



School Discipline Collection Behavior Statutes & Clarifications

Background

This document provides guidance to Colorado school districts and the Charter School Institute, referred to in this resource as Local Education Providers (LEPs), on how to report discipline incidents and subsequent actions taken as required by [C.R.S. 22-32-109.1\(2\)\(b\)](#): Safe school reporting requirements. The CDE codes (1-16) referenced on subsequent pages, represent the reporting codes defined in state statute. Additional behavior codes from the Colorado Association of School Boards (CASB), [CASB File JICDA - Code of Conduct](#), are also referenced to provide additional guidance for LEPs when determining the most appropriate behavior code to report to CDE as these behaviors are commonly included in school board policies as reasons for disciplinary action. Please note that individual CASB codes can exist in multiple CDE codes depending on the context, frequency or context of the behavior incident.

Considerations for LEP Reporting

As required by [HB22-1376](#), a stakeholder group was formed to inform processes that lead to consistent reporting of discipline incidents that result in exclusionary discipline or referrals to law enforcement. To aid LEPs in reporting discipline data and to better ensure consistency in reporting, it is important to consider the following:

1. LEPs use a variety of methods and student information systems to track discipline data. Therefore, LEPs are required to pull data from their systems and align it to the state system. Beginning in the school year 2023-24, per HB22-1376, CDE will collect student-level discipline and action taken data which includes Student IDs. This change will increase the consistency of the data collected as well as ease the data reporting burden for LEPs. LEPs should only report discipline incidents that result in either an exclusionary disciplinary action (warranting removal from the classroom or school setting) or referral to law enforcement. State statute defines these actions as: a) classroom suspension, b) in-school suspension, c) out-of-school suspension, d) expulsion, e) and other action taken (defined as “any other form of discipline, which shall be officially identified as part of board policy”). “Other action taken is intended to capture exclusionary discipline practices (e.g., incarceration, one-on-one counseling, etc.) not listed above.
2. The intention of the state discipline collection is not to serve as a mechanism for reporting all behaviors or code of conduct violations that occur within a school or district. Instead, the state discipline collection is intended to capture the students being excluded from the school setting due to disciplinary incidents. Exclusionary discipline should only be used as a last resort and is only appropriate when safety

[School Discipline Collection Website](#)

[School Discipline Data Reports](#)



is a concern, a behavior has been repeated enough and/or escalated to the degree that it can be coded as one of the behaviors below.

3. Multiple code violations could be applicable to one discipline incident. LEPs should only report the most serious category that is applicable to that incident.
4. Low-level violations (e.g., dress code violations) that do not result in exclusionary discipline (2a-d above) should not be reported to the state.

Discipline Codes

The associated reporting code used in the School Discipline file for each reported behavior is provided in parenthesis and italicized.

Drug Violation (*CDE 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.

CASB File JICDA - Code of Conduct code 12:

12. Violation of the Board's policy on student conduct involving drugs and alcohol

Alcohol Violation (*CDE 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.

CASB File JICDA - Code of Conduct code 12

12. Violation of the Board's policy on student conduct involving drugs and alcohol

Tobacco Violation (*CDE 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.

CASB File JICDA - Code of Conduct code 14

14. Violation of the Board's tobacco-free schools policy.

1st, 2nd Degree or Vehicular Assault (*CDE 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.

CASB File JICDA - Code of Conduct code 9

9. Violation of criminal law which has an effect on the district or on the general safety or welfare of students or staff

Dangerous Weapons (CDE 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.

CASB File JICDA - Code of Conduct code 11

11. Violation of the Board's policy on weapons in the schools. Expulsion shall be mandatory for bringing or possessing a firearm, in accordance with federal law

Robbery (CDE 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.

CASB File JICDA - Code of Conduct code 2 and 4

2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.
4. Commission of any act which if committed by an adult would be robbery or assault as defined by state law.

Other Felony (CDE 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.

CASB File JICDA - Code of Conduct code 2 and 9

2. Causing or attempting to cause damage to private property or stealing or attempting to steal private property.
9. Violation of criminal law which has an effect on the district or on the general safety or welfare of students or staff

Disobedient/Defiant or Repeated Interference (CDE 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.

Clarification:

A student is disciplined (classroom removal, in-school suspension, out-of-school suspension, expulsion, referred to law enforcement, or other action taken) for repeated and/or persistent disruption that has escalated to a point



where it is detrimental to the learning and developmental needs of one or more students within their educational environment. Please note that low-level violations that do not result in exclusionary discipline practices, should not be reported to the state.

