Support for Justice -Engaged Youth in Education

Colorado Department of Education

August 2026

This document is intended to provide guidance to Local Education Agency (LEA) staff and other individuals working directly with youth, including child welfare education liaisons, guardian ad litem, counsel for youth, probation and parole officers.

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 collaborators and 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

Acknowledgements

The development of this Justice-Engaged Youth Guidance reflects the collective expertise, commitment, and collaboration of numerous partners dedicated to improving educational outcomes for justice-engaged youth across Colorado. The Colorado Department of Education extends its sincere appreciation to staff from the Colorado Department of Education, Colorado Department of Human Services, Colorado Department of Public Safety, Colorado's Local Education Agencies, and other community organizations, whose expertise, collaboration, and commitment helped inform the development of this Justice-Engaged Youth Guidance. Their collective efforts support improved educational access, successful transitions, and positive outcomes for justice-engaged youth across Colorado.

Contents

Purpose and Charge to Develop Guidance 2

Acknowledgements 2

Unit 1: Background and Overview* 4

Background Data 4

Requirements of Local Education Providers 8

Justice Engaged Hotline 9

Unit 2: Definitions 10

Unit 3: Student rights 13

*Justice Engaged Students Bill of Rights** 13

*Education as a Protected Property Interest** 14

Unit 4: Student Enrollment, Attendance, and Participation 16

State attendance laws and enrollment 16

Supporting students for re-entry and new enrollment 20

Unit 5: Laws About Students with Disabilities 34

IDEA 34

Section 504 44

ECEA Gifted Education 48

Unit 6: Strong Tiered Response System 50

Colorado Multi-Tiered System of Supports 50

The Landscape of Wellbeing and Belonging 55

Unit 7: Guidance for Working with Families 59

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

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 and outlined a number of activities to support implementation.

The activities included new requirements for local education agencies, the creation of the Justice-Engaged Students (JES) Interagency Working Group, funds to create a hotline for justice-engaged students and their families, a directive to promulgate State Board of Education rules relating to credit transfer and a requirement to develop guidance. These components were intended to be implemented over the course of multiple years.

- The Interagency Working group convened and 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.
- A version of this guidance was first published in August 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]

Background Data

Data on youth who are justice-engaged are housed in court systems, Division of Youth Services (DYS), Colorado Division of Human Services (CDHS), the Colorado Department of Education and elsewhere. There is not a single agency that analyzes education and other outcomes for all youth who meet the definition above. There are estimates of the number of justice-engaged youth within Colorado taken from different sources. 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[2]. And from Colorado agencies, we know the following:

- According to Colorado Crime Statistics, in 2025, there were more than 6,100 Colorado youth who were newly justice-engaged, having been arrested for the first time (Colorado Crime Statistics, 2025).
- DYS estimates that there were 2,481 students who were detained or committed during the 2024-25 fiscal year.
- CDE estimates that there were 1,281 public-school students in Colorado detention centers during the 2023-24 school year.

[1] C.R.S. § 22-108-102(3).

[2] https://www.justiceengagedstudents.org/

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. The final report and recommendations are framed around five system problems that were identified:

1. **Responsibility for Data and reporting.** Multiple state agencies are responsible for different data, oversight or reporting within the overall topic of the academic performance of justice engaged students.
2. **Lack of Statewide System & Standards.** There is an absence of standardized data collection procedures and/or a comprehensive statewide system across the education, judicial, public safety, and/or human services systems which leads to challenges within and across agencies;
3. **Limits on Data Sharing.** There are a variety of different state and federal statutes and rules that limit if and how data sharing can be conducted across state agencies;
4. **Gaps & Variations in Local Data.** There are gaps in available data at the local and state level for all of the definitions of justice engaged youth and there is inconsistency in data sharing across local agencies;
5. **Multiple Unique Identifiers.** There are different individual and student identifiers used across education, judicial, and human services that limits data sharing.

Colorado Department of Education (CDE) Data

One of the challenges identified 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. Through the Student End of Year collection, 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.

1. 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**).

2. 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
2024-25	1,281	167

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
2024-25	66	114

Note: PS = Public School

Division of Youth Services (DYS) Data

DYS publishes an annual report on the number of students who were admitted to a detention center or received services through DYS.

DYS reported that there were 1,940 detained youth served during the 2024-25 fiscal year, with an average length of stay of 24.1 days.

- Additionally, there was an 8.4 percent decrease in the average daily detention population since the previous fiscal year.
- Lastly, there were 3,725 detention screens during the 2024-25 fiscal year, an 8 percent decrease from the previous year.

In terms of demographics, DYS reported that in 2024-25:

- 42.5 percent of youth were Hispanic, 28.0 percent were White, 25.9 percent were Black, and 3.6 percent were of another race.
- 84.3 percent of students in detention centers were male and 15.7 percent were female.
- The average age when a student was detained was 16 years.

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 2024-25 fiscal year, there were 541 youths receiving these services.

- The service length for these students was, on average, about 16 months and there were 178 new students receiving services during the 2024-25 fiscal year. This is an 11 percent decrease compared to the previous year.

Regarding the youth that were committed, DYS reported that 47.0 percent were Hispanic/Latinx, 24.5 percent were Black, 24.0 percent were White, and 4.5 percent were of another race. Of these students, 88 percent were male and 12 percent were female. Additionally, 37.3 percent of youth had an individualized education program (IEP).

Newly committed students had increasing mental health and substance use treatment needs in the 2024-25 fiscal year:

- 84 percent of the population required services for the treatment of substance abuse, 84 percent needed formal mental health intervention services, and 72 percent had both mental health and substance abuse treatment needs.

Lastly, a large percentage of students met achieved graduation and student pathways outcomes while they were committed to DYS:

- 87.7 percent of eligible youth who received services through DYS earned a high school diploma or GED prior to discharge.
- 68.7 percent of students obtained a certificate or took Career and Technical Education classes during their time with DYS.
- 94 enrolled in college courses from 2019 to 2025.

Requirements of Local Education Providers

Local education agencies (LEAs) 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 LEA must publish the following prominently on the LEA'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 LEA; and
- an explanation of services and resources available for justice-engaged students.

The point of contact must possess knowledge of:

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

The point of contact must:

1. Respond to inquiries and connect with justice-engaged students and their families or caregivers within three business days after an inquiry.
2. 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 LEA denies the student access to education, the point of contact must refer the student to the hotline.

Upon notification or request, a LEA 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.

Small and rural districts can refer students and families to the Dropout Prevention team at CDE or to the Justice-Engaged Youth hotline when that becomes available: justiceengaged@cde.state.co.us and 720-241-8094

Justice Engaged Hotline

A statewide hotline will be available to support families and caregivers, justice system personnel, and education personnel beginning in fall 2026. The hotline will be available in English and Spanish and can be accessed through multiple modes (phone, email, web portal). The hotline will offer support in the following areas:

- Guidance on school options to include enrollment process and types of schools including nontraditional schools such as alternative education campuses and online schools;
- Guidance or referrals to other necessary wraparound services, county services, or other organizations.

Unit 2: Definitions

The following provides details for each category included in the legislative definition. Note that some terms are used differently or may not be used the same way between youth and adult systems.

