

COLORADO DEPARTMENT OF PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

Sex Offender Management Board (SOMB)
Office of Domestic Violence and Sex Offender Management



Reference Guide

Juveniles Who Have Committed Sexually Abusive and Offending Behavior

A Resource for School Personnel

PREPARED BY
SOMB

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INTRODUCTION

Acknowledgements

The Reference Guide for School Personnel was developed relying extensively upon information provided by the Colorado Office of School Safety, SAFE Jeffco, Cherry Creek School District, Aurora Public Schools, the 1st Judicial Probation Department, the 2nd Judicial Probation Department, the 5th Judicial District Probation Department, the 7th Judicial District Probation Department, the 18th Judicial District Probation Department, Denver Juvenile Probation, Colorado District Attorney's Council, Arapahoe County Human Services, Weld County Human Services, Adams County Human Services, Douglas County School District, Montrose County School District, Denver Public Schools, CCASA, Boulder County REACH, the Colorado Sex Offender Management Board, the Colorado Division of Criminal Justice, and the Colorado Department of Education. Many Board members and professionals in the community provided valuable input and guidance throughout the development and revision process.

Purpose

This School Reference Guide is designed to provide information to school administrators, teachers, and other staff regarding the supervision of juveniles who have committed sexual offenses. This document provides **best practice guidelines** related to the responsibilities of the school administration in developing a safe and inclusive environment and school community.

Addressing the educational and developmental needs of juveniles who commit sexually abusive and offending behavior is often considered a challenge to school districts. However, these juveniles can succeed in a public school setting and like all youth; they have a right to receive an education. The goal of this guide is to:

- Build a foundation for safety within the school community
- Respond to the individual needs of the victim(s) and his/her family, and
- Address through supervision and management the needs of the juvenile who committed the sexual offense.

The growing prevalence of youth who commit sexual offenses is a national problem. It has been demonstrated that **many juveniles who commit sexually abusive and offending behavior are amenable to treatment and intervention.**¹

The greatest likelihood for success in working with youth who have committed sexually abusive and offending behavior is in understanding the individual needs of these juveniles,² the dynamics of general delinquency and sex offending behaviors,³ and providing an environment for normalizing behavior.⁴ For more information pertaining to the most recent data, please refer to the [Office of Juvenile Justice and Delinquency Prevention](#).

In 2000, the Colorado General Assembly amended and passed legislation (section 16-11.7- 103, C.R.S.) that required the **Sex Offender Management Board (SOMB)** to develop and prescribe a standardized set of procedures for the evaluation and identification of juveniles who commit sexual offenses. The legislative mandate to the Board was to develop and implement methods of intervention for juveniles who commit sexual offenses, recognizing the need for standards and guidelines specific to these youth. The resulting *Standards and Guidelines for the Evaluation, Assessment, Treatment and Supervision of Juveniles Who Have Committed Sexual Offenses* (hereafter shortened to the *Juvenile Standards and Guidelines*) hold public safety as a priority, specifically the physical and psychological safety of victims and potential victims.

Goals

The highest priority of the Juvenile Standards and Guidelines is community and victim safety. Balancing the needs of victims, community safety and the individual juvenile requires a coordinated and collaborative effort. Therefore, the following goals for school personnel have been identified:

- Enhancing victim protection and reducing potential for further victimization of other students through increased supervision and awareness of the juvenile's risk factors⁵
- Promoting a safer educational environment, inclusive of juveniles who commit sexual offenses through participation on a multidisciplinary team (MDT)⁶
- Improving the exchange of information between systems of care so that seamless interaction occurs among all relevant private and public agencies and the school district⁷
- Enhancing the monitoring and supervision of juveniles to whom the Juvenile Standards and Guidelines apply;
- Providing safer school environments by monitoring the juvenile's stability within the school (Increased monitoring assists in the assessment of risk factors, the juvenile's compliance with treatment goals, and evaluation of appropriate placement options. Juveniles who are not involved in a school setting may actually pose a higher risk to their communities due to an increase in unstructured and unsupervised time)⁸
- Providing educational opportunities for school personnel to understand the continuum and dynamics of sexual offending behavior and victim safety; and
- Providing for normal educational experiences through a school setting, including extra-curricular activities, when safety of other students can be assured.⁹

Philosophical Statement

The focus of working with juveniles who commit sexually abusive and offending behavior is the safe supervision and management of these youth. Community and victim safety are the primary goals in working with these juveniles. Through a structured management plan, the goal is to prevent future sexually abusive and offending behavior from occurring. The Colorado SOMB established **Guiding Principles** in the Juvenile Standards and Guidelines for working with this population. These include:

- Sexual offenses cause harm;
- Safety, protection, developmental growth and the psychological wellbeing of victims and potential victims must be represented within the MDT established for each juvenile who commits a sexual offense;
- The law defines sexual offense(s), however, there are behaviors that are not illegal, but are considered abusive. Evaluation, treatment and supervision must identify and address these issues within the continuum of care;
- The charged offense(s) may or may not be definitive of the juvenile's underlying problem(s).

A complete list of the Guiding Principles is provided in Section 1.

The school – as a member of the MDT – is a partner with the criminal justice and human services systems in achieving these goals. This School Reference Guide supports the SOMB's Juvenile Standards and Guidelines. A complete copy of this document, as well as other relevant information is available at the [SOMB website](#).

DEFINITIONS

1. ADJUDICATION

When juveniles are accused of committing sexual offenses, they are almost always charged as juveniles in juvenile delinquency court. Juvenile delinquency court is not a criminal court. A juvenile charged and “convicted” of crime in juvenile delinquency is not actually “convicted”—they are “adjudicated” delinquent. An “adjudication” is a legal determination by the court that the juvenile has committed a delinquent act that would have constituted a crime if the juvenile had committed it as an adult. A juvenile is adjudicated only if they plead guilty to the charged act or are found guilty of it beyond a reasonable doubt.

Juveniles adjudicated or granted a deferred adjudication on or after July 1st, 2002, and those who have been adjudicated for a non-sexual offense with an underlying factual basis of a sexual offense are subject to the Standards and Guidelines.

NON OR PRE-ADJUDICATION

Children under ten years of age are not subject to the juvenile justice system. However, when children under the age of ten have engaged in sexually abusive behavior, it is considered best practice to respond to the child’s needs by consulting with local community resources and, as a group, undertake planning with thoughtful consideration of the victim, community safety, and the child.

Prior to adjudication for children age ten and older, or for children who have engaged in sexually abusive behavior but are not being charged in the juvenile justice system, the school should consult with established community resources such as the pretrial department, human services agencies, mental health professionals, local law enforcement (School Resource Officer), or the district attorney’s office to make an informed decision. Although students who have not been adjudicated are considered innocent until proven guilty, the school district has an obligation to provide safety in the educational environment.

The Board also recommends that these Standards and Guidelines be utilized with juveniles and families who are seeking intervention regarding sexually abusive behavior that has been disclosed through self-report or evaluation. Following a comprehensive evaluation, such juveniles who have been adjudicated for non-sexual offenses, placed on diversion, or those who are the subject of a dependency and neglect order may be included in the same programs as those developed for juveniles adjudicated for sexual offending behavior.

It is strongly suggested that an Individualized Supervision Management Plan (ISMP) be set up with knowledgeable people in the field to determine if the available services can meet the needs of the juvenile and the school community.

It is also recommended that this approach be utilized with juveniles and their families who are seeking intervention regarding sexually abusive behavior that has been disclosed through self-report or an evaluation.

2. BULLYING

“Bullying” has been defined as “any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student” (C.R.S. §22-32-109.1(1)(b)).

3. COMMUNITY SUPERVISION

When a juvenile is residing in any unlocked location (home, foster placement, residential placement, etc.), he/she is considered to be under community supervision. The multidisciplinary team (MDT), when in place, supervises the juvenile, and often, there is a probation or parole officer assigned to the case. When the MDT has not been developed yet, the custodial agency and/or Department of Human Services caseworker is generally the supervising agent.

4. CONSENT

The willing and voluntary permission or agreement a person gives to do something or for something to happen. Discuss all elements of consent (size, age, intellect, strength, power, authority, popularity). For the legal definition of consent, please refer to 18-3-401 C.R.S.

5. CONTACT

Any verbal, non-verbal, physical or electronic communication that may be indirect or direct, between a juvenile who has committed a sexual offense and a victim or potential victim.

Purposeful: a planned experience with an identified potential outcome

Incidental: unplanned or accidental; by chance

6. DEFERRED ADJUDICATION

In any case in which the juvenile has agreed with the District Attorney to enter a plea of guilty, the court, with consent of the juvenile and the district attorney, upon accepting the guilty plea, may continue the case for a period not to exceed one year from the date of entry of the plea. The court may continue the case for an additional one-year for good cause.

