



Revised Report: A Brief Analysis of 2014-15 Student Discipline Incidents

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Executive Summary

In accordance with the Safe School Act enacted in 2000, Colorado school districts annually report to the Colorado Department of Education the number of incidents and disciplinary actions taken for certain types of student behavior. The following report describes these incidents and disciplinary actions taken for the 2014-15 school year. The current 2014-15 data was also compared to the 2013-14 data to investigate whether substantial differences were seen since the last report.

It is important to note that enrollment increased statewide from 876,999 students in 2013-14 to 889,006 students in 2014-15; an increase of 1.4 percent (12,007 students). Of the 889,006 students enrolled statewide, 56,058 (6.3%) students were disciplined during the 2014-15 school year.

School Discipline Incidents

During the 2014-15 school year, there were 92,019 disciplined incidents (not students) reported. Reasons for actions taken were only available for 91,532 incidents. The most common reasons for actions taken in 2014-15 were disobedient/ defiant or repeated interference (30.2%), detrimental behavior (27.5%), and other code of conduct violations (25.4%).

Actions Taken for All Incidents

Of the 92,019 disciplined incidents, the most frequent actions taken were out-of-school suspension (54.7%) followed by in-school suspension (30.7%). Expulsion was the least common form of disciplinary action taken (1.2%). Referral to law enforcement was also not common (4.1%) and was most often due to drug-related violations.

Behaviors by School Level and Action Taken

There were 12,836 students disciplined across elementary schools, 22,177 students disciplined across middle/junior high schools, and 21,045 students disciplined across senior high schools in Colorado. Out-of-school suspension was the most common action taken across grade levels.

Disproportionate Actions Depicted by Gender, Race and Ethnicity

Disproportionate disciplinary actions were reported in 2014-15. Black students represented 4.7 percent of the total student population; however, they represented 10.3 percent of the students who were disciplined in 2014-15. Hispanic students represented 33.1 percent of the student population but accounted for 41.8 percent of students disciplined in 2014-15. American Indian or Alaska Native students represented 0.7 percent of the student population but accounted for 1.4 percent of students disciplined. Furthermore, 13.9 percent of the Black student population, 12.2 percent of the American Indian or Alaska Native, and 8.0 percent of the Hispanic student population were disciplined, as compared to 4.8 percent of the White student population in 2014-15.



Introduction

Background

In January 2016, department staff in the *Expelled and At-Risk Student Services* program area of the Dropout Prevention and Student Re-engagement Unit analyzed discipline data from the 2014-15 school year in order to:

1. Broaden the perspectives about the nature of behaviors that place students at-risk of suspensions and expulsions.
2. Disclose the number of students engaged in the behavior and how they are disciplined.
3. Make the analytical findings more accessible to the general public due to high interest by a broad constituency.
4. Determine policy implications.
5. Identify areas for technical assistance.

Additional Information

Additional statistics, tables, and charts of all the data analyzed can be obtained at the Department's Website, <http://www.cde.state.co.us/dropoutprevention/reportsanddata> and via links at the conclusion of this report.

School-by-School Data Required to be Reported

The Safe School Act enacted in 2000 requires school districts to annually report to the Colorado Department of Education, on a school-by-school basis, the number of incidents and disciplinary actions taken for certain types of student behavior. These behaviors are prohibited by the districts' local Code of Conduct and/or certain state statutes. Most behaviors must occur on school grounds, in school vehicles, or at school activities or sanctioned events and receive disciplinary action in order to be reported. The behaviors are:

- 1st and 2nd degree and vehicular assault
- 3rd degree assault/disorderly conduct
- Dangerous weapon
- Robbery
- Other felony
- Destruction of school property
- Disobedient/defiant or repeated interference
- Detrimental behavior
- Alcohol violation
- Tobacco violation
- Drug violation
- "Other code of conduct" violations

Definitions

Detrimental Behavior- Behavior on school property that is detrimental to the welfare or safety of other students or of school personnel, including behavior that creates a threat of physical harm to the student or to other students. Additional definitions can be found in [Appendix B](#).



Overall Findings

School Disciplined Incidents in 2014-15

Of the 889,006 students enrolled statewide, 56,058 (6.3%) students were disciplined during the 2014-15 school year and 92,109 disciplined incidents (not students) were reported. Data on reasons for actions taken were only available for 91,532 incidents.

Disobedient/defiant or repeated interference (30.2%), detrimental behavior (27.5%), and other code of conduct violations (25.4%) were the most commonly reported reasons for actions taken (*See Chart 1*). Serious crimes on school campuses were the least number of disciplined incidents. The percent of the total disciplined incidents were:

- 3rd degree assault/disorderly conduct- 4.5 percent
- Dangerous weapon -1.0 percent
- 1st and 2nd degree and vehicular assault - 0.2 percent
- Robbery- 0.2 percent
- Other felony- 0.1 percent