Adjudication: Adjudication is when a judicial officer decides if a person under age 18 (at the time of alleged offense) 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 are charged with alleged offense 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 determine if a young person is guilty or not guilty of the alleged offense within the juvenile justice system These youth sometimes have cases referred to "pre-trial" (or Colorado Youth Detention Continuum (CYDC)) 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 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 community-based program (e.g., through the Colorado Youth Detention Continuum), instead of being placed in a secure facility. Commitment is long-term. It means a judicial officer has decided the individual must stay in the custody of the state for a specific period of time. Once an individual is released, they may be released to parole with community-based programming.

Detention: Detention is when a young person is held in one of the eight DYS secure youth services centers. This happens while they await court processes (pre-adjudication) or if a judicial officer gives them a short-term sentence to detention (post-adjudication).

Youth in detention are between the ages of 10 and 17. Some pre-adjudicated youth stay in secure DYS youth service centers. Others take part in programs where they live at home but are still supervised by local CYDC pre-trial programs. Young people in detention are not committed to the custody of CDHS (via DYS), as their legal guardians still have legal custody. DYS has physical custody of youth in detention, and CYDC provides community supervision while a youth's case moves through the court process. The Division of Youth Services operates eight detention centers across the state of Colorado. In Colorado, the school district responsible for providing educational services to youth in each of the state's eight secure DYS youth centers is directly correlated to the center's location.

Commitment: Commitment happens when a judicial officer decides that a young person who has been adjudicated 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 and adjudicated.

Once committed, the youth will reside in one of the DYS youth services centers allocated for committed youth. While in this secure setting, the youth will receive wrap around services to meet their individual needs. This may include services to address the youth's mental health, educational needs, family dynamics, and substance use struggles, aiming to prevent incarceration and reduce recidivism.

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 Youthful Offender System (YOS) is a special program run by the Colorado Department of Corrections (DOC) for young people who commit serious offenses and are convicted of crimes in the adult court system. YOS started in 1994 for violent offenders aged 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: Juvenile probation is a court-ordered community-based alternative to incarceration for the supervision for minors adjudicated delinquent that may include reporting to a supervisory officer, participating in behavior-change programming, paying victim restitution, being tested for drug use or other conditions.

Diversion: Juvenile diversion is a voluntary, community-based alternative to the formal justice system for eligible youth, generally between the ages of 10 and 17. It allows young offenders to avoid formal prosecution, incarceration, and a criminal record by completing rehabilitative programs, repairing the harm caused to victims, and demonstrating positive behavior.

If the youth agree to follow certain rules—like attending classes, completing community service, or engage in counseling—they are eligible to have their charges expunged (removed from their legal record). Diversion programs are usually operated by the district attorney's office or nonprofit groups.

Ticketing: Ticketing was included in the definition although formally ticketing often refers to adult cases. Most cases for youth involve a notice of a Delinquent Act (defined below). Generally, a ticketing citation is a notice given by law enforcement when someone violates a rule or law.

- Civil citations usually mean the person has to pay a fine or face other penalties, like points on their driver's license.

- Criminal citations are more serious and could lead to arrest, detention, or even commitment, depending on the situation.

Delinquent Act: A violation of any statute, ordinance, or order enumerated in C.R.S. 19-2.5.103. This does not include truancy or habitual truancy.

- Upon an alleged delinquent act, law enforcement can issue a promise to appear at which point the youth is released and given a date to appear in court, or
- Youth is assessed by the local CYDC program via Colorado Youth Detention Screen Instrument (CYDSI) to inform the decisions about the placement of youth along the detention continuum. This instrument is administered to every youth under consideration for detention and will assess the youths level of risk for committing new violent crimes.

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.

Unit 3: Student rights

The legislation establishes the following bill of rights for justice-engaged students and named a number of other rights for students.

Justice Engaged Students Bill of Rights

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.

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."*[3]

When states decide to offer a benefit like education, they create a "legitimate entitlement" (or "property interest") for people to receive that benefit.[4]

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

[3] *Brown v. Bd. of Educ.*, 347 U.S. 483, 493 (1954).
[4] *Goss v. Lopez*, 419 U.S. 565, 574 (1975).

suspended or expelled. As the Supreme Court *Goss* decision recognized, "The Due Process Clause will not shield [students] from suspensions properly imposed."[5]

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.[6]

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.[7] 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.[8] 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.[9]

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] *Goss v. Lopez*, 419 U.S. at 579.
[6] C.R.S. § 22-32-116.5(9.5)(a).
[7] *Goss*, 419 U.S. at 574. (emphasis added).
[8] *See, e.g.*, § 22-33-105(2.3), C.R.S. (requirements for long-term suspensions and expulsions).
[9] C.R.S. § 22-108-103(1).

Unit 4: Student Enrollment, Attendance, and Participation

State attendance laws and enrollment

Attendance law in Colorado includes provisions for mandatory attendance, rules for excused and unexcused absences, and required interventions and support. Unit 4 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.[10] 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 excused from school for therapy, medical, legal, or victim services related to harassment or discrimination.
- are suspended, expelled, or have been denied admission;
- have a school certificate or work permit;
- are in the custody of a court or law enforcement authorities;
- are pursuing a work-study program under the supervision of a public school;
- have graduated from 12th grade; or
- are homeschooled or part of a nonpublic home-based educational program.

Tracking and supporting attendance

All local education agencies track student attendance.

- 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.[11]
- 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.[12] 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.

[10] C.R.S. § 22-33-104.
[11] C.R.S. § 22-33-201.5(2).
[12] C.R.S. § 22-33-102(3.5).

School districts have policies that outline attendance expectations and interventions or support that will occur if students miss school. Comprehensive pro-active approaches that look to prevent absences and have clear responses for problem solving, communication, and response have been most effective.

Enrollment

Given these requirements for attendance, students have a right to enrollment in a school in Colorado. Generally, any resident of Colorado who is age 6 to 20 is entitled to attend public school in the district where they are a resident without paying tuition. A student is considered a resident of a district if:

- Both of their parents, the survivor of their parents, or a legal guardian live in the district
- Pursuant to a court order, they live with one of their parents who resides in the district a majority of the time
- They are emancipated, have no guardian, or have been abandoned by their parents and live in the district

There are also legal exceptions for the residency rules for enrollment for students who are highly mobile. These include students experiencing homelessness, students in foster care, and students whose families move for specific migrant work activities. The definitions for these youth are outlined below:

- A **highly mobile student** is defined as a student who experiences (or is at risk of experiencing) multiple school moves during their k-12 education outside of regular grade promotion. This includes youth in foster care, those experiencing homelessness, and migrant students.
- A **student experiencing homelessness** is an individual lacking a fixed regular and adequate primary nighttime residence. This definition applies to students from birth through grade 12.
- **Unaccompanied homeless youth** are young people who lack safe, stable housing and who are not in the care of a parent or guardian.
- A **student in Foster Care**[13] means the placement of a child or youth into the legal custody or legal authority of a county department of human or social services for physical placement of the child or youth in a kinship care placement; supervised independent living placement, as defined in section 19-7-302 of the C.R.S.; or certified or licensed facility, or the physical placement of a juvenile committed to the custody of the state department of human services into a community placement.
- **Migrant Youth** - A migrant child is defined as a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher.
- **Migratory Out-of-School Youth** is a youth who works in agriculture or fishing rather than attending school and is not in the custody of a parent or legal guardian.

