

CHAPTER 210

CRIMINAL LAW AND PROCEDURE

SENATE BILL 11-133

BY SENATOR(S) Hudak and Newell, Foster, Giron, Steadman, Bacon, Jahn, King K., Nicholson;
 also REPRESENTATIVE(S) Nikkel, Ferrandino, Gardner B., Kagan, Levy, Waller, Solano, Beezley, Brown, Conti, Court, Duran,
 Fields, Gerou, Hamner, Kerr A., Kerr J., Labuda, Lee, Looper, Massey, McCann, Murray, Pace, Peniston, Priola, Ramirez,
 Schafer S., Summers, Todd, Vigil, Wilson.

AN ACT**CONCERNING A STUDY OF DISCIPLINARY ACTIONS TAKEN IN PUBLIC SCHOOLS.**

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

SECTION 1. Part 1 of article 33 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-33-111. School discipline study - legislative declaration - task force appointed - report - repeal. (1) (a) THE GENERAL ASSEMBLY FINDS THAT:

(I) SECTION 2 OF ARTICLE IX OF THE STATE CONSTITUTION PROVIDES FOR THE ESTABLISHMENT OF A THOROUGH AND UNIFORM SYSTEM OF PUBLIC SCHOOLS WITH THE PURPOSE OF PROVIDING FREE EDUCATION FOR ALL CHILDREN IN THE STATE SO THAT THEY ARE PREPARED TO BECOME PRODUCTIVE AND ENGAGED MEMBERS OF SOCIETY;

(II) TO THAT END, PUBLIC SCHOOLS SHOULD BE SAFE, WELCOMING, AND ENGAGING PLACES FOR CHILDREN TO LEARN. SCHOOL DISCIPLINE POLICIES AND PRACTICES SHOULD BE DESIGNED TO PROTECT STUDENTS FROM HARM, CREATE HEALTHY AND PRODUCTIVE LEARNING ENVIRONMENTS, ASSIST YOUTH IN LEARNING FROM THEIR MISTAKES, AND MAXIMIZE STUDENTS' OPPORTUNITIES TO LEARN.

(III) IN PUBLIC SCHOOLS ACROSS THE STATE, ZERO-TOLERANCE POLICIES HAVE LED TO STUDENTS BEING REMOVED FROM SCHOOL THROUGH OUT-OF-SCHOOL SUSPENSION, EXPULSION, AND REFERRALS TO ALTERNATIVE SCHOOLS FOR MINOR INCIDENTS OF MISBEHAVIOR THAT COULD BE MORE APPROPRIATELY DEALT WITH USING MORE EFFECTIVE STRATEGIES;

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

(IV) SIMILARLY, PUBLIC SCHOOLS ACROSS THE STATE, STUDENTS ARE BEING TICKETED, ARRESTED, OR OTHERWISE REFERRED TO LAW ENFORCEMENT OFFICIALS FOR MINOR MISBEHAVIOR THAT COULD BE DEALT WITH USING MORE EFFECTIVE SCHOOL DISCIPLINARY METHODS; AND

(V) THESE PROBLEMS EXIST AND THEY CONTRIBUTE TO HIGH DROPOUT RATES, LOW GRADUATION RATES, ACHIEVEMENT GAPS, AND LONG-TERM COSTS TO THE COMMUNITY IN THE FORM OF LESS EDUCATED AND LESS PRODUCTIVE CITIZENS.

(b) THE GENERAL ASSEMBLY DECLARES THAT IT IS NECESSARY AND APPROPRIATE TO CREATE A LEGISLATIVE TASK FORCE TO ASSESS THE CURRENT USE OF SCHOOL DISCIPLINE STRATEGIES AS THEY RELATE TO THE JUVENILE JUSTICE SYSTEM, ALONG WITH EVIDENCE-BASED SOLUTIONS THAT PROMOTE DISCIPLINE STRATEGIES TO KEEP STUDENTS IN SCHOOL AND REDUCE THE CRIMINALIZATION OF SCHOOL-BASED BEHAVIORS.

(2) THERE IS HEREBY CREATED A LEGISLATIVE TASK FORCE TO STUDY AND ASSESS:

(a) CURRENT SCHOOL DISCIPLINE PRACTICES AND STATUTES CONCERNING ZERO TOLERANCE PRACTICES IN COLORADO SCHOOLS;

(b) THE USE OF LAW ENFORCEMENT TICKETS, ARRESTS, AND OTHER JUVENILE JUSTICE SANCTIONS FOR SCHOOL-BASED BEHAVIORS IN ELEMENTARY AND SECONDARY PUBLIC SCHOOLS IN COLORADO; AND

(c) THE INTERACTION OF SCHOOL DISCIPLINE PRACTICES WITH THE JUVENILE JUSTICE SYSTEM IN COLORADO.

