



Guidance for Implementation of Support for Justice Engaged Youth

Colorado Department of Education

August 2025

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

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

Purpose and Charge to Develop Guidance

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

Per the legislation, this must include guidance on:

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

Each Local Education Agency (LEA) point of contact should review this guidance, and the guidance is recommended for persons acting as child welfare education liaisons, guardian ad litem, counsel for youth, or other officers who work with youth.



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Unit 1: Background and Overview*

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

- The Interagency Working group completed their final report in December 2024
- The State Board of Education promulgated rules for credit transfer for justice engaged youth in custody in Summer 2025.

Definition of Justice Engaged Youth

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

Terms

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

Adjudication: Adjudication is when a judge or jury decides if a person under 18 is guilty or not guilty of breaking the law. This is similar to adults in court when they are found guilty of a crime. Most young people who break the law go through the juvenile court system. But if the crime is very serious, they may go through the adult court instead.

Pre-adjudication: Pre-adjudication means a young person is waiting for the court to decide if they broke the law. These youth are sometimes called “pre-trial” because their case hasn’t 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 short-term. It usually means a young person is being held in a secure place while they wait for a court decision or hearing. Sometimes, they might be placed in a program in the community instead of being placed in a secure facility. Commitment is long-term. It means a judge has decided the young person must stay in



the care of the state for a longer time. Once an individual is released, they may still have certain rules while on parole.

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

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

Young people in detention are not committed to the Division of Youth Services (DYS). Their legal guardians still have custody. DYS just provides supervision or care while their case moves through the court system or during their short sentence.

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

Commitment: Commitment happens when a judge decides that a young person who broke the law should be placed in the custody of the Department of Human Services. This usually follows a court hearing where the youth is found guilty of a crime.

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

Parole: Parole is the time after a committed youth finishes their sentence in a program. The court requires them to spend this time under supervision in the community. While on parole, the youth is assigned a parole officer (called a Client Manager) who checks in with them regularly. The youth must follow specific rules set by the parole officer and the Juvenile Parole Board.

Youthful Offender System: The Youthful Offender System, or YOS, is a special prison program run by the Colorado Department of Corrections for certain young people who commit serious crimes.

YOS started in 1994 for violent offenders who were 14 to 17 years old when they committed the crime and were charged as adults. In 2009, the program expanded to include 18- and 19-year-olds who committed violent crimes and were sentenced before turning 21. YOS is meant to help young people change their behavior through structure, discipline, education, and support, instead of placing them in regular adult prisons.

Probation: Probation is when a young person is allowed to live in the community instead of being in a secure facility, but they must follow certain rules set by the court.



This might include meeting regularly with a probation officer, going to programs that help change behavior, paying money to someone they harmed, or taking drug tests.

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

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

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

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

Community Supervision: Community supervision means a young person is allowed to stay in their community instead of being detained at a facility, but they must follow certain rules set by the court.

These rules can include things like staying away from certain people or places, not owning weapons, checking in with someone regularly, and showing up for court. They also must not break any laws while under supervision. The court may ask for updates about what the youth is doing during this time.

Community Corrections: Community Corrections is a type of program where people live in a supervised place—often called a “halfway house”—instead of being in jail or prison.

In Colorado, these programs support two groups of individuals:

- Diversion clients who are on probation and trying to avoid going to youth correctional facilities.
- Transition clients who are coming out of a secure facility.



Background Data

Data on students who are justice engaged is housed in a variety of different locations that includes court systems, Division of Youth Services, Division of Human Services and others within the judicial system. There is not a common agency that analyzes outcomes for all justice engaged youth. The data that the Colorado Department of Education (CDE) collects is limited to an end of year collection when it is indicated which students transfer in from a facility or transfer to a facility.