[13] C.R.S. § 19-1-103 (66)

Highly Mobile Youth have the same enrollment rights as all other students in Colorado however, there are additional legal considerations[14] and protections, as well as recommended supports for these students. For more information, please see below.

- CDE Homeless Education
- CDE Foster Care Education
- CDE Migrant Education

There are a few specific rights that justice engaged students have related to enrollment:

- The right to prompt enrollment or re-enrollment so long as the student is eligible for enrollment, no later than 10 business days after the first request and initial contact with the point-of-contact person.
- If the student is being served through the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, the federal time requirements remain in effect for that student.
- The Local Education Agency (LEA) must provide all justice-engaged students with a response within 3 business days after the justice-engaged student contact.

School Choice

In Colorado, resident and non-resident students can be enrolled in a local education agency's schools, per agreed upon procedures for choice enrollment. Local education agencies should have procedures outlining choice enrollment for resident and non-resident students.

- There are limited exceptions to this choice enrollment which can include if there is not adequate space in a program or school, it is after the October Count day for non-resident students, or the program is not equipped to meet the special needs of a student.
- If a student is in out-of-home placement and in county custody a best interest determination (BID) meeting would still need to be held prior to enrollment into a choice school. Upon enrollment to a school of choice, the school of choice becomes the school of origin, and all educational provisions apply.

School Placement

If a student is new to or returning to an LEA, the LEA 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 agency, 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.

[14] C.R.S. § 22-32-138

The district 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 justice engaged youth hotline.

Upon notification or request, the LEA 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.[15]

**Note that a hotline for justice-engaged youth is scheduled to start in fall 2026 that will offer support for families with questions about enrollment related topics.*

Denial of Admission

A public school district may deny admission to a student under criteria outlined in statute. These criteria can apply to justice engaged students as it does to other students. A student can be denied admission if they:

- **Age related:**
  - have graduated from the 12th grade;
  - do not meet age requirements
- **Disability or disease:** the programs available in the district cannot reasonably benefit the student. Note that a district denying a student admission because they have a disability or disease is likely to violate state and federal laws. Thus, this provision should rarely, if ever, be used.
- **Residency:** are not a resident of the district and not entitled to attend school under another legal provision such as a homeless or migrant student;
- **Immunization requirements:** do not meet requirements or has not completed an exemption;
- **Behavior:**
  - were expelled from any other school district within the previous 12 months;
  - failed to comply with the terms of a suspension or expulsion; or
  - demonstrated behavior in another district within the preceding 12 months that was detrimental to the welfare and safety of others.[16]

Protections for victims

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.[17] 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

[15] C.R.S. § 22-108-104(4).
[16] C.R.S. § 22-33-106(3).
[17] C.R.S. § 22-33-106(4).

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.

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 committed or detained during the expulsion period and is enrolled in courses during the expulsion period at a facility, the credit earned would still be accepted toward graduation, similar to work completed through any other expulsion program a student might complete.

Supporting students for re-entry and new enrollment

Justice-engaged students may need additional support and structures to ensure they are successful in school. This may include additional coordination or planning.

Participation in School Activities

Schools should remove barriers allowing for justice-engaged youth to meaningfully participate in school life. With intentional flexibility, proactive communication, and inclusive policies, extracurricular participation can play a critical role in rebuilding identity, fostering belonging, and supporting long-term success. Students should not be excluded from participating in school activities, such as those listed below, solely due to their justice engagement:

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

Each individual situation should be analyzed. 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:

- **Legal System Coordination:** Ensure collaboration with courts, Department of Human Service and CYDC caseworkers, and probation officers, utilizing clear communication about schedules, restrictions and expectations, while adhering to court requirements such as curfews, travel limitations (e.g., crossing, county or state lines), or supervision conditions. When needed, seek permission from probation or the court in advance, especially when considering late-night events, overnight trips, or competitions requiring travel.

- Many districts have regular communication (e.g., biweekly) between the justice/legal system and the district to ensure that school activities for the justice-engaged student do not conflict with court requirements.

- **Establish Participation/Supervision Plans**: Develop a structured participation agreement that includes attendance expectations aligned with court requirements, behavioral guidelines, adult supervision requirements, transportation arrangements, and any accommodations that are needed. Examples include a family member accompanying a student to the school activity and check-ins with supervisors or time-limits the student can participate in an activity such as a school dance. Engage families/caregivers in planning and supporting student participation/supervision plans through upfront and regular communication and ensure the plan has emergency contacts and possible contingency plans.
    - Some districts have set up timelines, such as a 48-hour notice to ensure there is a supervision plan in place prior to an event that specifies for supervisory staff (e.g., coaches, staff volunteers) the parameters for the student participating in the activity/event and any accommodations or safety concerns that must be considered.

- **Safety and Risk Management:** While safety of all students is of utmost concern when considering participation in extracurricular activities, it is also important to not unnecessarily restrict access to justice-engaged students. Avoid blanket restrictions such as banning all justice-engaged youth from activities. Conduct case-by-case assessments considering the nature of the offense (if legally shareable), the current probation or supervision conditions, and the behavioral progress of the student. Participation/Supervision plans for students, families, and supervisory staff provides a solid foundation for ensuring everyone's safety. Plan for safe transitions such as between the school, activity, and home, and reduce unsupervised gaps. Proactively address any bullying, stigma, or exclusion from or toward the justice-engaged student and have a clear response plan if behavioral incidents arise and/or participation/supervision agreements are violated.
    - Districts should have a safety plan template that helps define clear expectations for the student and staff members for behavior and a check-in process before, during, and after the event.

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 support 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. This could include a daily check-in with a staff member, a daily bag search, or increased supervision.
- **Response and Support Plan:** A coordinated, strengths-based plan that outlines how a school will respond to identified needs of students. This includes how to support a student in being successful in school and activities as well as planning for how to reduce risk.
- **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.

Proactive Planning

Proactive planning shifts the focus from reacting to crises to intentionally creating conditions where students feel supported before challenges escalate and can be successful in academic and behavioral outcomes. For justice-engaged students, a safety plan (if necessary) or student support plan should function as a shared understanding between the student and the school about what support looks like in moments of stress. Schools can begin safety planning during re-entry or transition conversations by inviting students to identify what helps them feel regulated, respected, and safe at school. Plans should be discreet, flexible, and emphasize prevention by normalizing help-seeking behaviors. Safety plans should be revisited regularly and adjusted as needed with the student input and buy-in.

A coordinated team, such as a counselor, administrator, and key teachers, can meet with the student early, express care, clarify expectations, and identify support. Assigning one trusted adult to regularly check-in with the student during re-entry and continually throughout the year, can offer a consistent and dependable relationship, reducing the fragmentation that justice-involved youth frequently experience with many individuals involved.

Resources

- National Association of School Psychologists Resource for Threat Assessments at School
- Office of School Safety Threat Assessment Materials
- Department of Public Safety Resources
- Reference Guide for Schools for Youth who Have Committed Sexually Abusive and Offending Behavior

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.[18] 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 contributors who work within the credit transfer process. The goal of these rules is to ensure that students receive transcriptable credit for courses and coursework they have completed.

