



# Addressing Safety Reporting Deficiencies on Colorado's School Accountability Report

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## Executive Summary

The Safety and Discipline table within Colorado's School Accountability Reports (SAR) does not provide a realistic picture of the environment in many public schools. The narrow criteria for an incident to be reported in the table under Assaults/Fights do not include most assaults and fights that take place in schools. This Issue Paper examines the following in regard to current safety reporting:

- According to state law, the Assaults/Fights category in the Safety and Discipline table on the SAR is restricted to incidents that occur as a "commission of an act on school grounds that, if committed by an adult, would be considered criminal assault, other than third degree assault." First and second degree assaults are the only type of incidents to be reported under Assaults/Fights and usually involve "serious bodily injury."
- "Serious bodily injury" means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.
- Jefferson County School District R-1 (Jeffco), the largest school district in the state, reported 644 Assaults/Fights for 2003-2004. After district personnel discovered they were only to report first and second degree assaults, the number of Assaults/Fights on the SAR dropped to zero for 2004-2005.
- Police reports from one unnamed Jeffco high school revealed that, in the 2004-2005 school year, 23 incidents of fighting resulted in

police charges but did not meet the criteria to be reported on the SAR.

- One student at the unnamed Jeffco high school was attacked in the school parking lot by several students. He was punched in the face and knocked to the ground. One of the students stomped on his head. The victim had blood across his face and knuckles. Yet the incident did not meet the criteria to be reported under Assaults/Fights.
- One category on the SAR—Other Violations of Code of Conduct—is a catch-all. The category includes crimes such as third degree assaults, sexual assaults, robberies, cheating, and dress code violations.

## Recommendations

1. By modifying the scope of the data collection, the Colorado General Assembly should consider broadening the definition of the Assaults/Fights category
  - a) to include third degree assaults, municipal assaults, and vehicular assaults;
  - b) to include disorderly conduct involving fighting as defined by state law and municipal ordinances;
  - c) to include incidents that take place in school vehicles, and at school activities and sanctioned events;
  - d) to include assaults with a connection to the school, such as when a student is attacked on the way home from school or attacked across the street from the school.
2. The General Assembly or the Colorado Department of Education should consider
  - a) clearly noting on the SAR the definition of the Assaults/Fights category;
  - b) restoring the Other Felonies category to the Safety and Discipline table and the definition of the type of offenses it might include.

## Introduction

At the end of his first year in office, in a speech titled "Putting Children First: A Plan for Safe and Excellent Public Schools," Colorado Governor Bill Owens announced his plan for state-published school report cards. The governor explained, "One of our most important goals in improving public education must be to bring parents back into the schools and back into the day to day education of their children. That is why the School Report Card [renamed School Accountability Report] is a key to the plan I am laying out today. It will equip parents with the knowledge they need to make an informed decision as to which school is best for their child."<sup>1</sup>

While designing the School Accountability Report (SAR), the governor's office held focus groups and found that parents' greatest concern was for their children to attend a school with a safe environment.<sup>2</sup> Therefore, one section of the School Accountability Report is devoted to safety and school environment.

Yet parents cannot depend on this feature to determine how safe their children are in a particular school. A close examination of the type and num-

ber of Assaults/Fights reported in this section in the Safety and Discipline table reveals that many parents are not being provided with a realistic picture of a school's environment.

School discipline is guided by local and state laws, school district policy, community expectations, and the personalities of the school administrators in authority. Differences among school districts may result in some inconsistencies in reporting, but there is a more compelling reason to question whether the SAR gives an accurate snapshot of the learning environment within a school.

In the spring of 2005, an investigation by the *Denver Post* revealed a number of violent crimes against students that were not reported on the SARs.<sup>3</sup> Though some school and district officials may misreport or underreport, the likelier explanation is that the assaults or fights which regularly take place in a school cannot be counted. They do not fit the criteria outlined in state statute to be reported to the Colorado Department of Education (CDE) and in turn reported to the public on the SAR.

