I am writing this email as my testimony to the Legislative Task Force to Study School Discipline. My name is Jessica Curtis and I am a private attorney in Colorado Springs. I currently contract with Alternate Defense Counsel to provide indigent defense services to juveniles in delinquency actions. My concern today is with the current use of C.R.S. 18-9-109(2) as a vehicle for charging students who display relatively low levels of simple defiance and disobedience in the school setting. In the 4th Judicial District, it appears routine to charge students under this provision, resulting in children who are not otherwise engaging in delinquent behavior to become involved with the juvenile justice system.

As a recent example, I represented a young man, V.E., with no previous delinquency history. V.E., along with his sister, M.E., became upset at the way staff had handled an altercation between the sister and another female student. V.E. and his sister felt that they had been disrespected by staff, and they both began to argue with staff in the hallway. V.E. did use profane language at one point during the incident, telling the SRO who responded to the incident, "Don't f----- touch me". However, he allowed himself to be escorted to the door of the school upon being told by the SRO and staff that since the altercation was becoming a distraction and that he was uncooperative, he needed to leave the premises. Once at the door, V.E. initially refused to leave the premises without his sister, M.E., but after about two to three minutes he left the building and waited in a car outside until his sister came out. The SRO at school spent some time interviewing the sister and ended up charging her for her role in the fight with another female student. He then went out to the parking lot and contacted V.E., who had now been in the parking lot for some time sitting quietly, and served him with a summons for Interference with School Staff under C.R.S. 19-9-109(2). Once the case was filed into juvenile court, V.E. ultimately decided to accept a plea bargain rather than risk the judicial officer's interpretation of whether his behavior rose to the level described in the statute. The offer was for V.E. to complete our local Restorative Justice Program successfully, which he did. Unfortunately, in our jurisdiction, the Restorative Justice Program is a *post-adjudication* program, so V.E. now has a misdemeanor adjudication on his record.

An additional concern for me about the current use of C.R.S. 18-9-109(2) in Colorado has arisen through my participation in meetings of the Education Working Group of the Juvenile Task Force of the Colorado Commission on Criminal and Juvenile Justice. Through my participation in those meetings, it has become very clear to me that different jurisdictions interpret and use the statute in vastly different ways. One representative in those meetings described how schools in her jurisdiction have interpreted that statute to be directed at behavior that is such an impediment that, in effect, almost completely shuts down the operation of the school while the incident is occurring. Others have stated that their understanding that the statute was only intended to be directed at adults or non-students. In the 4th Judicial District, I have routinely seen children charged and adjudicated for what appears to be simple acts of disobedience and/or defiance, as in the case of V.E.

Thank you all for your consideration of my testimony.

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