

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 26, 2023
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB23-296 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, line 5, strike "TO 1688," and substitute "ET
2 SEQ.,".
- 3 Page 4, strike line 8 and substitute "ONLINE FORM."
- 4 Page 4, lines 12 and 13, strike "PRACTICABLE; EXCEPT THAT NOTHING"
5 and substitute "PRACTICABLE. NOTHING".
- 6 Page 4, line 15, strike "19-3-304." and substitute "19-3-304 OR REPORTING
7 ANY OTHER CRIMINAL ACTIVITY TO LAW ENFORCEMENT. NOTHING IN THIS
8 SECTION PROHIBITS A PUBLIC SCHOOL FROM PROVIDING RECORDS TO LAW
9 ENFORCEMENT, THE DEPARTMENT OF HUMAN SERVICES, OR A DISTRICT
10 ATTORNEY FOR THE INVESTIGATION OR PROSECUTION OF ANY CRIME."
- 11 Page 4, line 25, strike "JEOPARDIZING THE RIGHTS" and substitute
12 "INFRINGING UPON THE RIGHTS ENSHRINED IN FEDERAL AND STATE LAW".
- 13 Page 4, strike line 27 and substitute "SCHOOL MAY EXTEND THE".
- 14 Page 5, line 1, after "DEADLINE" insert "FOR UP TO THIRTY ADDITIONAL
15 DAYS".
- 16 Page 5, line 5, strike "STANDARD WHEN A STUDENT IS THE RESPONDENT,"
17 and substitute "STANDARD,".
- 18 Page 5, line 15, strike "EXCEPT THAT".
- 19 Page 5, strike lines 16 and 17.

- 1 Page 5, line 19, strike "STUDENT AND RESPONDENT" and substitute
2 "STUDENT AND RESPONDENT AND THE PARENTS OR LEGAL GUARDIANS OF
3 THE STUDENT AND RESPONDENT,".
- 4 Page 6, strike lines 1 and 2 and substitute "FINDINGS.".
- 5 Page 6, line 4, strike "IS EXPERIENCING" and substitute "HAS
6 EXPERIENCED".
- 7 Page 6, strike lines 7 through 9 and substitute "HARASSMENT OR
8 DISCRIMINATION.".
- 9 Page 6, line 10, strike "PROVIDE" and substitute "OFFER".
- 10 Page 6, line 13, after "PRESERVE" insert "AND RESTORE".
- 11 Page 6, line 14, strike "INCLUDE" and substitute "INCLUDE, BUT ARE NOT
12 LIMITED TO,".
- 13 Page 6, line 19, strike "MUTUAL".
- 14 Page 6, strike lines 24 through 26 and substitute "HARASSMENT OR
15 DISCRIMINATION.".
- 16 Page 6, line 27, after "A" insert "FORMAL REPORT OR".
- 17 Page 8, line 4, after "RELIANCE" insert "SOLELY".
- 18 Page 8, line 8, strike "ANY" and substitute "A".
- 19 Page 8, strike lines line 10 through 12 and substitute "FOR ANY OF THE
20 FOLLOWING: ENGAGING IN REASONABLE SELF-DEFENSE AGAINST THE
21 RESPONDENT, CONSENSUAL SEXUAL ACTIVITY, DRUG USE, ALCOHOL USE,
22 OR TRUANCY; AND".
- 23 Page 8, line 16, before "ACCOMMODATIONS" insert "ADDITIONAL".
- 24 Page 9, lines 1 and 2, strike "ALL INCOMING STUDENTS;" and substitute
25 "EACH INCOMING STUDENT AND THE PARENT OR LEGAL GUARDIAN OF
26 EACH INCOMING STUDENT, UPON REQUEST;".
- 27 Page 9, after line 3, insert:

1 "(d) A POLICY DISTRIBUTED TO A STUDENT, PARENT, LEGAL
2 GUARDIAN, OR SCHOOL STAFF, WHETHER A PHYSICAL OR ELECTRONIC
3 COPY, MUST BE AVAILABLE IN ENGLISH AND, UPON REQUEST, IN SPANISH.
4 THE POLICY POSTED ON THE WEBSITE MUST BE IN ENGLISH AND A SCHOOL
5 MAY ALSO POST THE POLICY IN SPANISH."

6 Page 9, line 20, strike "IX AND IN" and substitute "IX; SECTION 504 OF
7 THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET
8 SEQ.; TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", 42 U.S.C.
9 SEC. 2000d ET SEQ.; AND".

10 Page 9, line 23, strike "AVOIDING" and substitute "BEST PRACTICES FOR
11 AVOIDING".

12 Page 10, line 5, strike "2024," and substitute "2025,".

13 Page 10, line 7, strike "DISTRICT" and substitute "DISTRICT, AND EACH
14 INSTITUTE CHARTER SCHOOL SHALL REPORT TO THE STATE CHARTER
15 SCHOOL INSTITUTE,".

16 Page 10, line 10, strike "AND"

17 Page 10, line 12, strike "REPORT." and substitute "REPORT; AND
18 (III) THE SCHOOL'S FINDINGS ABOUT EACH REPORT.".

19 Page 10, line 13, strike "2024," and substitute "2025,".

20 Page 10, strike lines 14 through 16, and substitute "1 OF EACH YEAR
21 THEREAFTER, THE STATE CHARTER SCHOOL INSTITUTE AND EACH SCHOOL".

22 Page 10, line 20, strike "SEPTEMBER 1, 2024," and substitute "OCTOBER
23 1, 2025,".

24 Page 10, line 21, strike "SEPTEMBER" and substitute "OCTOBER".

25 Page 10, after line 24, insert:

26 "(6) THIS SECTION DOES NOT AUTHORIZE A PUBLIC SCHOOL OR
27 SCHOOL DISTRICT, OR THE CHARTER SCHOOL INSTITUTE, TO VIOLATE ANY
28 FEDERAL LAW, INCLUDING TITLE IX, IN CARRYING OUT THE DUTIES
29 DESCRIBED IN THIS SECTION.

30 **SECTION 2.** In Colorado Revised Statutes, 22-33-104, **add**

- 1 (2)(k) as follows:
2 **22-33-104. Compulsory school attendance.** (2) The provisions
3 of subsection (1) of this section shall not apply to a child:
4 (k) WHO IS EXCUSED FROM SCHOOL FOR A THERAPY, MEDICAL,
5 LEGAL, OR VICTIM SERVICES APPOINTMENT RELATED TO HARASSMENT OR
6 DISCRIMINATION, AS DESCRIBED IN SECTION 22-1-140 (2)(f).".
- 7 Renumber succeeding sections accordingly.
- 8 Page 10, strike lines 25 through 27.
- 9 Renumber succeeding section accordingly.
- 10 Page 11, strike lines 1 through 12.

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