Any juvenile granted a deferral of adjudication under this section may be placed under the supervision of a Probation Department. The court may impose any conditions of supervision that it deems appropriate that are stipulated to by the juvenile and the District Attorney.

Upon full compliance with such conditions of supervision, the plea of the juvenile or the finding of guilt by the court shall be withdrawn and the case dismissed.

If the juvenile fails to comply with the terms of supervision, the court shall enter an order of adjudication and proceed to sentencing. Such lack of compliance shall be a matter to be determined by the court without a jury, upon written application of the District Attorney or the probation department.

7. DEPENDENCY AND NEGLECT

A civil court finding that a juvenile is in need of care and/or protection beyond that which the parent is, or has been, able or willing to provide. Dependency and neglect cases are often referred to as “D&N” cases. Such cases may result in court ordered treatment for parents, children and families, without any family member having been charged, convicted or adjudicated for a crime. Court orders may include directives for the juvenile to participate in sex offense specific treatment, or directives regarding familial participation in the juvenile’s treatment.

8. JUVENILE DETENTION AND COMMITTED YOUTH

Juvenile detention centers serve as temporary secure custody facilities for pre-adjudicated juveniles, while in-facility placements for committed youth operate as longer-term treatment and supervision after a court adjudication, the latter involving education, vocational training, and therapy within the facilities that address a juvenile’s identified needs, up to the age of 21.

9. INFORMAL ADJUSTMENT/DIVERSION

An Informal Adjustment/Diversion is an alternative justice process that may occur instead of an adjudication or deferred adjudication.

10. INFORMED SUPERVISION

Specific to the Juvenile Standards, informed supervision is the ongoing, daily supervision of a juvenile who has committed a sexual offense by an adult who:

- Is aware of the juvenile’s history of sexually offending behavior
- Does not deny or minimize the juvenile’s responsibility for, or the seriousness of sexual offending
- Can define all types of abusive behaviors and can recognize abusive behaviors in daily functioning
- Is aware of the laws relevant to juvenile sexual behaviors
- Is aware of the dynamic patterns (cycle) associated with abusive behaviors and is able to recognize such patterns in daily functioning
- Understands the conditions of community supervision and treatment

- Can design, implement and monitor safety plans for daily activities
- Is able to hold the juvenile accountable for behavior
- Has the skills to intervene in and interrupt high risk patterns
- Can share accurate observations of daily functioning
- Communicates regularly with members of the MDT.

Additional information can be found in Section 2: Responsibilities of Schools.

11. ISMP MEETING

Individualized Supervision and Management Plan (ISMP) is a document developed and implemented through the collaboration of a school representative, the student, parents, and other professionals (MDT) to ensure that the student can continue to attend school, while maintaining the safety of the victim(s) and other students. While school districts tend to have their own templates of safety rules for this plan, each item listed is discussed in an initial meeting to ensure that it is individualized to the student and their risks/strengths/needs. This plan is then updated as needed throughout the student's involvement with the legal/therapeutic process.

12. INFORMED SUPERVISOR

An adult who has been trained in Informed Supervision and who has been identified by the MDT as an Informed Supervisor. Informed Supervisors should convene with the MDT to ensure awareness of characteristics specific to the juvenile being supervised. In the school setting these individuals can include, but are not limited to, administrators, school counselors, and in some cases, teachers and coaches.

13. MULTI-DISCIPLINARY TEAM (MDT)

The MDT, defined in Section 5.000 of the Juvenile Standards, comprises individuals from various community agencies charged with management, supervision and treatment of juveniles who have committed sexual offenses. A liaison from the school district/school building is a member of the MDT.

14. SAFETY PLANNING

Recognition/acknowledgement of daily/circumstantial/dynamic risks; and purposeful planning of preventive interventions which the juvenile and/or others can use to moderate risk in current situations.

15. SCHOOL MULTI-DISCIPLINARY TEAM

Is the group of appropriate individuals at each school site responsible for the management and supervision of juveniles who have committed sexual offenses at a specific school within the district. Members of the team can include but are not limited to the building-designated informed supervisor, counselor, dean, nurse, social worker, school psychologist, and regular education and special education staff. Also included may be various personnel from agencies represented on the juvenile's MDT, such as probation and mental health personnel. Additionally, the school MDT includes the parent(s)/guardian(s) and the juvenile.

16. SEXUALLY ABUSIVE AND OFFENDING BEHAVIOR

Sexually abusive behavior is often not considered illegal, yet it is harmful to the victim. Abuse and offenses occur on a continuum. Offending behavior occurs when there is a lack of consent, a lack of equality, or the presence of coercion in actions by an individual against a victim.

17. SEX OFFENSE SPECIFIC TREATMENT

A comprehensive set of planned therapeutic experiences and interventions to reduce the risk of further sexual offending and abusive behavior by the juvenile. Treatment focuses on the situations, thoughts, feelings, and behaviors that have preceded and followed past offending (abusive cycles) and promotes changes in each area relevant to the risk of continued abusive, offending, and/or problematic or harmful sexual behaviors. Due to the heterogeneity of the population of juveniles who commit sexual offenses, treatment is provided on the basis of individualized evaluation and assessment. Treatment is designed to stop sexual offending and abusive behavior, while increasing the juvenile's ability to function as a healthy, pro-social member of the community. Progress in treatment is measured by the achievement of change rather than the passage of time. Treatment may include adjunct therapies to address the unique needs of individual juveniles yet always includes offense-specific services by listed sex offense-specific providers.

18. SOMB

The Colorado Sex Offender Management Board, which was created in the Department of Public Safety, consists of twenty-five members. The membership of the board shall reflect, to the extent possible, representation of urban and rural areas of the state and a balance of expertise in adult and juvenile issues relating to persons who commit sexual offenses.

SECTION 1: Guiding Principles

For a more in-depth review, refer to the guiding principles within the SOMB Juvenile Standards and Guidelines.

PRINCIPLE #1: Community safety is paramount.

PRINCIPLE #2: Sexual offenses cause harm.

PRINCIPLE #3: Safety, protection, developmental growth, and the psychological well-being of victims and potential victims must be represented within the multi-disciplinary team established for each juvenile who commits a sexual offense.

PRINCIPLE #4: The law defines sexual offense(s), however, there are behaviors that are not illegal, but are considered abusive. Evaluation, treatment, and supervision must identify and address these issues within the continuum of care.

PRINCIPLE #5: The charged offense(s) may or may not be definitive of the juvenile's underlying problem(s).

PRINCIPLE #6: All juveniles who have committed sexual offenses, to whom these Standards apply, must have a comprehensive sex offense-specific evaluation.¹⁰ Those juveniles whose behavior falls under the purview of the Guidelines should have a sex offense-specific evaluation.

PRINCIPLE #7: A multi-disciplinary team will be convened for the evaluation, treatment, care, and supervision of juveniles who commit sexual offenses.¹¹

PRINCIPLE #8: Evaluation, ongoing assessment, treatment, and behavioral monitoring of juveniles who have committed sexual offenses should be non-discriminatory, humane, and bound by the rules of ethics and law.¹²

PRINCIPLE #9: Treatment, management, and supervision decisions should be guided by empirical findings when research is available.¹³

PRINCIPLE #10: Risk assessment of juveniles who have committed sexual offenses is necessary for the identification of issues related to community safety, treatment, family support, and placement options. Progress in treatment and level of risk are not constant over time and may not be directly correlated.

PRINCIPLE #11: Assessment of progress in treatment must be made on the basis of the juveniles' consistent demonstration of relevant changes in their daily functioning.¹⁴

PRINCIPLE #12: Decreased risk of sexual offending is likely to be most lasting when paired with increased overall health.¹⁵

PRINCIPLE #13: Family members are an integral part of evaluation, assessment, treatment, and supervision.¹⁶

PRINCIPLE #14: Treatment and management decisions regarding juveniles who have committed sexual offenses should minimize caregiver disruption and maximize exposure to positive peer and adult role models.

PRINCIPLE #15: A continuum of care for juvenile sex offense specific treatment and management options should be accessible in each community in this state.¹⁷

PRINCIPLE #16: Reunification of juveniles, with families that include children, can only occur when all children are safe and protected both emotionally and physically and the offending juveniles have demonstrated significant reduction of risk for further offending.¹⁸

PRINCIPLE #17: Every effort should be made to avoid labeling juveniles as if their sexual offending behavior defines them.

PRINCIPLE #18: Aftercare services are needed to support juveniles who have committed sexual offenses in managing ongoing risks.