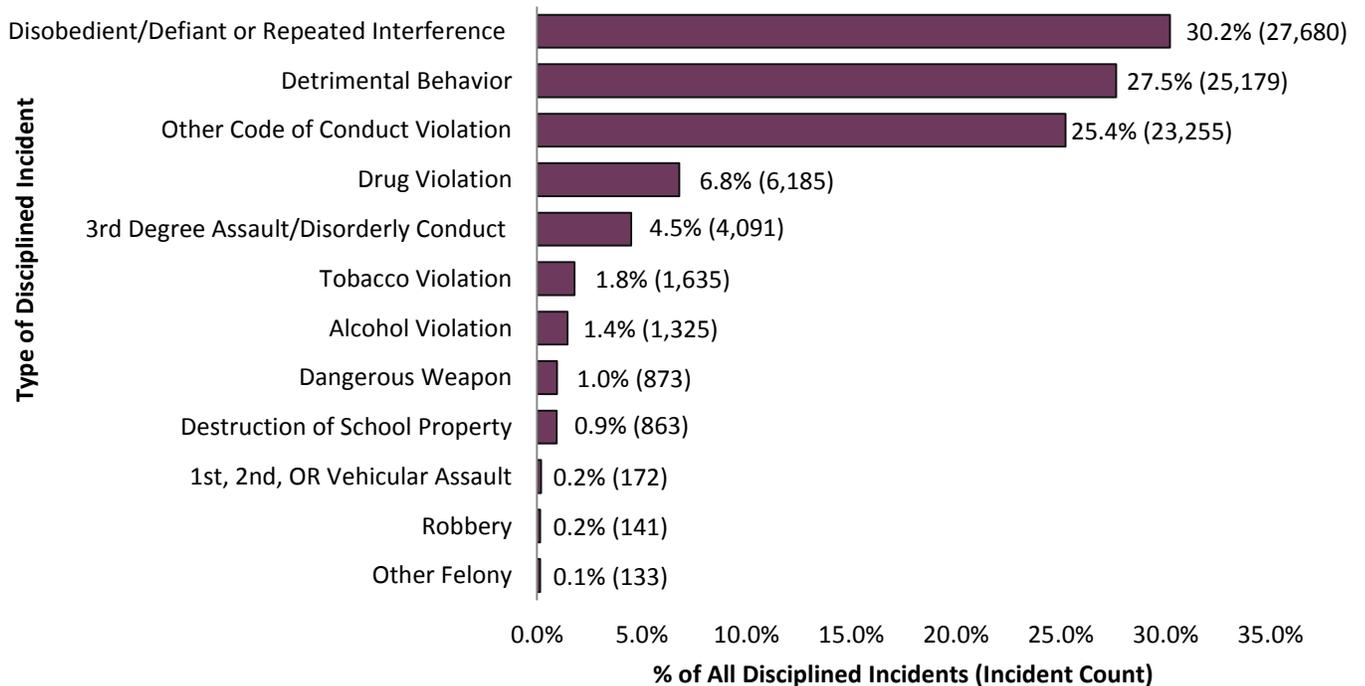
Comparison to 2013-14 School Incidents

Slight changes were seen from the 2013-14 school year to the 2014-15 school year in regard to types of disciplined incident.

- The most pronounced difference was a 3.1 percentage increase in disobedient/defiant or repeated interference
- Drug violations decreased by 1.6 percentage points.

Chart 1: 2014-15 State Total Disciplined Incidents:

Percentage of Disciplined Incidents (91,532) by Type



Data Source: Colorado Department of Education, Data Services

Actions Taken for All Incidents in 2014-15

“Actions taken” include suspensions (classroom, in-school, and out-of-school), expulsions, referrals to law enforcement, and “other” action taken (See Chart 2). A list of definitions for the behaviors and actions taken can be found in [Appendix B](#) in this report.

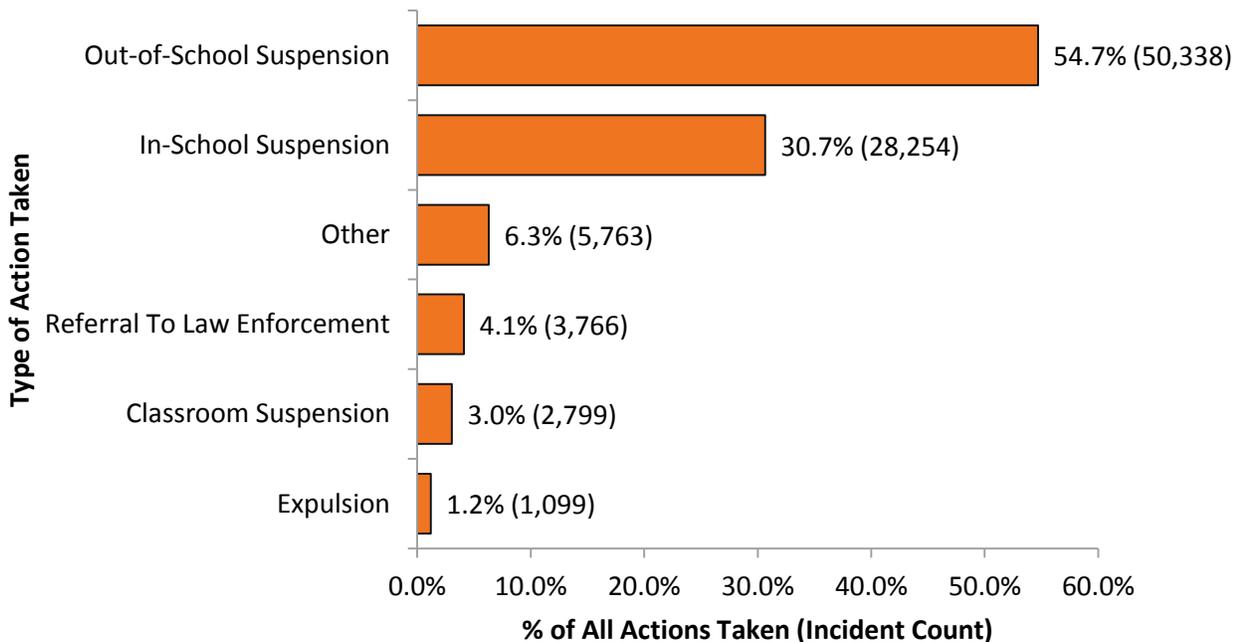
- Of the 92,019 incidents reported, the most frequent action taken was out-of-school suspension at 54.7 percent (50,338 incidents) followed by in-school suspension at 30.7 percent (28,254 incidents).
- Expulsion was the least common form of disciplinary action taken at 1.2 percent (1,099 incidents).

Comparison to 2013-14 Actions Taken

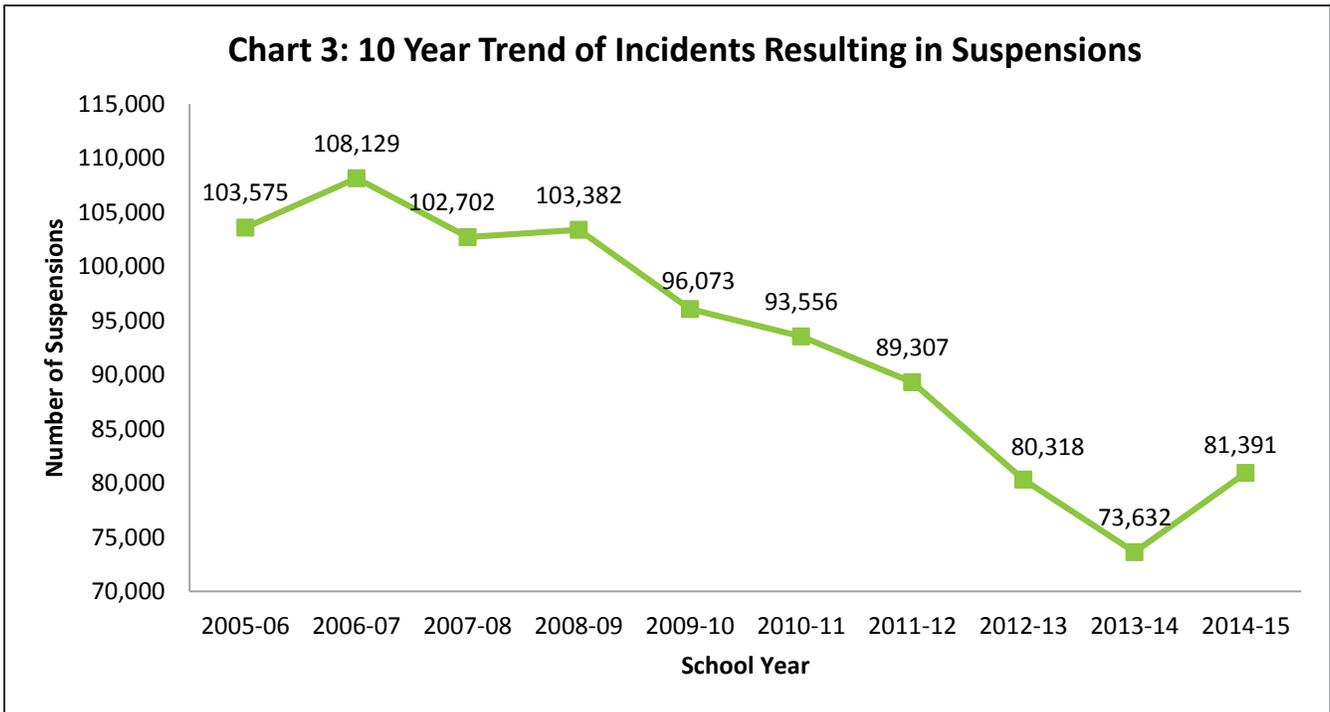
Changes were seen from the 2013-14 school year to the 2014-15 school year in regard to types of disciplinary action taken.

