

## Notes on prepared amendments to single bill 12-0200 at 10/18 meeting

### What does Amendment 1 do?

- a. Imposes the new OLLS amending clause format throughout the bill. The new amending clause format uses active (rather than passive) language and allows us to fit more content under each single bill section.
- b. Reorganizes the provisions of the bill that address statutory sections 22-33-105 and 22-33-106 such that all of these provisions appear under one bill section (as opposed to multiple bill sections) for 22-33-105 and another bill section for 22-33-106.
- c. Removes all drafter's notes, comments, and text highlighting from the draft.
- d. Amends the legislative declaration to add language re: ". . . policies and procedures to address behavior that poses a threat to the safety of the students *or employees* of the school;" [my emphasis]
- e. Amends the legislative declaration to soften language indicating that in-school suspensions are a preferable response to a disciplinary episode.
- f. Removes from the legislative declaration the language on page 5, lines 17 and 18 referring to "ARREST OF, OR SUMMONS ISSUED TO, A STUDENT".
- g. Replaces language on page 6, lines 9 and 10 with "IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-32-145 AND OTHER APPLICABLE STATE AND FEDERAL LAWS."
- h. Removes from pages 15 and 16 the language concerning "disciplinary information" to be provided to parents. (I had formerly moved this language here from its current location at 22-32-126 (5), C.R.S.)
- i. Softens language at page 18, lines 15 and 16, which formerly indicated that in-school suspensions are a preferable response to a disciplinary episode.
- j. Replaces "statewide" with "local or statewide" on lines 7 and 9 of page 19.
- k. Eliminates the attempted reorganization of the safe school reporting categories and goes back to the existing language, with the addition of two new reporting categories for sexual assault and domestic violence.
- l. Clarifies that a school is not prohibited from utilizing a peace officer who is "RESPONDING TO AN IMMEDIATE THREAT TO THE SAFETY OF THE STUDENTS OR

EMPLOYEES OF A SCHOOL".

m. Clarifies that a peace officer who arrests or issues a summons to a student is required to report the arrest or issuance of summons to the school principal only if the arrest was made or the summons was issued on school grounds.

n. Changes "RECEIVES CONTINUOUS" to "CONTINUES TO RECEIVE" on page 26, line 13; on page 41, line 22; and on page 42, line 2.

o. Amends the existing definition of "expelled student" at 22-38-103., C.R.S.

**What does Amendment 2 do?**

Amends 22-11-503 (3) (c) to replace the described reporting categories there with a cross-reference to the safe school reporting categories.

**What does Amendment 3 do?**

Amends the dress code language

**What does Amendment 4 do?**

Adds a list of certain behaviors that *shall* result in a referral to law enforcement.  
This amendment conflicts with Amendment 16.

**What does Amendment 5 do?**

Removes "WHICH APPROACHES DO NOT INCLUDE THE ARREST OF, OR SUMMONSES ISSUED TO, STUDENTS" language on page 18, lines 23 and 24.

**What does Amendment 6 do?**

Changes "SHALL" to "MAY" on page 19, line 2 so that a district board's consultations with certain parties in the creation of the C&D code become discretionary rather than required.

**What does Amendment 7 do?**

Adds certain parties for a district board to consult with in the creation of the C&D code.

**What does Amendment 8 do?**

Returns "referral to a law enforcement agency" to the definition of "action taken" (as in current law).

~~This amendment is included within Amendment 17.~~

#### **What does Amendment 9 do?**

Softens the requirement that SRO report to the school principal an arrest of, or summons issued to, a student. The requirement is amended from "within twenty-four hours" after the arrest or summons issuance to "not less than thirty days" after the arrest or summons issuance.

#### **What does Amendment 10 do?**

Imposes a 10-day time frame in which to file an appeal of an expulsion hearing decision.

#### **What does Amendment 11 do?**

Amends the language requiring that a school develop a "remedial discipline plan" for a student before designating the child a "habitually disruptive student". The language is amended to require an "assessment" instead, and the school administration shall encourage and solicit the full participation of not only the student's parent, guardian, or legal custodian but also of "other parties, as may be appropriate" in the development of the assessment.

