

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

May 5, 2023
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB23-296 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 3, strike lines 1 through 3.
- 2 Renumber succeeding sections accordingly.
- 3 Page 3, line 6, strike "**Prohibit harassment**" and substitute
4 "**Harassment**".
- 5 Page 3, before line 9, insert:
6 "(a) "CONTRACTOR" MEANS A PERSON WHO HAS DIRECT CONTACT
7 WITH OR SUPERVISION OVER STUDENTS PURSUANT TO A CONTRACT WITH
8 A SCHOOL OR LOCAL EDUCATION PROVIDER.
9 (b) "COMPLAINANT" MEANS A PERSON WHO IS SUBJECT TO, AND
10 FILES A REPORT OF, ALLEGED MISCONDUCT OR DISCRIMINATION PURSUANT
11 TO A LOCAL EDUCATION PROVIDER'S POLICY."
- 12 Reletter succeeding paragraphs accordingly.
- 13 Page 3, line 11, after "STAFF," insert "ATHLETIC STAFF,".
- 14 Page 3, line 12, strike "STAFF." and substitute "STAFF, AND
15 CONTRACTORS."
- 16 Page 3, line 21, strike "FAMILY COMPOSITION,".
- 17 Page 3, line 25, strike "HARASSMENT OR DISCRIMINATION MAY" and
18 substitute "VERBAL CONDUCT OR WRITTEN, PICTORIAL, OR VISUAL
19 COMMUNICATION THAT IS PART OF THE CURRICULUM IS NOT HARASSMENT
20 OR DISCRIMINATION."

- 1 Page, 3, strike line 26.
- 2 Page 3, line 27, strike "ELECTRONIC COMMUNICATION."
- 3 Page 4, line 2, after "DISCRIMINATION" insert "AND CONSTITUTES
4 HARASSMENT OR DISCRIMINATION".
- 5 Page 4, lines 12 and 13, strike "INTERFERING WITH, UNDERMINING,
6 DETRACTING, OR OTHERWISE LIMITING" and substitute "UNREASONABLY
7 INTERFERING WITH".
- 8 Page 4, line 20, strike "(1)(a)(I)" and substitute "(1)(d)(I)".
- 9 Page 6, line 15, after "ACCEPT" insert "FORMAL".
- 10 Page 6, line 25, after "SCHOOL" insert "OR A LOCAL EDUCATION
11 PROVIDER".
- 12 Page 7, line 1, strike "CRIME." and substitute "CRIME, OR FROM PROVIDING
13 RECORDS TO THE COLORADO CIVIL RIGHTS DIVISION CREATED IN SECTION
14 24-34-302 THAT ARE RELATED TO A CLAIM FILED WITH THE DIVISION."
- 15 Page 7, line 5, after the period add "THE NOTICES MUST BE
16 CONSPICUOUSLY POSTED IN EASILY ACCESSIBLE AND WELL-LIT PLACES
17 CUSTOMARILY FREQUENTED BY STUDENTS AND SCHOOL STAFF."
- 18 Page 7, line 12, strike "REPORTING STUDENT" and substitute
19 "COMPLAINANT".
- 20 Page 7, line 15, strike "REPORTING STUDENT" and substitute
21 "COMPLAINANT".
- 22 Page 7, line 16 strike "DELAY;" and substitute "DELAY OR MAY EXTEND
23 THE DEADLINE AT THE REQUEST OF A LAW ENFORCEMENT AGENCY."
- 24 Page 8, lines 2 through 4, strike "REPORTING STUDENT AND RESPONDENT,
25 AND THE PARENTS OR LEGAL GUARDIANS OF THE STUDENT AND
26 RESPONDENT," and substitute "PARTIES AND THE PARTIES' PARENTS OR
27 LEGAL GUARDIANS".
- 28 Page 8, line 4, strike "CRITICAL".

- 1 Page 8, line 5, before "DAYS;" insert "BUSINESS".
- 2 Page 8, line 19, strike "FORMAL COMPLAINT" and substitute
3 "DISCRIMINATION".
- 4 Page 10, line 25, after "WRITING," insert "OR INFORMATION REVEALED IN
5 ANY INVESTIGATION OR DISCIPLINARY PROCEEDINGS OF THE REPORT,".
- 6 Page 11, line 1, after "STUDENT" insert "OR COMPLAINANT".
- 7 Page 11, line 6, strike "SYMPTOM; AND" and substitute "SYMPTOM;
8 EXCEPT THAT NOTHING IN THIS SECTION PROHIBITS A SCHOOL OR LOCAL
9 EDUCATION PROVIDER FROM DISCIPLINING A STUDENT WHO KNOWINGLY
10 MAKES A FALSE REPORT OF HARASSMENT OR DISCRIMINATION, OR
11 DISCIPLINING A STUDENT WHEN NECESSARY TO ENSURE THE SAFETY OF
12 ANY STUDENT OR EMPLOYEE. A FINDING OF NO HARASSMENT OR
13 DISCRIMINATION DOES NOT ITSELF CONSTITUTE A FALSE REPORT.".
- 14 Page 11, line 15, after "ON" insert "THE HOME PAGE OF".
- 15 Page 11, line 27, strike "SCHOOL STAFF," and substitute "EMPLOYEE,".
- 16 Page 12, line 5, after "PROVIDE" insert "ANNUAL".
- 17 Page 12, strike lines 6 through 13 and substitute "HARASSMENT AND
18 DISCRIMINATION. THE TRAINING MUST BE PROVIDED DURING THE
19 EMPLOYEE'S NORMAL WORKING HOURS. THE".
- 20 Page 12, line 22, after "DISTRICT;" add "AND
21 (d) IF THE EMPLOYEE HAS DIRECT SUPERVISION OF STUDENTS, THE
22 FOLLOWING:".
- 23 Page 12, line 23, strike "(d)" and substitute "(I)".
- 24 Page 12, line 25, strike "(e)" and substitute "(II)".
- 25 Page 13, line 6, strike "(f)" and substitute "(III)".
- 26 Page 13, line 12, strike "(g)" and substitute "(IV)".
- 27 Page 14, line 16, strike "OR DUPLICATES".

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