- In general, the incidents of all suspensions continue to decrease as has been the pattern over the last 7 years with an increase in 2014-15 (See Chart 3).
- There were 177 fewer expulsions in 2014-15 than in 2013-14. In general, the incidents of expulsions have been decreasing in the last 10 years. The largest decreases were seen in the last 3 years following HB 12-1345 which eliminated mandatory expulsion except for possession of firearms at school (See Chart 4).

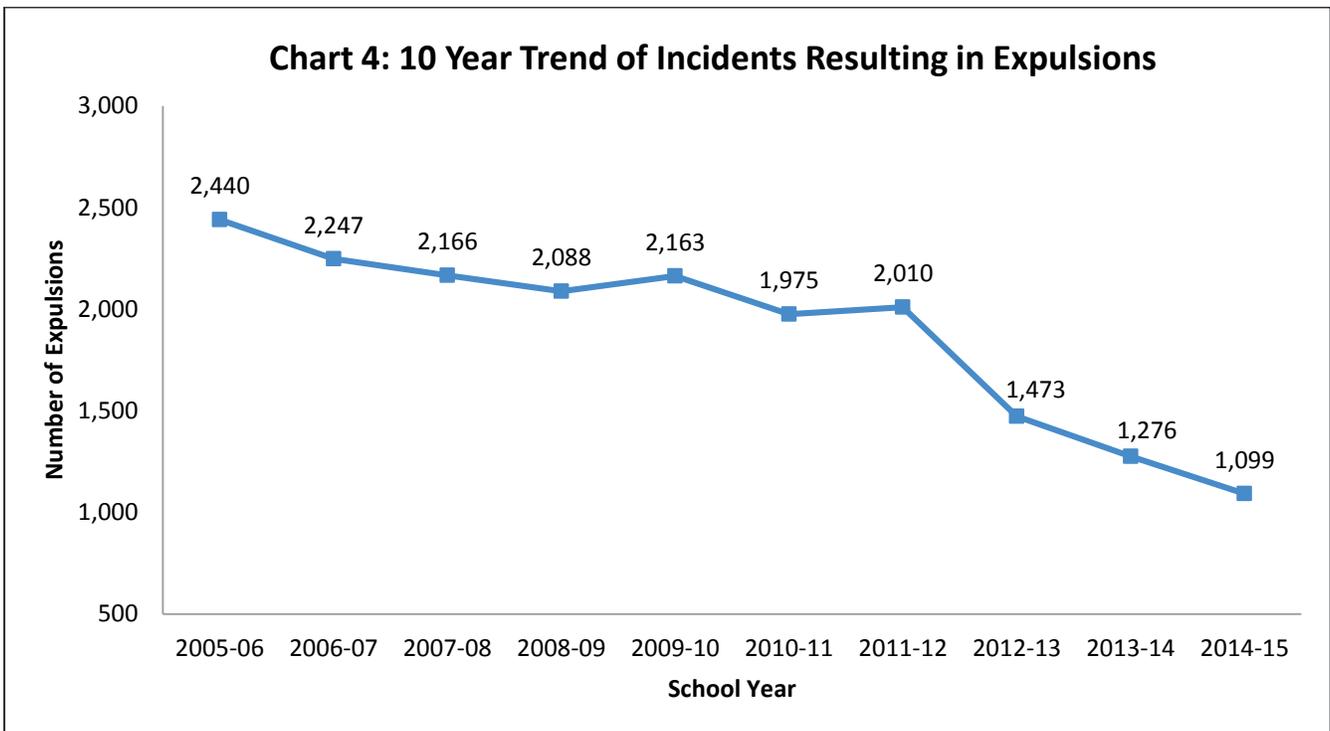
Chart 2: 2014-15 State Total Disciplinary Actions Taken:
Percentage of All Disciplined Incidents (92,019) by Action Taken



Data Source: Colorado Department of Education, Data Services



Data Source: Colorado Department of Education, Data Services



Data Source: Colorado Department of Education, Data Services



Additional Information on Expelled and Suspended Students

In 2014-15, Colorado school districts reported on four additional categories related to suspensions and expulsions during data collection (duplicate counts are possible in this count):

- **Received Only One Out-of-School Suspension** – 67.4 percent of students who received an out-of-school suspension only receive one suspension during the school year.
- **Received More than One Out-of-School Suspension** – 32.6 percent of students who received an out-of-school suspension received more than one suspension during the school year.
- **Expulsion with Educational Services** – 68.5 percent of students who were expelled received educational services.
- **Expulsion without Educational Services** – 31.5 percent of students who were expelled did not receive educational services. **Note:** Additional information is not collected to help determine if this is due to services not being offered or services being offered but refused by parents.

Referral to Law Enforcement

In 2014-15, “referral to law enforcement” referred to a communication between a school administrator, teacher, or other school employee and law enforcement that:

- Is initiated by the school administrator, teacher, or other school employee, and
- Concerns behavior by a student that the school administrator, teacher, or other school employee believes may constitute a violation of the school conduct and discipline code or a criminal or delinquent offense and for which the school administrator, teacher, or other school employee requests an investigation or other involvement by law enforcement.

