restitution, being tested for drug use or other conditions. Failure to follow these conditions can result in a probation violation, which may lead to additional conditions, incarceration or other sanctions or incentives to modify behavior.

Diversion: Diversion is a general term for decisions, programs or services that steer youth away from formal processing in the juvenile justice system if they fall within categories or are willing to comply with specific requirements. Most diversion programs in Colorado are administered by diversion directors within district attorney offices in each of the judicial districts. Colorado also has a number of non-profit organizations that provide diversion program services. Once juveniles have completed the requirements of their Diversion agreements, charges are dismissed.

Ticketing: An individual may be issued one of two types of tickets: civil or criminal. Tickets are most commonly issued for traffic or other related moving violations but can also include certain criminal behavior outside of traffic including, without limitation, issues such as trespassing, unlawful possession of alcohol or controlled substances. Civil tickets for civil violations typically result in fines, points on driver's licenses or other restorative and restitution penalties. Criminal violations may result in arrest and can result in detention or commitment.



Community Supervision: Community Supervision generally means that the court has elected to suspend or forego confining an individual to a detention center or other facility and is instead allowing the person to live in their community subject to certain conditions. Depending on the nature of the infraction that led to the community supervision, in addition to a promise not to break any laws and to appear for court, those rules may include limits on things such as the right to own firearms, to interact with certain people or go certain places and the individual may be required to provide information to the court about their activities.

Community Corrections: Community Corrections is often referred to as a “halfway house.” In Colorado these are typically occupied by ‘Diversion’ clients from Probation / judicial and ‘Transition’ clients from DOC. For DOC inmates the idea is to include graduated release through a systematic decrease in supervision and increase in offender responsibility. DOC offenders can go to a Community Corrections as an inmate and / or while on parole as a ‘Condition of Parole’ placement. Community Corrections programs are supervised by the Division of Criminal Justice (DCJ).