

STATE OF COLORADO

Colorado General Assembly

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MEMORANDUM

TO: Lori Gimelshteyn and Erin Lee
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: March 4, 2024
SUBJECT: Proposed Initiative Measure 2023-2024 #206, concerning Parental Rights
Concerning Public Education Records

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

Purpose

The major purpose of the proposed amendment to the Colorado Revised Statutes appears to be to establish the right for a parent to review their child's public school records within three business days of submitting a written request to a public school representative.

Substantive Comments and Questions

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. Section 22-1-144 (3) of the proposed initiative uses the word "of" in relation to the timing of the reporting. "Of" in this case is ambiguous. Would the proponents consider using the term "after" instead?
3. The proposed initiative requires a school to allow a parent to review the parent's child's public school records within three days of submitting a request. What happens if the school cannot comply within three days?

Technical Comments

1. In section 22-1-144 (1) of the proposed initiative, the comma after "Colorado" should be deleted.
2. In the legislative declaration, the word "State" should not be capitalized.
3. Since this is a proposed initiative, the proponents should consider using different terminology than "legislative declaration," because the initiative is not the result of legislation.
4. In section 22-1-144 (2)(a) of the proposed initiative, the term "child" should be capitalized.
5. In the definition of "Public School Record" in section 22-1-144 (2)(d) of the proposed initiative, each word of the defined term is capitalized, but only "Public" should be capitalized.
6. In section 22-1-144 (2)(d) of the proposed initiative, the preposition is missing before "any school or student sponsored extracurricular event." The proponents should consider adding "for."
7. Section 22-1-144 (3) of the proposed initiative is in **bold-faced** font but should appear in normal font.

8. For purposes of this statutory initiative, the word "shall" is defined in section 2-4-401 (13.7), Colorado Revised Statutes, and it means "that a person has a duty." The related word "must," which is defined in section 2-4-401 (6.5), Colorado Revised Statutes, "means that a person or thing is required to meet a condition for a consequence to apply." Furthermore, "'must' does not mean that a person has a duty."