“Referral to law enforcement” *does not* include:

- Contact with law enforcement that is made for the purpose of education, prevention, or intervention regarding a student’s behavior
- Routine or incidental communication between a school administrator, teacher, or other school employee and law enforcement.

Comparison to 2013-14 Referral to Law Enforcement

Referrals to law enforcement decreased by 1,130 incidents from 2013-14 to 2014-15.

The most notable changes included:

- 7.6 percentage point increase in referral to law enforcement due to other code of conduct violations (95 more incidents).
- 6.3 percentage point decrease in referral to law enforcement due to drug violations (663 less incidents).

Law Enforcement includes any law enforcement agency, law enforcement officer or school resource officer.

In 2014-15, 3,766 incidents led to a referral to law enforcement which was 4.1 percent of all actions taken.

Reasons for referral to law enforcement were available for 3,750 out of the 3,766 incidents reported (*See Table 1*). The most common reasons for which students were referred to law enforcement included:

- 30.9 percent or 1,160 incidents due to drug violations
- 24.3 percent or 912 incidents due to other code of conduct violations
- 15.4 percent or 576 incidents due to detrimental behavior



Table 1: 2014-15 Referral to Law Enforcement: Number and Percent of Total Disciplined Incidents

Code of Conduct Behavior	Total Number of Incidents in 2014-15	Number Referred to Law Enforcement in 2014-15	% of all Incidents Referred to Law Enforcement in 2014-15
Disobedient/Defiant or Repeated Interference	27,680	212	0.8%
Detrimental Behavior	25,179	576	2.3%
Other Code of Conduct Violations	23,255	912	3.9%
Drug Violation	6,185	1,160	18.8%
3rd Degree Assault/Disorderly Conduct	4,091	322	7.9%
Tobacco Violation	1,635	53	3.2%
Alcohol Violation	1,325	260	19.6%
Dangerous Weapon	873	129	14.8%
Destruction of School Property	863	62	7.2%
1st, 2nd Degree Assault or Vehicular Assault	172	27	15.7%
Robbery	141	16	11.3%
Other Felony	133	21	15.8%
Total Incidents (Not students)	91,532	3,750	4.1%

Data source: Colorado Department of Education, Data Services

Note: This data reflects only school official’s discretion, not actions on the part of law enforcement. School referrals to law enforcement are not synonymous to referrals to the juvenile justice system.

Undefined Behaviors Grouped as “Other”

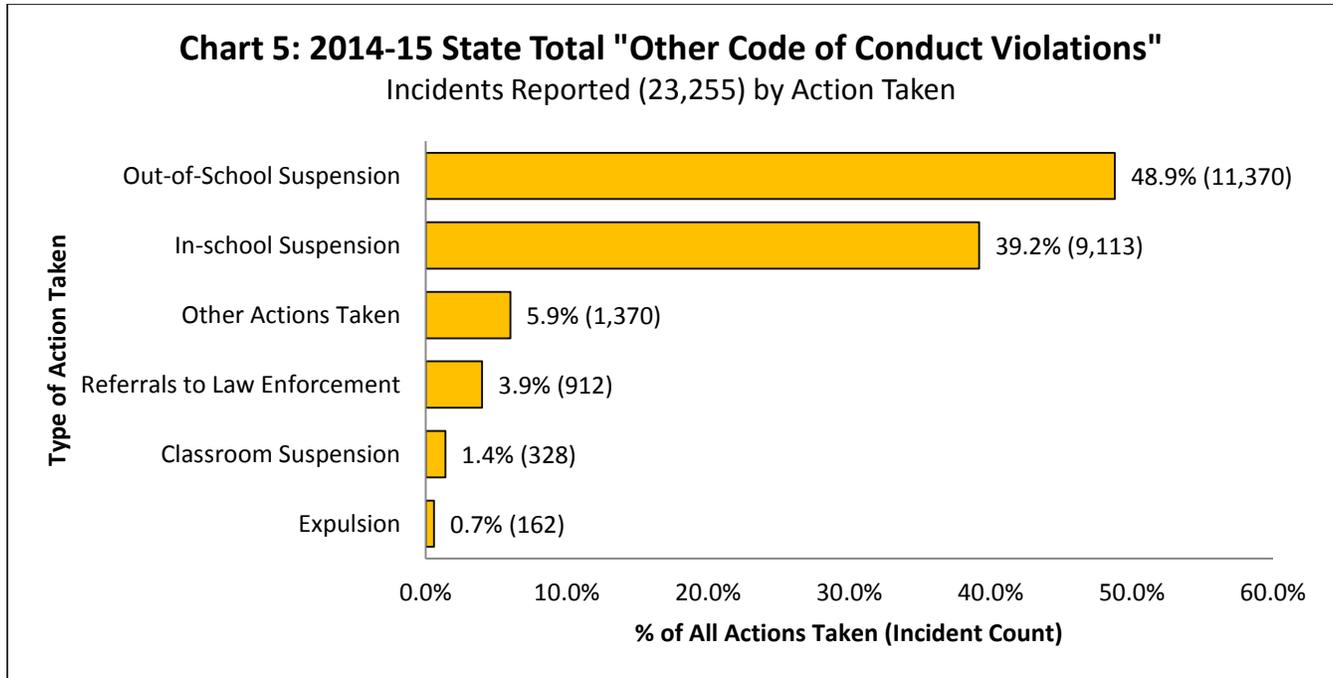
Behaviors that are not specifically required to be reported by statute are aggregated and reported in one category called “other code of conduct violations.” This category is intended to account for all conduct resulting in disciplinary action so that 100 percent of incidents are counted. Behaviors could include such things as violations of the dress code, use of inappropriate language, unspecified property crimes (other than felonies), being in the hallway without a pass, gang-related behavior if not captured by one of the other categories, or a multitude of other behaviors.

Note: Each school would record which specific behaviors this category captures which is unique to a local district’s Code of Conduct.

Of the 91,532 incidents available, 23,255 were due to other code of conduct violations which accounted for 25.4 percent of incidents statewide in 2014-15 (see *Chart 5* for a breakdown of actions taken for other code of conduct violations). Both in-school (39.2%) and out-of-school suspension (48.9%) remain the most common way of disciplining these violations.

The majority of behaviors in the other code of conduct violations category are generally thought to be less serious in nature, though still taken seriously, because most serious behaviors are captured in the specified categories. And, felonies must be reported in an “other felonies” category if not already specified in order to account for all felonies. Further state-level analysis to better understand student behavior is hampered by the

vague “other” label and the wide range of possibilities unique to local policies. However, because local data drives local decisions, lack of further state-level analysis does not impede local leaders’ ability to understand their own students and school climates.

