



School Discipline Collection Behavior Statutes & Clarifications

This document references the School Discipline data collection and provides the (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. The associated reporting code used in the School Discipline file for each reported behavior 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:

[School Discipline Collection Website](#)

[School Discipline Data Reports](#)



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 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.

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

“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.

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;

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. Not applicable
 - g. With intent to cause bodily injury to another person, he or she causes serious bodily injury to that person or another.

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. (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.

22-33-102(4) Dangerous Weapon:

- 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.

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:

- 1) 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.)
- 2) 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'.

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 other behavior that creates a threat of physical harm to the student or to other students.

Destruction of School Property *(code 10)*

Definition in statute:

Willful destruction or defacement of school property.

Bullying *(code 11)*

Definition in statute:

“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 any of the bases described in section 22-32-109(1)(II)(I). 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.

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) and (f), C.R.S.

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.

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.