

CHAPTER 134

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 99-1037

BY REPRESENTATIVES Windels, Bacon, Chavez, Clarke, Coleman, Gagliardi, Gordon, Gotlieb, Hagedorn, Lee, Leyba, Mace, Mitchell, Plant, Tochtrop, Tupa, Vigil, and S. Williams;
also SENATORS Epps, Anderson, Andrews, Evans, Hernandez, Matsunaka, Nichol, Pascoe, Phillips, Powers, Reeves, Teck, and Weddig.

AN ACT

CONCERNING THE AUTHORITY OF A SCHOOL DISTRICT TO PROHIBIT CERTAIN EXPELLED STUDENTS FROM ENROLLING IN CERTAIN SCHOOLS.

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

SECTION 1. 22-33-106, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-33-106. Grounds for suspension, expulsion, and denial of admission.
(4) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4), A SCHOOL DISTRICT SHALL PROHIBIT ANY STUDENT WHO IS EXPELLED FROM A PUBLIC SCHOOL OF THE SCHOOL DISTRICT PURSUANT TO PARAGRAPH (c) OR (d) OF SUBSECTION (1) OF THIS SECTION FROM ENROLLING OR REENROLLING IN THE SAME SCHOOL IN WHICH THE VICTIM OF THE OFFENSE OR MEMBER OF A VICTIM'S IMMEDIATE FAMILY IS ENROLLED OR EMPLOYED. IF THE SCHOOL DISTRICT HAS NO ACTUAL KNOWLEDGE OF THE NAME OF THE VICTIM OF THE OFFENSE FOR WHICH THE STUDENT WAS EXPELLED, THE PROVISIONS OF THIS SUBSECTION (4) SHALL BE IMPLEMENTED ONLY UPON REQUEST OF THE VICTIM OR A MEMBER OF THE VICTIM'S IMMEDIATE FAMILY.

(b) IN ANY SCHOOL DISTRICT THAT HAS ONLY ONE SCHOOL IN WHICH THE EXPELLED STUDENT CAN ENROLL, THE SCHOOL DISTRICT SHALL EITHER:

(I) PROHIBIT THE STUDENT EXPELLED FROM THE SCHOOL DISTRICT PURSUANT TO PARAGRAPH (c) OR (d) OF SUBSECTION (1) OF THIS SECTION FROM ENROLLING OR REENROLLING IN THE SAME SCHOOL IN WHICH THE VICTIM OF THE OFFENSE OR MEMBER OF A VICTIM'S IMMEDIATE FAMILY IS ENROLLED OR EMPLOYED; OR

(II) DESIGN A SCHEDULE FOR THE EXPELLED STUDENT THAT, TO THE EXTENT

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

POSSIBLE, AVOIDS CONTACT BETWEEN THE EXPELLED STUDENT AND THE VICTIM OR A MEMBER OF THE VICTIM'S IMMEDIATE FAMILY.

(c) THE PROVISIONS OF THIS SUBSECTION (4) SHALL NOT APPLY TO AN OFFENSE THAT CONSTITUTES A CRIME AGAINST PROPERTY.

(d) THE PROVISIONS OF THIS SUBSECTION (4) SHALL APPLY ONLY IF THE EXPELLED STUDENT IS CONVICTED, IS ADJUDICATED A JUVENILE DELINQUENT, RECEIVES A DEFERRED JUDGMENT, OR IS PLACED IN A DIVERSION PROGRAM AS A RESULT OF COMMITTING THE OFFENSE FOR WHICH THE STUDENT WAS EXPELLED. PRIOR TO IMPLEMENTATION OF THE PROVISIONS OF THIS SUBSECTION (4), THE SCHOOL DISTRICT SHALL CONTACT THE APPROPRIATE COURT TO DETERMINE WHETHER THE PROVISIONS OF THIS SUBSECTION (4) APPLY TO AN EXPELLED STUDENT. THE SCHOOL DISTRICT SHALL BE AUTHORIZED BY THE PROVISIONS OF SECTION 19-1-303 (1) (b), C.R.S., TO OBTAIN SUCH INFORMATION.

(e) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY COUNTY OR DISTRICT COURT SHALL HAVE ORIGINAL CONCURRENT JURISDICTION TO ISSUE A TEMPORARY OR PERMANENT CIVIL RESTRAINING ORDER THAT ENJOINS THE EXPELLED STUDENT FROM ENROLLING OR REENROLLING IN THE SAME SCHOOL IN WHICH THE VICTIM OF THE OFFENSE OR MEMBER OF A VICTIM'S IMMEDIATE FAMILY IS ENROLLED OR EMPLOYED.

(II) A MOTION FOR A TEMPORARY CIVIL RESTRAINING ORDER PURSUANT TO THIS PARAGRAPH (e) SHALL BE SET FOR HEARING, WHICH HEARING SHALL BE EX PARTE, AT THE EARLIEST POSSIBLE TIME AND SHALL TAKE PRECEDENCE OVER ALL MATTERS EXCEPT THOSE MATTERS OF THE SAME CHARACTER THAT HAVE BEEN ON THE COURT DOCKET FOR A LONGER PERIOD OF TIME. THE COURT SHALL HEAR ALL SUCH MOTIONS AS EXPEDITIOUSLY AS POSSIBLE.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 1999, and shall apply to offenses committed on or after said date.

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 22, 1999