

Jessica Dotter, Sexual Assault Resource Prosecutor
Colorado District Attorneys' Council
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Dear House Education Committee Members,

The Colorado District Attorneys' Council has considered House Bill 23-1109, concerning measures to improve school policies that impact student conduct. Representatives Gonzales-Gutierrez and Joseph conducted outreach and stake-holding with our organization and received initial comment of our concerns with the introduced version of the bill.

Prosecutors value the fact that education is a vital part of the community and a person's livelihood, happiness and success. We understand that if a student is expelled, it increases the likelihood of that person engaging in behavior that will result in the intervention of the criminal justice system. The introduced version appeared to create more due process for the student, but did not initially appear to recognize the impact on victims of peer-to-peer crime in the creation of that process. Although not a typical judicial system bill, prosecutors want to ensure that all processes are considerate of victim impact and safety. We are appreciative that the sponsors immediately ensured that prosecutor and victim concerns were heard and presented amendments to the introduced version.

We urge the committee to pass *amendments L001, L002 and L005* alongside HB23-1109. These amendments ensure that victims are not subject to cross-examination in expulsion hearings; recognize delayed reporting of unlawful sexual behavior and intimate-partner violence require that no statute of limitations should be placed on a student's ability to report to a school for safety; create a preponderance of the evidence standard (akin to Title IX) for expulsion hearings; and ensure that if a student presents even a psychological or mental threat to another student, that factor will be considered in school district determinations regarding expulsion for off-school-ground incidents. Colorado's prosecutors support the goals of HB23-1109 and with the amendments, would support the bill.

Sincerely,

Jessica Dotter, Sexual Assault Resource Prosecutor
Colorado District Attorneys' Council