

**Final**  
**STAFF SUMMARY OF MEETING**  
**SCHOOL SAFETY AND YOUTH IN CRISIS**

Date: 09/09/2015

Time: **09:11 AM to 04:41 PM**

Place: RM 271

This Meeting was called to order by  
Senator Scheffel

This Report was prepared by  
Rachel Kurtz-Phelan

ATTENDANCE

Cadman	E
Crews	X
Duran	X
Ganahl	X
Harms	E
Kerr	X
Lawson	X
McDonald	X
Moreno	X
Newell	X
O'Donnell	X
Scheffel	X
Silvia	X
Weinerman	X
Wilson	E
Willett	X

X = Present, E = Excused, A = Absent, \* = Present after roll call

Bills Addressed:	Action Taken:
Presentation by School Resource Officers	Witness Testimony and/or Committee Discussion Only
Colorado Juvenile Defenders Center Presentation	Witness Testimony and/or Committee Discussion Only
Overview of the Colorado Governmental Immunity Act	Witness Testimony and/or Committee Discussion Only
Panel Discussion on Risk Management in Colorado Schools	Witness Testimony and/or Committee Discussion Only
Discussion of Risk Management and School Safety Management in Other States	-
Discussion of Liability and Underwriting Practices in the Private Market	Witness Testimony and/or Committee Discussion Only
Mental Health First Aid Colorado	Witness Testimony and/or Committee Discussion Only
Senator Moe Keller Remarks	Witness Testimony and/or Committee Discussion Only
Public Testimony	

**09:12 AM -- Presentation by School Resource Officers**

Senator Scheffel, chair, called the meeting to order and roll call was taken. He invited the panel of School Resource Officers (SROs) to the table: John Jackson, representing the Colorado Association of Chiefs of Police, Jeff Grady, SRO at Grand Junction High School, and Stacey Collis, SRO at Green Mountain High School, came to the table to discuss school safety and school policing. Mr. Jackson stated that police and law enforcement presence causes schools to be safer. He said that SROs wear many hats every day, including teacher, counselor, and occasionally police officer. He said they are positive role models, not school disciplinarians, and are responsible for providing security and prevention resources. Chief Jackson told the committee that not every school has an assigned SRO, and schools that do not have a dedicated SRO rely on local law enforcement which can be problematic because

of the lack of continuity. He said that it is important to develop partnerships among the school administration, parents, students, and law enforcement, and that consistent roles and presence will lead to consistent outcomes. He explained that there are approximately 200 SROs across 25 percent of school districts throughout the state, and provided statistics showing that having an SRO in a school causes teachers to feel safer in school and leads to a reduction in criminal incidents being reported in schools. He stated that SROs use a non-ticket and non-enforcement approach whenever possible, and in determining what is in the best interest of the student.

**09:24 AM**

Mr. Collis began his presentation. He told the committee about his professional background, and distributed a handout (Attachment A). He stated that if a school does not have an SRO and a police officer is called to respond to an incident, the officer's main priority is enforcement by either giving a ticket or making an arrest as opposed to spending the time getting to know the student in order to find out what might be contributing to the situation at hand. He told the committee that SROs are resources; they provide education to students, staff, and community, prevention, mentoring, law enforcement, community policing, relationship building. Mr. Collis spoke about the impact of Amendment 64 on SROs, and talked about some of the programs in which he participates at his school, including a mock car accident, Christmas cheer, volunteering for the Boys and Girls Club, criminal justice club, girls circle for at-risk girls, Girls on the Run program, Youth Police Academy at the Lakewood Police Department, High Risk Youth Intervention Team, Cops and Donuts, Police Athletic League, Teen Court, and Mental Health Court.

**09:37 AM**

Mr. Grady began his portion of the presentation and told the committee about his professional background in law enforcement. He stated that he implemented the SRO program in his community through the sheriff's office, and explained that since he is member of the Colorado Association of School Resource Officers (CASRO) he trains new SROs. He explained that SROs use a three-pronged approach: education, prevention, and enforcement. He talked about the importance of forming relationships and connections with administrators in schools, and said that the more community outreach programs SROs participate in, the stronger the relationships. He discussed enforcement and the need to uncover why students do what they do, such as if a student has a parent in prison, that student does not need to be given a ticket or be arrested, he or she needs to be provided with services and support. Mr. Grady spoke about his experience taking students to Mind Springs mental health center if the student expresses or shows evidence of mental health issues. He talked about the challenges of providing training hours for SROs and the importance of training for dealing with students with mental health issues.