- Local Education Agencies must request academic records within 10 days of contact from a student or family. Local Education Agencies are required to share academic records when requested.
- Local Education Agencies must develop an academic plan that recognizes previous course work and includes a clear plan to graduation. This plan may be called a graduation plan or be completed as part of the Individualized Career and Academic Plan (ICAP) activities.

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.

[18] C.R.S. § 22-108-106.

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 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.

Re-entry procedures and recommendations

A strong educational reentry plan can reduce recidivism, support career development, and empower youth toward a stable and meaningful future. Reentry planning should be driven by young people themselves, along with supportive adults who can ensure that youth receive the support and resource connections they need to succeed.

Successful reentry is not a single event that occurs when a student returns to school; rather, it is an intentional process that begins before a youth leaves a juvenile justice placement and continues throughout their transition back into the school community. Research and practice consistently demonstrate that youth experience better outcomes when reentry planning is collaborative, youth-centered, and focused on building long-term connections to education, employment, family, and community supports.

Reentry planning should be driven by the young person, with support from caring adults who can help navigate systems, advocate for services, and ensure continuity of educational and behavioral supports. Students should be actively involved in decisions regarding their education, goals, extracurricular involvement, graduation planning, and postsecondary aspirations. When youth are empowered to participate in planning and decision-making, they are more likely to engage in school and remain connected to positive supports.

Supporting Multi-System Involved Youth

For justice-engaged youth, effective reentry depends heavily on how well schools, juvenile justice agencies, child welfare agencies, behavioral health providers, families, and community organizations coordinate their efforts. One of the most significant barriers to successful reentry is fragmented communication among systems. Conversely, when agencies work together through clear protocols, regular communication, and shared accountability, youth experience better educational outcomes, stronger school engagement, and reduced risk of recidivism. It is important to recognize that reentry procedures may vary depending on the type of justice-system involvement or which district the student is enrolling in. School personnel should be familiar with specific legal requirements, district protocols, and state guidance applicable to different populations of justice-involved youth.

Youth in Out-of-Home Placement

In Colorado, a student may be considered in an out-of-home placement (a.k.a., in foster care) when they are removed from their home and legal custody or placement responsibility is assumed by a county department or DYS, if the youth is committed. Out-of-home placements may include foster homes, kinship care placements, trial reunifications, residential childcare facilities, and group homes. There are also instances when a youth in detention may be placed out of the home by their parents, with the assistance of the Regional Accountable Entity (RAE) (Medicaid), if the court determines such placement could mitigate the youth's risk of serious harm to others or serious risk of flight from prosecution. These placements are typically at Qualified Residential Treatment Programs or Psychiatric Residential Treatment Facilities after such a recommendation has been made upon completion of an enhanced standardized assessment (ESA).

Educational stability is a critical protective factor for youth experiencing foster care, students in out-of-home placement are entitled to specific educational protections under Federal and Colorado law. These protections include school stability provisions, immediate enrollment requirements, transportation considerations, and

participation in a Best Interest Determination (BID) meeting at initial placement. If there is a placement change, this could include but is not limited to reentry from a residential or secure setting. These protections could affect school enrollment or attendance.

The purpose of a BID meeting is to discuss if a change of school overcomes the presumption that it is in the students best interest to remain in their school of origin. During a BID, the discussion can center on how the identified educational placement best supports the student's academic success, social-emotional well-being, and long term stability. A BID should occur whenever a student in out-of-home placement experiences a school change due to a placement or change in placement. A student who is in out-of-home placement whom is preparing to transition from a facility back into a community school would meet the requirements to have a BID meeting. The BID meeting should occur before a student exits a facility or placement to ensure a seamless transition and minimize disruptions in instruction.

Colorado Code of Regulations Volume 7, 12 CCR 2509-4,7.301.241(D)(2)(a) law outlines the considerations for a BID meeting to identify the most appropriate school placement and determine the school of origin. Upon completion of the BID meeting, the team should document the final education decision. It is best practice to develop a written transition plan that identifies responsibilities, timelines, support services, and follow-up activities. If a school change is necessary, federal[19] and state[20] law requires that the student be immediately enrolled, even if records, transcripts, immunization documentation, or other enrollment paperwork are not yet available. If there is a formal dispute through the juvenile court, no school change shall occur until there is judicial resolution.

Creating a Re-entry Team

Youth need a dedicated team of professionals and supportive adults to help plan and sustain a successful transition back to school. Effective reentry teams are multi-disciplinary, establish clear communication, coordinate services, monitor progress, and address barriers before they become significant challenges. Whenever possible, agencies should establish a multidisciplinary reentry team before a youth returns to the community.

Successful reentry planning is most effective when it is guided by a multidisciplinary team that brings together individuals with knowledge of the student's educational, behavioral, family, and community needs. Team membership may vary depending on the student's circumstances, but often includes a reentry coordinator or case manager from the local education agency, school and district administrators, teachers, counselors, psychologists, social workers, and special education staff. Family members, parents, or guardians play a critical role in the planning process, as do facility staff and justice-system representatives such as probation officers, Colorado Youth Detention Continuum (CYDC) case managers, Division of Youth Services (DYS) parole officers, and other judicial partners, (e.g., approved treatment providers for sex offenders). Additional participants may include Child Welfare Education Liaisons (CWELs), outside mental health providers,

[19] Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802 (2015). § 1111(g)(1)(E), 20 U.S.C. § 6311(g)(1)(E)
[20] C.R.S. § 22-32-138.

community-based service providers, and other trusted adults identified by the student as important sources of support.

Re-entry Structures and Processes

Beyond identifying the appropriate team members, schools and partner agencies should establish clear structures and processes before reentry meetings occur. Developing these procedures in advance can reduce confusion, prevent delays, and promote coordinated support across multiple systems. Effective reentry teams typically identify a primary point of contact within each participating agency or organization, determine the information needed to support a successful transition, and establish communication timelines to ensure all stakeholders remain informed. Teams should also work together to develop shared goals and expectations for the student's reentry, create procedures for ongoing follow-up and progress monitoring, and establish methods for addressing concerns or resolving challenges as they arise. By building these collaborative structures in advance, reentry teams can create a more seamless and supportive transition that centers the student's needs and long-term success.

Information Sharing and Cross-System Collaboration

Successful reentry requires intentional collaboration among the various systems involved in a young person's life. Justice-engaged youth often receive services from multiple agencies simultaneously, including schools, juvenile courts, probation departments, the Division of Youth Services (DYS), child welfare agencies, Colorado Youth Detention Continuum (CYDC), behavioral health providers, community-based organizations, and healthcare providers. Each system may possess valuable information that can help educators understand a student's strengths, needs, goals, and support requirements.

The purpose of information sharing is not surveillance or monitoring; rather, it is to ensure continuity of services, reduce duplication of efforts, prevent gaps in support, and create coordinated plans that promote public safety and positive youth outcomes. Information should be shared only when it serves a legitimate educational, safety, treatment, or transition-planning purpose and is consistent with applicable confidentiality requirements.

The team should operate from a shared understanding that educational success is a protective factor that contributes to long-term public safety, workforce readiness, and positive youth development.