#### **What does Amendment 12 do?**

Removes the section of the bill that adds a new subsection (7) to 18-9-109, C.R.S., stating that the existing criminal offense of "interference" is not intended to be used against students.

#### **What does Amendment 13 do?**

[There is no amendment 13.]

#### **What does Amendment 14 do?**

Amends 22-33-203 (3) to require a school district to contact an expelled student's parent or guardian at least once every 30 days, rather than at least once every 60 days, to determine if the student is receiving educational services from another source.

#### **What does Amendment 15 do?**

Removes the new requirement in the prior bill draft that a suspending authority shall award a student "full academic credit" for school work made up during a period of suspension. (Current law allows the school district to determine the amount of credit such a student shall receive.)

#### **What does Amendment 16 do?**

Removes the language requiring school districts to include in their C&D codes criteria distinguishing minor behavior from behavior that will result in a referral to a law enforcement agency.

~~This amendment conflicts with Amendment 4.~~

#### **What does Amendment 17 do?**

Adds language to define "referral to a law enforcement agency" and to clarify that the term does not refer to "routine or incidental communication between a school administrator, teacher, or other school employee and a law enforcement officer who, as part of his or her professional duties, serves full time or part time as an on-site resource officer at a school."

~~This amendment includes Amendment 8, plus the definition language~~

#### **What does Amendment 18 do?**

Amends the definition of "expulsion" to specify that an expulsion is "FOR THE REMAINDER OF THE ACADEMIC TERM IN WHICH THE OFFENSE THAT IS THE BASIS OF THE EXPULSION OCCURRED, FOR THE REMAINDER OF THE ACADEMIC YEAR, OR FOR THE DURATION OF THE ACADEMIC TERM IMMEDIATELY FOLLOWING THE ACADEMIC TERM IN WHICH THE OFFENSE OCCURRED".

#### **What does Amendment 19 do?**

Amends the expulsion hearing process in 22-33-105 (2) (c) to eliminate the existing language ". . . if one is requested by the parent, guardian or legal custodian".

~~Lines 1 and 2 of this amendment conflict with Amendment 26.~~

#### **What does Amendment 20 do?**

[There is no amendment 20.]

#### **What does Amendment 21 do?**

Removes text on p. 18 referring to "conduct that poses a serious and credible

threat" and replaces it with a cross reference to the grounds for suspension and expulsion described in 22-33-106 (1) and (1.5).

**What does Amendment 22 do?**

Adds a requirement that a school include within its C&D code a specific policy concerning prevention of sexual assault and domestic violence, and requires the principal of each school to report this policy annually.

**What does Amendment 23 do?**

Adds language to allow the P.O.S.T. board to award credit to current and prospective SROs who have already completed some other form of SRO certification.

**What does Amendment 24 do?**

Creates an exception allowing a school administrator or district board to utilize a peace officer acting in his or her official capacity in a public school if the peace officer has enrolled in the school resource officer training curriculum and is projected to successfully complete the curriculum within the next sixty days.

**What does Amendment 25 do?**

Adds a definition for "Referral to a law enforcement agency", substitutes this term within the reporting requirements described in paragraph (b) at the bottom of page 23, and eliminates the paragraphs (c) and (d) that directly follow.

**What does Amendment 26 do?**

Amends the language in 22-33-105 (2) (c) concerning an expulsion hearing to state that at the hearing, "THE CHILD OR THE CHILD'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN MAY PRESENT EVIDENCE AND TESTIMONY ON THE CHILD'S BEHALF; BRING FORTH INTERESTED PERSONS TO TESTIFY ON THE CHILD'S BEHALF; ASK QUESTIONS OF ANY SCHOOL ADMINISTRATORS, SCHOOL EMPLOYEES, OR MEMBERS OF THE LOCAL BOARD OF EDUCATION WHO ARE PRESENT AT THE HEARING; AND BE REPRESENTED BY AN ATTORNEY."

**This amendment conflicts with lines 1 and 2 of Amendment 19.**