

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0356.01 Jane Ritter x4342

HOUSE BILL 20-1062

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A BILL FOR AN ACT

101 **CONCERNING CLARIFICATIONS TO THE COLORADO STUDENT FREE**
102 **EXPRESSION LAW.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill clarifies that the term "student publication" can mean a publication in written, broadcast, or online format. A student advisor is required to encourage expression consistent with high standards of English and journalism.

The bill also adds a provision to protect public school employees from any form of retaliation resulting solely from the employee's actions

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 10, 2020

SENATE
2nd Reading Unamended
March 9, 2020

HOUSE
3rd Reading Unamended
February 13, 2020

HOUSE
Amended 2nd Reading
February 12, 2020

to protect a student's rights of free expression or refusing to infringe on student conduct that is protected by the Colorado student free expression law or by the first amendment to the United States constitution.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-1-120, **amend** (1);
3 and **add** (9) as follows:

4 **22-1-120. Rights of free expression for public school students.**

5 (1) The general assembly declares that students of the public schools
6 ~~shall~~ have the right to exercise freedom of speech and of the press, and no
7 expression contained in a student publication, WHETHER PRINTED,
8 BROADCAST, OR ONLINE, AND whether or not such publication is
9 school-sponsored, ~~shall be~~ IS subject to prior restraint except for the types
10 of expression described in subsection (3) of this section. ~~This section~~
11 ~~shall not prevent the advisor from encouraging expression which is AN~~
12 ~~ADVISOR~~ **MAY ENCOURAGE** EXPRESSION consistent with high standards of
13 English and journalism.

14 (9) A PUBLIC SCHOOL EMPLOYEE MUST NOT BE DISMISSED,
15 SUSPENDED, DISCIPLINED, REASSIGNED, TRANSFERRED, OR OTHERWISE
16 RETALIATED AGAINST SOLELY FOR ACTING TO PROTECT A STUDENT
17 ENGAGED IN THE CONDUCT AUTHORIZED PURSUANT TO THIS SECTION OR
18 FOR REFUSING TO INFRINGE UPON CONDUCT THAT IS PROTECTED BY THIS
19 SECTION OR THE FIRST AMENDMENT TO THE UNITED STATES
20 CONSTITUTION.

21 **SECTION 2. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2020 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.