Information sharing should be guided by the following principles:

- **Need to Know Rather Than Nice to Know:** Only information that directly supports educational planning, safety planning, service provision, or successful reentry should be shared. Agencies should avoid unnecessary disclosure of legal histories, offense details, or personal information that is not relevant to the student's educational experience.
- **Strengths-Based Communication:** Information shared among agencies should include student strengths, interests, accomplishments, career aspirations, and protective factors in addition to challenges or areas of concern. Reentry planning should focus on the whole student rather than solely their justice involvement.
- **Student and Family Engagement:** Whenever appropriate, youth and families should be encouraged

to participate in conversations regarding educational and transition planning and informed about information-sharing processes. Transparency helps build trust and increases engagement in the reentry process.

- **Timeliness:** Information loses value when it is delayed. Schools should receive relevant records and transition information before a student's return whenever possible so that supports can be established immediately upon reentry.

The specific information shared during the reentry process will vary depending on the student's individual circumstances and needs. Reentry teams should work collaboratively to develop a comprehensive understanding of the student's educational status, support needs, and transition goals.

Educational Information: This may include reviewing current transcripts, credits earned, graduation progress, assessment results, attendance records, and information about the student's academic strengths and areas where additional support may be beneficial. Teams should also consider the student's course schedule, educational and career goals, participation in career pathway programs, Individual Career and Academic Plan (ICAP), graduation plans, and any existing supports such as Individualized Education Programs (IEPs), Section 504 Plans, or other intervention plans.

Behavioral Health Information: In addition, reentry planning should include information about behavioral health and other support services currently in place. This may involve sharing counseling recommendations, treatment participation and progress, connections to community-based services, mentoring relationships, and any family support needs that may affect the student's successful transition back to school and the community.

Transition Planning Information: Transition planning should also address practical considerations and future planning goals. Important information may include the anticipated reentry date, supervision requirements, transportation needs, employment or workforce development participation, and any concerns regarding housing stability. Reentry teams should also seek to understand the student's extracurricular interests and incorporate youth-identified goals into the planning process to ensure that supports and opportunities are aligned with the student's strengths, aspirations, and long-term success.

Safety Planning Information: When necessary, schools may need information relevant to risk management and safety planning. Information shared should be specific, actionable, and directly related to supporting the student's successful reintegration. Schools should avoid relying on offense labels or assumptions and instead focus on current functioning, supervision requirements, and identified supports.

Roles and Responsibilities Across Systems

The most successful reentry efforts occur when agencies view educational success as a shared responsibility. No single system can effectively support justice-engaged youth alone. Schools, juvenile justice agencies, child welfare professionals, families, behavioral health providers, and community organizations each contribute

unique expertise and resources. By working together through coordinated planning, purposeful information sharing, and ongoing communication, systems can create a seamless network of supports that promotes school engagement, increases graduation opportunities, strengthens community connections, and supports positive long-term outcomes for youth returning from justice involvement.

Schools

Schools play a central role in reentry by providing educational continuity and fostering a sense of belonging. School responsibilities include:

1. Coordinating enrollment and records transfers, that may include within district transfers;
2. Reviewing academic progress and credit attainment, reviewing previous attendance;
3. Connecting students to school-based supports and school multi-tiered system of support (MTSS) process;
4. Monitoring attendance and engagement;
5. Leading educational planning meetings; and
6. Maintaining regular communication with families and agency partners.

Juvenile Probation and CYDC

Probation officers can support educational success by:

- Participating in reentry and transition meetings;
- Participating in BID meetings
- Sharing relevant supervision requirements;
- Reinforcing school attendance expectations;
- Coordinating with schools regarding barriers to participation; and
- Supporting youth access to educational and extracurricular opportunities whenever consistent with court orders.

Division of Youth Services Committed Education Schools and Programs and CDE approved Facility Schools

Education personnel and facility staff can support seamless transitions by:

- Providing academic transcripts and records;
- Sharing information regarding coursework completed;
- Identifying effective interventions and supports;
- Communicating behavioral and social-emotional strengths;
- Participating in transition planning meetings; and
- Assisting with pre-release planning.

Child Welfare Agencies

When a student is in out-of-home placement, child welfare agencies should:

- Facilitate BID meetings;
- Coordinate school stability discussions;
- Support transportation planning;
- Assist with educational decision-making; and
- Ensure continuity of educational services during placement changes.

Behavioral Health Providers

Behavioral health professionals can provide valuable insight into effective support strategies, coping skills, and treatment recommendations that may help schools create responsive and trauma-informed educational environments.

Community-Based Organizations

Community organizations often provide mentoring, employment support, tutoring, housing assistance, family support, recreational programming, and other services that help stabilize a young person's transition back into the community. Schools should actively connect youth and families to these resources.

Recommended Communication Practices

Effective reentry planning relies on consistent, structured communication among all individuals and agencies involved in supporting the student. Establishing clear communication processes helps ensure that information is shared appropriately, responsibilities are understood, and emerging concerns are addressed in a timely manner. When communication systems are clearly defined, schools and partner agencies are better positioned to provide coordinated and responsive support throughout the student's transition back to school.

Many successful reentry systems designate a school-based reentry coordinator or other primary point of contact to facilitate communication and coordinate services. Transition planning often begins prior to a student's release through scheduled reentry meetings that bring together the student, family members, school personnel, and relevant agency representatives to discuss needs, expectations, and next steps. Following the student's return, ongoing communication should continue through structured follow-up meetings and regular progress reviews during the first several months of reentry.

To promote accountability and collaboration, reentry teams should develop shared action plans that clearly identify goals, support strategies, and the responsibilities of each team member. Regular progress updates among school staff, families, community partners, and other stakeholders can help ensure that supports remain aligned with the student's needs. Communication procedures should be documented and understood by all participants, including processes for sharing information, tracking progress, and responding to concerns. Establishing clear protocols for addressing challenges as they arise can help teams respond quickly and effectively, reducing potential barriers and supporting a more successful transition for the student.

Recommended Re-entry Practices for Schools

In addition to coordinating with outside agencies, families, and community service providers, schools play a critical role in creating the conditions necessary for a successful reentry experience. Effective reentry practices

extend beyond enrollment and scheduling processes to include intentional efforts that support students' academic progress, social-emotional well-being, and long-term engagement in school. By providing meaningful connections, individualized academic planning, and ongoing monitoring of student progress, schools can help justice-engaged youth successfully navigate the transition back into the educational environment.

School Connections and Supports

One of the most important aspects of reentry is helping students reestablish a sense of belonging within the school community. Students returning from justice placements may experience anxiety, uncertainty, stigma, or concerns about how they will be perceived by peers and staff. As a result, schools should intentionally create welcoming and supportive environments that promote connection, engagement, and attendance.

Establishing relationships with trusted adults can be a particularly important protective factor during the transition process. Students should have access to supportive school personnel who can provide guidance, encouragement, and assistance as needed. Schools should also ensure students are connected to counseling and mental health resources, academic intervention services, and positive peer support opportunities. Participation in extracurricular activities, athletics, clubs, career and technical education programs, leadership experiences, and community-based supports can further strengthen a student's connection to school and foster a sense of purpose and belonging.