## Safety and Discipline

Safe schools are a top priority for parents, teachers, and communities. Your school safety and discipline record for the 2004-2005 school year is:

Type of Incident	Number of Incidents Reported	Action Taken		
		In School Suspension	Out of School Suspension	Expulsion
Substance Abuse - Drugs	5		5	
Substance Abuse - Alcohol	1		1	
Substance Abuse - Tobacco				
Assaults/Fights				
Dangerous Weapons				
Other Violations Code of Conduct	159	111	48	

*Sample Safety and Discipline table from School Accountability Report, Colorado Department of Education*

## Background

In 2000, Colorado enacted two pieces of legislation that incorporated requirements for reporting of school safety data, Senate Bill 133 and Senate Bill 186.

1. SB 133 established safe school reporting requirements. School districts are to report to CDE the number of incidents for the following categories of conduct code and discipline code violations:<sup>4</sup>

- Drug Violations
- Alcohol Violations
- Tobacco Violations
- Criminal Assault
- Robbery
- Dangerous Weapons
- Other Felonies
- Disobedient or Defiant
- Detrimental Behavior
- Destruction of School Property
- Repeated Interference
- Other Violations of Code of Conduct

School districts are to report the incidents listed above when the following actions have been taken:

- Classroom Suspension/Teacher Removal
- In School Suspension
- Out of School Suspension
- Expulsion
- Referred to Law Enforcement
- Other Action (only extremely serious disciplinary actions according to local board policy)

2. SB 186 established the SAR, detailing the format and the content of the report.<sup>5</sup> The legislature has made changes since the original bill passed. Additionally, in 2005 CDE made changes to the 2004-2005 Safety and Discipline table.<sup>6</sup> The collected data required by SB 133 are condensed and reported on the SAR in the Safety and Discipline table, cross-referencing the categories of incidents with the actions taken by the school district.<sup>7</sup> The following categories of incidents are listed:

- Substance Abuse-Drugs
- Substance Abuse-Alcohol
- Substance Abuse-Tobacco

- Assaults/Fights
- Dangerous Weapons
- Other Violations of Code of Conduct

Though other actions may be taken by the school district and reported under Number of Incidents Reported, only the following actions are listed on the SAR:

- In School Suspensions
- Out of School Suspensions
- Expulsions

Originally, Other Felonies were reported in the table, but the category was struck from the law in July 2001 to allow for space to disaggregate Substance Abuse for separate drug, alcohol, and tobacco violations. Educators also thought that the Other Felonies category was not useful.<sup>8</sup> Though the data are still collected, in 2005 CDE removed several categories from the Safety and Discipline table on the SAR. The deleted categories include the number of Habitually Disruptive Students, Incidents Referred to Law Enforcement, and Other (other actions taken according to school board policy).

*State law defines an incident a school district should report as follows: Commission of an act on school grounds that, if committed by an adult, would be considered criminal assault, other than third degree assault.*

### *A Closer Look at the Assaults/Fights Category*

Under SB 133, school districts are to report assaults to CDE that result in action taken by the district. State law defines an incident a school district should report as follows:

C.R.S. § 22-32-109.1(2)(b)(IV)(F) Commission of an act on school grounds that, if committed by an adult, would be considered criminal assault, other than third degree assault.

Third degree assaults, or the equivalent of municipal assault violations, are not included in the Assaults/Fights category. Neither are incidents that are considered to be, or that result in charges of, disorderly conduct involving fighting – the most common type of school fight.

Only first and second degree assaults, which are felonies, comprise the data reported on the SAR in the Assaults/Fights category. This category does not include felonies such as sexual assaults or vehicular assaults.

The SAR contains no explanation to inform the reader that the Assaults/Fights category is limited to the number of first and second degree assaults. The definition of Assaults/Fights can be found on the Colorado School Accountability Reports Web site under "Frequently Asked Questions," but the definition of Assaults/Fights is not on a school's SAR.<sup>9</sup>

### ***Understanding Disorderly Conduct and Different Degrees of Assault***

To begin to understand what would be considered disorderly conduct involving a fight or assault, one must know several legal definitions. The following sections of the statutes generally apply to schools:

#### **Bodily Injury: C.R.S. § 18-1-901(3)(c)**

"Bodily injury" means physical pain, illness, or any impairment of physical or mental condition.

#### **Serious Bodily Injury: C.R.S. § 18-1-901(3)(p)**

"Serious bodily injury" means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

#### **Disorderly Conduct: C.R.S. § 18-9-106 (1)(d)**

(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.

*(Municipalities may have an equivalent disorderly conduct ordinance.)*

#### **Third Degree Assault: C.R.S. § 18-3-204**

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.

