



Overview and FAQ of Rights for Students in Foster Care and in the Juvenile Justice System (HB24-1017 and HB24-1216)

June 2024

During the 2024 legislative session, two bills passed which expand rights for students in the foster care system or in the juvenile justice system:

- HB24-1017: Bill of Rights for Foster Youth
- HB24-1216: Supports for Youth in Juvenile Justice System

This resource is intended to provide an overview of both bills and provide answers to Frequently Asked Questions about school districts' obligations under these bills.

Students in Foster Care

HB24-1017 expands rights for youth in the foster care system. Previous Colorado law included rights for foster youth, but HB24-1017 adds more detail to the rights and a mechanism to enforce these rights. Educational rights included in the bill are the receipt of a free and appropriate education; access to transportation to educational institutions; and an opportunity to participate in sports and extracurricular, cultural, personal enrichment, and social activities consistent with the child's age and developmental level, including access to computer technology and the internet as necessary for the child's or youth's education. Foster youth are also entitled to school stability, that presumes the child or youth will remain in the school of origin as defined by C.R.S. 22-32-138, in which the child or youth is enrolled at the time of placement, unless remaining in that school is not in their best interests.

The bill includes other rights for foster youth unrelated to education. Foster youth have the right to fair and equal access, including freedom from discrimination, freedom of thought, and expression of gender identity; safe and supportive care; protection from all forms of abuse; and placement in the least restrictive setting suitable for their needs. They must have access to necessary services, benefits, and private communication with professionals, while maintaining confidentiality and privacy. Additionally, foster students should receive basic essentials, medical and mental health care, and support for self-sufficiency during their transition to adulthood, including assistance with banking, employment, and necessary personal documents.

The bill specifically states its provisions are not meant to interfere with existing rights enjoyed by foster youth and parents under constitutional and/or federal law. Under existing law, foster youth have several rights that ensure their safety, well-being, and fair treatment while in the foster care system. These rights are protected under both federal and state laws, including the Adoption and Safe Families act and the Child Abuse Prevention and Treatment Act. Additionally, parents have fundamental rights regarding the care, custody, and control of their children, recognized and protected under the U.S. Constitution. See *Troxel v. Granville*, 530 U.S. 57 (2000). Parents are also entitled to due process protections in legal actions affecting their parental rights, including notice and an opportunity to be heard. *People in Interest of M.M.*, 726 P.2d 1108, 1115 (Colo. 1986). Colorado's new law mirrors already-existing federal protections and does not interfere with existing constitutional and state law surrounding foster youth and parental rights.

Students in the Juvenile Justice System

According to sponsors of HB24-1216, the bill aims to support students who have been arrested or incarcerated by helping them complete educational credits and resume schooling. The bill strives to accomplish this through credit transfer for students who are engaged with the juvenile justice system, requiring districts to provide information and assistance to students who are justice-engaged, and requiring the Colorado Department of Education (CDE) to issue rules and guidance. The bill also aims to increase communication between state agencies and schools, particularly with regard to avoiding truancy consequences for students who are engaged in the juvenile justice system.

Many of the bill's rights for justice engaged students are educational rights.¹ The bill ensures that justice-engaged students receive appropriate educational credit for coursework completed while incarcerated, prompt enrollment or re-enrollment in educational institutions, and a clear plan for graduation. It mandates that local education providers facilitate the reintegration of justice-engaged students by providing appropriate necessary supports, including a graduation plan that includes workforce development opportunities, access to educational programming, and mental health and other supports. The bill emphasizes privacy for justice-engaged students, requiring scheduled visits from law enforcement officers to be conducted out of sight from peers. Schools must create a multi-tiered system of supports to address the academic and social-emotional needs of all students and ensure justice-engaged students are considered for gifted and talented programs. Local education providers must prominently display information on available services and designate a knowledgeable point of contact for justice-engaged students. CDE is tasked with developing guidance on state attendance laws, re-entry best practices, and credit transfer processes, ensuring compliance with federal requirements like the Individuals with Disabilities Education Act (IDEA).

¹ C.R.S. 22-108-103.

The bill also changes rules for sentencing. Judges are encouraged to consider the justice-engaged student's education when ordering commitment, by enabling the student to continue attending school prior to the commitment to avoid disruption. This is only applicable to students who have not been charged with a physical threat or bodily injury to another person. Ultimately, this bill aims to ensure justice-engaged students have a pathway to educational attainment and successful reintegration into their communities.