**10:02 AM**

The presenters answered questions from the committee about training for threat assessments, school crisis teams, re-entry policies for students, and the importance of building relationships between SROs and school administrators. They continued to answer questions about information sharing in regards to behavioral and mental health, who is accountable if that information is not adequately shared, and about the cost of and funding for having an SRO in each school.

**10:18 AM**

The presenters answered questions about school safety plans and whether SROs are bound by these plans. Mr. Collis and Mr. Grady explained that SROs are completely separate entities and therefore are not bound by school rules and policies. Mr. Grady explained the difference in the number of referrals to law enforcement between schools that have SROs and schools that do not have SROs. The presenters talked about the relationships that SROs have with county departments of human services and the relationships between SROs and elementary school students with mental health issues.

**10:36 AM**

The presenters responded to questions about the percentage of schools in Colorado that have SROs in rural and urban districts, and about the training that SROs receive. Mr. Collis stated that there is a line between prevention and enforcement, and spoke about data on referrals to law enforcement across districts. The committee discussed how SROs educate parents and schools about lock down training.

**10:54 AM -- Colorado Juvenile Defenders Center Presentation**

The committee took a brief recess.

**11:07 AM**

The committee came back to order. Michele Clark, Executive Director of the Colorado Juvenile Defender Center (CJDC), began her presentation and distributed a handout (Attachment B). Ms. Clark spoke about CJDC's vision and mission, and discussed the struggle of keeping schools safe while dealing with student behavior in a dignified, therapeutic, and fair way instead of a punitive way. She spoke about threat assessment work, and the need to manage threats of school violence in a systematic way. She said that it is important to acknowledge the rarity of violent incidents and the need to examine incidents of targeted, school-based attacks while weighing them against the collateral consequences of trying to mitigate these incidents. She discussed the need to create a safe and safe-feeling environment for all students in a multi-faceted way. She spoke about risk assessments, and explained that almost every student who is from a broken home or has a disability would rank high on the risk assessment so it is critical to ensure that these students are not being funneled into the juvenile justice system. She discussed findings from the Safe School Initiative Final Report and provided examples of questions from a threat assessment questionnaire. She told the committee that it is important to be aware of the issues that can result from an over-reliance on threat assessment.

**11:22 AM**

Ms. Clark stated that it is critical to examine the impacts that labeling students can have on behavior and stigmatization. She said that it is important to not label kids too early so that they have the ability to restore, rehabilitate, and reform who they are. Hannah Seigel Proff, staff attorney for CJDC, introduced herself and spoke about her background as a juvenile defense attorney. She discussed her work with students who were arrested in school and faced charges incurred from incidents that took place in school. Ms. Seigel Proff told a story about a student helped by CJDC and the collateral consequences he faced. She explained that a threat assessment is put in a student's permanent record and given to the judge if the case is prosecuted, and can also affect acceptance to college.

**11:34 AM**

Ms. Clark discussed the school to prison pipeline and the need to end zero tolerance policies. She stated that some of the recommendations that follow a threat assessment may run afoul of certain requirements relating to providing services to students with disabilities. She said the use of detention can have an impact on risk factors such as school failure, low commitment to school, aggression towards peers, increased drug use, and increased risky behavior. She talked about the protective factors that are removed when a child is placed in detention, and about the disproportionate amount of law enforcement contact with minority students and resulting referrals. Ms. Clark spoke about the need for a student to have one advocate as he or she navigates through multiple systems, and the need for confidential processes for information sharing.

**11:46 AM**

The representatives from CJDC answered questions from the committee members.

**12:03 PM -- Overview of the Colorado Governmental Immunity Act**

Jennifer Anderson and Fred Haines, representing the Colorado Department of Law and the Attorney General's Office, came to the table to begin their presentation on the Colorado Governmental Immunity Act (CGIA). Mr. Haines told the committee that the CGIA was passed in 1971 in response to Supreme Court decisions in three cases pertaining to governmental and sovereign immunity, known as the evidence trilogy. He explained that the CGIA begins with a general rule that public entities are immune from tort claims unless one of the waivers within the CGIA applies. He said that these waivers include permitting claims for traffic accidents involving vehicles owned or operated by public entities; and waivers of dangerous conditions of public highways, buildings, and facilities located in a park or other public areas, including prisons. He said that in order to bring a claim under the CGIA, the claimant must file a notice of claim within 182 days after knowledge of an injury. He stated that public employees are also immune from tort claims for acts committed in performance of their duties as long as they have not acted willfully or wantonly. The presenters answered questions about CGIA from the committee.