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

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

Interagency Workgroup

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

- [Final report with recommendations](#)



CDE Data

One of the challenges identified through legislation and in the interagency workgroup is that information about youth involved in the justice system lives in a variety of places. CDE and local education agencies have academic information but typically only a small amount of information of which students were justice engaged. While the recommendations from the interagency workgroup focused on how compiling and reporting could be improved, there are some pieces of information currently available. CDE collects enrollment information for students who were enrolled in one of eight detention centers across the state where a local education agency 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 definition of justice engaged youth in the legislation.

- Over 1,000 individual students were in a Colorado Detention Center in each of the past three years. The populations of detention centers on a single day varies widely throughout the year as many students are in detention for less than one month (**Table 1**).
- Around 100 students were reported as exiting from a Local Education Agency (LEA) to Department of Corrections during each of the past two years and almost 50 students entering from department of corrections (**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	1043	106
2022-23	1285	141
2023-24	1320	191

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

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

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

Note: PS = Public School; DOC = Department of Corrections.



DYS Data

The Division of Youth Services (DYS) publishes an [annual report](#) on the number of students that attended a detention center or received services through DHS.

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

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

- 43.1% were Hispanic/Latinx, 27.7% were Black, 24.6% were White, and 4.5% were Other.
- 78.2% of students in detention centers were male and 21.8% were female.
- The average age when a student was detained was 15.9 years.
- 37.6% of students in DHS had an IEP.

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

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

It was also stated that newly committed students had increasing mental health and substance use treatment needs in the 23-24 fiscal year. 84% of the population required services for the treatment of substance abuse, 87% needed formal mental health intervention services, and 75% of committed students had both mental health and substance abuse treatment needs.

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

- 88.1% of students that received services through DHS earned a high school diploma or GED.
- 65.8% of students obtained a certificate or took CTE classes during their time with DHS.
- 26 students took college courses.



Unit 2: Student Bill of Rights and Requirements*

Bill of Rights*

The legislation establishes the following bill of rights for justice engaged students ([hb24-1216flyer](#)).

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

1. 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 plan for graduation, developed with the justice-engaged student, the student's family, caregiver or advocate and clarify requirements to allow the student to complete the high school graduation requirements at the earliest possible date. A clearly defined and documented plan for graduation upon re-entry, reenrollment, or continuation with a local education provider.
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 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.
8. Participation in school activities or career readiness pathways in accordance with rules promulgated by the State Board.



Requirements of Local Education Providers

As part of the implementation of this legislation, there are requirements for the Local Education Agency.

This includes:

- Publishing the following on the LEA website in a way that is accessible for the LEA's population:
 - Name, phone number, and email address of a point of contact.
 - An explanation of services and resources available for justice engaged students.
- Identifying a point of contact for justice engaged students and their families or guardians. This individual should have the following responsibilities:
 - Have the following background knowledge:
 - An understanding of the guidance provided by CDE for this implementation
 - An understanding of the LEA's enrollment process
 - Alternative education options available to students
 - Wraparound services available to students
 - Respond to inquiries of justice engaged students and their families
 - The point person is required to respond within 3 business days after an inquiry or their knowledge of a justice engaged student.
 - If a new enrollment or re-enrollment, actively engage with students and families to explore enrollment options
 - Before denying a new enrollment, explore alternative solutions for educational attainment.
 - If needed, refer students to the Justice Engaged Youth hotline
 - Connect a student to district processes, teams, or individuals to ensure access to support and opportunities to ensure their success. This may include:
 - Connecting a student and family to a district or school support team if needed (Multi-Tiered System of Support - MTSS team, student support team, counselor, or other)
 - Ensure that a student has access to the Individual Career and Academic Plan (ICAP) process, plan development, and has a clear plan to graduation.
 - Ensure that a student's academic records have been reviewed including credits and needed services.
- Small and rural districts can refer students and families to the following point of contact at the Colorado Department of Education or to the Justice Engaged Youth hotline when that becomes available.
 - Jewel Sale, sale_j@cde.state.co.us
 - Webpage:
<https://www.cde.state.co.us/dropoutprevention/supportforyouthengagedinthejuvenilejusticesystem>



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.

