

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0680.01 Julie Pelegrin

SENATE BILL 11-133

SENATE SPONSORSHIP

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

HOUSE SPONSORSHIP

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

Senate Committees

Judiciary
Legislative Council

House Committees

A BILL FOR AN ACT

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

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.

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

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

5 22-33-111. School discipline study - legislative declaration -
6 task force appointed - report - repeal. (1) (a) THE GENERAL ASSEMBLY
7 FINDS THAT:

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

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

19 (III) IN PUBLIC SCHOOLS ACROSS THE STATE, ZERO-TOLERANCE

1 POLICIES HAVE LED TO STUDENTS BEING REMOVED FROM SCHOOL
2 THROUGH OUT-OF-SCHOOL SUSPENSION, EXPULSION, AND REFERRALS TO
3 ALTERNATIVE SCHOOLS FOR MINOR INCIDENTS OF MISBEHAVIOR THAT
4 COULD BE MORE APPROPRIATELY DEALT WITH USING MORE EFFECTIVE
5 STRATEGIES;

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

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

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

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

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

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

27 (c) THE INTERACTION OF SCHOOL DISCIPLINE PRACTICES WITH THE

1 JUVENILE JUSTICE SYSTEM IN COLORADO.

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

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

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

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

18 (III) NOTWITHSTANDING THE PROVISIONS OF SECTION 2-2-307,
19 C.R.S., THE LEGISLATIVE MEMBERS OF THE TASK FORCE SHALL SERVE
20 WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES
21 INCURRED IN SERVING ON THE TASK FORCE.

22 (b) (I) THE CHAIR AND VICE-CHAIR OF THE TASK FORCE SHALL
23 JOINTLY SELECT UP TO TEN PERSONS TO SERVE AS NON-VOTING MEMBERS
24 OF THE TASK FORCE AND TO ASSIST THE LEGISLATIVE TASK FORCE
25 MEMBERS IN REVIEWING THE ISSUES IDENTIFIED IN THIS SECTION. THE
26 NON-VOTING MEMBERS SHALL INCLUDE PERSONS WITH KNOWLEDGE AND
27 EXPERIENCE IN THE AREAS OF SCHOOL DISCIPLINE AND JUVENILE JUSTICE

1 AND WHO REPRESENT THE FOLLOWING CONSTITUENCIES:

2 (A) SCHOOL DISTRICTS;

3 (B) TEACHERS AND ADMINISTRATORS EMPLOYED IN PUBLIC
4 SCHOOLS;

5 (C) STUDENTS AND PARENTS OF STUDENTS ENROLLED IN PUBLIC
6 SCHOOLS;

7 (D) LAW ENFORCEMENT AGENCIES;

8 (E) DISTRICT ATTORNEYS;

9 (F) CRIMINAL DEFENSE ATTORNEYS;

10 (G) RESTORATIVE JUSTICE PRACTITIONERS; AND

11 (H) COMMUNITY ORGANIZATIONS.

12 (II) THE NON-VOTING TASK FORCE MEMBERS SHALL SERVE
13 WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

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

20 (b) IN ADDITION TO TESTIMONY, THE TASK FORCE SHALL REVIEW
21 ANY AVAILABLE, NON-IDENTIFYING COLORADO DATA COLLECTED BY THE
22 DEPARTMENT OF EDUCATION, SCHOOL DISTRICTS, OR LAW ENFORCEMENT
23 AGENCIES IN STUDYING ISSUES RELATING TO ZERO-TOLERANCE LAWS AND
24 PRACTICES AND THE USE OF JUVENILE JUSTICE SANCTIONS FOR
25 SCHOOL-BASED ADOLESCENT BEHAVIORS. THE TASK FORCE MAY ALSO
26 SOLICIT INFORMATION FROM THE NATIONAL CONFERENCE OF STATE
27 LEGISLATURES, OTHER NATIONAL RESEARCH ORGANIZATIONS, AND OTHER

1 STATES OR ORGANIZATIONS THAT HAVE STUDIED OR INTRODUCED
2 LEGISLATION CONCERNING EVIDENCE-BASED PRACTICES FOR ADDRESSING
3 SCHOOL DISCIPLINE ISSUES.

4 (5) ON OR BEFORE DECEMBER 15, 2011, THE TASK FORCE SHALL
5 SUBMIT TO THE JUDICIARY COMMITTEES AND THE EDUCATION COMMITTEES
6 OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
7 COMMITTEES, WRITTEN RECOMMENDATIONS FOR STATUTORY CHANGES TO
8 ENHANCE THE EFFECTIVENESS OF SCHOOL DISCIPLINE PRACTICES IN
9 ACHIEVING THE GOALS IDENTIFIED IN SUBSECTION (1) OF THIS SECTION.
10 EACH RECOMMENDATION OF THE TASK FORCE REQUIRES THE AFFIRMATIVE
11 CONSENT OF A MAJORITY OF THE LEGISLATIVE MEMBERS. THE TASK FORCE
12 MAY ALSO SUBMIT ONE OR MORE MINORITY REPORTS.

13 (6) (a) THE TASK FORCE SHALL NEITHER RECEIVE NOR EXPEND
14 GENERAL FUND MONEYS IN FULFILLING ITS DUTIES. NEITHER THE
15 LEGISLATIVE COUNCIL STAFF NOR THE OFFICE OF LEGISLATIVE LEGAL
16 SERVICES SHALL PROVIDE STAFF SUPPORT TO THE TASK FORCE. THE TASK
17 FORCE SHALL NOT BE CONSIDERED AN INTERIM COMMITTEE FOR PURPOSES
18 OF RULE 24 (b) (1) (D) OR RULE 24A OF THE JOINT RULES OF THE SENATE
19 AND HOUSE OF REPRESENTATIVES.

20 (b) THE TASK FORCE MAY SOLICIT, ACCEPT, AND EXPEND PUBLIC
21 OR PRIVATE GIFTS, GRANTS, OR DONATIONS, INCLUDING IN-KIND
22 DONATIONS, TO SUPPORT THE TASK FORCE IN FULFILLING ITS DUTIES. ANY
23 MONEYS RECEIVED PURSUANT TO THIS PARAGRAPH (b) SHALL BE
24 CREDITED TO THE LEGISLATIVE DEPARTMENT CASH FUND CREATED IN
25 SECTION 2-2-1601, C.R.S., FOR USE BY THE TASK FORCE.

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

27 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.