

CHAPTER 168

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 93-1147

BY REPRESENTATIVES Faatz, Greenwood, Hagedorn, and Sullivan;
also SENATORS Meiklejohn, Bishop, Norton, Owens, and Traylor.

AN ACT

CONCERNING REQUESTS FOR INFORMATION CONCERNING APPLICANTS FOR EMPLOYMENT IN COLORADO SCHOOLS.

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

SECTION 1. The introductory portion to 22-2-119 (1), 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) OR BY THE GOVERNING BOARD OF A NONPUBLIC SCHOOL PURSUANT TO THE PROVISIONS OF SECTION 22-1-121 concerning a prospective employee, the department shall provide the following information concerning such person:

SECTION 2. Article 1 of title 22, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION 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:

(a) WHETHER SUCH PERSON HAS BEEN CONVICTED OF, HAS PLED NOLO CONTENDERE TO, OR HAS RECEIVED A DEFERRED SENTENCE FOR A CRIME INVOLVING UNLAWFUL SEXUAL BEHAVIOR OR UNLAWFUL BEHAVIOR INVOLVING CHILDREN;

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

(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 EVIDENCE;

(c) IF A HOLDER OF A CERTIFICATE OR LETTER OF AUTHORIZATION ISSUED PURSUANT TO THE PROVISIONS OF ARTICLE 60 OF THIS TITLE, WHETHER SUCH PERSON'S CERTIFICATE OR LETTER OF AUTHORIZATION HAS EVER BEEN ANNULLED, SUSPENDED, OR REVOKED PURSUANT TO THE PROVISIONS OF SECTION 22-60-110 (2) (b) FOLLOWING A CONVICTION, A PLEA OF NOLO CONTENDERE, OR A DEFERRED SENTENCE FOR A CRIME INVOLVING UNLAWFUL SEXUAL BEHAVIOR OR UNLAWFUL BEHAVIOR INVOLVING CHILDREN.

(2) ANY INFORMATION RECEIVED BY THE GOVERNING BOARD OF A NONPUBLIC SCHOOL PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE CONFIDENTIAL INFORMATION AND NOT SUBJECT TO THE PROVISIONS OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S. ANY PERSON WHO RELEASES INFORMATION OBTAINED PURSUANT TO THE PROVISIONS OF SAID SUBSECTION (1) OR WHO MAKES AN UNAUTHORIZED REQUEST FOR INFORMATION FROM THE DEPARTMENT SHALL BE SUBJECT TO THE PENALTIES SET FORTH IN SECTION 24-72-206, C.R.S.; EXCEPT THAT ANY PERSON WHO RELEASES INFORMATION RECEIVED FROM THE DEPARTMENT OF EDUCATION CONCERNING INFORMATION CONTAINED IN THE STATE CENTRAL REGISTRY OF CHILD PROTECTION SHALL BE DEEMED TO HAVE VIOLATED SECTION 19-3-313 (10), C.R.S.

SECTION 3. 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