PRINCIPLE #19: Assignment to community supervision is a privilege and juveniles who have committed sexual offenses must be completely accountable for their behaviors.

PRINCIPLE #20: Many juveniles who have committed sexual offenses will not continue to be at high risk for sexual offending after successful completion of treatment. Those who remain at high risk will be referred for long-term relapse prevention focusing on containment.

SECTION 2: Responsibilities of Schools

Responsibilities of School Boards

Senate Bill 00-133 directs that:

“...each board of education shall cooperate and, to the extent possible, develop written agreements with law enforcement officials, the juvenile justice system, and human services... to keep each school environment safe.”

This legislation requires and authorizes various levels of information sharing among schools, law enforcement, social service agencies, and mental health agencies in a confidential manner when school/public safety concerns arise.

State law and school district policy govern suspension, expulsion, and disciplinary actions of students. Although this guide does not address those issues, a useful resource is Colorado School Safety: A Legal Manual; Revised 2022, prepared by the Office of the Attorney General: [Colorado School Safety: A Legal Manual \(updated 2022\)](#)

Development of Policies

School boards should develop policies concerning a safe school environment and provide opportunities for juveniles who have committed sexually abusive and offending behaviors to be supervised at a level that mitigates risk and addresses needs. Some juveniles will be returning to school or to a different educational setting, in such cases a reintegration plan is also necessary for success. A reintegration plan includes a safety plan for juveniles while they are in school or school activities.

Policy development should include the following areas:

- A victim centered approach that includes sensitivity to victims and their family members.¹⁹ If the victim and/or the victim’s siblings and the juvenile who committed a sex offense are in the same school, these parties need to be involved in the decision as to whether the juvenile who committed a sex offense will be allowed to remain at the same school as the victim (and/or siblings). It is important to believe the victim’s report; however, it is recommended that school personnel avoid questioning the victim regarding details of the abuse. An awareness of community resources for victims and their family members is encouraged.

It is essential to assess the content of victim information that needs to be shared within the school setting. School personnel may need to know the age and gender of people the juvenile has victimized in the past, but not specific information about the victim if the victim does not attend the same school as the juvenile.

Discussion: While it is true that most juveniles offend against peers or younger children, some offend against older children or adult victims.²⁰ Understanding risk in relation to a range of victims and potential victims is important in planning for safety in the school setting.

- A process for the method in which information will be disseminated from the school district to the individual school the juvenile attends. The school district should have a “point-of- contact” person at the district level that will interact with personnel from an individual school who will then be responsible for sharing information with the appropriate school personnel.
- There should be a “point-of-contact” person also referred to as the Informed Supervisor, at each school who interacts with school district personnel and the juvenile.
- A communication process should be developed so that there is a consistent flow of communication from the school district to individual schools and from school to school.
- Sharing of information among agencies is paramount. This often includes an interagency agreement among the school district and relevant agencies and treatment providers.
- Each school should designate a representative for the juvenile’s multidisciplinary team (MDT). The policy should include who has responsibility for identifying the school member(s) of the MDT and determining which school staff need to be informed about the juvenile.

Responsibilities of School Districts

School districts are responsible for implementing the policies set forth by their school board as well as those in the Juvenile Standards and Guidelines as stated in Sections 5.110 and 5.910:

If the juvenile is enrolled in school, the school/school district should designate a representative (informed supervisor[s]) from the school or school district to participate as a member of the MDT. The representative may be the resource officer, social worker, counselor, assistant principal, security staff, or other professional.

Schools/School districts are responsible for identifying the informed supervisor(s) at the individual school level and ensure that those identified have completed informed supervision training. In addition, the informed supervisor(s) should have knowledge of the role of the school representative as described in Juvenile Standards and Guidelines 5.900.

For further information regarding informed supervision training, schools may contact the SOMB or the Office of School Safety.

Often schools are in the position of having very little information about the juvenile's offense and/or problematic, illegal, and/or harmful sexual behavior. The student's specific information is available from a number of different agencies. It is strongly suggested that each school district discuss and set up a procedure for obtaining the necessary information from their law enforcement agencies and district attorney's office. When appropriate, a Memorandum of Understanding can be utilized with agencies represented on the multidisciplinary team.

Figure 1 (next page) provides a visual example of the process outlined in this document regarding dissemination of information and designation of informed supervisors.

Figure 2 (subsequent page) provides information on the three levels of communication and the flow of shared information. The levels are best understood on a systems basis:

1. State government policy set out by statute and carried out by school districts
2. Identified school principal who will contact the identified school based informed supervisor(s), and
3. School based informed supervisor(s) who is a MDT member and has ongoing exchange of information with the juvenile, parents/guardians, and the MDT for supervision and management of the juvenile.

Figure 1. School-Based Procedures

SCHOOL PROCEDURES

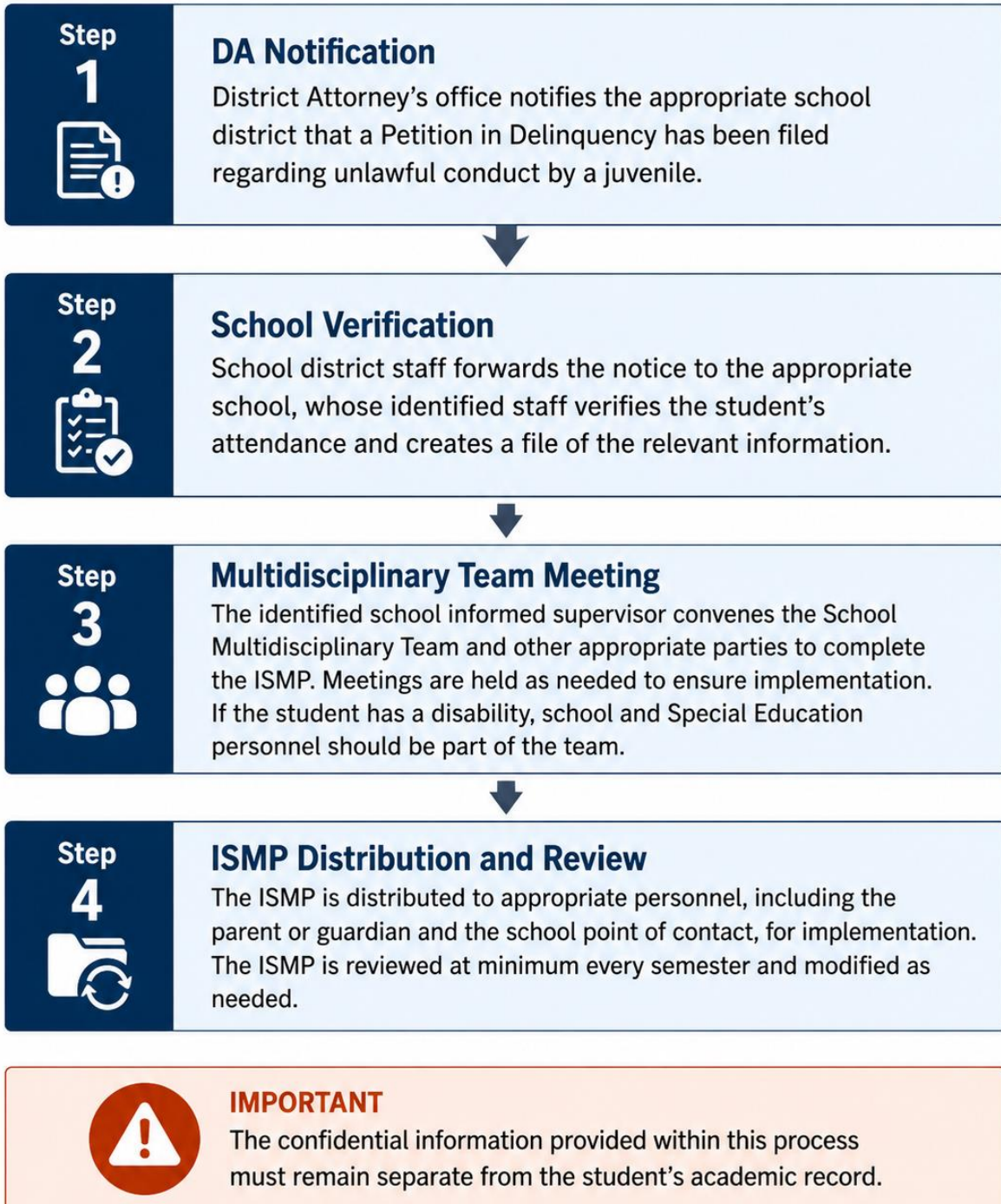
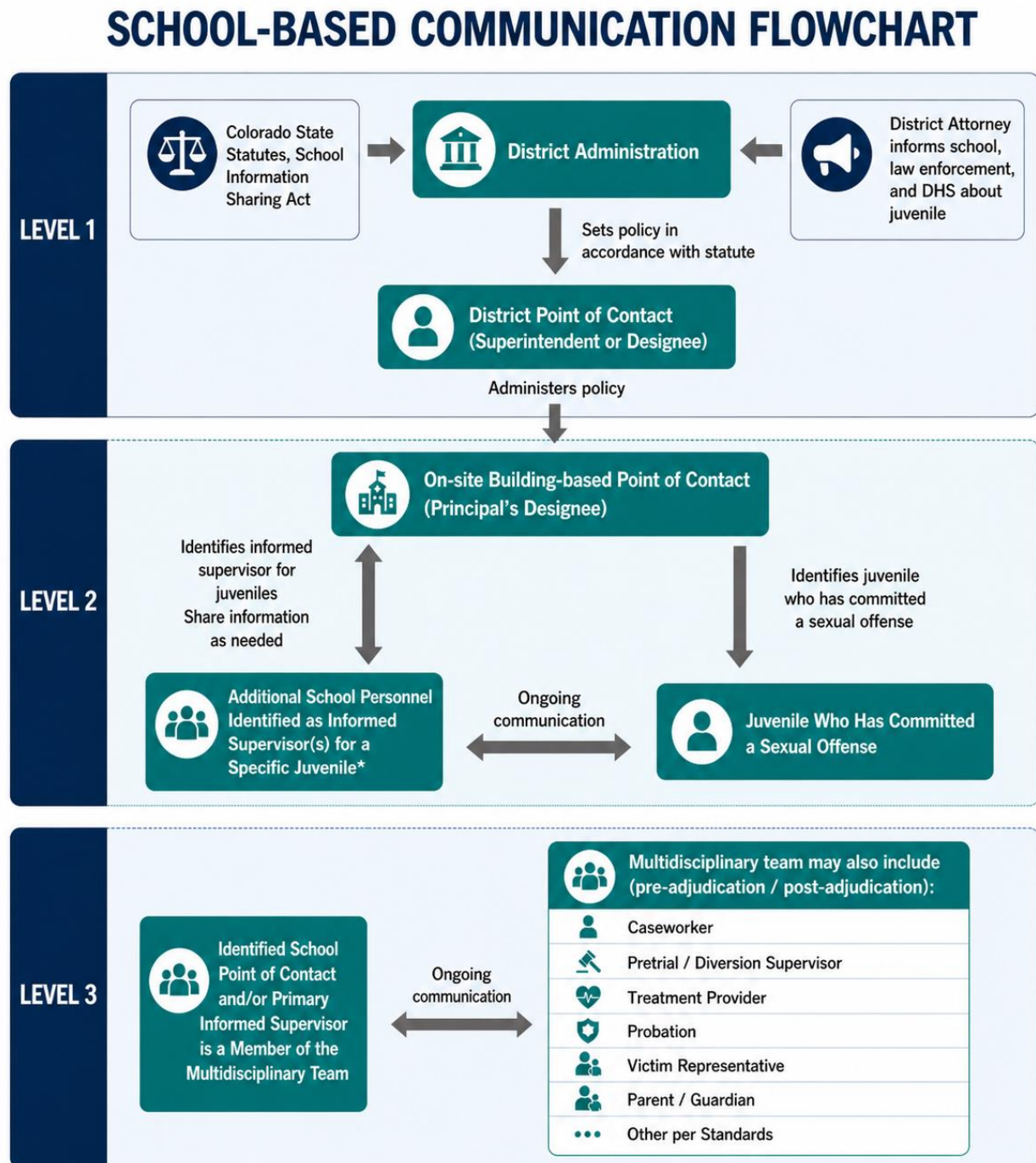