*(Municipalities may have an assault ordinance equivalent to third degree assault.)*

#### **Second Degree Assault: C.R.S. § 18-3-203**

A person commits the crime of assault in the second degree if:

- (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
- (d) He recklessly causes serious bodily injury to another person by means of a deadly weapon; or
- (g) With intent to cause bodily injury to another person, he causes serious bodily injury to that person or another.

#### **First Degree Assault: C.R.S. § 18-3-202**

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...

Municipalities often have ordinances that mirror state statutes defining third degree assault and disorderly conduct. In the case of a repeat offender or when the situation appears to be more severe, law enforcement officers may decide to charge a student with third degree assault or fight-related disorderly conduct under state law rather than under municipal ordinances. The case then would be prosecuted in district court, where the sanctions are more severe than in municipal court.<sup>10</sup>

An example of disorderly conduct would be two students in the hallway who begin shouting at each other, trade punches, and wrestle each other

to the ground. If one of the students receives an injury, such as a bloodied mouth, bruised face, or black eye, then the fight is classified a third degree assault. In neither case would the incident be reported under the Assaults/Fights category, but rather under Other Violations of Code of Conduct on the SAR.

On the other hand, if one of the students' noses had been broken, the offender might be charged with second degree assault. Fights that result in a broken nose or other serious bodily injury as defined by law are the type of Assaults/Fights reported on the SAR.

## Discussion

### *The Case to Broaden the Definition of Assaults/Fights*

Combining the terms "assaults" and "fights" into the Assaults/Fights category on the SAR has confused school districts and the public. An assault may or may not be related to a fight. A fight is

*Fights that result in a broken nose or other serious bodily injury as defined by law are the type of Assaults/Fights reported on the SAR.*

usually a struggle between two or more people and may not necessarily fit within the legal definition of a first, second, or third degree assault. Limiting the type of incident reported as an Assault/Fight to first and second degree assaults compounds the confusion.

CDE provides to school districts a document titled "Safety and Discipline Indicator Collection Narrative." The narrative explains how to report incidents and actions taken. CDE staff

members are also available to answer questions. Still, school districts have various interpretations of what type of incidents should be reported in the Assaults/Fights category. For instance, sexual assaults and vehicular assaults are not specifically mentioned in the narrative. Jefferson County School District R-1 (Jeffco) officials said that they would report both under Assaults/Fights.<sup>11</sup> The Jeffco Student Data Services office suggests CDE should bring together officials from every school district to address reporting inconsistencies and to ensure that all districts are consistent.<sup>12</sup>

Discussions with parents have revealed that many parents assume that the Assaults/Fights category includes all assaults or serious fights

that take place at a school. In fact, because of the low number of Assaults/Fights reported and the lack of awareness most people have regarding the category's definition, some accuse school districts of deliberately not reporting fights.

Until the 2004-2005 school year, Jeffco, the largest school district in Colorado (more than 86,000 students), had reported all incidents coded as a fight that resulted in suspensions or expulsions.<sup>13</sup> Officials reported 644 Assaults/Fights on Jeffco schools' SARs in 2003-2004. The district's definition of a fight comprised many types of incidents, including harassment.<sup>14</sup>

Jeffco realized the error and changed its reporting system thereafter to include only first and second degree assaults, in accordance with the law. District schools reported no first or second degree assaults in 2004-2005; therefore, the 2004-2005 Jeffco SARs showed no Assaults/Fights.<sup>15</sup> Anyone unfamiliar with the criteria for reporting assaults and fights may have believed that Jeffco either saw an unprecedented drop in school fights or underreported them in 2004-2005.

The more serious question raised by Jeffco's earlier misreporting is whether eliminating third degree assaults and fight-related disorderly conduct violations from the Assaults/Fights category gives a comprehensive view of a school's learning environment. Take for example three Jeffco schools. When tallying all suspensions and expulsions for fights between 2000 and 2004, Arvada High School reported an average of 27 fights a year, Jefferson High School an average of 25, and Alameda High School an average of 24. In 2004-2005, when Jeffco reported only first and second degree assaults to CDE, as required by law, the SAR for all three schools reported no assaults or fights.