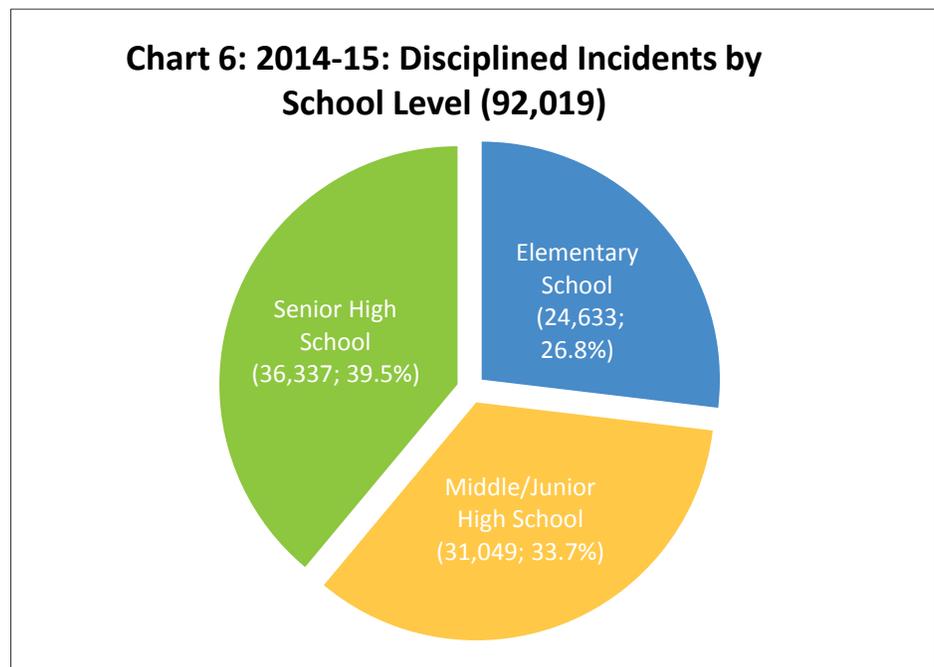


Data Source: Colorado Department of Education, Data Services

Behaviors by School Level and Action Taken

It is important to disaggregate the data across elementary, middle/junior high school, and senior high school levels in order to more fully understand student behavior from a child and adolescent developmental point of view.

This more narrow focus enables program planners to identify areas in need of priority attention and match appropriate strategies from a developmentally age appropriate perspective.



Data Source: Colorado Department of Education, Data Services



Elementary School Patterns in 2014-15

In 2014-15, 12,836 students were disciplined across elementary schools in Colorado which resulted in 24,633 reported discipline incidents. Data on reasons for actions taken were available for 24,452 of those incidents.

- The most common disciplined behavior was detrimental behavior (38.8%).
- The second most disciplined behavior was disobedient/defiant or repeated interference (27.5%).
- The third most disciplined behavior was other code of conduct violations (23.5%).

Substance abuse-related incidents, combined, accounted for 2.1 percent of disciplinary actions, or 514 incidents.

- Specific percentages are: Alcohol (0.3%), Tobacco (0.5%), and other Drugs (1.4%).

Possession of a dangerous weapon accounted for only 0.9 percent (217 incidents) of elementary school violations statewide.

Of the 24,633 reported incidents across elementary schools in Colorado, the most common actions taken were out-of-school suspension (55.6%) followed by in-school suspension (32.9%). Expulsions were not common and resulted in 0.2 percent of actions taken.

Middle/Junior High School Patterns in 2014-15

In 2014-15, 22,177 students were disciplined across middle/junior high schools in Colorado which resulted in 31,049 reported discipline incidents. Data on reasons for actions taken were available for 30,908 of those incidents.

- The most common disciplined behavior was disobedient/defiant or repeated interference (33.1%).
- The second most common disciplined behavior was detrimental behavior (28.4%).
- The third most disciplined behavior was other code of conduct violations (26.8%).

Substance abuse-related incidents, combined, accounted for 5.7 percent of disciplinary actions, or 1,764 incidents.

- Specific percentages are: Alcohol (0.6%), Tobacco (1.4%), and Drugs (3.7%).

Possession of a dangerous weapon accounted for only 0.8 percent (262 incidents) of middle/junior high violations statewide.

Of the 31,049 reported incidents across middle/junior high schools in Colorado, the most common actions taken were out-of-school suspension (51.9%) followed by in-school suspension (32.3%). Expulsions were not common and resulted in 0.9 percent of actions taken.

2013-14 Comparison Across Colorado Schools

Since 2013-14, disciplined incidents increased in middle/junior high schools and senior high schools but decreased in elementary school (*See Chart 6*).

Disciplined incidents due to possession of a dangerous weapon has remained consist from 2013-14 to 2014-15 in both middle/junior high school and senior high school.

Disciplined incidents due to substance-abuse or related incidents increased 1.7 percentage points (includes alcohol, tobacco, and drugs) in senior high school but decreased by 2.8 percentage points in middle/junior high school.



Senior High School Patterns in 2014-15

In 2014-15, 21,045 students were disciplined across high schools in Colorado which resulted 36,337 reported discipline incidents. Data on reasons for actions taken were available for 36,172 of those incidents.

- The most common disciplined behavior was disobedient/defiant or repeated interference (29.6%).
- The second most disciplined behavior was other code of conduct violations (25.5%).
- The third most common disciplined behavior was detrimental behavior (19.1%).

Substance abuse-related incidents accounted for 19.0 percent of disciplinary actions.

- Specific percentages are: Alcohol (3.0%), Tobacco (2.9%), and Drugs (13.0%).

Possession of a dangerous weapon accounted for 1.1 percent (394 incidents) of senior high violations statewide. Firearms are a subset of the dangerous weapons category. Per the federal Gun-Free Schools Act, possessing or bringing firearms to school is a mandatory expulsion for no less than 365 calendar days and referral to the criminal justice system. School superintendents may modify the length of expulsion but cannot avoid the expulsion.

- During the 2014-15 school year, a total of 22 students were expelled per the Gun-Free Schools Act.
- The majority of students expelled per the Gun-Free Schools Act were in High School (72.7%).

Of the 36,337 reported incidents across senior high schools in Colorado, the most common action taken was out-of-school suspension (56.5%) followed by in-school suspension (27.8%). Expulsions were not common and resulted in 2.1 percent of actions taken.

[Disproportionate Actions Depicted by Gender, Race and Ethnicity](#)

Actions Depicted by Gender in 2014-15

Similar to previous years, a disproportionate number of male students were disciplined in 2014-15.

- Female students represent 48.7 percent of the student population (432,794 students) but are 32.7 percent of the students disciplined.
- Male students represent 51.3 percent of the student population (456,212 students) but are 67.3 percent of the students disciplined.