Figure 2. Communication Flow



Responsibilities of the Informed Supervisor

The informed supervisor(s) can be the principal or assistant principal, counselor, dean, special education coordinator, social worker, or other appropriate school official. The Informed Supervisor is responsible for completing an Individual Supervision Management Plan (ISMP), reviewing safety plans for approved school events, and participating on the MDT. The Informed Supervisor should:

- Have the necessary information to make an informed decision about the juvenile’s activities while at school and school functions.
- Gather all relevant information (academic history, disciplinary issues, etc.) and act as a central depository of information from school and agency sources. Information will come from many different people including bus drivers, security personnel, teachers, coaches, and others who may be informed supervisors identified by the MDT.
- Coordinate and communicate information sharing with all relevant people and agencies.
- Review Juvenile Standards Section 5.900 and Section 11.000.

Informed supervision is the process in which juveniles are monitored and held accountable for their behavior in a given setting or situation. Informed supervision includes actively overseeing the juvenile’s interaction with peers and staff. Several criteria have been identified and are included below that further define the informed supervisor’s role. Informed supervision begins with the point-of-contact and will usually include other school personnel. The school will initially determine the informed supervisor(s) for the juvenile. The role of each person who provides informed supervision should be defined by the school with input, when applicable, from the MDT.

Informed supervision occurs on a continuum. Not all informed supervisors will have the same amount of information or training as others—the school and MDT are charged with deciding the role and level of information each informed supervisor will need in order to be effective.

Responsibilities of the School Representative on the Multidisciplinary Team (MDT)

Section 5.910 of the Juvenile Standards and Guidelines states the responsibilities of the school representative on the MDT may include, but are not limited to:

- Communicating with the MDT regarding the juvenile’s school attendance, grades, activities, compliance with supervision conditions and any concerns about observed high-risk behavior
- Assisting in the development of the supervision plan
- Providing informed supervision and support to the juvenile while in school

- Developing a supervision safety plan considering the needs of the victims(s) and potential victims if in the same school
- Attending MDT meetings as requested, and
- Participating in the development of transition plans for juveniles who are transitioning between different levels of care and/or different school settings.

Information sharing with the MDT is key in the management of juveniles who have committed sexual offenses.²¹ Changes in assessed risk, safety planning, and community safety must be addressed on a regular basis. Communication does not have to occur in person; however face-to-face meetings of the MDT are encouraged.

For a juvenile to be successful in the school setting, it is important that school personnel collaborate and communicate with each other and the agencies involved with the juvenile. Lack of sharing information can lead to harmful consequences for those involved. Team decision-making is the most effective approach for supporting students. Open and ongoing communication is a key component of success.

School information that should be shared with the MDT can include, but is not limited to:

- School disciplinary records
- IEP (if applicable)
- 504 plan (if applicable)
- School contact notes
- Health records
- Attendance records

When appropriate, a release of information consent should be obtained so that an exchange of information can occur.

Informed Supervision

The following information is taken directly from Section 9.000 of the Juvenile Standards and Guidelines. The information is provided as an educational reference, as most school personnel will not be expected to provide Informed Supervision at the level of a primary caregiver; however, in the spirit of being well-informed and aware of expectations, this protocol has been included.

ALL JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES SHALL HAVE INFORMED SUPERVISION.

Informed supervision is the individualized, on-going daily supervision of a juvenile by a qualifying adult with specialized training and a demonstrated ability to apply knowledge from the training to promote victim, community, and juvenile safety by intervening with the juvenile to manage risk factors.²² The MDT shall make the decision regarding the level of supervision which may include complete visual and auditory supervision of the juvenile at all times. Informed supervisors may include adult parent or caregiver parents (if not directly involved in the treatment process), advocates, mentors, kin, spiritual leaders, teachers, work managers, coaches and other natural supports as identified by MDT. For more information, please see Definitions: Informed Supervision.

Discussion: Informed supervision is an ongoing process and will change as the dynamic needs of the juvenile change. The MDT and the informed supervisor will need to work closely and cooperatively to respond to these needs. Responses must be documented in the case file and reflected in treatment and safety plans per these Standards.

Planned Transfer Inside or Outside of the School District

When a juvenile is transferring within or outside of his/her current district, the following elements should be in place:

- A policy that a school representative on the MDT, informed supervisor or other designee is responsible for notifying the other school district or individual school where the juvenile will be transferring.
- A policy regarding information being shared without violating confidentiality.
- A method for communicating the responsibility of each school to make sure that the school district is aware of the current presence of the juvenile within the school or his/her transfer to a different school. There must be a policy that describes the communication that must occur between an individual school and the school district(s) regarding the transfer of juveniles.
- A good faith effort should be made to communicate this information in a timely fashion since it is important that an informed supervisor be in place at the new school.

