



**OFFICE OF THE ATTORNEY GENERAL
STATE OF COLORADO**

Quick Reference Outline – Colorado Juvenile Information Exchange Law

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1. Information in Possession of Police & Sheriff's Agencies

- Information which **must be disclosed upon request**:
 - Any information relating to the agency's duties with respect to **delinquency and dependency & neglect matters**, and concerning a student at a school, **must** be provided to school personnel at the student's school **when the information is required in the performance of the school personnel's legal duties and responsibilities**.
 - Any information **requested by another agency performing duties with respect to Title 19** (delinquency and dependency & neglect), which is represented as necessary to the requesting agency's acquisition, provision, oversight, or referral of services and support under Title 19, **must** be released.

All **law enforcement records** concerning a student **must** be disclosed **upon request to the principal or superintendent**, or their designee, of a school in which a student is or will be enrolled.

- Information which **may be disclosed, with or without a request**:

Police and sheriff's **may provide** with or without a request, a student's principal or superintendent, or their designee, records and information, other than mental health or medical records, relating to any **of the following**:

- a. Municipal adjudication or conviction.
- b. Felony or misdemeanor charges.
- c. Felony or misdemeanor adjudication.
- d. Felony or misdemeanor deferred prosecutions.
- e. Felony or misdemeanor deferred judgment/adjudication.
- f. Felony or misdemeanor diversion.

Police and sheriff's **may provide** with or without a request, a **student's principal or school superintendent**, or their designee, any information concerning the student which **gives rise to a public safety concern**, and relates to **the following**¹:

- a. The arrest of a student for an act constituting a misdemeanor or felony if committed by an adult.
- b. The issuance of a municipal summons.
- c. Any threat or incident perpetrated by the student.

¹ The Colorado Model Inter-Agency Agreement Task Force recommends that police and sheriff's agencies, and schools, mutually agree that information in this category be subject to automatic disclosure.

2. Information in Possession of Schools

➤ Information which **must be disclosed upon request**:

A student's **education records** must be provided to a **court** upon the issuance of a court order or lawfully issued **subpoena**.

Information **directly relating to a student** and maintained by the school **must be provided to state and local officials** or authorities under the **following circumstances**:

- a. the disclosure concerns the **juvenile justice system** and its ability to **effectively serve the student prior to adjudication**, and
- b. the **requesting authorities certify in writing** that the information will not be disclosed to any other party, except as provided by law, without prior written consent of the student's parents, or of the student if he or she is 18 years of age or older or is attending a postsecondary education institution.

Attendance and disciplinary records must be provided to any requesting **criminal justice agency** under the **following circumstances**:

- a. The **requesting agency certifies in writing** the information will not be disclosed unlawfully, and
- b. The requesting agency is **investigating a criminal investigation concerning the student, or a matter under the School Attendance Law of 1963**, Title 22, Article 33, Part 1 C.R.S., and
- c. The information sought is **necessary for the investigation**, and
- d. The requesting agency needs the information to **effectively serve the student prior to adjudication**.

➤ Information which **may be disclosed without a request**:

Information disclosed to **state and local officials** which relates to an **emergency health or safety concern**.

Information which relates to acts or incidents **compromising school safety**, but which do not rise to the level of a criminal offense under a reasonable grounds standard.²

➤ Information which **must be automatically disclosed**:

Information which, under a **reasonable grounds standard**, relates to the **possible abuse or neglect of a student** must be disclosed to the department of social services and local law enforcement.

² The Colorado Model Inter-Agency Agreement Task Force recommends that information in this category be subject to automatic disclosure to local law enforcement.

Information concerning the following **criminal offenses perpetrated by a student against a school employee or teacher** must be reported to local law enforcement:

- a. assault
- b. disorderly conduct
- c. harassment
- d. a knowingly false allegation of child abuse lodged against a school employee or teacher
- e. any violation of Title 18, C.R.S., directed at a school employee or teacher.

Information concerning **the following incidents on school premises must** be reported to local law enforcement:

- a. damage by a student to the personal property of a school employee or teacher.

