

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 11-0680.01 Julie Pelegrin

**SENATE BILL 11-133**

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**SENATE SPONSORSHIP**

**Hudak and Newell**, Foster, Giron, Steadman, Bacon, Jahn, King K.

**HOUSE SPONSORSHIP**

**Nikkel**, Ferrandino, Gardner B., Kagan, Levy, Waller, Solano

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**Senate Committees**  
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**A BILL FOR AN ACT**

101     **CONCERNING A STUDY OF DISCIPLINARY ACTIONS TAKEN IN PUBLIC**  
102     **SCHOOLS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill directs the Colorado commission on criminal and juvenile justice (commission) to instruct the juvenile justice task force (task force) to create a working group to study and collect data concerning the use of criminal justice sanctions and specified school discipline strategies in the public schools in the state. The working group, at a minimum, will seek

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

input from students, parents, community organizations, and school and school district employees in conducting the study. In conducting the study, the working group shall request and may receive nonidentifying information from law enforcement agencies, school districts, public schools, and state agencies. The working group is also encouraged to conduct other qualitative research and to hold public hearings around the state.

The working group will report its findings and recommendations to the task force, which will report to the commission by November 15, 2011. By December 15, 2011, the commission will report its findings and any recommendations for legislative changes to the education and judiciary committees of the general assembly.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds that:

4 (a) Section 2 of article IX of the state constitution provides for the  
5 establishment of a thorough and uniform system of public schools with  
6 the purpose of providing free education for all children in the state so that  
7 they are prepared to become productive and engaged members of society;

8 (b) To that end, public schools should be safe, welcoming, and  
9 engaging places for children to learn. School discipline policies and  
10 practices should be designed to protect students from harm, create healthy  
11 and productive learning environments, assist youth in learning from their  
12 mistakes, and maximize students' opportunities to learn.

13 (c) In too many public schools across the state, zero-tolerance  
14 policies have led to students being removed from school through  
15 out-of-school suspension, expulsion, and referrals to alternative schools  
16 for minor incidents of misbehavior that could be more appropriately dealt  
17 with using more effective strategies;

18 (d) Similarly, in too many public schools across the state, students  
19 are being ticketed, arrested, or otherwise referred to law enforcement

1 officials for minor misbehavior that could be dealt with using more  
2 effective school disciplinary methods;

3 (e) African American, Latino, and Native American students are  
4 disproportionately affected by these disciplinary practices, creating racial  
5 disparities in the use of out-of-school suspension, expulsion, referrals to  
6 alternative schools, tickets, arrests, and referrals to law enforcement  
7 officials across the state;

8 (f) There is a general consensus that these problems exist and that  
9 they contribute to high dropout rates, low graduation rates, achievement  
10 gaps, and long-term costs to the community in the form of less educated  
11 and less productive citizens;

12 (g) In 2007, the general assembly created the Colorado  
13 commission on criminal and juvenile justice, referred to in this section as  
14 the "commission", in article 11.3 of title 16, Colorado Revised Statutes;

15 (h) The commission was tasked with enhancing public safety,  
16 ensuring justice, and ensuring the protection of the rights of victims  
17 through the cost-effective use of public resources by studying  
18 evidence-based recidivism-reduction initiatives that ensure the  
19 cost-effective expenditure of limited criminal justice moneys; and

20 (i) Since its creation, the commission has created a number of task  
21 forces to address various issues within its charge, including creating the  
22 task force on juvenile justice issues in 2010.

23 (2) The general assembly concludes, therefore, that the issues  
24 specified in subsection (1) of this section concerning the current use of  
25 school discipline strategies warrant a direction to the commission to  
26 assign to the task force on juvenile justice issues the duty of studying and  
27 addressing these issues.

1           **SECTION 2.** Article 11.3 of title 16, Colorado Revised Statutes,  
2 is amended BY THE ADDITION OF A NEW SECTION to read:

3           **16-11.3-103.5. School discipline strategies - study - repeal.**

4           (1) THE COMMISSION SHALL DIRECT THE TASK FORCE CREATED TO  
5 ADDRESS JUVENILE JUSTICE ISSUES, REFERRED TO IN THIS SECTION AS THE  
6 "TASK FORCE", TO CREATE A WORKING GROUP TO STUDY AND COLLECT  
7 DATA, AS AVAILABLE, CONCERNING THE STRATEGIES USED BY PUBLIC  
8 SCHOOLS TO ENFORCE STUDENT DISCIPLINE. THE WORKING GROUP SHALL  
9 STUDY AND PROVIDE INFORMATION TO THE TASK FORCE CONCERNING:

10           (a) THE USE OF LAW ENFORCEMENT SANCTIONS, INCLUDING BUT  
11 NOT LIMITED TO ISSUING TICKETS, ARRESTING STUDENTS, AND  
12 IMPLEMENTING OTHER CRIMINAL AND JUVENILE JUSTICE SANCTIONS IN  
13 COLORADO PUBLIC SCHOOLS AND THE EFFECTS OF THESE SANCTIONS;

14           (b) THE USE OF OUT-OF-SCHOOL SUSPENSIONS, EXPULSIONS, AND  
15 REFERRALS TO ALTERNATIVE SCHOOLS AS SCHOOL DISCIPLINE STRATEGIES  
16 FOR STUDENTS IN COLORADO PUBLIC SCHOOLS AND THE EFFECTS OF THESE  
17 STRATEGIES; AND

18           (c) THE EXTENT TO WHICH THE SANCTIONS AND STRATEGIES  
19 SPECIFIED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (1)  
20 DISPROPORTIONATELY AFFECT AFRICAN AMERICAN, LATINO, AND NATIVE  
21 AMERICAN STUDENTS.