Many parents believe that the Assaults/Fights category should include all assaults or fights that take place in a school. One parent removed her daughter from a Jeffco middle school because her daughter had been harmed by another student. The mother said fights are a daily occurrence at the school.<sup>16</sup>

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***Actual Assaults and Fights that Cannot be Reported as Assaults/Fights on the SAR***

Before the 2004-2005 SARs were released, one principal from an unnamed Jeffco high school commented that his school had many more fights in 2003-2004 than the number reported on the SAR. The principal said he reports all fights to the district but did not know that district officials only report to CDE fights that result in suspension and expulsion. Since Jeffco now reports according to the law, his school's SAR included zero Assaults/Fights in 2004-2005.

A parent whose child attended the unnamed high school during the 2004-2005 school year explained that only reporting first and second degree assaults gives parents a false sense of security.

***A parent whose child attended the unnamed high school during the 2004-2005 school year explained that only reporting first and second degree assaults gives parents a false sense of security.***

Though she believes the school administrators do a good job, she also knows there are many fights at the school. In fact, one year her son was assaulted after school across the street from the school. Another student "jumped him," causing minor injuries.<sup>17</sup>

An examination of the police reports of incidents on school grounds from the 2004-2005 school year for the unnamed high school illustrates the need to change the criteria for what

is reported in the Assaults/Fights category. Sixteen incidents led to students being charged with fight-related disorderly conduct. One additional disorderly conduct incident began at school with an exchange of words and an agreement to fight in the alley across the street from the school. School administrators called for the police. Six other incidents resulted in assault charges, three of which included a combination of assault and disorderly conduct violations.<sup>18</sup>

According to the police report of one particularly appalling incident, a car pulled up beside a student walking on a school sidewalk, and eight kids (three of whom were students at the school) got out and jumped him. Several of the attackers punched his face and knocked him to the ground, and then one of them stomped on his head. The victim had blood across his face and knuckles. Three assailants were charged with third degree

assault and three were charged with disorderly conduct, all under state law.

Another incident at the same school during the same school year resulted in municipal ordinance violations for assault and harassment. The police report said a woman saw a female student fighting with her daughter in the school parking lot. A male student grabbed the daughter from behind and threw her down to the ground. The mother saw the female student pull the daughter's hair, and scratch the daughter's face and eyes, causing injury. The police officer observed scratches and bleeding on the victim's left eyelid, a scratch on the left side of her forehead, and scratches on the bridge of her nose and upper left cheek area.<sup>19</sup>

In the first assault incident, three of the offenders did not attend the school. One of the offenders in the second assault incident also did not attend the school. An incident in which none of the offenders attend the school would not be reported on the SAR because the law requires a report to be based on the action taken by the school district. If the offender is not a student, the district cannot administer consequences and therefore does not report the incident to CDE. However, if a student is harmed by an employee of a school district, the information is submitted to CDE under a different reporting system.<sup>20</sup>

***Most fights that occur in high schools are considered disorderly conduct.***

Most fights that occur in high schools are considered disorderly conduct.<sup>21</sup> A male student at the same unnamed Jeffco high school recounted an incident in the lunch line as follows:

The boy came in the line and pushed me because I told him to get to the end for butting (him and one of his friends.) I pushed him back so I was like lets [sic] handle this after school and he said now! And he kicked me in my groin. I pushed him off me and he pushed me again and kicked me on my leg and I caught his leg and threw him on the ground. He punched me in my face so I hit him back and

then Mr. \_\_\_\_ came and broke it up.<sup>22</sup>

Authorities charged the student who cut in the lunch line with a municipal disorderly conduct violation. Therefore, the incident was not reported in the Assaults/Fights category.

### ***Referrals to Law Enforcement***

In Jeffco and many other large school districts, the district depends on law enforcement officers to determine the classification of an assault.<sup>23</sup> Yet even if the police do not file charges, a school district can still report the incident. "The 2004-2005 Safety and Discipline Indicator Collection Narrative" gives the following direction to school districts: "...If unsure what type of event constitutes

***Yet just as substance abuse violations may occur on school buses or at athletic events that take place off school property, so may assaults, robberies, and other felonies.***

which degree [of] assault, consult the language of the cited state statutes, contact the school district's legal counsel, local law enforcement officials or municipal attorneys for assistance."<sup>24</sup>

