

CHAPTER 174

**EDUCATION - PUBLIC SCHOOLS**

**HOUSE BILL 93-1101**

BY REPRESENTATIVES Entz, DeGette, Eisenach, Friednash, Knox, Nichol, Reeser, and Tanner;  
also SENATORS Bishop, Meiklejohn, Mutzebaugh, Norton, and Traylor.

**AN ACT**

**CONCERNING INFORMATION PROVIDED TO THE DEPARTMENT OF EDUCATION PERTAINING TO SCHOOL DISTRICT EMPLOYEES ALLEGED TO HAVE COMMITTED UNLAWFUL BEHAVIOR INVOLVING A CHILD.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 22-32-109.7 (1) (b) and (3), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**22-32-109.7. Board of education - specific duties - employment of personnel.**

(1) Prior to the employment of any person by a school district the board of education shall make an inquiry concerning such person to the department of education for the purpose of determining:

(b) Whether such person has been dismissed by, or has resigned from, a school district as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which was supported by ~~credible~~ A PREPONDERANCE OF THE evidence ACCORDING TO INFORMATION PROVIDED TO THE DEPARTMENT BY A SCHOOL DISTRICT PURSUANT TO SUBSECTION (3) OF THIS SECTION AND CONFIRMED BY THE DEPARTMENT PURSUANT TO THE PROVISIONS OF SECTION 22-2-119 (1) (b);

(3) If an employee of a school district is dismissed or resigns as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by ~~credible~~ A PREPONDERANCE OF THE evidence, the board of education of such school district shall ~~immediately~~ notify the department of education and provide any information requested by the department concerning the circumstances of the dismissal or resignation. THE DISTRICT SHALL ALSO NOTIFY THE

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

EMPLOYEE THAT INFORMATION CONCERNING THE EMPLOYEE'S DISMISSAL OR RESIGNATION IS BEING FORWARDED TO THE DEPARTMENT OF EDUCATION UNLESS SUCH NOTICE WOULD CONFLICT WITH THE CONFIDENTIALITY REQUIREMENTS OF THE "CHILD PROTECTION ACT OF 1987", PART 3 OF ARTICLE 3 OF TITLE 19, C.R.S.

**SECTION 2.** 22-2-119 (1) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**22-2-119. Department of education - inquiries by boards of education concerning prospective employees.** (1) When an inquiry is made by a board of education of a school district pursuant to the provisions of section 22-32-109.7 (1) concerning a prospective employee, the department shall provide the following information concerning such person:

(b) (I) Whether such person has been dismissed by, or has resigned from, a school district as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which was supported by ~~credible~~ A PREPONDERANCE OF THE EVIDENCE according to information required to be provided to the department by the school district pursuant to the provisions of section 22-32-109.7 (3);

(II) THE DEPARTMENT OF EDUCATION SHALL NOT DISCLOSE TO ANY PROSPECTIVE EMPLOYER ANY INFORMATION REPORTED TO THE DEPARTMENT FROM A SCHOOL DISTRICT PURSUANT TO SECTION 22-32-109.7 (3) UNLESS AND UNTIL THE DEPARTMENT CONFIRMS THAT THE ALLEGATION RESULTED IN SUCH PERSON'S NAME BEING PLACED ON THE STATE CENTRAL REGISTRY OF CHILD PROTECTION ESTABLISHED PURSUANT TO SECTION 19-3-313, C.R.S. THE DEPARTMENT SHALL REQUEST A CHECK OF THE CENTRAL REGISTRY PURSUANT TO THE PROVISIONS OF SECTION 19-1-120 (2) (I), C.R.S.

(III) IF THE DEPARTMENT CONFIRMS THAT THE ALLEGATION RESULTED IN SUCH PERSON'S NAME BEING PLACED ON THE CENTRAL REGISTRY AND THE REPORT CONCERNING SUCH PERSON IS SUBSEQUENTLY SEALED OR EXPUNGED PURSUANT TO THE PROVISIONS OF SECTION 19-3-313 (7), C.R.S., SUCH PERSON MAY NOTIFY THE DEPARTMENT THAT THE REPORT HAS BEEN SEALED OR EXPUNGED. IF THE DEPARTMENT VERIFIES THAT THE REPORT HAS BEEN SEALED OR EXPUNGED, THE DEPARTMENT SHALL REMOVE SUCH INFORMATION ABOUT THE PERSON FROM THE FILES KEPT BY THE DEPARTMENT.

**SECTION 3.** 22-1-121 (1) (b), Colorado Revised Statutes, 1988 Repl. Vol., as enacted by House Bill 93-1147 at the First Regular Session of the Fifty-ninth General Assembly, is amended to read:

**22-1-121. Nonpublic schools - employment of personnel - access to information of department of education.** (1) Prior to the employment of any person by a nonpublic school in this state, the governing board of such school may make an inquiry concerning such person to the department of education for the purpose of determining:

(b) Whether such person has been dismissed by, or has resigned from, a school district as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which was supported by ~~credible~~ A PREPONDERANCE OF

THE evidence ACCORDING TO INFORMATION PROVIDED TO THE DEPARTMENT BY A SCHOOL DISTRICT PURSUANT TO SECTION 22-32-109.7 AND CONFIRMED BY THE DEPARTMENT PURSUANT TO THE PROVISIONS OF SECTION 22-2-119 (1) (b);

**SECTION 4. Effective date.** This act shall take effect July 1, 1993; except that section 3 of this act shall only take effect if House Bill 93-1147 is enacted at the First Regular Session of the Fifty-ninth General Assembly and becomes law.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 30, 1993