- These gender differences were also consistent within each race and ethnicity.

Comparison to 2013-14

There has been a 5.1 percentage point increase in the number of females disciplined from 2013-14 to 2014-15.

There has been a 5.0 percentage point decrease in the number of males disciplined from 2013-14 to 2014-15.

Actions Depicted by Race/Ethnicity in 2014-15

Similar to previous years, a disproportionate number of minority students were disciplined in 2014-15. When comparing students across race/ethnicity the following patterns emerged in 2014-15:

- Black students represent 4.7 percent of the student population (41,660 students) but accounted for 10.3 percent of students disciplined in 2014-15.



- Hispanic students represented 33.1 percent of the student population (294,435 students) in 2014-15 but accounted for 41.8 percent of students disciplined.
- American Indian or Alaska Native students represented 0.7 percent of the student population (6,537 students) in 2014-15 but accounted for 1.4 percent of students disciplined.

When comparing students within race/ethnicity, the following patterns emerged in 2014-15:

- Of the 41,660 Black students statewide in 2014-15, 13.9 percent of these students (5,788 students) were disciplined.
- Of the 6,537 American Indian or Alaska Native students statewide, 12.2 percent of these students (797 students) were disciplined in 2014-15.
- Of the 294,435 Hispanic students statewide, 8.0 percent of these students (23,424 students) were disciplined in 2014-15.
- Of the 484,305 White students statewide in 2014-15, 4.8 percent of these students (23,083 students) were disciplined.

Comparison to 2013-14

Table 2 represents the comparison between the percentages of total students disciplined by Race/ Ethnicity in 2014-15 compared to in 2013-14.

The biggest difference was seen with the Hispanic student population (0.5 percentage point increase).

Table 3 represents the comparison between the percentages of total students disciplined *within* each Race/ Ethnicity in 2014-15 compared to in 2013-14.

The biggest difference was seen with American Indian or Alaska Native students (2.8 percentage points increase) and the Native Hawaiian/Pacific Islander students (0.8 percentage point increase).

Table 2: Comparison of 2013-14 and 2014-15 State Total Disciplinary Actions Taken *between* Race/Ethnicity

Race/Ethnicity	% of Total Students Disciplined in 2013-14	% of Total Students Disciplined in 2014-15	Total Percentage Point Difference from 2013-14 to 2014-15
Black	10.4%	10.3%	0.1 percentage point lower
American Indian or Alaska Native	1.1%	1.4%	0.3 percentage point higher
Hispanic	42.3%	41.8%	0.5 percentage point lower
White	41.3%	41.2%	0.1 percentage point higher
Asian	1.0%	1.1%	0.1 percentage point higher
Native Hawaiian/ Pacific Islander	0.1%	0.2%	0.1 percentage point higher
Two or More Races	3.4%	4.0%	0.4 percentage point higher

Data Source: Colorado Department of Education, Data Services



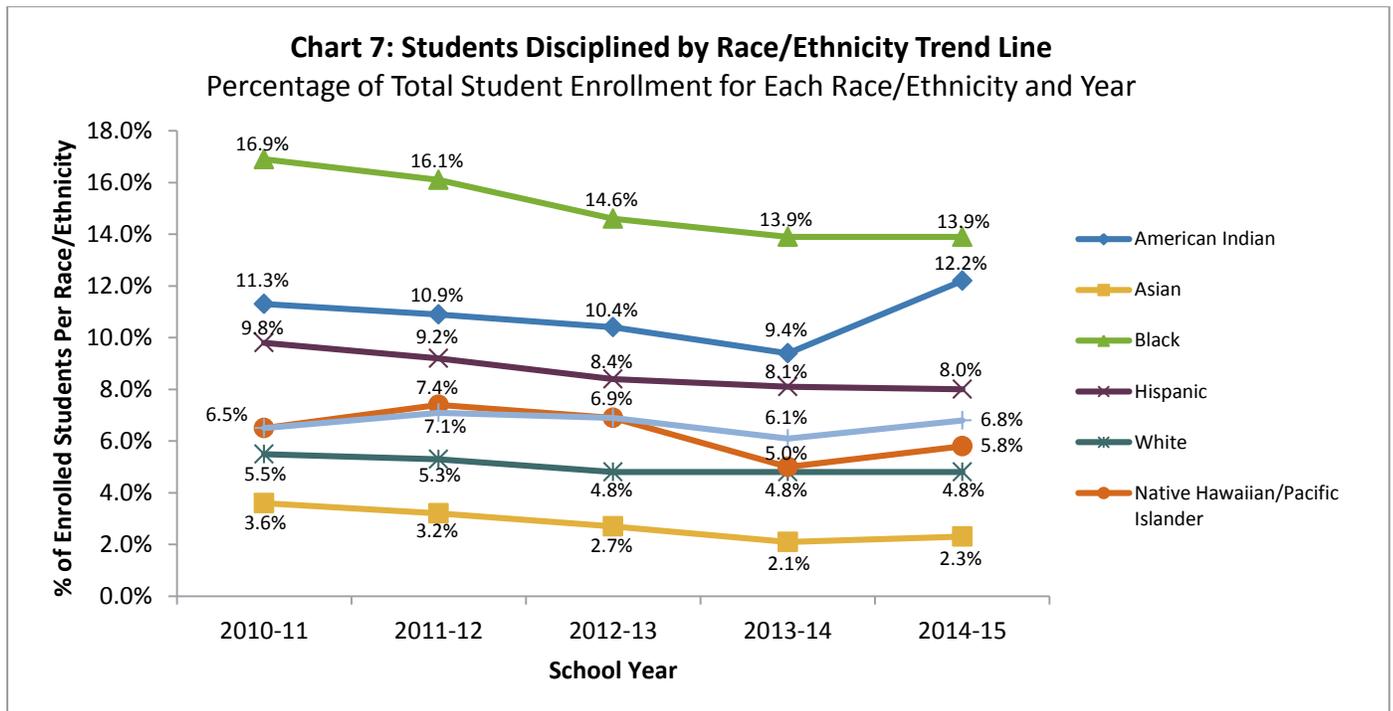
Table 3: Comparison of 2013-14 and 2014-15 State Total Disciplinary Actions Taken *within* Race/ Ethnicity

Race/Ethnicity	% of Total within Race/Ethnicity Disciplined in 2013-14	% of Total within Race/Ethnicity Disciplined in 2014-15	Total Percentage Point Difference from 2013-14 to 2014-15
Black	13.9%	13.9%	No Difference
American Indian or Alaska Native	9.4%	12.2%	2.8 percentage points higher
Hispanic	8.1%	8.0%	0.1 percentage point lower
White	4.8%	4.8%	No Difference
Asian	2.1%	2.3%	0.2 percentage point higher
Native Hawaiian/ Pacific Islander	5.0%	5.8%	0.8 percentage point higher
Two or More Races	6.1%	6.8%	0.7 percentage point higher

Data Source: Colorado Department of Education, Data Services

Chart 7 depicts the percentage of students disciplined by Race/Ethnicity from the 2009-10 school year to the 2014-15 school year.