Several variables can influence the number of referrals to law enforcement. Some municipalities have assigned police officers known as School Resource Officers (SRO) to

schools in their jurisdiction. A school with an SRO may have more referrals to law enforcement because a police officer is on the school grounds. Otherwise, school administrators must determine when to contact law enforcement. One rural superintendent explained that only two police officers serve in the town where his school is located. He explained that the district cannot call the police every time a fight happens at the school.<sup>25</sup>

### ***Assaults off School Property***

School districts are to report to CDE violations pertaining to substance abuse and the possession of dangerous weapons for acts on school grounds, in school vehicles, or at school activities or sanctioned events. Reports of assaults, robberies, and other felonies are limited to acts on school grounds.<sup>26</sup> Yet just as substance abuse violations may occur on school buses or at athletic events that take place off school property, so may assaults, robberies, and other felonies.

Several school officials have raised the concern that students may be involved in a dispute at school which results in violence off campus during or after school hours. One police report from the unnamed Jeffco high school described a fight that began in the lunch line with an exchange of words. The boys agreed to fight in the alley across the street from the school. One boy was hit in the head several times and had minor swelling on his face and forehead. A school administrator contacted the police. Both students were charged with disorderly conduct violations.

The *Denver Post* identified several incidents of severe assaults that were not reported as assaults on the SAR because they happened on the way to school, not on school grounds. In one school that reported no assaults in 2003-2004, police reports describe a student beaten by a group of five boys on his way home from school.<sup>27</sup>

### ***Other Violations of Code of Conduct***

As one of the incident categories on the SAR, Other Violations of Code of Conduct is a catch-all category.<sup>28</sup> It includes violations of local board of education code of conduct that are not otherwise listed on the SAR. Dress code violations and cheating are included in Other Violations of Code of Conduct, along with sexual assaults, robberies, and third degree assaults.<sup>29</sup>

Jeffco's code of conduct includes 45 offenses that can result in a suspension or expulsion, 40 of which fall under Other Violations of Code of Conduct on the SAR.<sup>30</sup> Several Jeffco high schools have hundreds of incidents reported in the Other Violations of Code of Conduct category. An inspection of the SAR provides no way to distinguish what the individual offenses were. Nevertheless, police reports revealed 23 assault and fight-related disorderly conduct offenses at the unnamed high school. If school administrators took action, the incidents are reported in the Other Violations of Code of Conduct category on the SAR.

***Dress code violations and cheating are included in Other Violations of Code of Conduct, along with sexual assaults, robberies, and third degree assaults.***



### ***Examples of Misreporting***

Jeffco reported zero Assaults/Fights in 2004-2005. However, an inquiry to the District Attorney's office disclosed three second degree charges that resulted from incidents on school grounds: two assaults that resulted in broken noses, and an instance of vehicular assault in which the victim's leg was broken.

Jeffco investigated these incidents and discovered why they were not reported properly to CDE. One did not appear as an Assault/Fight because the principal improperly gave the offender a five-day suspension rather than an expulsion, leading the incident to be reported in the wrong category.

The other fight was not reported in the Assaults/Fights category because the police had originally charged the offender with a third degree assault. The parents of the victim later contacted the police when they determined their child had received a broken nose. The charge was increased to second degree assault, but according to the school district, the school did not receive notification of the change and thus failed to report it correctly.

Following discussions about the vehicular assault incident, the school district admitted an oversight.<sup>31</sup> One department neglected to inform another department about the incident. Even had it addressed the incident properly, the district assumes that vehicular assaults should be reported under the Assaults/Fights category.

The vehicular assault incident in Jeffco was a deliberate attack. Following a heated argument, one student willfully drove an automobile into the other, inflicting serious bodily injury.<sup>32</sup>

Yet further inquiry to CDE established that the Assaults/Fights category applies only to first and second degree assault as described in statute. Vehicular assault is classified differently and should be reported to CDE under Other Felonies to be included in Other Violations of Code of Conduct on the SAR.<sup>33</sup>

In all three felony cases the charges were plea bargained down to third degree assault.<sup>34</sup> A first-time offender often receives a plea bargain. Jeffco

reports cases to CDE as students are originally charged, unless the student is found not guilty of the charge.<sup>35</sup> CDE recommends district officials know the facts of a case and distinguish between charges made for actual behavior and charges reduced through plea bargains.<sup>36</sup>

