

STATE OF COLORADO

Colorado General Assembly

Natalie Castle, Director
Legislative Council Staff

Colorado Legislative Council
200 E. Colfax Ave., Room 029
Denver, Colorado 80203-1716
Telephone 303-866-3521
Facsimile 303-866-3855
Email: lcs.ga@coleg.gov



Ed DeCecco, Director
Office of Legislative Legal Services

Office of Legislative Legal Services
200 E. Colfax Ave., Room 091
Denver, Colorado 80203-1716
Telephone 303-866-2045
Email: olls.ga@coleg.gov

MEMORANDUM

TO: Lori Gimelshteyn and Erin Lee
FROM: Legislative Council Staff and Office of Legislative Legal Services
DATE: January 18, 2024
SUBJECT: Proposed Initiative Measure 2023-2024 #143, concerning Parental Rights to Review Public Education Records

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

Purpose

The major purpose of the proposed amendment to the Colorado Revised Statutes appears to be to establish the right of a parent to review the public education records of their children within 48 hours of requesting to review the records, including any materials the child has access to in a public education library, a public education online

resource, a public education classroom, or at any school or student sponsored extracurricular event.

Substantive Comments and Questions

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiative?
2. Title 19, C.R.S., is the "Colorado Children's Code" and primarily concerns dependency and neglect proceedings, the juvenile justice system, and child custody proceedings. The proposed initiative seems to relate to public schools, which may fit more appropriately within Title 22, C.R.S. What is the proponents' intent in placing the provision in Title 19?
3. In proposed section 19-1-132 (1), the legislative declaration is written in regular type. A statutory legislative declaration must appear in small caps. If it is not the proponents' intent to create a statutory legislative declaration, then the nonstatutory legislative declaration should have a separate section heading. For example:

SECTION 1. Legislative declaration.

SECTION 2. In Colorado Revised Statutes, **add** 19-1-132 as follows:

4. In proposed section 19-1-132 (2), the headnote "Definitions." should be in bold type.
5. In proposed section 19-1-132 (2)(c), the term "public education" is defined to mean "any preschool, primary or secondary school..." In proposed section 19-1-132 (3), the proposed initiative references "a child enrolled in public education." However, students are enrolled in schools, not education. For clarity, please consider defining the term "public school" instead of "public education" and using the defined term consistently throughout the proposed section.
6. In proposed section 19-1-132 (2)(c), the definition of "public education" states it is a school "that receives state and/or federal funds." Standard drafting practice prohibits the use of slashes. The proponents should consider using only "and" or "or."

7. In proposed section 19-1-132 (3), the terms "parent(s)" and "parent(s)'s" are used. It is standard drafting practice to only reference the singular term "parent," which includes the plural term.
8. Proposed section 19-1-132 (3) states a parent has the right to review the public education records of the parent's child within 48 hours of making a request. Who does the request need to be made to? What happens if the request is made before a weekend or holiday? What happens if the parent doesn't receive the records within 48 hours?

Technical Comments

The following comments address technical issues raised by the form of the proposed initiative. These comments will be read aloud at the public meeting only if the proponents so request. You will have the opportunity to ask questions about these comments at the review and comment meeting. Please consider revising the proposed initiative as suggested below.

1. In the legislative declaration, a comma should follow "We" and the comma after "decisions" should be removed.
2. The first letter of each definition should be capitalized. Please consider correcting the capitalization at the beginning of each definition in proposed section 19-1-132 (2).
3. It is standard drafting practice to use a period at the end of each definition. Please consider changing the semi-colon to a period at the end of each definition in proposed section 19-1-132 (2).
4. It is standard drafting practice to spell out numbers rather than using digits in the Colorado Revised Statutes. Please consider correcting the reference to "18 years" in proposed section 19-1-132 (2)(a) and "48 hours" in proposed section 19-1-132 (3).
5. In proposed section 19-1-132 (2)(a), the word "Emancipated" is capitalized. Is it the proponents' intent to capitalize "Emancipated"? If not, please use small capitalization.