



This document references the School Discipline and Attendance (SDA) data collection and provides the following information for the reportable behaviors: (1) definitions in statute, (2) statutes referenced in definitions if applicable, and (3) any additional clarification for each behavior to be reported to the Colorado Department of Education. This document also provides clarification pertaining to the behavior and allegation codes reported for the Civil Rights Data Collection (CRDC). The associated reporting code used in the School Discipline and Attendance file for each reported behavior/allegation is also provided in parenthesis and italicized.

22-32-109.1(2)(b): Safe school reporting requirements:

Each school district and Charter School institute must have a policy whereby the principal of each public school in a school district is required to submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of the school district concerning the learning environment in the school during that school year. The board of education of the school district shall annually compile the reports from every school in the district and submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report must be easily accessible by the general public through a link on the department of education’s web site homepage. The report must include, but need not be limited to, the following specific information for the preceding school year:...(IV) The number of conduct and discipline code violations, each of which violations shall be reported only in the most serious category that is applicable to that violation, including but not limited to specific information identifying the number of, and the action taken with respect to, each of the following types of violations:

Drug Violation (*code 01*)

Definition in statute:

Use, possession, or sale of a drug or controlled substance, other than marijuana, on school grounds, in a school vehicle, or at a school activity or sanctioned event.

Clarifications:

Being under the influence of substances (and in this case, unlawful for being under 21) can be considered Detrimental Behavior (threat of physical harm to the student), or, depending on the degree to which being under the influence causes a major disruption, it could also be reported as Disobedience/Defiant or Repeated Interference. If the district has an “under the influence” policy, it could also be reportable as Other Violation of Code of Conduct. Districts have the authority to include “under the influence” in the code of conduct per 22-32-109.1(2)(a)(A). It would be advisable to seek legal advice for the language and scope of such a policy.

Alcohol Violation (*code 02*)

Definition in statute:

Use or possession of alcohol on school grounds, in a school vehicle, or at a school activity or sanctioned event.

Clarifications:

Being under the influence of substances (and in this case, unlawful for being under 21) can be considered Detrimental Behavior (threat of physical harm to the student), or, depending on the degree to which being under the influence causes a major disruption, it could also be reported as Disobedience/Defiant or Repeated Interference. If the district has an “under the influence” policy, it could also be reportable as Other Violation of Code of Conduct. Districts have the authority to include “under the influence” in the code of conduct per 22-32-109.1(2)(a)(A). It would be advisable to seek legal advice for the language and scope of such a policy.



Tobacco Violation *(code 03)*

Definition in statute:

Use or possession of a tobacco product on school grounds, in a school vehicle, or at a school activity or sanctioned event.

C.R.S. 18-13-121 (5) Tobacco Product means:

- (I) Any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or
- (II) Any device that can be used to deliver tobacco or nicotine to the person inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe.

Clarifications:

Being under the influence of substances (and in this case, unlawful for being under 21) can be considered Detrimental Behavior (threat of physical harm to the student), or, depending on the degree to which being under the influence causes a major disruption, it could also be reported as Disobedience/Defiant or Repeated Interference. If the district has an “under the influence” policy, it could also be reportable as Other Violation of Code of Conduct. Districts have the authority to include “under the influence” in the code of conduct per 22-32-109.1(2)(a)(A). It would be advisable to seek legal advice for the language and scope of such a policy.

1st, 2nd Degree or Vehicular Assault *(code 04)*

Definition in statute:

Commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event 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.

C.R.S. 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;

C.R.S. 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, firefighter, emergency medical care provider or emergency medical service provider from performing a lawful duty, he or she intentionally causes bodily injury to any person; or
 - d. He/she 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 or she intentionally causes stupor, unconsciousness, or other physical or mental impairment or injury to another person by administering to him or her, without his or her consent, a drug, substance, or preparation capable of producing the intended harm; or
 - f. With intent to cause bodily injury to another person, he or she causes serious bodily injury to that person or another.



C.R.S. 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.
- 2) (b) (I) 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.

Clarifications:

In keeping with the Safe School Act's requirements of C.R.S. 22-32-109.1(b)(IV)(F), the '1st, 2nd Degree or Vehicular Assault' 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. In keeping with legislative intent, if the behavior fits these descriptions, report them even if no police report or charges were filed.

Dangerous Weapons *(code 05)*

Definition in statute:

Possessing a dangerous weapon on school grounds, in a school vehicle, or at a school activity or sanctioned event without the authorization of the school or the school district.

C.R.S. 22-33-102(4) Dangerous Weapons

- a. A firearm as defined in section 18-1-901 (3)(h)C.R.S.;
- b. Any pellet or BB gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air;
- c. A fixed-blade knife with a blade that exceeds three inches in length
- d. A spring-loaded knife or a pocket knife with a blade exceeding three and one-half inches in length
- e. Any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used to inflict death or serious bodily injury.

Robbery *(code 06)*

Definition in statute:

Commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be considered robbery.

C.R.S. 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.