- Although Black and Hispanic students continue to be disproportionately disciplined, the gap has been slowly narrowing from 2011-12 to 2013-14. A notable increase in the percentage of American Indian or Alaska Native students disciplined occurred in 2014-15.



Data Source: Colorado Department of Education, Data Services



Conclusion

The purpose of this report was to provide information on incidents that received disciplinary action in Colorado in 2014-15. There were various similarities observed from the data collected in 2013-14 to the data collected in the previous school year. For example, most of the disciplinary problems across Colorado schools continue to be due to disobedient/defiant or repeated interference and detrimental behavior which typically led to suspensions as a primary form of action taken.

There were also various differences observed. For example, the number of expulsions continues to decrease. The race/ethnicity related disciplinary gap is also slowly narrowing for Black and Hispanic students. However, there is still over-representation of students who are disciplined across race and ethnic populations, especially for American Indian or Native Alaska students. Serious questions still need to be posed and answered to address why this is occurring.

The disciplinary data collected is very complex and is acquired through schools referring behavior to the appropriate authorities, recording all incidents uniformly, and reporting accurately all incidents and actions taken. Some of data's great utility is its ability to validate reality, educate, and inspire leaders to action, and suggest areas needing change for the better when adequately analyzed and shared with interested stakeholders.

Note: It is important to note that numbers may not always reflect the actual number of behavioral incidents, rather, the number of behavioral incidents that were caught and acted upon.



[Appendix A: Additional Information, Resources, and Programs](#)

Pertinent Colorado Revised Statutes

- http://www.cde.state.co.us/dropoutprevention/earss_policiesandstatestatutes
 - The “Safe School Act” –CRS 22-32-109.1
 - Suspension, Expulsion, and Denial of Admission – CRS 22-33-105
 - Grounds for Suspension, Expulsion, and Denial of Admission – CRS 22-33-106
 - Educational Alternatives for Expelled Students – CRS 22-33-203

Resources and Information at the Colorado Department of Education Website

- Education Statistics, such as graduation, dropout, and truancy rates, student population demographics, staff statistics, etc., managed by the Data and Research Unit:
 - http://www.cde.state.co.us/index_stats.htm
- Positive Behavioral Interventions and Supports (PBIS) - administered by the Office of Learning Supports:
 - <http://www.cde.state.co.us/pbis>
- Multi-Tiered System of Supports (MTSS) - administered by the Office of Learning Supports:
 - <http://www.cde.state.co.us/mtss>

Dropout Prevention and Student Re-engagement Program Information at the Colorado Department of Education Website

- <http://www.cde.state.co.us/offices/dropoutpreventionengagementoffice>
 - **21st Century Community Learning Centers (21st CCLC)** – A federally-funded grant program that provides academic and enrichment opportunities, with an emphasis on literacy, mathematics and science, to at-risk students in low income, underperforming schools.
 - <http://www.cde.state.co.us/21stcclc>
 - **McKinney-Vento Homeless Education Program** – A federally-funded program that ensures access, stability and educational support for students experiencing homelessness.
 - http://www.cde.state.co.us/dropoutprevention/homeless_index
 - **Expelled and At Risk Student Services Grant Program** – A state-funded grant program that provides educational and support services to expelled students, students at risk for expulsion, or students at risk for being declared habitually truant.
 - http://www.cde.state.co.us/dropoutprevention/p_earss
 - **Foster Care Education** – A new program launched in 2012 to increase education stability of students in foster care. Includes training of Child Welfare Education Liaison, technical assistance on effective transitioning planning and strengthening partnerships and collaboration between local education agencies and child welfare agencies.
 - http://www.cde.state.co.us/dropoutprevention/fostercare_index

Alternatives to Zero Tolerance: Best Practice Summary- Zero tolerance school policies refer to disciplinary policies which include predetermined consequences such as expulsions, suspensions, and referrals to law enforcement for specific violations of a school’s Code of Conduct. The brief Alternatives to Zero Tolerance: Best Practice Summary report highlights several evidence-based, supportive disciplinary methods that serve as alternatives to suspensions and expulsions as well as recommendations on ways to help decrease Colorado’s disciplinary gaps based on gender, race, and discipline.

- <http://www.cde.state.co.us/dropoutprevention/resources>



U.S. Department of Education – School Climate and Discipline – Guidance Package and Additional Resources

- http://www2.ed.gov/policy/gen/guid/school-discipline/index.html?exp=1&utm_source=SCM_Volume+7_Issue+4_January_2014&utm_campaign=January+SCM+2014&utm_medium=email

Supportive School Discipline Communities of Practice

- <http://ssdcop.neglected-delinquent.org>



Appendix B: Definition of Student Behaviors and Action Taken

The following definitions are current as of the 2014-15 school year. These pertain to the annual school reports of incidents to the Colorado Department of Education via the Automated Data Exchange.

Definitions of Violations

Alcohol Violation

Use, possession or sale of alcohol on school grounds, in school vehicles, or at school activities or sanctioned events.

Assaults - 1st, 2nd Degree or Vehicular

Commission of an act on school grounds that if committed by an adult, would be considered First Degree Assault, as described in Section 18-3-202, C.R.S., Second Degree Assault, as described in section 18-3-203, C.R.S., or Vehicular Assault, as described in Section 18-3-205, C.R.S.

Clarification: *In keeping with the requirements of C.R.S. 22-32-109.1(b)(IV)(F), this category includes acts considered first and second degree assault, as defined by state statutes or municipal ordinances, but does not include acts considered third degree assault, (22-32-109.1(2) (b) (IV) (F) (C.R.S.). Fights and other third degree assaults in violation to the local code of conduct should be reported in the "3rd Degree Assaults/Disorderly Conduct" category. If unsure what type of event constitutes which degree assault, consult the language of the cited state statutes, and contact the school district's legal counsel, local law enforcement officials or municipal attorneys for assistance.*

18-3-202. Assault in the First Degree.

- (1) A person commits the crime of assault in the first degree if:
 - (a) With intent to cause serious bodily injury to another person, he causes serious bodily injury to any person by means of a deadly weapon; or
 - (b) With intent to disfigure another person seriously and permanently, or to destroy, amputate, or disable permanently a member or organ of his body, he causes such an injury to any person; or
 - (c) Under circumstances manifesting extreme indifference to the value of human life, he knowingly engages in conduct which creates a grave risk of death to another person, and thereby causes serious bodily injury to any person;

Refer to the statute for more specifics about assaults against peace officers, fire fighters, employees of the court and detention centers, or other youth service providers. First degree assault is almost always a felony.