“Public education is often regarded as “perhaps the most important function of state and local governments.” Brown v. Bd. of Educ., 347 U.S. 483, 493 (1954).”

When states decide to offer a benefit like education, they create a “legitimate entitlement” for people to receive that benefit (or “property interest”). *Goss v. Lopez*, 419 U.S. 565, 574 (1975). Like every state in the U.S., Colorado offers a free public education to all residents. Specifically, the Colorado state constitution says:

“The general assembly shall, as soon as practicable, 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.”

Colo. Const. art. IX, § 2. 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 education related activities and set safeguards must be in place to ensure that this right isn’t unfairly taken away due to their justice involvement or other reasons.

If it is necessary, students can be excluded from education or educational activities for a short period of time but not without due process. This pertains to student discipline as well as access to other components of education and education courses at the school or district. For instance, if a student is suspended or expelled, that necessarily means they are not in class receiving instruction—i.e., they are being deprived of their protected property interest in education. Importantly, this does not mean that students can never be suspended or expelled. As the Supreme Court *Goss* decision recognized, “The Due Process Clause will not shield [students] from suspensions properly imposed.” 419 U.S. at 579.

But, because students have a protected property interest in receiving an education, they can only be excluded from the classroom or from other educational activities if they receive due process. According to state law (§ 22-32-116.5(9.5)(a), C.R.S.), “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.

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. *Goss*, 419 U.S. at 574 (emphasis added). 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. See, e.g., § 22-33-105(2.3), C.R.S. (requirements for long-term suspensions and expulsions). 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. See § 22-108-103(1), C.R.S.

Overall, justice engaged students, like all students in Colorado have a right to participate in education and education activities and receive an education and set safeguards must be in place to ensure that this right isn't unfairly taken away due to their justice involvement or other reasons.



Unit 3: Student Enrollment, Attendance and Participation

Guidance in State Attendance Laws

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

State Statute

Compulsory School Attendance (C.R.S. 22-33-104) requires a child between the age of six, as of August 1 of each year, and is under the age of seventeen years, to attend public school. The exceptions to this rule include students who have a medical reason and are approved by administration, who are attending an independent or parochial school, are absent for an extended period of time due to physical, mental, or behavioral health reasons, a student is suspended, expelled, or been denied admission, has a school certificate or work permit, is incarcerated, pursuing a work-study program has graduated, or is homeschooled or part of a nonpublic home-based educational program.

A student is considered to be chronically absent when the student has missed ten percent or more of the days the student has been enrolled, including both excused and unexcused absences, during the school year (C.R.S. 22-33-201.5(2)). Age is not a factor with being considered chronically absent, as it only requires a student to be enrolled in school.

A student is considered to be habitually truant if they have four unexcused absences in a month or ten unexcused absences in a year, and the student is age six through sixteen (C.R.S. 22-33-102(3.5)). 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 considered.

Other Enrollment Laws/Procedures

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

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

School Placement

When determining the best placement for a student the district will work with the student and parent/guardians and other relevant support staff that could include case managers and/or probation officers. Justice-engaged youth have the right to prompt enrollment or re-enrollment with the local education provider, including potential alternative solutions to a general education program. This could be at the student's boundary or "home" school, another school in the enrollment district, an alternative education campus, virtual school, or



non-enrollment district program. Enrollment must take place within ten business days after the first request to the local education provider, per C.R.S. 22-108-103(1)(b).

- The point-of-contact should actively engage with the student and family/caregivers to explore alternative solutions for educational attainment, if attending school in a traditional environment is not a viable option, resorting to a denial of access to education pursuant to article 33 title 22.
- If a student is denied access to an education, the point-of-contact will share information directly with parents as to why enrollment was denied.

