

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 15-0801.01 Richard Sweetman x4333

HOUSE BILL 15-1240

HOUSE SPONSORSHIP

Fields,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REDUCING REFERRALS OF PUBLIC SCHOOL STUDENTS TO**
102 **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.

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.*

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

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

4 **22-32-109.1. Board of education - specific powers and duties**
5 **- safe school plan - conduct and discipline code - safe school reporting**
6 **requirements - school response framework - school resource officers**
7 **- definitions.** (3) **Agreements with state and local agencies.** Each board
8 of education shall cooperate and, to the extent possible, develop written
9 agreements with law enforcement officials, the juvenile justice system,
10 and social services, as allowed under state and federal law, to keep each
11 school environment safe, AS FOLLOWS:

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

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

23 ~~(b)~~ (II) The school administration shall, after receipt of such report
24 and proof deemed adequate to the school administration, suspend the
25 student for three days, such suspension to be in accordance with the
26 procedures established therefor, and shall initiate procedures for the

1 further suspension or expulsion of the student where injury or property
2 damage has occurred; AND

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

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

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