Unexpected Transfers or Enrollment

In the event that a juvenile who has committed a sexual offense enrolls in a school without prior notification to the school or school district, once school personnel have been notified, they should immediately contact the prior school attended to gather information. Elements of informed supervision should be implemented to the best of the school's ability while management and supervision issues are being worked out including the development of a MDT. Also, of importance is to ensure that victim notification is occurring to avoid any possible contact with the victim and/or victim's family.

Once information about an unexpected transfer is obtained by a member of the MDT, this information should be communicated to other members of the team as well as the school district's point of contact person as soon as possible.

Alternatives to Suspension/Expulsion

A juvenile who has committed a sexual offense can be safely maintained in a school setting. School districts should assess the individual juvenile's strengths, risks, and needs to determine the best options available for his/her education.

Research shows that juveniles who commit sexual offenses can be treated for this behavior.²³ The greatest likelihood for success within the school setting is in understanding the individual needs of these youth and providing an environment for normalizing behavior.²⁴ School districts should look at options for the juvenile to remain in person in the school setting whenever possible. It is important for information to be gathered from the MDT and other involved persons to determine what is in the best interest of the juvenile.

Expulsion should only be considered in the event the MDT determines that, based upon appropriate risk assessments of the juvenile, community safety would be jeopardized if the juvenile remained in a school. School districts must follow due process when initiating expulsion proceedings outlined in § 22-33-105, C.R.S. which are also found in the [Colorado School Safety: A Legal Manual \(updated 2022\)](#), published by the Colorado Attorney General's office.

Training for School Personnel

School districts should provide training and/or training resources for staff who are identified as informed supervisors.

Options for training include:

- Pre-existing training opportunities throughout the state, both in person and online. School personnel are encouraged to contact local probation, human services agencies, the Office of Domestic Violence and Sex Offender Management, and the Office of School Safety to ascertain opportunities and resources.
- Collaboration on training events on occasion between the probation department, district attorney's office, human services, or other relevant agencies in the community or within the state; this may be accessed by contacting local agency personnel.
- MDT members providing individualized training to specific personnel in a school including training for informed supervisors upon request and agreement.

Specific training topics should include:

- The policies and procedures of the school district for managing and supervising juveniles who commit sexual offenses.
- Training on age-appropriate sexual development
- Training on the development and implementation of Informed Supervision and Management Plans (ISMP) and school safety plans.
- Training on informed supervision.

Each school should provide ongoing training to school personnel, including teachers, bus drivers, coaches, and other staff who may become Informed Supervisors. It is important for the people who interface with these students to understand and be able to provide supervision for this population. Further, it is equally important that school personnel know what is expected of the student and the school.

The Colorado SOMB lists both national and local training relevant to working with juveniles who have committed sexual offenses. Schools may also request training from the [Colorado SOMB](#).

SECTION 3: Safety Planning

Importance of a Safety Plan

A safety plan should be developed as soon as the school is aware that one of its students is charged with or adjudicated for a sexual offense. Safety planning is an **ongoing element** of management and supervision. Plans must be in place for **daily activities** and for **special events**. Depending on the district or location, safety plans may also be referred to as Informed Supervision Management Plans, Individualized Supervision and Management Plan (ISMP), or Supervision Safety Plans. Event specific safety plans are separate from the ISMP and are created to enable the juvenile to participate in prosocial activities safely.

It is highly recommended that School districts elect to have specific supervision plans for juveniles who commit sexual abuse and offenses. Safety planning is a natural element of supervision, yet the need for a safety plan as a separate document is crucial for special events. When the juvenile has a supervising officer, school staff should coordinate any safety plans with the supervising officer or supervision team. Copies of all school-based safety plans should be provided to the supervising officer/MDT. Similarly, all safety plans created by the MDT should be provided to the school.

A common goal is to enhance victim protection and reduce the potential for further victimization of other students through increased supervision and awareness of the juvenile's risk factors. The safety plan may also address instances of bullying the juvenile may experience in the school setting.

When creating any **event specific safety plan**, these areas at minimum must be considered:

- Who will be at the event, including the victim and potential victims?
- Which informed supervisor(s) will attend?
- What is the juvenile's risk level in this setting?
- How will any risk be mitigated?
- What are the behavioral requirements of the juvenile to carry out this safety plan?
- Clearly stated responses or consequences for failure to follow the safety plan.

School districts will already have in place supervision parameters for juveniles who have been identified as delinquent or under supervision of juvenile justice agencies. Although it is true that some juveniles will have no agency involvement for supervision, schools should build a safety plan that encompasses informed supervision. When building safety plans it is important that the school-based Informed Supervisor, ideally specific to the individual youth, and the MDT work in concert so that all professionals have the same information.

When a juvenile wishes to attend a special event, it is up to the juvenile to initiate the safety planning process for the event with the school and the supervision team/MDT. Responsibility and accountability are key components to treatment, supervision and management of this population. Consequences for failure to comply should be discussed while developing the safety plan so that all parties are informed of possible outcomes.

Safety plans for **daily activities** will include:

- the juvenile's schedule
- the expected location of the juvenile for the entire time s/he is on school property, and
- any limitations to behavior in any of these locations.

Some districts may already have this language in their ISMP; others may incorporate the language or add it as a separate document. Often, the daily safety plan will be a part of the overall supervision agreement between the juvenile and the school that is updated when the broad range of supervision needs change.

Safety Plan Development

Reference: Juvenile Standards and Guidelines (Sections 5.140, 5.910, Appendix L).

Addressing Risk and Protective Factors

All parties must have a clear understanding of the expected behavior of the juvenile and informed supervisors.

All persons involved in the planning process should be included on the front page of the plan so that the contact information is immediately available. The type of plan, either daily (ISMP) or special event request should also be clearly marked.

It is not necessary to re-draft documents that are already in place, the safety plan should reference them by name and topic, when applicable. For example, *the student will follow his terms and conditions of probation while on school property and at all events, including no contact with the victim on school grounds.*

Safety plans should be clear and behaviorally based. If goals are set, they should be measurable and described in terms of the juvenile's behavior. The safety plan is an accountability tool for management and supervision of the juvenile.

Any consequences for failure to comply or follow through with the plan should be shared with the MDT as soon as possible. School staff should consult with the MDT and with their own district guidelines regarding what consequences may be appropriate.

Below are some examples – not an exhaustive list – and each district is encouraged to use district-specific language and to add as many conditions as necessary to adequately supervise and individualize supervision for each juvenile:

- *The student will comply with all terms and conditions set forth by any court, human services or other supervising agency while on school property or at any school event she/he is permitted to attend.*
- *The student will attend each daily scheduled class. As of 12-10-24, no classes require outside activities. In the event that there is an outside activity, an event specific safety plan will be created.*
- *The student will be able to access restrooms from: (time) or list a certain location.*
- *An informed supervisor is/is not required for the student to access the restroom. The informed supervisor(s) is/are:*
- *The student will have a daily supervised lunch period from: (time) The student will follow district protocol for excused absences.*
- *The student may not have open campus privileges.*
- *The student will conduct themselves appropriately and respectfully on school property.*
- *The student is enrolled in physical education; he must request permission to go to the free-weight area and be within line-of-sight supervision while in the free-weight room. The school-based informed supervisor is (name of IS) and by his/her initials next to this item affirms s/he has agreed to these conditions.*
- *The student will arrive at and depart from school by means of: If the student rides a school bus, he/she will have an assigned seat by him/herself which will be in the front seat located diagonally from the bus driver.*

If there is more than one school-based informed supervisor for any location, all should be named on the plan and each location identified. One method includes the following language:

- *The student will be able to access personnel in the building for assistance in coping with risk behavior or other support system issues. Those persons are:*
- *The student will check in by (time) each morning with (name of person) and out at (time) with (name of person) each afternoon.*

Some safety plans include consequences for behavior that violates the plan. It is generally recommended that if personnel want to include information such as responses by informed supervisors and MDT members, it should be included in supervision contracts or other documentation referenced in the plan.

Risk and community safety must always be a priority for MDT members and informed supervisors. Certain statements regarding potential risky situations should be included in the plan. Examples include:

- *The student is not permitted to be in the same location as the on-site day care*
- *The student is not permitted to have contact with severe needs special education students*

If the juvenile is identified as a severe needs special education student, supervision must be commensurate with risk factors and level.

Consequences for Violation for the Safety Plan

Consequences should be determined by the MDT and school officials and clearly articulated to the juvenile. Consequences should focus on the individual juvenile involved and what is best for both the juvenile and school safety. Consequences may include, but are not limited to, change of seating or classes, increased supervision, removal from the specific activity, further limitation of movement, detention, suspension or expulsion from school, and/or revocation of probation.