### ***More Training Needed***

According to discipline administrator John Peery, Jeffco trains its principals to use its system for coding discipline incidents. The school district's newly implemented Infinite Campus has improved its capacity to classify incidents, by providing a greater number of specific discipline codes. Jeffco also has instituted a mid-year check to ensure that administrators are reporting incidents properly.<sup>37</sup>

Others see a need for better education of school and district personnel concerning juvenile criminal law. "We should educate the educators every year about the current law, and changes to the law, that apply to them and their students," says George Mumma, an investigator for the Juvenile Crime Unit in the Jefferson County District Attorney's office. "There are new administrators every year, and they don't have a clue about what's going on." Mumma said the school district has refused his office's repeated offer to provide juvenile law updates and trends in the county.<sup>38</sup>

*"We should educate the educators every year about the current law, and changes to the law, that apply to them and their students."*

To improve the accuracy of data, Denver Public Schools (DPS) is instituting a new auditing system in the 2005-2006 school year.<sup>39</sup> The Director of the DPS Prevention and Intervention Initiative will check discipline data every three weeks to ensure that incidents are being properly reported. Any inconsistencies will be reported to area superintendents for correction. By consistently reviewing the data, DPS hopes to cut back on over-reporting or misreporting of incidents.

### ***No Child Left Behind and Persistently Dangerous Schools***

Data collected for the SAR under SB 133 are used for determining Persistently Dangerous Schools as required by the Federal *No Child Left Behind Act* (NCLB).<sup>40</sup> NCLB requires states to establish and

implement a policy requiring schools designated “persistently dangerous” to give students the option to transfer to a safe school in that district. Colorado uses the number of alcohol and drug violations, assaults/fights, robberies, and other felonies as part of its formula to determine if a school is persistently dangerous.<sup>41</sup> A school may have a large number of fights, but unless they are first or second degree assaults they are not counted in the Persistently Dangerous Schools equation.

#### ***What is the Solution?***

By narrowing the definition of Assaults/Fights to only first and second degree assaults, the law eliminates virtually all fights that commonly occur in schools, and does so without an explanation on the SAR. Furthermore, officials perform a disservice to students and parents by reporting sexual assaults, robberies, and other felonies in the Other Violations of Code of Conduct category. Opinions about how to improve safety reporting vary.

*Colorado uses the number of alcohol and drug violations, assaults/fights, robberies, and other felonies as part of its formula to determine if a school is persistently dangerous.*

Mumma believes all assaults contribute to the climate of the school and can be an indicator of bullying or an atmosphere tolerant of fighting. “If we are going to talk about assaults, we need to talk about them all,” he says, noting that parents expect the SARs to report all incidents, not just those in which a student’s life is threatened.<sup>42</sup>

Bob Anderson, Director of the Denver Public Schools (DPS) Prevention and Intervention Initiative, suggests a wider definition of fights that takes bullying into account may be more helpful to the public than the current policy.<sup>43</sup>

State Board of Education member Rico Munn, who represents Denver, points out that the goal of the SAR is to give an accurate picture of the school environment, not simply to report a series of numbers. He believes that schools should have more flexibility in how they report, such as a narrative format, to give them the opportunity to better describe their specific environment. Munn, an attorney, explained that forcing schools to use legal definitions to describe their environment has caused confusion.<sup>44</sup>

Larry Borland, Director of School Safety and Security for the Douglas County School District, also believes that school district discipline should not be tied to criminal law because it is too complicated. He said that Assaults/Fights should be separated into two different categories, and, ideally, felonies and misdemeanors should be separated.<sup>45</sup>

Segregating fights and assaults on the SAR may be an ideal improvement. Yet broadening the current category to capture a more complete view of violent activity would be a positive step toward improving awareness of a school’s climate.

Reinstatement of the Other Felonies category on the SAR could encompass other more severe and less typical offenses, including sexual assaults.

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#### **Recommendations**

The 2005-2006 SAR will report only incidents that result in suspensions and expulsions.<sup>46</sup> When discussing what type of incidents should be included in the Assaults/Fights category, one should remember the discussion is about incidents that are serious enough to result in a suspension or expulsion. The following recommendations address the current deficiencies:

1. By modifying the scope of the data collection, the Colorado General Assembly should consider broadening the definition of the Assaults/Fights category
  - a) to include third degree assaults, municipal assaults, and vehicular assaults (the statute pertaining to a vehicular assault is within the same section of the law as first, second, and third degree assaults);
  - b) to include disorderly conduct involving fighting as defined by state law and municipal ordinances;
  - c) to include incidents that take place in school vehicles, and at school activities and sanctioned events;
  - d) to include assaults with a connection to the school, such as when a student is attacked on the way home from school or attacked across the street from the school.