Clarifications: Robbery is a class four felony. Example: A 16-year old student approaches another student on school grounds and in a very threatening manner demands the other student's cell phone. When the student refuses to hand it over, the student pushes the other student to the ground and forcefully takes it from his hand. This would be considered a robbery because a thing of value (cell phone) was taken from the person's hand by the use of force (pushing to the ground.)

Stealing or theft would not be reported as robbery. Theft involves depriving someone of property and would not be considered robbery since robbery is a crime against a person for taking something by force, fear or intimidation. Instead, stealing/theft would be reported as 'Other Violation'.

Note: Also provide whether a weapon was involved in the Weapon Description field for CRDC reporting*.



Other Felony (*code 07*)

Definition in statute:

Commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be considered a felony.

Clarification:

Any incident for which a student is disciplined which would be considered a felony if committed by an adult, shall be reported in the "other felonies" category except those related to, and already reported under, substance abuse, assault, dangerous weapon, robbery or other descriptive category if that behavior rises to the level of a felony.

Disobedience/Defiant or Repeated Interference (*code 08*)

Definition in statute:

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

Detrimental Behavior (*code 09*)

Definition in statute:

Behavior on school grounds, in a school vehicle, or at a school activity or sanctioned event 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.

Clarifications:

- 1) Bullying is reported in this category and defined in 22-32-109.1(1)(b): "Bullying" means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance or against whom federal and state laws prohibit discrimination upon. This definition is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.
- 2) Electronic bullying (i.e. texts, emails, etc.) may or may not be included. If the victim of the electronic bullying behavior is on school grounds, in a school vehicle, or at a school activity or sanctioned event, the bullying would be reported as detrimental behavior. Also, if the student sending the electronic bullying materials is disciplined, then it would also be reported. However, if the student is not disciplined for "off-campus" bullying, then it would not be reported to CDE.

Destruction of School Property (*code 10*)

Definition in statute:

Willful destruction or defacement of school property.

Other Violations of Code of Conduct (*code 12*)

Definition in statute:

Other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record.



3rd Degree Assault/Disorderly Conduct *(code 13)*

Definition in statute:

Commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be considered third degree assault, as described in section 18-3-204, C.R.S., or disorderly conduct, as described in section 18-9-106 (1) (d), C.R.S., but not disorderly conduct involving firearms or other deadly weapons, as described in section 18-9-106(1)(e).

18-3-204. Assault in the third degree

A person commits the crime of assault in the third degree if the person knowingly or recklessly causes bodily injury to another person or with criminal negligence the person 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(1)(d). 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.

Note: Also provide whether a weapon was involved in the Weapon Description field for CRDC reporting*.

Marijuana Violation *(code 14)*

Definition in statute:

The unlawful use, possession, or sale of marijuana on school grounds, in a school vehicle, or at a school activity or sanctioned event.

Clarifications:

Being under the influence of substances (and in this case, unlawful for being under 21 unless the student is covered under medicinal marijuana) can be considered Detrimental Behavior (threat of physical harm to the student), or, depending on the degree to which being under the influence causes a major disruption, it could also be reported as Disobedience/Defiant or Repeated Interference. If the district has an “under the influence” policy, it could also be reportable as Other Violation of Code of Conduct. Districts have the authority to include “under the influence” in the code of conduct per 22-32-109.1(2)(a)(A). It would be advisable to seek legal advice for the language and scope of such a policy.

Sexual Violence/Battery (other than Rape) *(code 15)*

Definition in statute:

The number of acts of sexual violence on school grounds, in a school vehicle, or at a school activity or sanctioned event. “Sexual violence” means a physical sexual act perpetrated against a person’s will or where a person is incapable of giving consent.

Clarification:

An incident that includes threatened rape, fondling, indecent liberties, child molestation, or sodomy. Both male and female students can be victims of sexual battery. Classification of these incidents should take into consideration the age and developmentally appropriate behavior of the offender(s).

Rape or Attempted Rape *(code 16)*

Definition in statute:

Incidents of rape or attempted rape on school grounds, in a school vehicle, or at a school activity or sanctioned event. Rape refers to forced sexual intercourse (vaginal, anal, or oral penetration). This includes penetration from a foreign object. Both male and female students can be victims of rape. Rape is not defined as a physical attack or fight.



Civil Rights Data Collection (CRDC) Reporting:

The purpose of the U.S. Department of Education (ED) Civil Rights Data Collection (CRDC) is to obtain data related to the nation's public school districts and elementary and secondary schools' obligation to provide equal educational opportunity. The CRDC is a longstanding and important aspect of ED's Office for Civil Rights overall strategy for administering and enforcing the civil rights statutes for which it is responsible. This information is also used by other ED offices as well as policymakers and researchers outside of ED.

The data collected and reported in the School Discipline and Attendance (SDA) data collection is used to pre-populate the CRDC required fields for LEAs. The CRDC marked codes and fields are optional, as LEAs may opt to report this information directly into CRDC instead of having CDE pre-populate the information on their behalf. The information provided below is directly from CRDC (<https://crdc.grads360.org/#program>).