Frequently Asked Questions (FAQ):

Q: What changes does HB24-1017 make for foster youth who are students?

A: The changes of HB24-1017 are minor, as most rights were already outlined in existing law. However, moving forward, foster youth will hopefully have a clearer understanding of their rights. Some rights for foster youth are in different legal sections, but this bill puts all legal rights into one convenient statute. The bill also includes an enforcement provision, so foster youth who believe their rights are not being honored can raise a concern. If a concern is raised, a juvenile court judge will have jurisdiction to make orders to maintain the foster youth's rights within that case.

Q: What is a justice-engaged student under HB24-1216?

A: The bill defines justice-engaged student broadly, meaning more students are likely to be considered justice-engaged. It includes a student who is involved in the juvenile justice system *in any capacity*.² This is not limited to a committed student, and also includes students who are involved in ticketing, probation, detention, diversion, community supervision, or adjudication. This ranges from a student who has been ticketed with a traffic or other offense, to a student who is incarcerated or committed in a juvenile detention center.

Q: Under the bill, districts are required to provide alternative solutions to a general education to justice-engaged students. What are possible alternative solutions?

A: Available programs will depend on the community. Larger metropolitan and suburban areas may have facility schools or other alternative schools that are designed to assist justice-engaged students. Virtual programs can also permit students to complete coursework remotely. Other programs may include reintegration support, restorative justice programs, and community partnerships.

Q: How can a justice-engaged student who left school resume attending school?

A: A student must request to enroll, or re-enroll, with the district. The district must respond to the student's request within three business days after receiving the request, and must enroll the student within ten days after receiving the request.³ However, if the student is otherwise ineligible to attend school, the district does not have an obligation to enroll the student. The student may be ineligible for enrollment under the provisions of C.R.S. 22-33-104, including if the student has been expelled.

² C.R.S. 22-108-102(3).

³ C.R.S. 22-108-103(1)(b).

Q: Can students be refused admittance?

A: Yes, although the bill does require districts to re-enroll students, it also specifically states that districts retain the ability to expel, suspend, and deny admission to students. With this in mind, a district can refuse a student's request to be admitted or re-admitted to school in the following circumstances:

1. **Suspension:** If the student has been suspended, the district is not required to re-enroll the student until the terms of the suspension have been completed.⁴
2. **Expulsion:** If the student has been expelled, the district is not required to re-enroll them.⁵
3. **Denial of Admission:** Districts can deny admission to a potential new student on the same grounds as expulsion. This process may require a hearing and appeal. Colorado law mandates specific procedures for students facing expulsion, suspension, or denial of admission. These procedures include providing records in advance of a hearing and ensuring no conflicts of interest for hearing officers.⁶
4. **Serious Crimes:** Students involved in certain serious crimes, such as unlawful sexual behavior or violent crime, may be refused admission. If a petition alleging such behavior is filed against a child aged 12 to 17, the district will be notified immediately with the child's basic information and details of the alleged offense. The school board will review this information to determine if the child poses a threat to the safety, welfare, and morals of other students or staff. The board may choose to suspend or expel the student in accordance with policy and state law, possibly waiting until juvenile court proceedings are concluded before making a final decision. During this period, the district must provide the child with an alternative education program, which could include online or home-based education.⁷

Additionally, a student may be ineligible to enroll if they do not meet public education eligibility requirements under C.R.S. 22-33-104. This includes, but is not limited to, students who:

- Have already graduated from twelfth grade;
- Are over 21 years old;
- Are not residents of the district unless entitled to attend under C.R.S. 22, Articles 23 (migrant children), 32 (exclusion of non-residents), or 36 (schools of choice);
- Do not comply with immunization requirements (C.R.S. 25-4-902);
- Are already being instructed at home in a home-based educational program.

Q: Are justice-engaged students allowed to participate in school activities, such as school dances or sporting events?

⁴ C.R.S. 22-33-105(b); C.R.S. 22-33-106.

⁵ C.R.S. 22-33-105(c); C.R.S. 22-33-106.

⁶ See C.R.S. 22-33-105(2.3)(a) and CASB Resource [Suspension, Expulsion, and Denial of Admission](#).

⁷ C.R.S. 22-33-105(5)(a).

A: Yes, the bill grants justice-engaged students the right to participate in school activities. The bill refers to activities such as graduation ceremonies, sporting events, after school activities, dances, clubs, and college or career readiness pathways. The bill does not provide detail regarding how justice-engaged youth can request to participate in these activities. The details of participation would be up to the district staff to devise in consultation with their legal counsel.

