

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0170.01 Richard Sweetman x4333

SENATE BILL 15-051

SENATE SPONSORSHIP

Todd,

HOUSE SPONSORSHIP

Priola,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING LEGAL RECOURSE FOR A STUDENT WHO IS SANCTIONED
102 OR FOUND INELIGIBLE TO PARTICIPATE IN AN
103 EXTRACURRICULAR ACTIVITY.

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>.)

Current law provides that any student who is sanctioned or found to be ineligible to participate in an activity may appeal the sanction or finding. A student who has completed the appeal process may file a petition or complaint with a group of sitting or retired judges or other group of neutral arbitrators.

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.

The bill eliminates the option to file a petition or complaint with a group of sitting or retired judges or other group of neutral arbitrators. Instead, a student who has completed the appeal process may seek a preliminary injunction or restraining order.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-32-116.5, **amend**
3 (9.5) (b) as follows:

4 **22-32-116.5. Extracurricular and interscholastic activities -**
5 **definitions.** (9.5) (b) A student who has completed the appeal process
6 described in paragraph (a) of this subsection (9.5) may file a petition or
7 complaint with a group of sitting or retired judges or other group of
8 neutral arbitrators approved by the school, school district, or any
9 organization or association to which the school or school district belongs.
10 In rendering his or her decision, the judge or arbitrator shall consider
11 whether any rule was properly applied to the student and whether a
12 waiver of any rule should be granted. A final decision shall be rendered
13 by the judge or arbitrator no later than thirty days after the filing of the
14 petition or complaint and shall be binding on the student, the school, the
15 school district, and any association or organization to which the school or
16 school district belongs. Any cost associated with a judge or arbitrator
17 shall be charged equally to the student and any association or organization
18 to which the school or school district belong SEEK A PRELIMINARY
19 INJUNCTION OR RESTRAINING ORDER FROM A COURT OF COMPETENT
20 JURISDICTION.

21 **SECTION 2. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August

1 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2016 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.