**12:17 PM**

The presenters answered questions from the committee about Senate Bill 15-213 and whether there is a cap on damages that can be awarded for certain types of claims.

**12:23 PM -- Panel Discussion on Risk Management in Colorado Schools**

Senator Scheffel invited the next presenters to the table: Rico Munn, Superintendent of Aurora Public Schools and representing the Colorado Association of School Executives (CASE), Terri Sahli, Director of Enterprise Risk Management and Process Improvement for Denver Public Schools, Kathleen Sullivan, Chief Counsel for the Colorado Association of School Boards (CASB), Eric Slinger, representing HUB International Insurance Services (HUB), and Steve Fast, representing the Colorado School District Self Insurance Pool (CSDSIP). Ms. Sahli began her presentation by stating that everyone involved with kids is responsible for keeping kids safe, not just teachers. Ms. Sullivan provided background information about CASB and stated that CASB endorses the provisions of the legislation being examined by the committee. She said that CASB is concerned about displacing the immunity laws that have been in place since 1971 to protect public and governmental bodies when there is not a clear definition of reasonable standard of care in place. Mr. Slinger, told the committee that HUB is the largest provider of insurance for charter schools in the state through the Colorado League of Charter Schools. Mr. Fast told the committee that CSDSIP runs risk management training and provides self-insurance for school districts, 30 charter schools, and 17 Boards of Cooperative Educational Services (BOCES), and works to prevent and mitigate loss and risk up-front.

**12:34 PM**

The presenters answered questions from the committee pertaining to caps on damages, and other expenses that might be incurred in litigation situations, such as legal fees such as discovery, experts, corporate orders, and travel, which would increase the cost for a fully litigated case upwards of the \$350,000 cap on damages. Ms. Sahli talked about the need to protect the open sharing of information. The panelists answered questions about what school districts are currently doing in regards to risk management and about the definition of standard of reasonable care. They answered questions about the negative impacts and unintended consequences of Senate Bill 15-213. The panelists discussed whether definition of standard of reasonable care should vary based on the resources of the school or district.

**12:58 PM**

The presenters answered questions about liability issues for teachers. Ms. Sullivan stated that there are currently fewer options for helping students with disabilities who may be most at-risk of engaging in violence, and that we do not hear about all of the incidents that were prevented, only about the tragedies that actually occur. Ms. Sullivan responded to a question about school safety plans and other legal requirements. Mr. Slinger talked about the costs associated with maintaining a culture of safety at schools.

**01:19 PM**

The panelists answered questions about the cost of risk management and of preventing liability exposure, and about how premium rates are set district by district. Discussion ensued about the practicality of defining reasonableness of care and about how federal law conflicts with state law concerning the protection of disabled students. Ms. Sullivan discussed section 504 of the rehabilitation act, and the requirement that a school district not suspend a person with disabilities for behavior that is related to their disability.

**01:37 PM**

The panelists continued to discuss the legal implications of SB 15-213 and whether CASE or CASB has made specific recommendations to school districts based on the 2013 shooting incident at Arapahoe High School.

**01:53 PM -- Presentation on Risk Management and School Safety Management Practices**

The committee took a brief recess.

**02:23 PM**

Came back to order

**02:23 PM -- Discussion of Risk Management and School Safety Management in Other States**

Josh Cunningham from the National Council of State Legislatures (NCSL) introduced himself and distributed a handout (Attachment C). Mr. Cunningham stated that 35 states require schools to have a school safety plan and that 16 states have formed committees to investigate ways to prevent future acts of violence within the school setting. He discussed components of school safety plans and noted that commonalities include directives about standards of conduct, safety drills, and infrastructure requirements. He reviewed legislation in three states: Arkansas, Texas, and Washington. According to Mr. Cunningham, in 2013, Arkansas enacted Senate Bill 093, which required school districts to provide safety training for school personnel and students and reclassified school resource officers as law enforcement. He said that in 2015, they passed legislation that requires schools to have panic buttons that connect to emergency responders and methodology for sharing items like floor plans with first responders. He described the approach undertaken by Texas, which adopted a school marshal program in 2013. Mr. Cunningham described the requirements of a school marshal and a certification program that was adopted to recognize schools for meeting certain safety criteria. Mr. Cunningham said that Washington state also enacted new school safety requirements in 2013, which among other things, call for newly remodeled or constructed school buildings to incorporate specific safety features.