Information concerning any **criminal offense** for which the school has **reasonable grounds** to believe has been perpetrated by a student or adult on **school grounds** or at school related activities **must** be reported to local law enforcement.

Information concerning a student's **failure to attend** part or all of any school day, without authorization, must be reported to the student's supervising court or judicial officer under the following circumstances:

- a. The school has been notified that the **student is under a judicial order** to attend school.

3. Information in Possession of the Prosecuting Attorney's Office

➤ Information which **must be disclosed upon request**:

Any information relating to the prosecuting attorney's duties with respect to **delinquency and dependency & neglect matters**, and concerning a student at a school, **must** be provided to school personnel at the student's school **when the information is required in the performance of the school personnel's legal duties and responsibilities**.

Any information **requested by another agency performing duties with respect to Title 19** (delinquency and dependency & neglect), which is represented as necessary to the requesting agency's acquisition, provision, oversight, or referral of services and support under Title 19 **must** be released.

All **law enforcement records** concerning a student **must** be disclosed **upon request to the principal or superintendent**, or their designee, of a school in which a student is or will be enrolled.

➤ Information which **may be disclosed, with or without a request**:

Prosecuting attorney's **may provide** with or without a request, a student's principal or superintendent, or their designee, records and information, other than mental health or medical records, relating to **any of the following**:

- a. Municipal adjudication or conviction.
- b. Felony or misdemeanor charges.
- c. Felony or misdemeanor adjudication.
- d. Felony or misdemeanor deferred prosecutions.
- e. Felony or misdemeanor deferred judgment/adjudication.
- f. Felony or misdemeanor diversion.

Prosecuting attorney's **may provide** with or without a request, a **student's principal or school superintendent**, or their designee, any information concerning the student which **gives rise to a public safety concern**, and relates to **the following**³:

- a. The arrest or charging of a student for an act constituting a misdemeanor or felony if committed by an adult.
- b. Municipal ordinance violations.
- c. Any threat or incident perpetrated by the student.

³ The Colorado Inter-Agency Agreement Task Force recommends that prosecuting attorneys and schools mutually agree that information in this category be subject to automatic disclosure.

➤ Information which **must be automatically disclosed**:

Prosecuting attorney's must make reasonable good faith efforts to provide a student's principal with the student's **arrest and criminal records** information within three working days of filing a delinquency petition, alleging the following crimes, in juvenile court against the student.

- a. Any Felony.
- b. Any Class 1 Misdemeanor.
- c. Menacing, pursuant to § 18-3-206 C.R.S.
- d. Harassment, pursuant to § 18-9-111 C.R.S.
- e. Fourth Degree Arson, pursuant to § 18-4-105 C.R.S.
- f. Theft, pursuant to § 18-4-401 C.R.S.
- g. Aggravated Motor Vehicle Theft, pursuant to § 18-4-409 C.R.S.
- h. Criminal Mischief, pursuant to § 18-4-501 C.R.S.
- i. Defacing Property, pursuant to § 18-4-509 C.R.S.
- j. Disorderly Conduct, pursuant to § 18-9-106 C.R.S.
- k. Hazing, pursuant to § 18-9-124 C.R.S.
- l. Possession of a Handgun by a Juvenile, pursuant to § 18-12-108.5 C.R.S.

If the prosecuting attorney is in good faith unable to identify the student's school or contact the student's principal, the prosecuting attorney must instead make this notification to the superintendent of the student's school district.

A student's **basic identification information, and details of the alleged offense**, must be provided to the student's school district under the following circumstances:

- a. The **student is charged**, either in juvenile court via petition or in district court via information, with any **crime of violence** or crime involving **unlawful sexual behavior**, and the student is between the **ages of 12 and 18** years.

4. Information in Possession of Courts

➤ Information which **must be disclosed upon request**:

Any information relating to the court's duties with respect to **delinquency and dependency & neglect matters**, and concerning a student at a school, **must** be provided to school personnel at the student's school **when the information is required in the performance of the school personnel's legal duties and responsibilities**.