(3) (a) (I) THE TASK FORCE SHALL CONSIST OF SIX LEGISLATIVE MEMBERS APPOINTED AS FOLLOWS:

(A) THREE MEMBERS OF THE SENATE, TWO OF WHOM ARE APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE OF WHOM IS APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

(B) THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES, TWO OF WHOM ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE OF WHOM IS APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

(II) THE APPOINTING AUTHORITIES SHALL MAKE THEIR APPOINTMENTS NO LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. THE PRESIDENT OF THE SENATE SHALL SELECT A LEGISLATIVE TASK FORCE MEMBER TO SERVE AS CHAIR OF THE TASK FORCE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SELECT A LEGISLATIVE MEMBER OF THE TASK FORCE TO SERVE AS VICE-CHAIR OF THE TASK FORCE.

(b) (I) THE CHAIR AND VICE-CHAIR OF THE TASK FORCE SHALL JOINTLY SELECT UP TO TEN PERSONS TO SERVE AS NONVOTING MEMBERS OF THE TASK FORCE AND TO ASSIST THE LEGISLATIVE TASK FORCE MEMBERS IN REVIEWING THE ISSUES IDENTIFIED

IN THIS SECTION. THE NONVOTING MEMBERS SHALL INCLUDE PERSONS WITH KNOWLEDGE AND EXPERIENCE IN THE AREAS OF SCHOOL DISCIPLINE AND JUVENILE JUSTICE AND WHO REPRESENT THE FOLLOWING CONSTITUENCIES:

- (A) SCHOOL DISTRICTS;
- (B) TEACHERS AND ADMINISTRATORS EMPLOYED IN PUBLIC SCHOOLS;
- (C) STUDENTS AND PARENTS OF STUDENTS ENROLLED IN PUBLIC SCHOOLS;
- (D) LAW ENFORCEMENT AGENCIES;
- (E) DISTRICT ATTORNEYS;
- (F) CRIMINAL DEFENSE ATTORNEYS;
- (G) RESTORATIVE JUSTICE PRACTITIONERS; AND
- (H) COMMUNITY ORGANIZATIONS.

(II) THE NONVOTING TASK FORCE MEMBERS SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

(4) (a) THE TASK FORCE SHALL HOLD AT LEAST FOUR PUBLIC MEETINGS AND MAY HOLD ADDITIONAL PUBLIC MEETINGS AS DEEMED NECESSARY BY THE CHAIR. AT THE MEETINGS, THE TASK FORCE SHALL TAKE TESTIMONY ON AND DISCUSS THE TOPICS SPECIFIED IN SUBSECTION (2) OF THIS SECTION. THE TASK FORCE MAY ALSO SOLICIT AND RECEIVE WRITTEN COMMENTS FROM MEMBERS OF THE PUBLIC.

(b) IN ADDITION TO TESTIMONY, THE TASK FORCE SHALL REVIEW ANY AVAILABLE, NON-IDENTIFYING COLORADO DATA COLLECTED BY THE DEPARTMENT OF EDUCATION, SCHOOL DISTRICTS, OR LAW ENFORCEMENT AGENCIES IN STUDYING ISSUES RELATING TO ZERO-TOLERANCE LAWS AND PRACTICES AND THE USE OF JUVENILE JUSTICE SANCTIONS FOR SCHOOL-BASED ADOLESCENT BEHAVIORS. THE TASK FORCE MAY ALSO SOLICIT INFORMATION FROM THE NATIONAL CONFERENCE OF STATE LEGISLATURES, OTHER NATIONAL RESEARCH ORGANIZATIONS, AND OTHER STATES OR ORGANIZATIONS THAT HAVE STUDIED OR INTRODUCED LEGISLATION CONCERNING EVIDENCE-BASED PRACTICES FOR ADDRESSING SCHOOL DISCIPLINE ISSUES.

(5) THE LEGISLATIVE COUNCIL STAFF AND THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL PROVIDE STAFF SUPPORT TO THE TASK FORCE.

(6) THE TASK FORCE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS FOR LEGISLATION TO THE LEGISLATIVE COUNCIL IN ACCORDANCE WITH JOINT RULE 24 (b) (1) (D) OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AND SHALL BE SUBJECT TO THE LIMITATIONS ON BILLS SPECIFIED IN SAID JOINT RULE.

(7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 2. No appropriation. The general assembly has determined that this

act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

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: May 23, 2011