22           (2) IN CONDUCTING THE SCHOOL DISCIPLINE STUDY, THE WORKING  
23 GROUP SHALL SEEK INPUT FROM AND WORK WITH THE FOLLOWING GROUPS:

24           (a) COMMUNITY ORGANIZATIONS THAT WORK WITH YOUTH AND  
25 PARENTS AND THAT HAVE AN ESTABLISHED HISTORY OF WORKING IN  
26 EDUCATION AND SCHOOL DISCIPLINE ISSUES;

27           (b) STUDENTS ENROLLED IN PUBLIC SCHOOLS IN ALL AREAS OF THE

1 STATE AND WHO ARE REPRESENTATIVE OF THE ETHNIC DIVERSITY OF THE  
2 STATE'S PUBLIC SCHOOL POPULATION, INCLUDING BUT NOT LIMITED TO  
3 YOUTH WHO HAVE RECEIVED TICKETS OR BEEN ARRESTED OR OTHERWISE  
4 CRIMINALLY CITED IN SCHOOL;

5 (c) PARENTS OF STUDENTS DESCRIBED IN PARAGRAPH (b) OF THIS  
6 SUBSECTION (2);

7 (d) PERSONS EMPLOYED AS TEACHERS, SCHOOL COUNSELORS,  
8 SCHOOL SOCIAL WORKERS, SCHOOL PSYCHOLOGISTS, AND SCHOOL  
9 ADMINISTRATORS IN THE PUBLIC SCHOOLS AND SCHOOL DISTRICTS IN THE  
10 STATE;

11 (e) PERSONS WHO ARE EXPERTS IN RESTORATIVE JUSTICE  
12 PROGRAMS;

13 (f) SCHOOL RESOURCE OFFICERS; AND

14 (g) LAW ENFORCEMENT OFFICERS WHO ARE BASED IN PUBLIC  
15 SCHOOLS IN THE STATE.

16 (3) IN CONDUCTING THE SCHOOL DISCIPLINE STUDY PURSUANT TO  
17 THIS SECTION, THE WORKING GROUP SHALL REQUEST NONIDENTIFYING  
18 INFORMATION FROM LOCAL LAW ENFORCEMENT AGENCIES, SCHOOL  
19 DISTRICTS, CHARTER SCHOOLS, THE DEPARTMENT OF EDUCATION, THE  
20 DEPARTMENT OF PUBLIC SAFETY, AND THE DEPARTMENT OF CORRECTIONS,  
21 AND SAID AGENCIES, SCHOOL DISTRICTS, SCHOOLS, AND DEPARTMENTS  
22 MAY PROVIDE THE INFORMATION.

23 (4) THE WORKING GROUP IS ENCOURAGED TO CONDUCT RESEARCH  
24 THAT MAY INCLUDE, BUT NEED NOT BE LIMITED TO, SURVEYS, FOCUS  
25 GROUPS, AND OTHER QUALITATIVE DATA GATHERING. THE WORKING  
26 GROUP IS ALSO ENCOURAGED TO HOLD PUBLIC HEARINGS IN VARIOUS  
27 AREAS OF THE STATE TO TAKE TESTIMONY CONCERNING THE ISSUES

1 IDENTIFIED IN SUBSECTION (1) OF THIS SECTION.

2 (5) THE WORKING GROUP SHALL PRESENT ITS FINDINGS AND  
3 RECOMMENDATIONS, INCLUDING ANY RECOMMENDATIONS AND ANY  
4 PROPOSED LANGUAGE FOR STATUTORY OR REGULATORY CHANGES, TO THE  
5 TASK FORCE. NO LATER THAN NOVEMBER 15, 2011, THE TASK FORCE  
6 SHALL SUBMIT TO THE COMMISSION A WRITTEN REPORT THAT INCLUDES,  
7 BUT NEED NOT BE LIMITED TO:

8 (a) AN OVERVIEW OF THE USE OF THE SCHOOL DISCIPLINE  
9 STRATEGIES SPECIFIED IN SUBSECTION (1) OF THIS SECTION, INCLUDING A  
10 REVIEW OF THE DATA AND IDENTIFICATION OF ANY SIGNIFICANT DATA  
11 THAT IS UNAVAILABLE;

12 (b) A REVIEW OF THE DISCIPLINE POLICIES AND USE OF CRIMINAL  
13 JUSTICE SANCTIONS IN THE SCHOOL DISTRICTS AND PUBLIC SCHOOLS IN THE  
14 STATE;

15 (c) RECOMMENDATIONS FOR ALTERNATIVE STRATEGIES FOR  
16 SCHOOL DISCIPLINE; AND

17 (d) ANY RECOMMENDATIONS FOR STATUTORY OR REGULATORY  
18 CHANGES BASED ON THE FINDINGS IN THE REPORT, WHICH  
19 RECOMMENDATIONS MAY INCLUDE PROPOSED REGULATORY OR  
20 STATUTORY LANGUAGE.

21 (6) NO LATER THAN DECEMBER 15, 2011, THE COMMISSION, BASED  
22 ON THE REPORT RECEIVED PURSUANT TO SUBSECTION (5) OF THIS SECTION,  
23 SHALL SUBMIT ITS WRITTEN FINDINGS CONCERNING SCHOOL DISCIPLINE TO  
24 THE EDUCATION AND JUDICIARY COMMITTEES OF THE HOUSE OF  
25 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES. IN  
26 ADDITION TO THE FINDINGS OF THE COMMISSION WITH REGARD TO THE  
27 REPORT SUBMITTED PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE

1 COMMISSION MAY RECOMMEND LEGISLATIVE CHANGES, WHICH  
2 RECOMMENDATIONS MAY INCLUDE PROPOSED STATUTORY LANGUAGE.

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

4 **SECTION 3. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, and safety.