Any information **requested by another agency performing duties with respect to Title 19** (delinquency and dependency & neglect), which is represented as necessary to the requesting agency's acquisition, provision, oversight, or referral of services and support under Title 19 **must** be released.

All **court records** regarding delinquency proceedings or municipal violations and concerning a student as the alleged perpetrator **must** be disclosed **upon request to the principal or superintendent**, or their designee, of a school in which a student is or will be enrolled. This does not apply to municipal traffic ordinance violations.

➤ Information which **may be disclosed, with or without a request**:

Court's **may provide** with or without a request, a student's principal or superintendent, or their designee, records and information, other than mental health or medical records, relating to any of the following:

- a. Municipal adjudication or conviction.
- b. Felony or misdemeanor charges.
- c. Felony or misdemeanor adjudication.
- d. Felony or misdemeanor deferred prosecutions.
- e. Felony or misdemeanor deferred judgment/adjudication.
- f. Felony or misdemeanor diversion.

Court's **may provide** with or without a request, a **student's principal or school superintendent**, or their designee, any information concerning the student which **gives rise to a public safety concern**, and relates to **the following**⁴:

- a. The arrest or charging of a student for an act constituting a misdemeanor or felony if committed by an adult.
- b. Municipal ordinance violations.
- c. Any threat or incident perpetrated by the student.

➤ Information which **must be automatically disclosed**:

⁴ The Colorado Inter-Agency Agreement Task Force recommends that courts and schools mutually agree that information in this category be subject to automatic disclosure.

Court's must notify a student's principal of **any condition** of sentence, probation, parole or pretrial release which requires the student to **attend school**.

Upon entry of judgment of **adjudication or conviction** against a student under 18 years of age for **the following crimes occurring on school property or in a school building**, courts must notify the student's school district of the adjudication or conviction, and that the student is subject to mandatory expulsion:

- a. Carrying, bringing, using or possessing a dangerous weapon.
- b. Sale of a controlled substance.
- c. Robbery.
- d. First or Second degree assault.

Upon entry of judgment of **adjudication or conviction** against a student under 18 years of age for any **crime of violence or crime involving controlled substances**, courts must notify the student's school district of the adjudication or conviction.

Upon entry of judgment of **adjudication or conviction** against a student between the ages of 12 and 18 years for any crime involving **unlawful sexual behavior**, courts must notify the student's school district of the adjudication or conviction.

5. Information in Possession of Probation Department

➤ Information which **must be disclosed upon request**:

Any information relating to the probation department's duties with respect to **delinquency and dependency & neglect matters**, and concerning a student at a school, **must** be provided to school personnel at the student's school **when the information is required in the performance of the school personnel's legal duties and responsibilities**.

Any information **requested by another agency performing duties with respect to Title 19** (delinquency and dependency & neglect), which is represented as necessary to the requesting agency's acquisition, provision, oversight, or referral of services and support under Title 19 **must** be released.

All **probation records** concerning a student, whether or not part of the court file, **must** be disclosed **upon request to the principal or superintendent**, or their designee, of a school in which a student is or will be enrolled.

➤ Information which **may be disclosed, with or without a request**:

Probation department's **may provide** with or without a request, a student's principal or superintendent, or their designee, records and information, other than mental health or medical records, relating to any **of the following**:

- a. Municipal adjudication or conviction.
- b. Felony or misdemeanor charges.
- c. Felony or misdemeanor adjudication.
- d. Felony or misdemeanor deferred prosecutions.
- e. Felony or misdemeanor deferred judgment/adjudication.
- f. Felony or misdemeanor diversion.

Probation department's **may provide** with or without a request, a **student's principal or school superintendent**, or their designee, any information concerning the student **which gives rise to a public safety concern**, and relates to **the following**⁵:

- a. The arrest or charging of a student for an act constituting a misdemeanor or felony if committed by an adult.
- b. Municipal ordinance violations.
- c. Any threat or incident perpetrated by the student.