Committing to the ISMP

A statement about the purpose of the ISMP, an agreement to abide by it, and an acknowledgement that there will be consequences for violation(s) of the plan should be included.

ISMPs and event specific safety plans should have signature lines for the juvenile, school-based Informed Supervisor(s), parent/guardian and the appropriate school personnel, and other MDT members as appropriate. Generally, any agreement or plan will be dated and will include statements about amending the document, including that the document remains in full force and effect until it is amended and signed by all parties. The ISMP may carry over from year to year.

There should be a statement about the use of the ISMP and event specific safety plans and their portability throughout the district. This would include space to identify the contact at the receiving school and the Informed Supervisor's signature indicating that the new school has been informed of the juvenile's risk, needs and supervision requirements.

SECTION 4: Victim Centered Approach

What is a Victim-Centered Approach?

A victim-centered approach serves to minimize additional trauma to the victim, increase the safety of the victim, the juvenile, and the school community, and mitigate the harm done. A victim-centered approach considers the best interests of the victim while best meeting the needs of the juvenile. From this perspective, the school community can reduce the harm, improve school safety, and reduce recidivism.²⁵

Consequences of Sexual Assault

Sexual assault inflicts psychological and often physical injury, which can have devastating impacts on the victim. Juvenile victims of sexual assault suffer significant emotional and social trauma that can manifest in numerous ways and have the potential for long-term and permanent harm. Victims of sexual assault who find themselves in the school setting with the juvenile who committed a sex offense may experience a negative view of the school environment, social isolation, victim blaming, bullying, harassment, difficulty concentrating and maintaining grades, and increased absences and truancy.²⁶ As a result of sexual victimization, students are 3 times more likely to experience depression, 6 times more likely to suffer from post-traumatic stress disorder, 13 times more likely to abuse alcohol, and 26 times more likely to abuse drugs.²⁷ Tragically, victims of sexual assault are 4 times more likely to contemplate suicide and are more likely to be treated for injuries related to suicide attempts.²⁸

Policy and Governance

Colorado Statutes

C.R.S. § 24-4.1-301-303 – Colorado’s Victim Rights Act (VRA). Passed in 1993, the goal of the VRA is to ensure that victims are treated with fairness, respect, and dignity and are free from intimidation, harassment, and abuse throughout the criminal justice process. The VRA specifies victim rights, including the right to be informed, present, and heard at various critical stages of the criminal justice process. Victims can learn more about their rights by contacting the Division of Criminal Justice [Office for Victim Programs](#) or a victim advocate from the investigating law enforcement agency or the district attorney’s office.

C.R.S. § 22-33-106 – Grounds for Expulsion. This statute outlines the reasons a student can be expelled from a school based on certain conduct or criminal behavior. From a victim’s perspective, it is important to consider how the victim can be afforded protection from the juvenile who committed a sex offense in a school setting after a sexual assault has been reported.

- C.R.S. § 22-33-106(4)(b) provides options to school districts that have only one school where the adjudicated juvenile can enroll. These include prohibiting the juvenile from re-enrolling in the school in which the victim or the victim's family is enrolled or allowing the juvenile to attend the school but developing a schedule for the juvenile that avoids contact with the victim or the victim's family members.
- School personnel are encouraged to consider all options available to ensure victim and juvenile safety. It is not recommended for expulsion to be the primary option. Protective factors, such as enrollment in school and having positive, prosocial interactions with peers of the same age, are critical for the rehabilitation of juveniles who have committed a sexual offense. School staff may reference the Safe School Environment section of this document for further information.

C.R.S. § 22-32-109(2) – School Safety Planning. This statute also suggests that it would be appropriate to consult with victim advocacy organizations for the development of a school safety plan. If assistance is needed, please consult with the MDT. Resources for school personnel to address school safety, including bullying, can be accessed via the Office of School Safety (OSS) within the Colorado Department of Public Safety. The OSS was established through legislation in 2008 and is described in C.R.S. § 24-33.5-2702.

C.R.S. § 19-3-304(2)(l) – Mandatory Reporting. School personnel are classified as mandatory reporters if they become aware of any suspected abuse of any child under the age of eighteen. Mandatory reporters shall not make a report due to a family's or child's race, ethnicity, socioeconomic status or disability status. School personnel should follow their school's protocol for reporting suspected abuse.

C.R.S. § 13-14-105(1) – Enforcement of Protection Orders. Schools are also responsible for ensuring that protection orders are enforced. C.R.S. § 13-14-105(1) states:

“A municipal court of record that is authorized by its municipal governing body to issue protection or restraining orders and any county court, in connection with issuing a civil protection order, has original concurrent jurisdiction with the district court to include any provisions in the order that the municipal or court deems necessary for the protection of persons, including but not limited to orders: (f) Restraining a party from interfering with a protected person at the person's place of employment or place of education or from engaging in conduct that imparts the protected person's employment, educational relationships, or environment.”

In addition to a civil protection order, if the juvenile has been charged, there may also be a mandatory criminal protection order in place pursuant to C.R.S. § 19-2.5-707.

Federal Guidelines

The Office for Civil Rights (OCR) and Title IX Requirements:

In partnership with the Department of Education, the Office for Civil Rights has provided training materials for schools to understand their responsibilities under Title IX. Title IX requires schools to ensure that students can attend school in an environment that is not considered hostile. This can include attending classes, school field trips, and extra-curricular activities.

According to Title IX, each school is required to:

- Disseminate a notice of nondiscrimination;
- Designate at least one employee to the role of Title IX coordinator; and
- Develop and publish grievance procedures that provide prompt and equitable resolution of student and employee sex discrimination complaints (20 U.S.C. §§ 1681 et seq. 34 C.F.R. Part 106)

For a victim of sexual assault, Title IX provides a separate grievance and investigation process from the criminal justice investigation. Additionally, Title IX requires similar accommodations to ensure a victim's safety in the school environment. For a list of recommendations, please refer to the Safe School Environment section within this document (United States Department of Education, Office for Civil Rights - Dear Colleague Letter-Sexual Violence, April 4, 2011).

In addition, Title IX discusses a school's obligation when a victim requests confidentiality of their identity. A school needs to take into consideration this request and inform the victim that honoring such a request could limit the actions that can be taken against the alleged juvenile who committed a sex offense.

To ensure compliance with federal guidelines, including federal funding, schools are encouraged to review the entire Title IX - Dear Colleague letter referenced above.

Family Educational Rights and Privacy Act Regulations (F.E.R.P.A) 34 C.F.R. Part 99:

In general, school officials should be aware of their responsibilities under the Family Educational Rights and Privacy Act Regulations (FERPA) as they apply to both the victim and the juvenile. F.E.R.P.A. defines what information is considered an educational record and the rights of students regarding their education records.

The Health Insurance Portability and Accountability Act (H.I.P.A.A.) set forth the guidelines for sharing an individual's health information. The U.S. Department of Health and Human Services has stated that HIPAA does not apply to an elementary or secondary school. The records created by a school are considered education records and are covered under F.E.R.P.A.

How to Support a Victim of Sexual Assault

An appropriate and sensitive response to a victim of sexual assault is critical for the emotional, social, and academic success of the victim.²⁹ Negative professional and peer reactions toward a victim who reports a sexual assault are likely to silence disclosure of subsequent sexual assaults and thereby increase the risk for an unsafe or hostile school environment.³⁰

The majority of sexual assault victims fear they will be blamed if the assault is reported.³¹ Victims of sexual assault need to feel supported, not blamed. They need to be heard, believed, informed, protected, and assisted.

The emotional support victims receive immediately following their disclosure will help facilitate the resolution of the trauma and provide a baseline for recovery. Recovery from the trauma depends on factors including the victim's age at the time of the abuse, the support of family and friends, the frequency and extent of the abuse, and how the victim was treated at the time the outcry was made. Victims need to be encouraged to report the full extent of their experience to authorities without fear of retaliation by the juvenile who committed a sex offense.

It is important for schools to recognize the impact of trauma on learning. Sexual abuse is widely recognized as a trauma that is correlated with long-term negative outcomes. Studies on neurobiology and trauma have shown that cognitive capabilities and academic performance are negatively impacted by trauma. Victimization that occurred during childhood or adolescence has a dramatic effect on brain development. Youth who have experienced chronic victimization have developed survival skills, which may include aggression, withdrawal, and freezing.

When youth are repeatedly exposed to high levels of stress, their brains learn to prioritize rapid response and survival skills over thoughtful decision-making. Youth who have experienced trauma often have trouble paying attention, sitting still, and controlling emotions. In some students, trauma may also manifest as perfectionism.