Multi-Tiered Systems of Support (MTSS) can provide a valuable framework for identifying student needs and coordinating appropriate interventions. Through MTSS, schools can proactively monitor progress and connect students to increasingly intensive supports when necessary. Reentry teams should consider both school-based and community-based resources when addressing academic, behavioral, and social-emotional needs to ensure students receive comprehensive and coordinated support throughout their transition.

Academic Planning

Justice-engaged youth have the right to educational planning that supports graduation, postsecondary readiness, and future career success. Academic planning should begin before a student's return to school and continue throughout the reentry process to ensure educational continuity and minimize disruptions caused by placement changes.

Individualized academic planning may be reflected through a graduation plan, an Individual Career and Academic Plan (ICAP), or another locally adopted planning process. Planning should be informed by accurate and up-to-date information regarding credits earned and accepted, coursework completed while in placement, graduation requirements, standards mastery, current academic skill levels, postsecondary goals, career interests, work-based learning opportunities, and the student's strengths, interests, and aspirations. A comprehensive understanding of these factors allows schools to develop pathways that support both immediate educational needs and long-term success.

As part of the planning process, schools should also review previous academic and support plans to ensure continuity of services. This includes determining whether the student previously received support through an Individualized Education Program (IEP), Section 504 Plan, intervention plan, behavioral support plan, or other specialized services. Whenever possible, schools should work to reduce barriers to graduation that may result

from mobility or placement changes by utilizing strategies such as credit recovery opportunities, competency-based pathways, flexible scheduling, and other approaches that promote continued progress toward graduation.

Progress Monitoring and Follow-Up

Reentry planning should be viewed as an ongoing process rather than a one-time event. While enrollment marks an important milestone, many challenges associated with transitioning back to school may emerge over time. For this reason, schools should establish structured follow-up procedures to regularly assess student progress and determine whether additional supports are needed.

Formal check-ins during the first several months following reentry can help schools identify concerns early and respond proactively. During these reviews, reentry teams may examine factors such as attendance patterns, course performance, grades, credit accumulation, progress toward graduation, behavioral data, participation in extracurricular activities, engagement with supportive adults, involvement in counseling or intervention services, and feedback from both the student and family. Teams should also consider whether new barriers have emerged that may affect the student's ability to engage successfully in school.

The purpose of ongoing monitoring is not to impose additional scrutiny or disciplinary consequences. Rather, it is to ensure that students receive the support necessary to succeed and to provide opportunities for the reentry team to adjust services, remove barriers, and respond to emerging needs. Consistent follow-up helps create a responsive system of support that promotes student engagement, academic achievement, and long-term success.

Unit 5: 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.

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).	**Colorado Exceptional Children's Educational Act (ECEA)** ECEA is a Colorado law that is a companion to IDEA and has some additional requirements.
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.	

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.[21]

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.[22]

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

[21] 34 C.F.R. § 300.1.

[22] 34 C.F.R. § 300.17; *Bd. of Educ. of the Hendrick Hudson Central Sch. Dist. v. Rowley*, 458 U.S. 176 (1982); *Endrew F. v. Douglas County Sch. Dist. RE-1*, 580 U.S. 386 (2017).

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.[23]

Absent a specific exception, all IDEA protections apply to students with disabilities in correctional and detention facilities and their parents.[24] 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.[25] 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 because of a disability.[26] 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.[27]

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."[28]

In Colorado, the child identification process "includes child find, special education referral, initial evaluation, and determination of disability and eligibility for special education."[29] 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.[30]

Potential Indicators of a Disability

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[23] 1 CCR 301-8, Rules 2.03 and 2.50.
[24] *Dear Colleague Letter*, 64 IDELR 249 (OSERS/OSEP 2014).
[25] 34 C.F.R. § 300.111(a).
[26] *Dear Colleague Letter*, 64 IDELR 249 (OSERS/OSEP 2014).
[27] *Id.*
[28] *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)).
[29] 1 CCR 301-8, Rule 4.02(1)(a)(ii).
[30] 34 C.F.R. § 300.111(c); 1 CCR 301-8, Rule 4.02(1)(a).

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.[31] 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.[32]

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.[33] Moreover, if the student transfers from an 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.[34]

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.[35] 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.[36] 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.[37]

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

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[31] *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)).
[32] *Dear Colleague Letter*, 64 IDELR 249 (OSERS/OSEP 2014).
[33] *Dear Colleague Letter*, 64 IDELR 249 (OSERS/OSEP 2014).
[34] *Id*.
[35] 34 C.F.R. § 300.8(a)(1); 1 CCR 301-8, Rule 2.09.
[36] 34 C.F.R. § 300.39(a)(1).
[37] 34 C.F.R. § 300.306(b);1 CCR 301-8, Rule 2.09.

diploma or has reached the age of 21 is no longer eligible to receive FAPE.[38] 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.[39] 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.[40]

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.[41] 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.[42]

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.[43]

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).[44]

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.[45]

Addressing Gaps in Services

[38] 34 C.F.R. § 300.102(a)(3); 1 CCR 301-8, Rule 2.09.
[39] 34 C.F.R. § 300.102(3)(iv); C.R.S. § 22-32-141(2)(c).
[40] 1 CCR 301-8, Rule 2.09.
[41] 34 C.F.R. § 300.102(a)(2)(i).
[42] 34 C.F.R. § 300.102(a)(2)(ii).
[43] 34 C.F.R. § 300.323(c)(1); 1 CCR-8, Rule 4.03(1)(d)(i).
[44] 34 C.F.R. § 300.321.
[45] 34 C.F.R. § 300.320.

When developing an IEP for a student in a detention or correction 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.[46]

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.[47] 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.[48] A student's need for behavioral interventions and supports must be decided on an individual basis by the student's IEP team.[49]

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 goals.[50] 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.[51]

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.[52] 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.[53]

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.[54]

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[46] *Dear Colleague Letter*, 64 IDELR 249 (OSERS/OSEP 2014).
[47] 34 C.F.R. § 300.324(a)(2)(i).
[48] *Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Disciplinary Provisions* (OSERS Jul. 19, 2022).
[49] *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).
[50] 34 C.F.R. § 300.320(b).
[51] 34 C.F.R. § 300.324(d).
[52] 34 C.F.R. § 300.323(e).
[53] 34 C.F.R. § 300.323(f).
[54] 71 Fed. Reg. 46681 (Aug. 14, 2006).

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."[55]

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.[56] 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.[57] AUs share the responsibility for ensuring educational services for detained youth with local juvenile and adult detention centers, including county jails.[58]

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.[59]

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.[60]
- 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.[61]
- 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.[62]

For more information, please see CDE resources for youth in county jails.

[55] *Questions and Answers on Individualized Educ. Programs (IEPs), Evaluations, and Reevaluations*, 111 LRP 63322 (OSERS Sep. 1, 2011).
[56] 34 C.F.R. § 300.323(g).
[57] 34 C.F.R. § 300.1.
[58] 34 C.F.R. § 300.2(b).
[59] 34 C.F.R. § 300.102(3)(iv); C.R.S. § 22-32-141(2)(c).
[60] C.R.S. § 22-32-141(3)(a).
[61] 34 C.F.R. § 300.102(a)(2).
[62] 34 C.F.R. § 300.102(a)(2).