⁵ The Colorado Model Inter-Agency Agreement Task Force recommends that probation departments and schools mutually agree that information in this category be subject to automatic disclosure.

6. Information in Possession of Corrections Facilities

➤ Information which **must be disclosed upon request**:

Any information relating to the correction facility's duties with respect to **delinquency and dependency & neglect matters**, and concerning a student at a school, **must** be provided to school personnel at the student's school **when the information is required in the performance of the school personnel's legal duties and responsibilities**.

Any information **requested by another agency performing duties with respect to Title 19** (delinquency and dependency & neglect), which is represented as necessary to the requesting agency's acquisition, provision, oversight, or referral of services and support under Title 19 **must** be released.

All **juvenile parole records** concerning a student, **must** be disclosed **upon request to the principal or superintendent**, or their designee, of a school in which a student is or will be enrolled.

➤ Information which **may be disclosed, with or without a request**:

Correction facilities **may provide** with or without a request, a student's principal or superintendent, or their designee, records and information, other than mental health or medical records, relating to **any of the following**:

- a. Municipal adjudication or conviction.
- b. Felony or misdemeanor charges.
- c. Felony or misdemeanor adjudication.
- d. Felony or misdemeanor deferred prosecutions.
- e. Felony or misdemeanor deferred judgment/adjudication.
- f. Felony or misdemeanor diversion.

Correction facilities **may provide** with or without a request, a **student's principal or school superintendent**, or their designee, any information concerning the student which **gives rise to a public safety concern**, and relates to **the following**⁶:

- a. The arrest or charging of a student for an act constituting a misdemeanor or felony if committed by an adult.
- b. Municipal ordinance violations.
- c. Any threat or incident perpetrated by the student.

⁶ The Colorado Model Inter-Agency Agreement Task Force recommends that corrections facilities and schools mutually agree that information in this category be subject to automatic disclosure.

7. Information in Possession of Department of Social Services

➤ Information which **must be disclosed upon request**:

Any information relating to the department's duties with respect to **delinquency and dependency & neglect matters**, and concerning a student at a school, **must** be provided to school personnel at the student's school **when the information is required in the performance of the school personnel's legal duties and responsibilities**.

Any information **requested by another agency performing duties with respect to Title 19** (delinquency and dependency & neglect), which is represented as necessary to the requesting agency's acquisition, provision, oversight, or referral of services and support under Title 19 **must** be released.

➤ Information which **may be disclosed, with or without a request**:

The following applies to any department of social services which performs any **activity directly relating to** the detection or investigation of crime; the apprehension, pretrial release, posttrial release, prosecution, correctional supervision, rehabilitation, evaluation or treatment of accused persons or criminal offenders, or to any department of social services which participates in an Assessment Center for Children, as defined in § 19-1-103(10.5) C.R.S.:

- a. The department **may provide** with or without a request, a student's principal or superintendent, or their designee, records and information, other than mental health or medical records, relating to **any of the following**:
 1. Municipal adjudication or conviction.
 2. Felony or misdemeanor charges.
 3. Felony or misdemeanor adjudication.
 4. Felony or misdemeanor deferred prosecutions.
 5. Felony or misdemeanor deferred judgment/adjudication.
 6. Felony or misdemeanor diversion.
- b. The department **may provide** with or without a request, a student's principal or school superintendent, or their designee, any information concerning the student which **gives rise to a public safety concern**, and relates to **the following**⁷:
 1. The arrest or charging of a student for an act constituting a misdemeanor of felony if committed by an adult.

⁷ The Colorado Model Inter-Agency Agreement Task Force recommends that departments of social services and school mutually agree that information in this category be subject to automatic disclosure.

2. Municipal ordinance violations.
3. Any threat or incident perpetrated by the student.

8. Information in Possession of Assessment Centers for Children

➤ Information which **must be disclosed upon request**:

Any information relating to the center's duties with respect to **delinquency and dependency & neglect matters**, and concerning a student at a school, **must** be provided to school personnel at the student's school **when the information is required in the performance of the school personnel's legal duties and responsibilities**.