Q: What if students' participation in extracurriculars or other school activities, is inappropriate or unsafe?

A: Due to the nature of the alleged crime and the associated circumstances, it may be unsafe, inappropriate, or damaging to an alleged victim for a justice-engaged student to freely participate in school activities. Decisions on how to protect the rights of justice engaged students and other students should be made on a case-by-case basis, considering the needs and opportunities available to the justice-engaged student, the needs of any victims and other students, and school safety. To assist with this topic, the bill requires CDE to release guidance on how districts can allow justice-engaged students to receive accommodations to participate in these school activities. Under the bill, accommodations could include the option for a family member to accompany the justice-engaged student, but other options may be determined by CDE. This guidance will be provided prior to August 30, 2025.⁸ Prior to the release of the guidance, districts should consult legal counsel and consider the unique needs of their students and community.

Q: What does the district need to do to help the justice-engaged student graduate?

A: Upon reenrollment, the district must develop a plan for graduation in consultation with the student, their family, or a caregiver or advocate.⁹ The goal should be to assist the student with graduation as soon as possible. Additionally, the plan must be provided to the student and their family upon re-entry, re-enrollment, or continuation with a local education provider.¹⁰

Q: What academic credit can a student receive while justice engaged?

A: The bill requires districts to provide students who have attended school while justice engaged appropriate credit for any coursework completed. Those credits need to be applied toward graduation or school continuation, and districts must follow the State Board rules with regard to coursework. These rules will be developed by the State Board of Education, beginning July 1, 2025.¹¹

Q: How should a district handle providing appropriate credit for coursework before the State Board of Education releases rules in 2025?

A: For all transfer students, including students transferring from detention, schools are required to send transcripts and districts are encouraged to review transcripts to ensure students receive credit for work they have completed in previous settings. CDE encourages districts to use the

⁸ C.R.S. 22-108-107.

⁹ C.R.S. 22-108-103(d).

¹⁰ C.R.S. 22-108-103(e).

¹¹ C.R.S. 22-108-103(c).

Individual Career and Academic Plan (ICAP) process to help students explore, reflect on, and map out a plan for graduation when they enter school.

Additionally, more resources to assist districts with transferring credits will likely be released by the Colorado Department of Education prior to 2025. This guidance will be updated with more information as it is available.

Q: Who is the point-of-contact person and what are their responsibilities?

A: The point-of-contact person is the main authority to communicate with justice-engaged students and their families or caregivers and will help justice-engaged students navigate their reentry to school and explore alternative educational options.¹² The point-of-contact person is selected by the district, and would typically be a member of district staff, such as a principal or another administrator. The point-of-contact person must be informed about options available to justice-engaged youth; such as wraparound services, alternative education options, and CDE's to-be-released guidance. In their role, the point-of-contact person must promptly respond to students and their families (within three business days of an inquiry) and must assist justice-engaged students as needed.

Q: What does the bill require districts to do?

A: The bill requires districts to do the following:

1. Designate a point-of-contact person;
2. Publish on the district website an explanation of services and resources available for justice-engaged students. The explanation must include the point-of-contact's contact information, and it must be posted in multiple languages as best suits the needs of the demographic makeup of the area.¹³

Q: When should the sample explanation of services for the district website be posted, and is there a sample?

A: The bill doesn't include a specific due date to post the explanation. It is CASB's interpretation of the law that the due date would be August 7, 2024, the effective date of the bill.

CASB has drafted a sample explanation of services below. The sample will be updated within the next few months to include any additional resources or webpages published by CDE. Additionally, by September 1, 2026, a hotline will be created to assist students. Districts should include information on this hotline, once available, within their explanation of services. Before publishing their explanation, districts should consult with counsel and adapt the sample to the needs of their community.

Students who have been arrested, detained, or otherwise involved in the juvenile justice system have rights and may be entitled to certain services and resources under state law. Students who believe they are impacted should contact **[Insert employee name,**

¹² C.R.S. 22-108-104(b).

¹³ C.R.S. 22-108-104(a).

phone number, and email], the employee responsible for assisting justice-engaged youth.

Students may also utilize resources outside the district, such as **[insert local resources or services available,]** and consult the Colorado Department of Education’s webpage.