18-3-203. Assault in the Second Degree.

- (1) A person commits the crime of assault in the second degree if:
 - (a) Repealed.
 - (b) With intent to cause bodily injury to another person, he or she causes such injury to any person by means of a deadly weapon; or
 - (c) With intent to prevent one whom he or she knows, or should know, to be a peace officer or firefighter from performing a lawful duty, he or she intentionally causes bodily injury to any person; or
 - (d) He recklessly causes serious bodily injury to another person by means of a deadly weapon; or
 - (e) For a purpose other than lawful medical or therapeutic treatment, he intentionally causes stupor, unconsciousness, or other physical or mental impairment or injury to another person by administering to him, without his consent, a drug, substance, or preparation capable of producing the intended harm;

18-3-205 Vehicular Assault

(1) (a) If a person operates or drives a motor vehicle in a reckless manner, and this conduct is the proximate cause of serious bodily injury to another, such person commits vehicular assault.

(b) (l) If a person operates or drives a motor vehicle while under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, and this conduct is the proximate cause of a serious bodily injury to another, such person commits vehicular assault. This is a strict liability crime.



Refer to the statute for more specifics about assaults against peace officers, fire fighters, employees of the court and detention centers, and other youth service providers.

3rd Degree Assaults/Disorderly Conduct

Commission of an act on school grounds that, if committed by an adult would be considered third degree assault, as described below in section 18-3-204, C.R.S., or Disorderly Conduct, as described below in section 18-9-106 (1) (d), C.R.S. referring to fights.

Note: In keeping with legislative intent, if the behavior fits these descriptions, it is to be reported even if no police report or charges were filed.

18-3-204. Assault in the third degree.

A person commits the crime of assault in the third degree if he knowingly or recklessly causes bodily injury to another person or with criminal negligence he causes bodily injury to another person by means of a deadly weapon. Assault in the third degree is a class 1 misdemeanor.

18-9-106. Disorderly conduct.

(1) A person commits disorderly conduct if he or she intentionally, knowingly, or recklessly:

(d) Fights with another in a public place except in an amateur or professional contest of athletic skill;

Dangerous Weapons

This could be a firearm, whether loaded or unloaded, or a firearm facsimile that could reasonably be mistaken for an actual firearm; - Any pellet or BB gun or other device, whether operational or not designed to propel projectiles by spring action or compressed air; - It also includes a fixed blade knife with a blade that measures longer than three inches in length or a spring-loaded knife or a pocket knife with a blade longer than three and one-half inches; or, - That could be any object, device, instrument, material, or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury.

Disobedient/Defiant or Repeated Interference

Being willfully disobedient or openly and persistently defiant or repeatedly interfering with the school's ability to provide educational opportunities to, and a safe environment for, other students.

Destruction of School Property

Willful destruction or defacement of school property.

Detrimental Behavior

Behavior on school property that is detrimental to the welfare or safety of other students or of school personnel, including but not limited to incidents of bullying, and other behavior that creates a threat of physical harm to the student or to other students.

Drug Violation

Use, possession, or sale of a drug or controlled substance on school grounds, in school vehicles, or at school activities or sanctioned events.

Other Felonies

Commission of an act on school grounds that, if committed by an adult, would be considered a felony.

Other Violations of Code of Conduct

Other violations of the Local Board of Education's code of conduct that resulted in suspensions, expulsions or resulting referrals to law enforcement, not already reported in other reported categories. These violations may or may not be documented in a student's record (22-32-109(1) (2) (B)).

Robbery

Commission of an act on school grounds that, if committed by an adult, would be considered robbery. Robbery is a class four felony.

18-4-301. Robbery.



(1) A person who knowingly takes anything of value from the person or presence of another by the use of force, threats, or intimidation commits robbery.

Tobacco Violation

Use, possession or sale of tobacco on school grounds, in school vehicles, or at school activities or sanctioned events. If possession of tobacco products is not a violation of the district codes of conduct, then no tobacco possession incidents were reported.

Definitions of Actions Taken

Classroom Suspension

Students suspended from the classroom or removed by the teacher.

Include only those incidents where the teacher removal process provided by C.R.S. 22-32-109.1(2) (a) (II) was followed (including contacting the parent or guardian, having a student-parent-teacher conference and if the second removal, developing a behavior plan).

Expulsion

A student who is not allowed to attend school for the remainder of the school year because of violations of the district's discipline policy.

Expulsion with Educational Services – The total number of students expelled with educational services provided during duration of the expulsion.

Expulsion without Educational Services – The total number of students expelled without educational services being provided during duration of the expulsion.

In School Suspension

Students suspended from classroom to another location in the school in accordance with Local Board Policy and any students suspended following the classroom suspension/teacher removal process provided by Senate Bill 133 (Safe School Legislation).

Out of School Suspension

Student suspended from school grounds in accordance with Local Board Policy.

Received Only One Out-of-School Suspension – The total number of students received an out-of-school suspension only once during the school year.

Received More than One-of-School Suspension – The total number of students received an out-of-school suspension more than once during the school year

Referred to Law Enforcement

A communication between a school administrator, teacher, or other school employee and law enforcement that:

- (A) Is initiated by the school administrator, teacher, or other school employee; and
- (B) Concerns behavior by a student who the school administrator, teacher, or other school employee believes may constitute a violation of the school conduct and discipline code or a criminal or delinquent offense and for which the school administrator, teacher, or other school employee requests an investigation or other involvement by law enforcement.

Referral to law enforcement does not include:

- (A) Contact with law enforcement that is made for the purpose of education, prevention, or intervention regarding a student's behavior;
- (B) Routine or incidental communication between a school administrator, teacher, or other school employee and law enforcement.
- (C) Any Incident or Communication that is initiated by Law Enforcement.

Law Enforcement includes any law enforcement agency, law enforcement officer or school resource officer.

Other Action Taken

Other extremely serious disciplinary actions, according to local board policy, and not covered by the In/Out of School Suspensions, Expulsion, and Referred to Law Enforcement Action Taken categories.



End Notes

¹ APA Zero Tolerance Task Force Report (2006) can be found on <https://www.apa.org/pubs/info/reports/zero-tolerance.aspx>

² Evidence Based Nonpunitive Alternatives to Zero Tolerance (2011) can be found on <http://www.nea.org/assets/docs/alternatives-to-zero-tolerance.pdf>