2. The General Assembly or the Colorado Department of Education should consider
- clearly noting on the SAR the definition of the Assaults/Fights category;
  - restoring the Other Felonies category to the Safety and Discipline table and the definition of the type of offenses it might include.

## Conclusion

The Safety and Environment section on the SAR should be an important tool for parents. Whether the information gleaned from the report is used in choosing a school or as a means of communication to parents of children enrolled in the school, the SAR will only be useful if the information provided gives an accurate picture of the school environment.

By reporting only first and second degree assaults in the Assaults/Fights category and by merging serious incidents such as sexual assaults and robberies with cheating and dress code violations, the SAR may fail to give parents an accurate view of the school's climate. Just as requirements for substance abuse violations do not limit reporting to on-campus occurrences, so Assaults/Fights should include incidents that take place on school buses and at school-sanctioned activities. A lack of understanding among school district personnel of state policies further distorts data.

Current law provides the tools to educate parents and community members about school safety. What remains is to adjust current reporting requirements so that the SARs provide a more accurate picture of a school's environment.

## Notes

<sup>1</sup> Governor Bill Owens, "Announcement of 'Putting Children First: A Plan for Safe and Excellent Schools,'" Remarks as Prepared for Delivery, December 8, 1999, <http://www.state.co.us/childrenfirst/ChildrenFirstRemarks.htm>.

<sup>2</sup> Governor Bill Owens' Office, personal conversations with Pamela Benigno during the development of School Accountability Reports.

<sup>3</sup> David Olinger, "Reports conceal school fights," *Denver Post*, April 10, 2005.

<sup>4</sup> Colorado Revised Statutes § 22-32-109.1 *et seq.* Statistics can be found on Colorado Department of Education (CDE) Web site, Suspension/Expulsion Statistics, 2003-2004 and 2004-2005 Statistics, listed by district, [http://www.cde.state.co.us/index\\_stats.htm](http://www.cde.state.co.us/index_stats.htm).

<sup>5</sup> C.R.S. § 22-7-601 *et seq.*

<sup>6</sup> Karen Gerwitz, Director for State Board Relations, CDE, electronic mail to Benigno, January 27, 2006.

<sup>7</sup> Colorado Department of Education Web site, 2004-2005 Safety & Discipline Indicator Collection Narrative, <https://ade.cde.state.co.us/sdinarrative.htm>.

<sup>8</sup> Rick O'Donnell, former Director of Policy, Governor Bill Owens' Office, electronic mail to Benigno, August 8, 2005.

<sup>9</sup> School Accountability Reports Web site, Frequently Asked Questions, Terms & Definitions, Assaults/Fights, <http://reportcard.cde.state.co.us/reportcard/CommandHandler.jsp>.

<sup>10</sup> George Mumma, Investigator, Juvenile Crime Unit Special Operations, First Judicial District Attorney's Office, Jefferson and Gilpin Counties, telephone conversation with Benigno, January 31, 2006.

<sup>11</sup> CDE Web site, 2004-2005 Safety & Discipline Indicator Collection Narrative, <https://ade.cde.state.co.us/sdinarrative.htm>. John Peery, Charter School Liaison, Jefferson County Public Schools, telephone conversation with Benigno, January 31, 2006.

<sup>12</sup> Marilyn Sonnkalb, Student Data Services Information Manager, Jefferson County R-1 School District, personal conversation with authors, July 7, 2005.

<sup>13</sup> *Ibid.*

<sup>14</sup> CDE, "Data Summary Report, 2003-2004 Safety and Discipline Indicator," Jefferson County R-1 School District, Prepared July 27, 2004. Peery, telephone conversation with Benigno, January 31, 2006.

<sup>15</sup> CDE, "Data Summary Report, 2004-2005 Safety and Discipline Indicator," Jefferson County R-1 School District, Prepared June 21, 2005.