Mr. Cunningham reviewed reasonable care standards and immunity in the three states and noted that most states do not define this through legislation. He reported that most often school violence cases are settled out of court, but there are some standards defined by case law. Representative Willett asked about waivers of immunity, to which Mr. Cunningham noted that about half of states have general rules of liability, but there are many exceptions in laws and case law has further clarified those exceptions. Representative Moreno asked how many states do not have reasonable duty of care standards. Mr. Cunningham replied that between 30 and 35 states do not have an explicit definition in statute. Ms. Heidi Ganahl asked whether any state specifically defines duty of care within schools, to which Mr. Cunningham replied that he had not been able to define any. Ms. Ganahl asked Mr. Cunningham to forward information about Texas to the committee. Senator Scheffel asked whether NCSL is preparing model state policies concerning this topic, to which Mr. Cunningham replied no.

**02:40 PM -- Discussion of Liability and Underwriting Practices in the Private Market**

Robert Ferm and Gary Frisch introduced themselves to the committee and presented information about the liability insurance market. Mr. Ferm provided background about how schools fund their risk when they are outside of risk pools or Boards of Cooperative Education Services (BOCES). According to Mr. Ferm, these schools often have a layered approach towards covering risk. For example, they may be self-insured for the first \$100,000 of coverage and purchase coverage for amounts in excess of \$100,000. He explained that a school could obtain insurance from one company to take the risk for \$100,000 to \$250,000; purchase coverage from another company for claims between \$250,000 to \$500,000; and so on. Mr. Ferm said that sometimes deductibles, or the amount of self-insurance, become too high because of the costs to purchase excess coverage. Mr. Frisch added that according to his research, there has not been any reluctance in the market to write policies as a result of Senate Bill 15-213. Mr. Ferm noted that any law change creates uncertainty and this may be the reason some brokers have noted some initial concerns about Senate Bill 15-213.

Mr. Frisch reviewed the steps involved in obtaining liability coverage including underwriting criteria, including checklists, for assessing risk in schools. Senator Scheffel asked about the interplay between the checklists and the actions of an insurance company doing the underwriting and when a company may require or encourage changes versus changing the premium amount. Mr. Frisch responded that typically there is a combination of approaches undertaken during the underwriting process. He said the insurance company may ask for more information, such as school safety policies, or make suggestions for remedies to lower premiums. Mr. Frisch said that if an insurance company identifies a major area of concern, it may opt not to write the policy at all. Mr. Ferm followed up by saying that protocols give schools better leverage to negotiate premiums and coverage, but in consulting a national vendor, Firestorm, found that this is not legislated. Senator Newell asked if the underwriting criteria could be shared or if it is proprietary. Mr. Ferm indicated that he would send that information to staff.

Kate O'Donnell asked about broker concerns, to which Mr. Ferm responded that there may be increased costs for sublimits, such as with special endorsements for sexual abuse and molestation. He explained that although a school may want a specific amount of coverage, the amount available from the insurer may be less, which is why it is called a sublimit.

Linda Weinerman asked about the types of questions on the applications provided by insurers and whether decisions are data driven, such as by the number of actual incidences, or policy driven. Mr. Frisch responded that it is usually both.

Representative Willett commented that prior testimony in committee indicated that schools were expecting a 20 percent increase in premiums following Senate Bill 15-213. He noted that under current law, claims may be made for attempted behavior. Mr. Ferm responded that if there is going to be an increase in premiums, he expects to see it first in a shift from the standard market to the specialty market. Mr. Ferm said they do not yet know whether schools will see a 5 percent increase or a 30 percent increase as that will depend on the way these policies are constructed. Mr. Frisch noted that the incidents that Senate Bill 15-213 addresses are very limited, which makes it hard to determine costs. According to Mr. Frisch, there have been three relevant incidents in 16 years.

**03:13 PM -- Mental Health First Aid Colorado**

Brian Turner introduced himself to the committee and reviewed the Mental Health First Aid program. According to Mr. Turner, the program is an 8 hour certification course that teaches people how to identify the signs and symptoms of behavioral health challenges and connect persons with behavioral health needs to resources. He reviewed the implementation of the program and noted that more than 20,000 people in Colorado have been certified since 2008.

Senator Newell asked for data on certifications among teachers and other school staff as well as school resource officers and law enforcement personnel. Mr. Turner indicated he would follow up with staff with actual data and explained that about 25 percent of the 20,000 certifications are for persons affiliated with schools.