Students who have experienced trauma have been shown to have lower grade point averages, more negative remarks in their cumulative records, and more reported absences from school than other students. If a student is having behavioral or academic problems, prior victimization should be considered when assessing disciplinary action and support services.

Common Reactions to Sexual Violence

In the days or weeks following a sexual assault the victim may experience³²:

- Startle reactions in response to loud noises or quick movements of other people
- Hyper-vigilance
- Intense mental reviewing of the assault -- second-guessing their behavior and asking themselves "what if..."

- Difficulties with intimacy
- Difficulties concentrating
- Heightened interest in personal safety in general
- Nightmares or night terrors
- Fatigue and a sense of being drained
- Moodiness, irritability, and general sensitivity to any criticism or a reduction in emotional expressiveness (flat affect)
- Flashbacks
- Extreme anxiety and/or excessive crying
- Damaged ability to trust

Every victim will experience some or all of these emotions following the assault. These symptoms are normal and should lessen over time.

Reactions of Friends and Family

Significant others may experience unexpected emotions as a result of their loved one's victimization. Anger, helplessness and frustration are common reactions of those close to sexual assault victims. Following the assault friends and family might experience:

- Fear
- Helplessness
- Confusion
- Self-blame
- Guilt
- Denial
- Anger
- Fear of others finding out about the assault
- Fear of contracting HIV/AIDS or sexually transmitted diseases

Emotional Support for the Victim

Friends, family and trusted school staff can provide emotional care and support to help the victim cope with the immediate crisis and make progress toward long-term recovery from the trauma. First and foremost, an adult working with a sexual assault survivor should be able to articulate a caring, compassionate response. Simply relaying messages such as those listed below can make an enormous difference in the healing process.

For example:

- *I'm so sorry this happened to you... You are so strong...*
- *We want you to be safe and happy at school... Thank you for sharing what has been going on... This wasn't your fault....*

People who have been victimized recover from their trauma in their own time frames. A specific expectation for recovery cannot be applied relative to time. Talking about their experience and consequent feelings with supporting friends and family members can be helpful during the healing process. Victim advocates often make referrals to professional therapists with expertise in working with sex assault survivors.

It is critical to:

- Believe the victim
- Acknowledge that the assault was not the victim's fault
- Maximize the victim's sense of safety
- Listen-allow the victim to talk if they want to
- Avoid questioning the victim regarding details of the assault. It is law enforcement's responsibility to interview the victim.
- Help the victim organize their thoughts - allow them to make decisions and regain control which was taken from them as a result of the assault.

Resources and Referrals

It is very important for sexual assault survivors to know support, care, and assistance are available. Often it is difficult for a survivor to reach out for support, or to even trust helping professionals. Colorado has criminal justice and community-based victim and sexual assault advocates who can be of assistance in helping survivors navigate medical, legal, and educational systems. Advocacy services are typically offered at no cost to the victim.

Community-Based Support

School personnel are encouraged to learn more about the services provided by their community advocacy programs. Advocates can be integrated in the response to victimized students. For example, if a student requests the presence of her/his advocate during meetings regarding how to mitigate a hostile educational environment. The victim should know how to access counseling services, and the point of contact for any follow-up complaints of retaliation.

Safety Planning from a Victim Perspective

The Sex Offender Management Board encourages schools to develop safety and supervision plans for a juvenile who has been adjudicated for sexually abusing and offending behaviors. It is recommended that the school's designated contact ensure that the team is considering any information from the victim or the victim's representative to formulate a safety plan for the victim in the instance that the juvenile who caused harm and the victim are in the same school.

Safe School Environment

If the victim attends the same school as the juvenile who caused them harm, the highest priority should be placed on the physical and emotional safety of the victim. Victims should never be expected to advocate for themselves. The school safety plan should include victim input. Schools may, with the victim's collaboration, identify trained staff within the school setting to advocate for the victim, to be involved in the safety planning process and to provide input from the victim. This individual can also provide support for the victim as well as a trusted avenue for the victim to express safety concerns or report harassment or noncompliance with the safety plan. The advocate for the victim can also be instrumental in identifying potential warning signs of social, emotional or educational crisis for the victim that could result from the juvenile's presence in the school.

In the event that school administration and/or school staff become aware of a juvenile who has committed sexually abusive and offending behavior attending or requesting to enroll at, the school should first determine if any of the juvenile's victims or the victim's immediate family members are enrolled or employed at the school. When enrollment of a victim is confirmed, the first and best option is to transfer the juvenile to another institution. In the event that a juvenile, who has committed sexually abusive and offending behavior, is allowed to enroll at the same school where the victim of the offense attends, measures should be considered, which are outlined in the Title IX Letter to Colleagues (USDE OCR, 2010) and C.R.S. §22.33.106, to support and protect the victim's physical and emotional wellbeing and to promote the victim's social and educational success.

If it is not possible to transfer the juvenile, the school should then:

- Adjust the juvenile’s schedule to have no contact with the victim for both on campus activities, and off campus extracurricular activities.
- The school should make every effort to minimize the burden on the victim. For example; removing the juvenile with offending behavior from the class and not the victim, offering the victim to retake the class without penalty, and offering the victim academic support services.
- Create safety and supervision plans that restrict and monitor the juvenile’s on campus and off campus extracurricular activities.
- Develop a protocol for response to violations of safety and supervision plans for each supervised juvenile.
- Develop a protocol for response to safety plan violations through secondary sources such as friends or family of the juvenile with offending behavior.
- Develop a protocol for response to harassment or bullying by peers or staff.
- Be aware that the likelihood that a student with intellectual disabilities will be sexually assaulted is significantly higher than the general population. IEP and other meetings should be held in a location that feels safe for the victim.
- An escort can be assigned to accompany the juvenile with offending behavior between classes, to ensure there is no harassment.
- The victim should be provided with information on how to access counseling services, and the point of contact for any follow-up complaints of retaliation.
- School administration and staff must be advised that pursuant to the “Safe Schools Act,” victims in cases involving unlawful sexual behavior, domestic violence, stalking and/or violation of a protection order cannot be required to participate in a restorative justice practice or peer mediation with the offending student.

Response to Harassment and Bullying

Bullying or harassment of a victim of sexual assault, by the juvenile who committed the sexual offense or their friends or family members, can create a hostile school environment for the victim. This includes physical, emotional, cyber, and other electronic incidents of harassment or bullying. Schools and school districts should take action to protect a victim who was sexually assaulted, on or off campus, against harassment or acts of retaliation by the offending student and/or the offending student’s associates (USDE OCR, 2010).

It is also pertinent to note that other students who are not involved may engage in bullying behaviors towards the victim. This can occur in school or online. The use of AI and deepfake photos to bully a victim of sexual assault can be incredibly harmful. School staff should take action within their power to protect the victim, on or off campus, to include online platforms.

Managing Peer Harassment if you are an administrator:

- Ensure that all necessary anti-discrimination policies and procedures are in place.
- Develop sexual harassment training programs for administrators, employees, and students.
- Conduct a self-evaluation of the school to determine what kind of educational environment exists for female students.
- Make certain that orientation programs for students, employees, and administrators include materials about sexual harassment.
- Be sure that all school programs and activities, even those that occur off-school premises, are free from sexual harassment.

If you are a teacher:

- Act quickly when confronted with sexual harassment.
- Ensure that you report any instances of harassment of which you are aware to the person designated by the school to handle such complaints.
- Strategize with students about improving the classroom environment.
- Enlist the support of parents.
- Make certain the classroom is a welcoming environment for all students
- (NWLC, 2007)

Additional resources regarding bullying and harassment can be found at the Office of School Safety website.

Victim Confidentiality

“Confidentiality plays a vital role in the recovery process because it helps establish an environment in which victims feel more comfortable seeking assistance, making connections, and exercising their power within their right to choose what information to share, with whom, when, and how.”

(Zannoni, Joanne 2009)

The Sex Offender Management Board has published guidelines for schools and school districts related to maintaining the confidentiality and safety of the victim and the victim’s family.

Victims often suffer additional harm and victimization in the school setting through harassment, intimidation, and ostracism by other students, as well as from contact with and exposure to the juvenile. School districts, administrators, and staff have clear and distinct responsibilities with regard to the protection of privacy rights for adult and juvenile victims of juveniles who commit sexually abusive and offending behaviors. The schools/school districts are responsible for the confidentiality and safety of the victim(s). (SOMB, Juvenile Standards, 2014)

Staff Training

Youth who experience sexual violence sometimes disclose the abuse to the adult in their life who they perceive to be the most trustworthy. This person may be a trained counselor, but it may also be a teacher, coach, or other school personnel. For that reason, it is important that schools prioritize training for all personnel that provides guidance on responding to victims of sexual assault in the school setting.