CASB File JICDA - Code of Conduct code 20, 21, 22, 25 and 26

- 20. Directing profanity, vulgar language or obscene gestures toward other students, school personnel or others.
- 21. Lying or giving false information, either verbally or in writing, to a district employee.
- 22. Engaging in scholastic dishonesty, which includes but is not limited to cheating on a test, plagiarism or unauthorized collaboration with another person in preparing written work.
- 25. Repeated interference with the district's ability to provide educational opportunities to other students.
- 26. Continued willful disobedience or open and persistent defiance of proper authority including deliberate refusal to obey a member of the district staff.

Detrimental Behavior (*CDE 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.

Clarification:

An incident involving a school threat to the school building or school community or, a threat/intimidation to another student or staff member, or obscene behavior would be categorized in this behavior code. Bullying is no longer included in this category, as it is a new, separate category code (11). Please code to Bullying (11) if any of the CASB coded behaviors listed below meet the definition of bullying in that: 1) the behavior is intentional, 2) the behavior is repeated or likely to be repeated, and 3) there is an imbalance of power between the target and perpetrator of bullying.

CASB File JICDA - Code of Conduct codes 5, 6, 7, 13, 16, 18, 19, 23, and 24

- 5. Committing extortion, coercion or blackmail, i.e., obtaining money or other objects of value from an unwilling person or forcing an individual to act through the use of force or threat of force.
- 6. Engaging in verbal abuse, i.e., name calling, ethnic or racial slurs, either orally or in writing or derogatory statements addressed publicly to an individual or a group that precipitate disruption of the district or school program or incite violence.
- 7. Engaging in "hazing" activities, i.e., forcing prolonged physical activity, forcing excessive consumption of any substance, forcing prolonged deprivation of sleep, food, or drink, or any other behavior which recklessly endangers the health or safety of an individual for purposes of initiation into any student group.
- 13. Violation of the Board's violent and aggressive behavior policy.
- 16. Violation of the Board's policy on nondiscrimination.
- 18. Violation of the Board's policy on gangs and gang-like activity.
- 19. Throwing objects, unless part of a supervised school activity, that can or do cause bodily injury or damage to property.
- 23. Making a false accusation of criminal activity against a district employee to law enforcement or to the district.



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24. Behavior on or off school property that is detrimental to the welfare or safety of other students or school personnel, including behavior that creates a threat of physical harm to the student exhibiting the behavior or to one or more other students

Destruction of School Property (*CDE code 10*)

Definition in statute:

Willful destruction or defacement of school property.

CASB File JICDA - Code of Conduct codes 1 and 3

1. Causing or attempting to cause damage to district property or stealing or attempting to steal district property
3. Willful destruction or defacing of district 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.

Clarification:

An incident is considered bullying if 1) the behavior is intentional, 2) the behavior is repeated or likely to be repeated, and 3) there is an imbalance of power between the target and perpetrator of bullying. Of note, harassment is considered a form of bullying and refers to bullying behavior that is based on a target’s status or membership in a protected class and is so severe and pervasive that it impacts a student’s ability to participate in the educational environment. Additionally, school bullying can occur in-person or online through the use of electronics, also known as cyberbullying. For more information about legislation related to bullying, bullying definitions, and best practices in bullying prevention, please reference [Colorado’s Bullying Prevention and Education Best Practices and Model Policy](#).

CASB File JICDA - Code of Conduct code 8, 15:

8. Violation of the Board's policy on bullying prevention and education
15. Violation of the Board's policies prohibiting sexual or other harassment.

Other Violations of Code of Conduct (*CDE 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.

Clarification:

Use this category for any incident that violates local school board policy or regulations that are not captured in the CASB codes or state defined codes referenced in this document; AND also results in the exclusionary discipline of a



student (i.e., classroom removal, in-school suspension, out-of-school suspension, expelled, referred to law enforcement or other action taken).

CASB File JICDA - Code of Conduct codes, 10:

- 10. Violation of any Board policy or regulations, or established school rules.

3rd Degree Assault/Disorderly Conduct (CDE 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.

CASB File JICDA - Code of Conduct code 9

- 9. Violation of criminal law which has an effect on the district or on the general safety or welfare of students or staff

Marijuana Violation (CDE 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.

CASB File JICDA - Code of Conduct code 12:

- 12. Violation of the Board's policy on student conduct involving drugs and alcohol

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.

CASB File JICDA - Code of Conduct code 9

- 9. Violation of criminal law which has an effect on the district or on the general safety or welfare of students or staff



Rape or Attempted Rape (*CDE 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.

CASB File JICDA - Code of Conduct code 9

9. Violation of criminal law which has an effect on the district or on the general safety or welfare of students or staff