Desiree Davis asked how many school districts participate in the program. Mr. Turner said capacity is there in all districts, but that his program has reached about 75 school districts so far. He indicated that there are some individuals that have participated that may have moved between districts or that may not have been identified as representatives of a particular district. He reviewed his program's initiatives to target specific school districts. Ms. Davis asked about federal funding for the program. Mr. Turner said \$200,000 of the \$2 million in Project Aware funding goes to the Mental Health First Aid program. According to Mr. Turner, these funds will ensure training for 1,125 additional persons and noted that existing funding provided by the state is reduced for 2015 and eliminated in 2016. Ms. Davis asked how the program is marketed. Mr. Turner reviewed his program's tools, including relationship building, presentations at conferences, meetings with decision-makers, word of mouth from participants, as well as a website and marketing materials. Ms. Davis asked whether private schools are served and if so, how many. Mr. Turner stated that their participation has been very limited but the course is available to anyone.

Greg McDonald asked about the pre-survey and post-survey for participants and what findings those surveys have revealed. Mr. Turner said that the evaluation process is very thorough and while the data set currently only includes one year, the results have been very positive so far. Mr. Turner said that he would provide the study as a follow up item for the committee. Mr. McDonald asked about the youth component of the Mental Health First Aid program. Mr. Turner described the youth component as been targeted to students ages 12-25 as a peer support program, which is often targeted to students in upper grades via school health class.

Senator Newell commented that the program does not go into detail about suicide prevention and asked about training for school resource officers. Mr. Turner stated that the program is intended to provide a broad overview of many aspects of behavioral health and that they connect participants to other providers for more in-depth training. He indicated that he would provide information about law enforcement certifications at a future date. Senator Newell asked if it would be possible for there to be legislator training, to which Mr. Turner responded affirmatively.

#### **03:41 PM -- Senator Moe Keller Remarks**

Former Senator Moe Keller introduced herself and distributed a handout (Attachment D). She presented information about a mental health program offered in Tennessee as an opportunity for Colorado to consider. She explained that this program is a partnership between the school districts, counties, and Mental Health America of Tennessee and offers a classroom-based presentation for students grades 6 through 12 that covers such topics as recognizing feelings, bullying, self-harm, and the importance of engaging with adults. According to Senator Keller, the program is in 83 schools in Tennessee and has very little cost.



Scott Glaser of the National Alliance on Mental Illness provided an overview of a new program offered by his organization called "Ending the Silence" and distributed a handout (Attachment E). Senator Keller reviewed the model curriculum for the Tennessee program and noted that the information is proprietary and not available for distribution. Senator Newell asked if there is data regarding the program's effectiveness. Senator Keller indicated that there is about 15 years of Tennessee data, which is collected by United Way. Mr. Glaser responded that his program has data from participants as well. Mr. David Crews asked how school districts can get involved. Senator Keller stated that she and Mr. Glaser are available as resources and that schools can also approach their county commissioners, school district administrators, and their community mental health center.

#### **04:01 PM -- Public Testimony**

Michael Davis introduced himself. He thanked the committee for their work and suggested that the committee keep its end goal in mind: helping kids who are identified as high risk get help before tragedy strikes. He discussed the importance of sharing information and reviewed the arbitration process his family is currently engaged in with Littleton Public Schools to determine how the incident involving his daughter, Claire Davis, was handled. Mr. Davis described the process as being oriented to help prevent future incidents and that his family is partnering with professors at the University of Colorado at Boulder to prepare a report. He noted that the report should be available in December and stated that he would like to present its findings to the committee prior to the beginning of the 2016 legislative session.

John McDonald introduced himself as the executive director of security for the Jefferson County school district. He reviewed school safety incidents since 1999 and suggested that the committee hear from threat assessment experts in future meetings.

Wendy and Patricia Werner introduced themselves and offered testimony concerning the effects of teen sleep deprivation via a report they prepared (Attachment F).

John Simmons introduced himself as a representative of School Safety Partners and distributed a handout (Attachment G) concerning ways to address other types of youth in crisis, such as a youth who attempts to do a suicide bombing. According to Mr. Simmons, it is important to develop strategies for countering messages that kids may receive from certain groups and how to identify early warning signs, especially through social media.

**04:38 PM**

Senator Scheffel offered closing remarks. Legislative Council Staff reminded committee members to submit ideas for presentations by youth at the next meeting.

**04:40 PM**

The meeting adjourned.

**01:53 PM -- Presentation on Risk Management and School Safety Management Practices**

The committee took a brief recess.

**02:23 PM**

Came back to order.

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