



Opponent Testimony for HB 1291
Cortney Crouch
Golden View Classical Academy
April 20, 2023

Dear Chairwoman McLachlan and Members of the House Education Committee:

My name is Cortney Crouch, and I am the Chief Financial Officer for Golden View Classical Academy (“Golden View”), a charter school operating in Colorado. I am also the mother of two school-aged children at Golden View. I am writing to request your opposition to HB 23-1291 for the reasons outlined below.

My opposition to this bill stems from an interest in preserving charter school autonomy in implementation of discipline policies, that include school policies surrounding matters of expulsion and denial of admission, and as a parent deeply concerned with ensuring the safety of all children while at school. Colorado Revised Statutes¹ require that policies regarding student discipline and expulsion provide adequately for the safety of students and staff and provide a level of due process for students. However, HB 23-1291 focuses solely on due process requirements shrouded in an evidentiary standard that places a greater emphasis on preserving the learning environment to the detriment of school safety, thus contrary to the purpose of the Statute that outlines the requirements for school discipline policies. Nowhere in the text of HB 23-1291 does the language provide correlation that preservation of the learning environment enhances school safety, which is what the Statutes require in school discipline policies. In fact, HB 23-1291 does exactly the opposite. It completely ignores the explicitly stated requirement to provide adequately for the safety of students and staff when it prioritizes due process over safety.

Current statutes² grant authority to schools to implement policy related to these matters while preserving the school’s autonomy in policymaking and implementation. Further authority is granted to charter schools through the charter school contract³ approved by a charter school’s authorizer. HB 23-1291 erodes school autonomy and the State’s authority granted to schools in matters of discipline through implementation of an unduly burdensome threshold of proof to support a decision of expulsion or denial of admission based on a preponderance of the evidence that in turn does nothing to enhance the safety of students and staff guaranteed by statute. Adequacy of safety is an absolute minimum, and the non-trivial result of meeting this minimum threshold is preservation of the learning environment. However, these are not reciprocal consequences.

¹ Colorado Revised Statutes (C.R.S.) § 22-30.5-106(1)(p).

² Colorado Revised Statutes (C.R.S.) § 22-33-106.

³ Colorado Revised Statutes (C.R.S.) § 22-30.5-106.

Legislation that prioritizes preservation of the learning environment as the primary mechanism to ensure adequacy of safety will assuredly result in less safe environments and subsequently an ill-preserved learning environment.

Public charter schools are no different from local district public schools in their dedication to serving their students well and keeping their students and their staff safe, as required by state law. In requiring that a school prove by a preponderance of the evidence that the expulsion or denial of admission of a student is necessary to preserving the learning environment with no consideration for safety, HB 23-1291 places the learning environment as defined by one student over the safety of an entire school. Certainly, recent events at East High School in Denver have demonstrated how the learning environment can be completely shattered by policy that does not meet the minimum safety standards defined by State law.

Defeating HB 23-1291 outright will ensure that safety remains the primary deliberative factor in the creation and implementation of policy related to discipline. Continued erosion of a school's ability to determine the best and safest course of action for its entire community can only lead to even more severe erosion of the learning environment that this bill claims to preserve.

Sincerely,

A handwritten signature in cursive script that reads "Cortney Crouch". The signature is written in black ink and is positioned above the printed name.

Cortney Crouch
Chief Financial Officer



April 20, 2023

To Members of the House Education Committee,

My name is Katie Hecker, and I am the Youth Justice Attorney at Colorado's Office of the Child's Representative. I am writing on behalf of my organization in support of HB23-1291.

OCR's contract attorneys frequently represent children and youth in truancy, delinquency, and dependency & neglect cases who are also subject to school disciplinary proceedings. In fact, foster children are three times more likely to be suspended or expelled from their school; needless to say, this issue is one that strikes at the heart of OCR's work. The burdens of school discipline do not fall equally on all of Colorado's children, and we appreciate the General Assembly's willingness to address injustice in this area.

OCR's view is that *all* children deserve to attend school and that in only the rarest of circumstances, and after full and fair hearings, should a child be excluded from their school. The growth, well-being, and development of the children of Colorado hinges on their ability to access education. OCR appreciates the bill's provisions that protect the due process rights of children who are being excluded from school. Notably, the bill addresses conflicts of interest and training among hearing officers, requires the provision of reports that the school will rely on to the child and their family, requires training of hearing officers, and clarifies appeal processes for children and their families. These changes are important first steps in this difficult and essential work of improving fairness in school discipline proceedings.

OCR believes there is more work to be done to ensure the equity of the school discipline process and looks forward to any future opportunities to improve the landscape of this important issue in evidence-based, data-driven, and equitable ways.

Thank you again for your attention to this issue, and for the opportunity to provide written testimony.

Sincerely,

Katie Hecker

Dear Chairman and members of the House Judiciary committee.

My name is Jesse Rula and I am asking for your support of HB23-1291. This bill would help reduce the number of expulsions happening to Colorado youth by helping hearing officers be more knowledgeable and conscious in their decision-making process. This bill is something I feel very strongly about due to my own personal experience.

I was a struggling teenager and was expelled from 2 different schools. I had a lot of personal things going on and it spilled into my school life. I was never expelled for anything related to drugs or violence but overall disruptive behavior. What I wish my teachers and school staff would have known was that my behavior was a cry for help.

Being expelled didn't help. It only left me with more time in the same unhealthy environment I was in. What I needed was for the school to see that my behavior was a symptom of something bigger but instead I was allowed to slip through the cracks. Eventually, I just quit school altogether. Being expelled and struggling to find a school that would look at me as more than the reputation that preceded me became too hard and I gave up. I ended up pregnant at 16 and a high school dropout.

Despite all that, I am a success story. I did get my life together and I managed to go to college and eventually get my master's degree. I ended up working for the same school system that failed me because I never wanted it to happen to another student. Despite what some of our students look like now, we have no idea what potential they have in the future. Just because a student is struggling, or making bad choices now, doesn't mean they can't accomplish great things with the right support.

Expelling students, especially for smaller infractions, is only a temporary fix for a much larger problem. It often leads to kids just quitting all together. In the end, these young people will someday become adults and if we continue to treat them like marginalized members of society, we may pay a higher price in the end.

This bill will provide hearing officers with more context around why a child may be behaving in such a way and perhaps find alternative solutions that will not impact their life in such a negative light. If someone had taken the time to see me as more than a problem to get rid of, I might have had an easier road to get to

where I am now. Please, don't allow schools to be so quick to turn our students out. Give them a chance to thrive and succeed.

Please support this bill.

Dear Chairman and members of the House Judiciary committee.

My name is Tina Carroll and I have a third-grade student that attends school in Jefferson County. I am an educator who also serves as a conduct and community standards officer. As a parent, educator, and servant leader in the community, I believe this bill closely aligns and has the potential to be the change we need to see in our schools and communities. The biggest component of this bill that resonates with me is the responsibility and pertinent role of the hearing officer. It is truly unimaginable that we have individuals deciding our children's future who are not trained in trauma, conflict resolution, and familiar with milestones in children development. Although this is not an exhaustive list, it is clear that we are allowing our students to enter into an education system at a disadvantage. If we don't make the change now to have skillful and well-versed advocates making informed decisions for our students and their families then we are accepting a system that funnels students out of the classroom and into the juvenile and criminal legal system.

Members of the house, today I ask that you vote yes on this bill and take a stand for all children in the state of Colorado and mandate that we use best practices, by making sure that all hearing officers are subject matter experts, have ongoing trainings, and adequate resources for effective life changing outcomes and behavior modifications that will keep our children in the classrooms where they belong.