Any information **requested by another agency performing duties with respect to Title 19** (delinquency and dependency & neglect), which is represented as necessary to the requesting agency's acquisition, provision, oversight, or referral of services and support under Title 19 **must** be released.

➤ Information which **may be disclosed, with or without a request**:

Centers **may provide** with or without a request, a student's principal or superintendent, or their designee, records and information, other than mental health or medical records, relating to **any of the following**:

- a. Municipal adjudication or conviction.
- b. Felony or misdemeanor charges.
- c. Felony or misdemeanor adjudication.
- d. Felony or misdemeanor deferred prosecutions.
- e. Felony or misdemeanor deferred judgment/adjudication.
- f. Felony or misdemeanor diversion.

Centers **may provide** with or without a request, a **student's principal or school superintendent**, or their designee, any information concerning the student which **gives rise to a public safety concern**, and relates to **the following**⁸:

- a. The arrest or charging of a student for an act constituting a misdemeanor or felony if committed by an adult.
- b. Municipal ordinance violations.
- c. Any threat or incident perpetrated by the student.

⁸ The Colorado Model Inter-Agency Agreement Task Force recommends that assessment centers for children and schools mutually agree that information in this category be subject to automatic disclosure.

9. Information in Possession of Mental Health Agencies

- Information regarding students receiving mental health services pursuant to the **Care and Treatment of the Mentally Ill Act**, Title 27, Article 10 C.R.S. **may be shared** under the following circumstances:

The student is **over 15 years** of age and **signs a Consent** to Release Information document which designates those parties or agencies eligible to receive the information, or when the student's parents or guardian signs such a release, this information may be shared with the designated parties or agencies.

The information is disseminated during a communication between qualified professionals in the **provision of appropriate referrals**.

The information is **released to a court**, as necessary to the administration of Title 27, Article 10, C.R.S.

The information is released **to person authorized by court order** to receive such information, and after the student and party in possession of the information have received notice and an opportunity for hearing.

The information constitutes the student's **observed criminal behavior** upon the premises of any facility, or against any person, providing or receiving services under Title 27, Article 10 C.R.S.

- Information regarding **threats of violence must be released** under the **following circumstances and in the following manner**:

The juvenile receiving mental health services has communicated a serious threat of imminent violence against a specific person or persons to a mental health provider.

Such threat must be released to the person or persons threatened, and the local law enforcement agency, or

The mental health provider must take other appropriate action.

- Information regarding the provision of **services under Title 19**, C.R.S.

Such information may be released to a requesting agency under the following circumstances:

- a. The requesting agency is also providing services to the juvenile under Title 19, C.R.S., and

- b. The information is necessary to the requesting agency's acquisition, oversight, or referral of services and support under Title 19, and is based on its need to know the information for purposes of its case management or investigation.

Such information regarding a student may be **released to the student's principal or superintendent**, or their designated personnel, under the following circumstances:

- a. The mental health agency is performing duties and functions in connection with delinquency or dependency & neglect proceedings under Title 19, and
- b. the information is required in order for school personnel to perform their legal duties and responsibilities, and
- c. the requesting school personnel agrees to maintain the confidentiality of the information.

Table of Colorado Statutes – Juvenile Information Exchange

- § 13-21-117 C.R.S.
- § 18-8-115 C.R.S.
- § 19-1-103 C.R.S.
- § 19-1-303 C.R.S.
- § 19-1-304 C.R.S.
- § 19-3-304 C.R.S.
- § 22-33-105 C.R.S.
- § 22-33-106 C.R.S.
- § 22-33-106.5 C.R.S.
- § 22-33-109.1 C.R.S.
- § 22-33-107.5 C.R.S.
- § 24-72-204 C.R.S.
- § 24-72-302 C.R.S.
- § 27-10-101 et. seq. C.R.S.
- § 27-10-120 C.R.S.
- 34 C.F.R. 99
- 20 U.S.C. 1232