Threats of Physical Attack *(code 17)*

Definition:

A threat refers to an act where there was no physical contact between the offender and victim but the victim felt that physical harm could have occurred based on verbal or nonverbal communication by the offender. This includes nonverbal threats (e.g., brandishing a weapon), and verbal threats of physical harm which are made in person. Threats made over the telephone or threatening letters are excluded.

Note: Also provide whether a weapon was involved in the Weapon Description field.*

***Weapon Description:** Provide additional information for the reported behavior and whether a weapon was used or not during the incident (for CRDC reporting on Robbery, 3rd Degree Assault/Disorder Conduct, and Threats of Physical Attack incidents).

0	No Weapon	No weapon was used for reported behavior.
1	With Weapon	A weapon is any instrument or object used with the intent to threaten, injure, or kill. This includes look-alikes if they are used to threaten others. Using words that refer to a weapon would not be considered with a weapon.
2	With Firearm or Explosive Device	A firearm or explosive device refers to any weapon that is designed to (or may readily be converted to) expel a projectile by the action of an explosive. This includes guns, bombs, grenades, mines, rockets, missiles, pipe bombs, or similar devices designed to explode and capable of causing bodily harm or property damage.



Allegations of harassment or bullying on the basis of sex *(code 18)*

Definition:

An allegation is a claim or assertion that someone has done something wrong or illegal, typically made without proof. Harassment or bullying on the basis of sex includes sexual harassment or bullying and gender-based harassment or bullying. Sexual harassment or bullying is **unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature**. Gender-based harassment or bullying is nonsexual intimidation or abusive behavior toward a student based on the student's actual or perceived sex, including harassment based on gender identity, gender expression, and nonconformity with gender stereotypes. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties. Both male and female students can be victims of harassment or bullying on the basis of sex, and the harasser or bully and the victim can be of the same sex. Bullying on the basis of sex constitutes sexual harassment.

Clarification:

Harassment or bullying will need to have taken place on school grounds, school property (i.e. school bus) and/or school sponsored events.

Allegations of harassment or bullying on the basis of race, color or national origin *(code 19)*

Definition:

An allegation is a claim or assertion that someone has done something wrong or illegal, typically made without proof. Harassment or bullying on the basis of race, color, or national origin refers to intimidation or abusive behavior toward a student based on actual or perceived race, color or national origin. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties. Bullying on the basis of race, color, or national origin constitutes racial harassment.

Allegations of harassment or bullying on the basis of disability *(code 20)*

Definition:

An allegation is a claim or assertion that someone has done something wrong or illegal, typically made without proof. Harassment or bullying on the basis of disability refers to intimidation or abusive behavior toward a student based on actual or perceived disability. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties. Bullying on the basis of disability constitutes disability harassment.

Allegations of harassment or bullying on the basis of sexual orientation *(code 21)*

Definition:

An allegation is a claim or assertion that someone has done something wrong or illegal, typically made without proof. Harassment or bullying on the basis of sexual orientation refers to **intimidation or abusive behavior toward a student based on actual or perceived sexual orientation**. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or



humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties. Bullying on the basis of sexual orientation constitutes sexual orientation harassment.

Clarification:

Harassment or bullying on the basis of sexual orientation does not include unwelcome sexual advances, request for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature. These instead would be reported as an allegation of harassment or bully on the basis of sex.

Allegations of harassment or bullying on the basis of religion *(code 22)*

Definition:

An allegation is a claim or assertion that someone has done something wrong or illegal, typically made without proof. Harassment or bullying on the basis of religion refers to intimidation or abusive behavior toward a student based on actual or perceived religion. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties. Bullying on the basis of religion constitutes religious harassment.

Additional Guidance for reporting Allegations of Harassment or Bullying:

- Enter the number of allegations of harassment or bullying reported to responsible school employees (such as teachers and school administrators), as specified. Include allegations of bullying or harassment for alleged victims in grades K-12 and comparable ungraded levels.
- Allegations can be reported by anyone (e.g., alleged victim; parents of alleged victim). Alleged victims must be students. The harassment or bullying can be carried out by students, school employees, or non-employee third parties
- In classifying the allegations, look to the likely motives of the alleged harasser, and not the actual status of the alleged victim.
- Count an allegation only once, even if it involves more than one student.
- An allegation that involves multiple civil rights categories should be counted in each applicable civil rights category. For example, an allegation that involves both sex and disability should be reported in both the sex count and the disability count.
- The district will choose the category that best fits the incident of an allegation and report the allegation only once. If the allegation involves multiple civil rights categories, the allegation should be counted in each applicable civil rights category.
- **Example:** If a student bullies another student based on the clothing they wear and the student is wearing a religious item, one may not consider that bullying on the basis of religion, just bullying based on national origin. This may change if the actual/perceived religion was brought up by the bully in the allegation. The reason for this is it demonstrates that the student had the intent to attack the student based on their actual/perceived religion.
 - Due to the individual's perception of the bullying behavior, districts may use their discretion and only report this under one category while other districts may report it under multiple categories.