Under state law, students involved in the juvenile justice system may be entitled to the following: alternative solutions to a general education; re-enrollment with the district; credit for coursework completed while justice-engaged; a plan for graduation; privacy; protection under federal special education, foster care, and homeless assistance laws; evaluation for giftedness; and participation in school activities or career readiness pathways. If available, the provision of these rights will be accomplished with the assistance of the responsible employee mentioned above.

Q: Does a rural district need to choose a point of contact person from their staff?

A: Not necessarily; as rural districts may be able to use a staff member from the Colorado Department of Education as a point of contact. This option is available for small and rural school districts that are not members of a BOCES. The CDE staff member would fulfill all the responsibilities the bill requires the point of contact person to fulfill.¹⁴

Q: What should a district do if law enforcement needs to visit a student at school for issues related to diversion, probation, or crime questioning?

A: Districts must comply with the bill’s grant of privacy to students who are justice engaged. Districts should not unreasonably refuse to allow law enforcement officials to meet with a student if required by a court case, but must also protect the privacy of the student. The bill requires law enforcement visits related to diversion, probation, or questioning about a crime to be scheduled in advance with the district’s office. The district must use a private area out of sight of other students for any meetings, in order to ensure the student has privacy.¹⁵

Q: How can a law enforcement officer schedule a visit with a student at school?

A: The law enforcement officer must contact the local education provider’s office to schedule the visit in advance.¹⁶ Although this obligation is a requirement that the law enforcement officer must follow, it also requires cooperation on the district’s part. The district office should then arrange for the meeting to take place in a private location within the school.

Q: What happens if a law enforcement officer arrives at the school without scheduling in advance?

A: If a law enforcement officer arrives without scheduling in advance, the local education provider should follow their protocol for unscheduled visits and their policy regarding student

¹⁴ C.R.S. 22-108-104(b).

¹⁵ C.R.S. 22-108-103(f).

¹⁶ C.R.S. 22-108-103(f).

interviews (CASB Sample Policy JIH). This typically involves verifying the officer's credentials and purpose and arranging for the visit to occur in a private area if it proceeds.

It is not the district's responsibility to ensure that law enforcement officers notify students of all applicable constitutional or legal rights related to the interview and follow all other procedural requirements, but districts should ensure that law enforcement officials have proper identification and that the district consistently follows their policy on student interviews.

Q: What constitutes a "private area" within a school for these meetings?

A: A private area is a location within the school that is out of sight and earshot of other students.¹⁷ This could be an administrative office, a designated conference room, or another secluded space that ensures confidentiality.

Q: Can a student refuse to meet with law enforcement at school?

A: Possibly, depending on the circumstances. Students and their guardians should be made aware of the school district's policy regarding student interviews (CASB Sample Policy JIH). District policy may require notifying the student's parent/guardian, and if the student is under 18, the parent or guardian may be required to be present during the interrogation or interview. Additionally, students who are being investigated have constitutional rights against unreasonable searches and seizures, and may be advised by legal counsel to wait for their counsel or parents to arrive prior to a meeting. It is not the district's responsibility to advise the student regarding their constitutional rights. Districts should follow their policy to the extent possible and consult legal counsel in the event a student refuses to meet with law enforcement.

Q: Are teachers and school staff informed about the reason for the student's meeting with law enforcement?

A: Generally, only the necessary administrative staff involved in scheduling and facilitating the meeting will be informed of the visit. Teachers and other school staff are not typically informed about the specific reasons for the student's meeting with law enforcement to maintain the student's privacy.

Q: What measures should be in place to ensure that the visit does not disrupt the student's education?

A: The district should strive to schedule the visit at a time that minimizes disruption to the student's educational activities, and for the student to be able to return to their regular schedule as quickly as possible after the meeting.

Q: What are other considerations for students with disabilities?

A: Students with disabilities who are also involved in the juvenile justice system have additional rights under federal laws. Students served through the Individuals with Disabilities Education Act (IDEA) may have an IEP which schools must follow, and students served under the Rehabilitation Act of 1973 may have a 504 plan. Students who are justice engaged may have the

¹⁷ C.R.S. 22-108-103(f).

right to receive additional services under these plans. The point of contact person should work closely with the district's special education director to ensure that the district meets the requirements of any existing IEPs or 504 plans, and that any students who may be eligible for special education services receive the appropriate assistance.

This resource is for informational purposes only and does not constitute legal advice. Specific questions should be referred to the school district's legal counsel.

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