

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 18-0378.02 Brita Darling x2241

HOUSE BILL 18-1269

HOUSE SPONSORSHIP

Lundeen and Pettersen,

SENATE SPONSORSHIP

Hill and Fields,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING NOTIFICATION TO PARENTS OF CHARGES BROUGHT**
102 **AGAINST PUBLIC SCHOOL EMPLOYEES FOR ALLEGED FELONY**
103 **OFFENSES THAT WOULD RESULT IN THE REVOCATION OF AN**
104 **EDUCATOR LICENSE PURSUANT TO TITLE 22, COLORADO**
105 **REVISED STATUTES.**

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://leg.colorado.gov>.)

The bill requires school districts, district charter schools, institute charter schools, and boards of cooperative services (local education

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 19, 2018

providers) to notify parents of students enrolled in a local education provider of charges brought against an employee or former employee, who has or had contact with students, if the charges are for one of the offenses that requires the denial, suspension, or revocation of a teacher license if the employee were a teacher.

A local education provider may provide notice to parents of charges brought against an employee for one of the offenses that could result in the denial, suspension, or revocation of a teacher license if the employee were a teacher.

The bill specifies the students whose parents must receive notification and the information that a local education provider shall include in the parent notification. The local education provider shall notify parents by mail or electronic means within 2 business days after learning of the charge unless the charging criminal justice agency requests a delay in notification. If notice is sent to parents, the local education provider shall also send notice within 2 business days to the same parents in the same manner regarding the disposition of the charges.

Each local education provider and the judicial districts in which the local education provider is located shall enter into a written agreement concerning the dissemination of information to a local education provider regarding charges brought against employees.

The bill requires a local education provider to use best efforts to comply with the notification requirements and exempts the local education provider from liability for damages that may arise from its failure to comply with the notification provisions included in the bill.

The bill prohibits the state board of education from waiving the requirements of the bill relating to parent notification for school districts or for charter schools authorized by a school district or by the state charter school institute.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 22-1-130** as
3 follows:

4 **22-1-130. Notice to parents of alleged criminal conduct by**
5 **school employees - legislative declaration - definitions.** (1) (a) **THE**
6 **GENERAL ASSEMBLY FINDS THAT:**

7 **(I) IT IS THE RIGHT AND RESPONSIBILITY OF PARENTS TO GUIDE THE**
8 **EDUCATION AND UPBRINGING OF THEIR CHILDREN;**

1 (II) AN ESSENTIAL ROLE OF PARENTS IN ENSURING THE SAFETY
2 AND QUALITY OF THEIR CHILDREN'S EDUCATION IS TO REMAIN ACTIVE,
3 ENGAGED, AND FULLY INFORMED ABOUT WHAT IS OCCURRING IN THEIR
4 CHILDREN'S CLASSROOMS AND WITHIN THE SCHOOL ENVIRONMENT;

5 (III) ENSURING THE SAFETY OF SCHOOL CHILDREN IS ONE OF THE
6 PRIMARY RESPONSIBILITIES OF STATE AND LOCAL GOVERNMENT, LAW
7 ENFORCEMENT, AND SCHOOL COMMUNITIES;

8 (IV) IN ORDER TO ENSURE A SAFE SCHOOL ENVIRONMENT THAT IS
9 CONDUCIVE TO LEARNING, STUDENTS AND PARENTS MUST BE ASSURED
10 THAT CRIMINAL BEHAVIOR THAT IS HARMFUL TO CHILDREN IS REPORTED
11 AND DEALT WITH APPROPRIATELY AND IN A MANNER THAT IS
12 TRANSPARENT TO PARENTS AND THE SCHOOL COMMUNITY; AND

13 (V) PARENTS ARE UNDERSTANDABLY CONCERNED WHEN LAW
14 ENFORCEMENT AGENCIES MAKE ACCUSATIONS ABOUT SCHOOL EMPLOYEES
15 AT THEIR CHILDREN'S SCHOOLS.

16 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS
17 APPROPRIATE TO REQUIRE A PUBLIC SCHOOL TO NOTIFY PARENTS OF
18 SCHOOL CHILDREN WHEN A SCHOOL EMPLOYEE IS CHARGED WITH CERTAIN
19 CRIMES THAT MAY PUT CHILDREN AT RISK.

20 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
21 REQUIRES:

22 (a) "EMPLOYEE" MEANS AN EMPLOYEE OF A LOCAL EDUCATION
23 PROVIDER WHOSE EMPLOYMENT REQUIRES OR REQUIRED THE EMPLOYEE
24 TO BE IN CONTACT WITH STUDENTS OR WHOSE WORK AREA GIVES OR GAVE
25 THE EMPLOYEE ACCESS TO STUDENTS. "EMPLOYEE" INCLUDES A FORMER
26 EMPLOYEE IF THE EMPLOYEE WAS EMPLOYED BY THE LOCAL EDUCATION
27 PROVIDER AT ANY TIME WITHIN TWELVE MONTHS BEFORE AN OFFENSE IS

1 CHARGED. IF A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR
2 INSTITUTE CHARTER SCHOOL HAS CONTRACTED WITH A PRIVATE ENTITY TO
3 OPERATE AN ONLINE SCHOOL, THE EMPLOYEE OF THE PRIVATE ENTITY IS
4 DEEMED TO BE AN EMPLOYEE OF THE SCHOOL DISTRICT, DISTRICT CHARTER
5 SCHOOL, OR INSTITUTE CHARTER SCHOOL FOR PURPOSES OF THIS SECTION.