<sup>16</sup> Confidential conversation of Benigno with parent, January 27, 2006.

<sup>17</sup> Confidential conversation of Benigno with parent, January 26, 2006.

<sup>18</sup> Police reports obtained and summarized by Benigno. The identity of the school is confidential to protect the victims.

<sup>19</sup> *Ibid.*

<sup>20</sup> CDE Web site, Unsafe School Option, [http://www.cde.state.co.us/FedPrograms/NCLB/download/s/tixe\\_policy.pdf](http://www.cde.state.co.us/FedPrograms/NCLB/download/s/tixe_policy.pdf).

<sup>21</sup> Conversations of Benigno with numerous law enforcement officers and school district personnel.

<sup>22</sup> See Note 18.

<sup>23</sup> Conversations of authors with personnel in Denver Public School District, Douglas County Public School District and Jefferson County Public School District.

<sup>24</sup> CDE Web site, 2004-2005 Safety & Discipline Indicator Collection Narrative, Assaults/Fights, Clarification, <https://ade.cde.state.co.us/sdinarrative.htm>.

<sup>25</sup> Confidential conversation of Benigno with a rural superintendent, November 11, 2005.

<sup>26</sup> C.R.S. § 22-32-109.1(2)(b).

<sup>27</sup> Olinger, "Reports conceal school fights," *Denver Post*, April 10, 2005.

<sup>28</sup> SAR Web site, Frequently Asked Questions, Terms & Definitions, Other Violations of Code of Conduct, <http://reportcard.cde.state.co.us/reportcard/CommandHandler.jsp>.

<sup>29</sup> Janelle Krueger, Safe and Drug-Free Schools and Communities Program Manager, CDE, telephone conversation with Benigno, August 11, 2005.

<sup>30</sup> *Jefferson County Public Schools Code of Conduct and Related Policies*, "Grounds for Suspension/Expulsion,"

[http://sc.jeffco.k12.co.us/education/sctemp/b9af86747d96105570b542898a011c33/2g\\_grounds\\_for\\_suspension.pdf](http://sc.jeffco.k12.co.us/education/sctemp/b9af86747d96105570b542898a011c33/2g_grounds_for_suspension.pdf).

<sup>31</sup> Peery, personal conversation with Benigno, November 11, 2005.

<sup>32</sup> Mumma, telephone conversation with Benigno, January 31, 2006.

<sup>33</sup> Krueger, electronic mail to Benigno, February 7, 2006.

<sup>34</sup> Mumma, telephone conversation with Benigno, December 7, 2005.

<sup>35</sup> Peery, personal conversation with Benigno, November 11, 2005.

<sup>36</sup> Annette Severson, CDE staff, electronic mail to Benigno, January 12, 2006.

<sup>37</sup> Peery, personal conversation with Benigno, November 11, 2005.

<sup>38</sup> Mumma, various conversations with authors, August 2 through October 13, 2005.

<sup>39</sup> Bob Anderson, Prevention and Intervention Initiative Director, Denver Public Schools, personal conversation with authors, August 3, 2005.

<sup>40</sup> *No Child Left Behind Act of 2001*, Public Law 107-110, Title IX, Part E, Subpart 2, § 9532, <http://www.ed.gov/policy/elsec/leg/esea02/pg112.html#sec9532>.

<sup>41</sup> CDE Web site, Unsafe School Option, [http://www.cde.state.co.us/FedPrograms/NCLB/downloads/tixe\\_policy.pdf](http://www.cde.state.co.us/FedPrograms/NCLB/downloads/tixe_policy.pdf).

<sup>42</sup> Mumma, personal conversation with authors, August 2, 2005.

<sup>43</sup> Anderson, personal conversation with authors, August 3, 2005.

<sup>44</sup> Rico Munn, Colorado State Board of Education Member, personal conversation with authors, July 7, 2005.

<sup>45</sup> Larry Borland, Safety and Security Director, Douglas County Schools, telephone conversation with Benigno, November 10, 2005.

<sup>46</sup> Janice Rose Petro, Data and Research Director, CDE, telephone conversation with Benigno, January 24, 2006. 2004-2005 SARs reported the total number of incidents when action was taken by the school district in the "number of incidents" column. Only the number of suspensions and expulsions were reported separately. The 2005-2006 SAR only will include suspensions and expulsions in the "number of incidents" column.

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