HOUSE BILL 15-1240

A BILL FOR AN ACT

CONCERNING REDUCING REFERRALS OF PUBLIC SCHOOL STUDENTS TO LAW ENFORCEMENT AGENCIES.

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.)

Each school district is encouraged to negotiate and enter into a memorandum of understanding with each municipal law enforcement agency and each sheriff's department with jurisdiction over at least one school of the school district to minimize students' contacts with law enforcement agencies and courts as disciplinary responses to school incidents.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 22-32-109.1, amend (3) as follows:

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions. (3) Agreements with state and local agencies. Each board of education shall cooperate and, to the extent possible, develop written agreements with law enforcement officials, the juvenile justice system, and social services, as allowed under state and federal law, to keep each school environment safe, AS FOLLOWS:

(a) Each board of education shall adopt a policy whereby procedures will be used following instances of assault upon, disorderly conduct toward, harassment of, the making knowingly of a false allegation of child abuse against, or any alleged offense under the "Colorado Criminal Code" directed toward a school teacher or school employee or instances of damage occurring on the premises to the personal property of a school teacher or school employee by a student. Such procedures MUST include, at a minimum, the following provisions:

(I) Such school teacher or school employee shall file a complaint with the school administration and the board of education;

(II) The school administration shall, after receipt of such report and proof deemed adequate to the school administration, suspend the student for three days, such suspension to be in accordance with the procedures established therefor, and shall initiate procedures for the
further suspension or expulsion of the student where injury or property
damage has occurred; AND

(c) (III) The school administration shall report the incident to the
district attorney or the appropriate local law enforcement agency or
officer, who shall, upon receiving such report, investigate the incident to
determine the appropriateness of filing criminal charges or initiating
delinquency proceedings.

(b) EACH SCHOOL DISTRICT IS ENCOURAGED TO NEGOTIATE AND
ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH EACH MUNICIPAL
LAW ENFORCEMENT AGENCY AND EACH SHERIFF'S DEPARTMENT WITH
JURISDICTION OVER AT LEAST ONE SCHOOL OF THE SCHOOL DISTRICT TO
ESTABLISH PROCEDURES TO MINIMIZE REFERRALS OF STUDENTS TO LAW
ENFORCEMENT.

SECTION 2. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly (August
5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the
state constitution against this act or an item, section, or part of this act
within such period, then the act, item, section, or part will not take effect
unless approved by the people at the general election to be held in
November 2016 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.