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.[63] 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.[64]

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.[65] 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 existence of a pattern.[66] The school or facility must determine whether a series of removals constitutes a pattern on a case-by-case basis.[67]

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.[68]

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**

[63] *Dear Colleague Letter*, 64 IDELR 249 (OSERS/OSEP 2014).
[64] *Id*.
[65] 34 C.F.R. § 300.536(a).
[66] 34 C.F.R. § 300.536(a)(2)(i)-(iii).
[67] 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).
[68] *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).

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.[69]

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.[70]

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.[71]

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.

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

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[69] *Id*. at p. 54. (emphasis added).
[70] *Id*. at Question C-6.
[71] *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).

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.[72]

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.[73]

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.[74]

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.[75] This requirement does not apply if the parent and the school or facility agree to a change of placement.[76] 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) 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.[77]

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

- 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.
- 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.
- If a BIP already exists, the team must review the plan and make any needed changes.[78]

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[72] *Id*. at § 300.536(a).
[73] 34 C.F.R. § 300.530(e)(1).
[74] 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).
[75] 34 C.F.R. § 300.530(f)(2).
[76] *Id*.
[77] *Id*.
[78] 34 C.F.R § 300.530(d) and (f).

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.[79]

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.[80]

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)

[79] 34 C.F.R. § 300.530(d).
[80] 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.[81]

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.[82]

Significant Assistance

Recipients must not provide significant assistance to entities, including private companies and organizations, that discriminate on the basis of disability.[83] 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.

[81] 29 U.S.C. § 794; 34 C.F.R. Part 104.

[82] *See* 34 C.F.R. §§ 104.3(f), (h).

[83] 34 C.F.R. § 104.4(b)(1)(v).

Eligibility

Section 504 protects any person who: (a) has a physical or mental impairment which substantially limits one or more major life activities;[84] (b) has a record of such an impairment;[85] or (c) is regarded as having such an impairment.[86] 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.[87] 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;[88] (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;[89] 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.[90]

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.[91] The evaluation must be conducted: (a) even if the student only exhibits behavioral (and not academic) challenges;[92] (b) only after the recipient obtains informed parent or guardian consent;[93] (c) at no cost to parents or guardians;[94] and (d) before taking any action with respect to the initial

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[84] 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).

[85] "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).

[86] "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).

[87] 34 C.F.R. § 104.3(j)(2)(ii).

[88] 34 C.F.R. § 104.7(a).

[89] 34 C.F.R. § 104.7(b).

[90] 34 C.F.R. § 104.8(a).

[91] 34 C.F.R. § 104.35(a).

[92] *See* U.S. Dep't. of Educ., Office for Civ. Rights, "Parent and Educator Resource Guide to Section 504" (Dec. 2016), p. 12.

[93] *See id*. at 19.

[94] 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

placement of a student in regular or special education and before any subsequent significant change in placement.[95] 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.[96]

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;[97] (b) consider the ameliorating effects of any mitigating measures (except ordinary eyeglasses or contact lenses);[98] or (c) determine that a student is not eligible based solely on a high level of academic success.[99]

Placements

In interpreting evaluation data and in making placement decisions, a K-12 recipient must: (a) draw upon information from a variety of sources;[100] (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).[101]

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.[102]

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.[103] Implementation of an IEP developed in accordance with the IDEA is one means of meeting the Section 504 FAPE standard.[104] For students who are

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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.

[95] 34 C.F.R. § 104.35(a).

[96] *See supra* note 12, at 18.

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

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

[99] *See supra* note 12, at 14.

[100] 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.

[101] 34 C.F.R. § 104.35(c).

[102] 34 C.F.R. § 104.35(d).

[103] 34 C.F.R. § 104.33(b)(1).

[104] 34 C.F.R. § 104.33(b)(2).

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 regular environment with the use of supplementary aids and services cannot be achieved satisfactorily.[105] The LRE requirement also applies to nonacademic settings, such as meals, recess, transportation, and clubs and groups sponsored by the recipient.[106]

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.[107]

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.[108]

Different Treatment

Section 504 prohibits recipients from unnecessarily treating a student differently on the basis of disability.[109] 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.[110] As an additional example, charter schools must not have a policy that explicitly excludes students with disabilities or engage in such a practice.[111]

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[105] 34 C.F.R. § 104.34(a).
[106] 34 C.F.R. § 104.34(b).
[107] 34 C.F.R. § 104.37(a).
[108] 34 C.F.R. § 104.36.
[109] 34 C.F.R. § 104.4(b)(1)(iv).
[110] *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.
[111] *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.

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.[112]

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).[113] Additionally, a parent or guardian who disagrees with a recipient's action related to identification, evaluation, or 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

ECEA Gifted Education

Gifted education for public schools and public charter schools in Colorado is mandated through state statute and state rule within the Exceptional Children's Educational Act (ECEA). Statute and rule require all Administrative Units (AUs) within the state of Colorado to identify and serve gifted students. Like special education, gifted education is administered through administrative units according to the language of Colorado's Exceptional Children's Educational Act (ECEA) statute.

Definition of Giftedness

The Exceptional Children's Educational Act (ECEA) defines "gifted" children as:

[112] 34 C.F.R. § 104.21. For accessibility standards, visit www.access-board.gov/ada/ and www.ada.gov/law-and-regs/design-standards/.
[113] For more information about filing a complaint with OCR, visit www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint.

Those persons between the ages of four and twenty-one whose aptitude or competence in abilities, talents, and potential for accomplishment in one or more domains are so exceptional or developmentally advanced that they require special provisions to meet their educational programming needs.

Identification

In Colorado, identifying gifted students begins with a referral based on observed or documented information. A referral is a request to evaluate a student for potential gifted services. Most districts use Universal Screening for a possible referral for the identification process. However, referrals can also be made by educators, school staff, family members, community members, peers, and/or the student. Local AUs establish a process for how gifted education referrals can be made and develop a protocol for communicating this process.

Advanced Learning Plan

It is important to assess whether a justice-engaged student may be gifted and if so, to provide the appropriate support as specified in an Advanced Learning Plan (ALP). An Advanced Learning Plan (ALP) is an important state mandated document that helps guide the education of gifted students in Colorado. It outlines a student's academic and affective strengths, needs, and goals based on their area(s) of giftedness and helps shape their educational programming. The ALP supports the student's learning and is tailored to their abilities, interests, and specific needs. For high school students, an Individual Career and Academic Plan (ICAP) can serve as the ALP. For more information, please visit: https://ed.cde.state.co.us/gt/families#gifted-ed-co.

Unit 6: 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 juvenile 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
Examples & Resources: - Establish procedures within your student support or RtI 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. **CDE Resources:** Meeting Agenda Template, Team-Driven Shared Leadership training module **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.
Data-based problem solving and decision making
Examples & Resources ● 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 RtI 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 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.

Unit 7: Guidance for Working with Families

Families are among the most important partners in supporting the educational success and long-term well-being of justice-engaged youth. Whether a student is returning from detention, a Division of Youth Services (DYS) commitment, a residential placement, probation involvement, or another justice-related experience, meaningful family engagement can significantly improve school attendance, academic performance, school connectedness, and successful reentry outcomes.