Training should include education on:

- Identifying and reporting sexual harassment and violence.
- Mandatory reporting laws and responsibilities (see www.coloradocwts.com)
- Recognizing when a hostile school environment exists for the victim.
- Recognizing sexual grooming (insert short definition of grooming here) and manipulative behaviors.
- What is involved in safety planning for juveniles who have committed sexual offenses and maintaining the safety of the victim.
- District and school policies and legal mandates regarding the rights of victims in the school setting when the juvenile who committed a sex offense must attend the same school.
- District and school policies and legal mandates regarding confidentiality for a student who is the victim of sexual assault.
- How to support and educate traumatized students.

School social workers, resource officers and guidance counselors will benefit from ongoing specialized training on the victim dynamics and impact of sexual violence.

In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victim advocacy organizations, school psychologists, local law enforcement agencies, and community partners.

SECTION 5: Applicable Statutory and Regulatory Provisions Affecting Public Schools

Reporting Requirements

Sexual offenses are first reported by either the victim or a witness to the offense. Reports may be made to anyone in the school environment, to neighbors, friends, relatives, co-workers, family, etc.

School personnel are mandatory reporters; the school employee who receives notice must make a report of the suspected sexual abuse to the appropriate authorities. When reporting suspected sexual abuse, it is important to avoid questioning the credibility of the victim's disclosure, to avoid victim blaming and to allow the appropriate authorities to conduct their investigation.

Law enforcement and social services usually jointly investigate intra-familial sexual abuse (i.e., sexual abuse perpetrated by one member of a household upon another member of that household). Law enforcement investigates third party sexual abuse (i.e., sexual abuse committed by a person against someone who is not a member of that person's household).

Gathering of the facts and the investigation can take several months before it is presented to the District Attorney's Office to consider potential charges. In instances where the juvenile does not meet the age of legal culpability (i.e., 10 years old), child welfare agencies can offer assessments, resources, and/or support.

Relevant sections of Colorado legislation include:

- **§ 19-3-304, C.R.S.** Requires school personnel, who are classified as mandatory reporters, to report to local law enforcement or social services any incident involving child abuse or neglect.
- **§ 22-32-109.1, C.R.S.** Mandates schools report the following types of crimes: commission of an act on school grounds that, if committed by an adult, would be considered criminal assault, other than third degree assault; and commission of an act on school grounds that, if committed by an adult, would be considered robbery.
- **§ 22-33-106.5, C.R.S.** Requires mandatory notification by the courts to school districts upon adjudication or conviction of offenders below the age of 18 for "unlawful sexual behavior" as defined by § 16-22-102(9), C.R.S.

These include sexual offenses involving no physical contact between the perpetrator and the victim, for example, indecent exposure or internet sexual exploitation of a child. For a full list of potential offenses in this category, see § 16-22-102(9).

Sharing of Information

Current legislation allows the sharing of information by law enforcement and school authorities. School authorities should be familiar with the following state statutes:

- **§ 19-1-303(2)(a), C.R.S.** Provides that school personnel may obtain from the judicial department or agencies that perform duties and functions under the Children’s Code any information required to perform their legal duties and responsibilities. Requires that said personnel shall maintain the confidentiality of the information obtained, subject to applicable confidentiality laws.
- **§ 19-1-303(2)(b)(I), C.R.S.** Requires that any information or records – except mental health or medical records – relating to incidents that rise to the level of a public safety concern be shared by schools and law enforcement authorities. This includes, but is not limited to, threats made by students, any arrest or charging information, any information regarding municipal ordinance violations, and any arrest or charging information relating to acts that, if committed by an adult, would constitute misdemeanors or felonies.
- **§ 19-1-304(5), C.R.S.** Whenever a petition is filed that alleges a juvenile between the ages of 12 and 18 years old has committed a crime of violence or unlawful sexual behavior, the Children’s Code requires the immediate release of basic identification information, along with the details of the alleged delinquent act or offense, to the school district in which the child is enrolled. Such information made available to the school district and not otherwise available to the public shall remain confidential.
- **§ 22-33-106.5, C.R.S.** Requires that whenever a student under the age of 18 is convicted or adjudicated for an offense constituting a crime of violence, unlawful sexual behavior, or offenses involving controlled substances, the convicting court must now notify the school district in which the student is enrolled of the conviction or adjudication.

Responsibilities of School Districts in the Supervision and Management of Juveniles Who Have Committed Sexual Offenses

The Colorado SOMB was mandated by the Colorado General Assembly in 2000 to develop the *Standards and Guidelines for the Evaluation, Assessment, Treatment and Supervision of Juveniles Who Have Committed Sexual Offenses* (referred to as the Juvenile Standards and Guidelines). In the Juvenile Standards and Guidelines, schools and school districts are given specific responsibilities, as outlined below.

Section 5.910. Responsibilities of Schools/School Districts

The responsibilities of the school representative on the MDT include:

- A. Communicating with the MDT regarding the juvenile's school attendance, grades, activities, compliance with supervision conditions and any concerns about observed high-risk behaviors.
- B. Assisting in the development of the school supervision plan to include activity specific safety plans when applicable.

Discussion: It is extremely important for juveniles who have committed a sexual offense to engage in normalizing activities within the school when it is deemed safe for the individual to do so. Research indicates that providing normalizing experiences to these juveniles will help increase protective factors and lead to a much more beneficial experience.³³ When appropriate, the school representative will assist in the school supervision plan to ensure that all safety factors are taken into account.

- C. Providing informed supervision and support to the juvenile while in school.
- D. Developing a supervision safety plan considering the needs of the victim(s) (if in the same school) and potential victims.
- E. Attending MDT meetings as requested.
- F. Participating in the development of transition plans for juveniles who are transitioning between different levels of care and/or different school settings.
- G. Confidentiality of the juvenile

Information is to be provided on a "need to know" basis (Classroom teacher, school administrator, mental health professional, security, transportation, etc.).

Discussion: When working with school administration, suggested language would be "this student needs a high level of supervision at all times" and that "any concerning behavior should be immediately reported to a school administrator." The rationale for providing minimal details is that ANY school staff member who witnesses concerning behavior (regardless of the nature of adjudication) should be appropriately reporting it to the site administrator who should be informed/aware of the nature of the student's offense by participation in the MDT.

- H. Confidentiality and safety of the victim and victim's family

The schools/school districts are responsible for the confidentiality and safety of the victim(s):

1. The school should determine if a victim or family members of the victim are in the same school as the juvenile, while keeping the victim's name and information confidential.
2. If the juvenile is in the same school as the victim(s), the first and "primary" option is transferring the juvenile to another school.
3. If it is not possible to transfer the juvenile, the second option is to adjust the juvenile's schedule to have no contact with the victim(s) for both school and extracurricular activities. The victim's schedule should not be disrupted. School supervision and safety plans should be put in place for the juvenile by the school with the priority of the physical and emotional safety of the victim(s) as the priority.

Discussion: Victims often suffer additional harm and victimization in the school setting through harassment, pressure and ostracizing by other students, as well as contact by/exposure to the juvenile.

4. Enforcement of safety for the victim(s) should be a priority for the MDT. It is not the obligation of the victim or victim's parents to advocate for their own safety. The MDT should utilize victim representation in school safety planning.

Section 5.110 of the Juvenile Standards requires that each MDT shall at a minimum consist of:

- A. The supervising officer or agent, if assigned, which may include but is not limited to probation, parole, diversion, etc.
- B. The treatment provider.
- C. The polygraph examiner (when applicable)
- D. Department of Human Services (DHS) caseworker, if assigned
- E. The Division of Youth Corrections (when applicable)
- F. Victim representative
- G. Therapeutic care provider (when applicable)
- H. Parents, caregivers and other natural support systems
- I. Schools/school districts
- J. Court appointed legal representatives (GAL, CASA volunteer)
- K. Juvenile

Section 5.140 states the responsibilities of the MDT which include, but are not limited to:

- A. Protect the victim and community.
- B. Communicating with the MDT regarding the juvenile's school attendance, grades, activities, compliance with supervision conditions and any concerns about observed high-risk behaviors.
- C. Assisting in the development of the supervision plan.
- D. Providing informed supervision and support to the juvenile while in school.
- E. Developing a supervision safety plan considering the needs of the victim(s) if in the same school and potential victims
- F. Attending MDT meetings as requested.
- G. Participating in the development of transition plans for juveniles who are transitioning between different levels of care and/or different school settings.
- H. As a best practice, receive initial and annual training related to juveniles who have committed sexual offenses.

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