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

Denial of Admission

A public school is able to deny admission, according to statute 22-33-106(3), if

- There is evidence of the student having graduated from the twelfth grade;
- If the student was expelled from any other school district within the previous twelve months;
- Is not a resident of the district;
- Failure to comply with suspension or expulsion; or
- Behavior in another district within one calendar year that was detrimental to the welfare and safety of others.

Furthermore, a district will prohibit a student 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 (C.R.S. 22-33-106(4)). If the district is unaware of the names of the victims, this will only be implemented at the request of the victim or a member of the victim's immediate family. If the district only has one school, the district shall prohibit the students who is expelled from enrolling or design a schedule that avoids contact with the victim and family. This does not apply to any crime against property.

Participation in School Activities

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

- Graduation ceremonies
- Sporting events
- After-school activities
- Dances
- Clubs
- College or career readiness pathways (including, but not limited to, career and technical certification programs)



If there is a concern about safety due to participation, the district should use their procedures for creating a safety plan and design accommodations to allow students to participate in school activities as much as possible while ensuring a safe environment.

Accommodation Examples

- The option for a family member or other invested adult to accompany the justice-engaged student to the school activity.
- Within safety plans, reference using one of the safety plan approaches to develop the accommodations for each of the activities.

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 based on each individual scenario if it is needed.

Items to consider in a safety plan:

- Daily Safety Plan: The day-to-day support, expectations, responsibility and who is involved.
- Response and Support Plan: Create a specific and detailed plan of action for the student and the staff.
- 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 family/caregiver and for the school.



Re-entry Best Practices

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

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

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

Resources

[Juvenile Justice Re-entry Resource](#)

[Re-entry for Rural Students](#)



Credit Transfer Process (C.R.S. 22-108-106)*

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

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

1 CCR 301-115

1.0 STATEMENT OF BASIS AND PURPOSE

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

2.0 DEFINITIONS

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

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

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

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

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

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

2.7 “Local education provider” means a school district created pursuant to article 30 of title 22, C.R.S., a board of cooperative services, a charter school authorized by a school district pursuant to part 1 of article 30.5 of title 22, C.R.C., or an institute charter school authorized by the state charter school institute pursuant to part 5 of article 30.5 of title 22, C.R.S.



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

3.0 CREDIT TRANSFER PROCESS

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

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

3.2 (1) Within 10 business days of contact, both: request academic records from the previous facility, if known and available, from the time the student was in attendance; and request academic records from any previous local education provider, if different from the current local education provider. *Disclosures of academic records in response to a request under these rules must be conducted in compliance with all applicable state and federal laws, including the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. Part 99.”*

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

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

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

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

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

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

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

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

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



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

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

4.0 SUPPORT PROVIDED BY DEPARTMENT OF EDUCATION

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

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



Unit 4: Strong Tiered Response System

A strong tiered response system ensures that justice-engaged youth receive the necessary academic, social-emotional, and behavioral support to successfully engage in their education and thrive within their school communities. This system is designed to create equitable access to education by addressing barriers faced by students who have been involved in the juvenile justice system.

Colorado has developed a prevention-based framework that includes a tiered response system. The Colorado Multi-Tiered System of Supports (COMTSS) framework identifies five areas for school leadership teams to address that establish systems to ensure that all students' needs are met. This includes foundational strategies such as those equipping teachers to both understand and support students, as well as tiered support structures in place for students who are not achieving outcomes. This work is done through the lens of five components and using implementation science.

The five components of COMTSS are:

- Team-driven shared leadership
 - Ensure that pertinent staff, family, student, administrator, probation officer, and others' perspectives are included
- Data-based problem solving and decision making
 - Review multiple sources of data, both quantitative and qualitative, to understand problems and solve them
- Family, school, and community partnerships
 - Ensure that you partner with families and facilitate partnerships 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 supports
 - Provide different layers of supports to students and to the staff and families who support them

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>.



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Full Definitions

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

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

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

Detention vs Commitment

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

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

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



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

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

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

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

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

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

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



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

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