Schools should recognize that families of justice-engaged youth often navigate multiple systems simultaneously, including educational, judicial, behavioral health, child welfare, and community service systems. These experiences can create stress, confusion, frustration, and mistrust. As a result, schools should approach family engagement with empathy, respect, and a commitment to partnership.

In Colorado, families may also benefit from support provided through local **Collaborative Management Programs (CMPs)**, which were established through House Bill 04-1451 to improve outcomes for children, youth, and families involved with multiple systems. CMPs bring together agencies and community partners to help coordinate services for families with complex needs. These collaborative partnerships may include human services agencies, judicial districts, public health organizations, school districts, behavioral health providers, family advocacy organizations, and other community-based partners.

- Additional information about CMP is available at: https://cdhs.colorado.gov/cmp.

Adopting a Family-Centered Approach

A family-centered approach recognizes that families know their children best and bring valuable insight into their strengths, experiences, challenges, goals, and support needs. Rather than viewing families solely as recipients of information, schools should engage them as active partners in educational planning, decision-making, and problem-solving throughout the reentry process.

Effective family engagement is grounded in respect, collaboration, and a commitment to shared decision-making. Schools should approach families from a strengths-based and nonjudgmental perspective, recognizing and valuing the unique cultures, experiences, and perspectives they bring. Engagement efforts should be responsive to individual family needs and circumstances while ensuring that both youth and family voices are heard and incorporated into planning and support efforts. Central to this approach is the belief that all families want their children to succeed and that positive outcomes are most likely when schools and families work together toward common goals.

School staff should avoid making assumptions about a family's level of involvement, motivation, or capacity based on a student's justice involvement. Many families have navigated significant challenges, including interactions with multiple systems and agencies, and may require additional support to effectively participate in educational planning. Understanding family circumstances and building positive relationships can help schools create more meaningful partnerships and support student success.

Building Trust and Relationships

For many justice-engaged youth and their families, prior experiences with schools, courts, child welfare agencies, or other institutions may have created feelings of mistrust, frustration, or apprehension. Establishing trust is therefore an essential first step in developing productive school-family partnerships.

Trust is often built through consistent actions over time. Schools can foster positive relationships by reaching out early in the reentry process, maintaining regular communication, following through on commitments, and being transparent about decisions, procedures, and expectations. Equally important is creating opportunities for families to share their concerns, experiences, and perspectives without fear of judgment. When educators listen actively, validate family experiences, and focus conversations on student strengths and future goals, families are more likely to view themselves as valued members of the educational team. A welcoming and supportive school environment helps families feel confident that school staff are invested in their child's success and committed to working collaboratively to address challenges.

Engaging Families in Reentry Planning

Whenever possible and appropriate, families should be involved throughout the reentry planning process. Family participation helps schools develop a more complete understanding of the student's strengths, circumstances, needs, and aspirations, allowing support plans to be tailored more effectively.

Family involvement may occur in a variety of settings, including reentry planning meetings, academic planning

discussions, school safety planning, attendance interventions, behavioral support planning, and conversations about postsecondary education and career pathways. When applicable, families may also participate in Best Interest Determination (BID) meetings, Individualized Education Program (IEP) meetings, and other decision-making processes related to the student's educational program and services.

Providing flexible scheduling options, virtual participation opportunities, interpretation services, and other accommodations can help ensure that families are able to contribute fully to discussions and decisions that impact their child.

- County based Collaborative Management (CMP) programs organize supports across agencies and may be a resource. For support organizing and facilitating re-entry teams, you can make a referral to your Collaborative Management Program (CMP). There is also a Spanish CMP referral form available.

Communicating Effectively with Families

Ongoing communication is a cornerstone of strong family-school partnerships. Communication should be clear, consistent, accessible, and responsive to the needs of individual families. Information is most effective when it is presented in a manner that is understandable and respectful of different languages, literacy levels, and cultural backgrounds.

- **Use clear straightforward language:** Schools should strive to use straightforward language and clearly explain any educational, legal, or agency-specific terminology that may be unfamiliar to families.
- **Provide translation and interpretation:** When needed, interpretation and translation services should be provided to ensure families can fully participate in discussions and access important information.
- **Use multiple modes of communication:** Communication should occur through multiple methods and should include timely updates regarding student progress, clear explanations of school procedures and expectations, recognition of student successes and areas of concern.

Understanding Family Stressors and Barriers

Families of justice-engaged youth may face a variety of challenges that affect their ability to engage consistently with schools. These challenges can include transportation difficulties, housing instability, financial hardship, work schedule conflicts, behavioral health concerns, involvement with child welfare systems, court requirements, family reunification efforts, or previous negative experiences with educational institutions.

Schools should seek to understand these circumstances and respond with empathy and flexibility rather than interpreting missed meetings or limited participation as a lack of interest or commitment. By identifying and addressing barriers, schools can strengthen relationships, increase engagement, and create opportunities for participation. In many cases, connecting families with community resources and support services can reduce obstacles and improve outcomes for both students and their families.

Supporting Youth and Family Voice

Successful transition planning is most effective when students and families are active participants in decision-making. Youth and families should have meaningful opportunities to identify priorities, share concerns, establish goals, and help shape the supports and services that will contribute to student success.

- **Discuss future plans:** Schools can promote youth and family voice by inviting discussions about educational goals, career aspirations, personal strengths, and long-term plans. Family perspectives should be incorporated into support plans whenever possible, and schools should actively seek feedback regarding interventions, services, and progress-monitoring efforts.
- **Include families in progress monitoring:** Including families in ongoing reviews of student progress and helping students and families advocate for needs can further strengthen engagement and ownership.

Connecting Families to Resources

Schools frequently serve as an important connection point between families and community resources. As part of reentry planning, schools should work collaboratively with families to identify supports that may help address barriers and promote student success both in and outside of school.

- **Make referrals to inside and outside agencies:** Depending on individual needs, families may benefit from connections to behavioral health services, family counseling, housing assistance, food resources, transportation supports, employment services, mentoring programs, recreation and after-school opportunities, healthcare services, and postsecondary or workforce development programs. Whenever possible, schools should provide warm handoffs to service providers by helping facilitate introductions and connections rather than simply offering referral information.
- **Connect with different family structures:** Families come in many forms, including biological parents, guardians, kinship caregivers, foster parents, grandparents, adoptive parents, and other adults who play significant caregiving roles. Educational teams should recognize and respect these diverse family structures. For youth involved in child welfare or out-of-home placement, schools should identify educational decision-makers and ensure that all legally authorized caregivers are appropriately involved in planning and communication.
- **Use outside facilitation when needed:** At times, disagreements may arise regarding educational placement, behavioral interventions, discipline, graduation planning, or reentry supports. When challenges occur, schools should focus on collaboration and problem-solving and use a skilled facilitator when needed.

Family engagement is not a single meeting, phone call, or signature on a form. It is an ongoing partnership that begins before reentry and continues throughout a student's educational journey. By recognizing families as essential members of the support team, schools can create stronger educational experiences, improve student outcomes, and help justice-engaged youth build a successful pathway toward graduation, employment, and long-term community connection. For more information about family engagement in juvenile justice systems, please visit: https://csgjusticecenter.org/publications/family-engagement-in-juvenile-justice-systems/