6 (b) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
7 BOARD OF COOPERATIVE SERVICES, A CHARTER SCHOOL COLLABORATIVE,
8 A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO
9 PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, AND A CHARTER SCHOOL
10 AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO
11 PART 5 OF ARTICLE 30.5 OF THIS TITLE 22.

12 (c) "PARENT" MEANS THE BIOLOGICAL OR ADOPTIVE PARENT OR
13 THE LEGAL GUARDIAN OR LEGAL CUSTODIAN OF A STUDENT ENROLLED IN
14 A LOCAL EDUCATION PROVIDER AT THE TIME NOTIFICATION IS MADE
15 PURSUANT TO THIS SECTION.

16 (3)(a) PURSUANT TO SECTION 22-2-119 (4)(b), LOCAL EDUCATION
17 PROVIDERS ROUTINELY RECEIVE REPORTS FROM THE COLORADO BUREAU
18 OF INVESTIGATION RELATING TO EMPLOYEES WHO HAVE PREVIOUSLY BEEN
19 SUBJECT TO A BACKGROUND CHECK. IF A LOCAL EDUCATION PROVIDER
20 RECEIVES A REPORT FROM THE COLORADO BUREAU OF INVESTIGATION
21 THAT INCLUDES INFORMATION THAT AN EMPLOYEE HAS BEEN ARRESTED
22 FOR AN OFFENSE DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION, THE
23 LOCAL EDUCATION PROVIDER SHALL MONITOR THE CRIMINAL
24 PROCEEDINGS TO DETERMINE WHETHER THE EMPLOYEE IS CHARGED WITH
25 AN OFFENSE DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION AND
26 WHETHER A PRELIMINARY HEARING HAS BEEN HELD IF THE CHARGE IS
27 ELIGIBLE FOR A PRELIMINARY HEARING.

1 (b) THE LOCAL EDUCATION PROVIDER SHALL NOTIFY PARENTS, AS
2 PROVIDED IN SUBSECTION (4) OF THIS SECTION, IF AN EMPLOYEE IS
3 CHARGED, AS THAT TERM IS DEFINED IN SECTION 16-1-104 (6), WITH:

4 (I) FELONY CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401;

5 (II) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406,
6 NOT INCLUDING ASSAULT IN THE SECOND DEGREE UNLESS THE VICTIM IS
7 A CHILD;

8 (III) A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL
9 BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9);

10 (IV) A FELONY, WHERE IT IS ALLEGED THAT THE UNDERLYING
11 FACTUAL BASIS OF WHICH INCLUDES AN ACT OF DOMESTIC VIOLENCE, AS
12 DEFINED IN SECTION 18-6-800.3;

13 (V) FELONY INDECENT EXPOSURE, AS DESCRIBED IN SECTION
14 18-7-302; OR

15 (VI) A FELONY DRUG OFFENSE DESCRIBED IN PART 4 OF ARTICLE
16 18 OF TITLE 18, THAT IS A LEVEL 1 OR LEVEL 2 DRUG FELONY.

17 (4) (a) WITHIN TWO SCHOOL DAYS AFTER THE PRELIMINARY
18 HEARING IS HELD OR IS WAIVED OR DEEMED WAIVED BY THE EMPLOYEE,
19 OR WITHIN TWO SCHOOL DAYS AFTER THE DATE ON WHICH THE EMPLOYEE
20 IS CHARGED, IF THE CHARGED OFFENSE IS NOT ELIGIBLE FOR A
21 PRELIMINARY HEARING, THE LOCAL EDUCATION PROVIDER SHALL PROVIDE
22 NOTICE TO PARENTS PURSUANT TO SUBSECTION (5) OF THIS SECTION.

23 (b) IF THE LOCAL EDUCATION PROVIDER HAS ALREADY PROVIDED
24 NOTICE TO PARENTS THAT SUBSTANTIALLY CONFORMS WITH THE NOTICE
25 REQUIREMENTS SET FORTH IN SUBSECTION (5) OF THIS SECTION, THE LOCAL
26 EDUCATION PROVIDER NEED NOT PROVIDE ADDITIONAL NOTICE PURSUANT
27 TO THE PROVISIONS OF THIS SECTION.

1 (c) THE LOCAL EDUCATION PROVIDER MUST PROVIDE NOTICE TO
2 THE PARENTS OF A STUDENT:

3 (I) ENROLLED IN THE PUBLIC SCHOOL IN WHICH THE EMPLOYEE IS
4 EMPLOYED OR WAS EMPLOYED AT THE TIME OF THE ALLEGED OFFENSE; OR

5 (II) WITH WHOM THE LOCAL EDUCATION PROVIDER HAS REASON
6 TO BELIEVE THE EMPLOYEE MAY HAVE HAD CONTACT AS PART OF HIS OR
7 HER EMPLOYMENT WITH THE LOCAL EDUCATION PROVIDER.

8 (d) THE LOCAL EDUCATION PROVIDER SHALL PROVIDE THE
9 REQUIRED NOTICE TO PARENTS IN THE SAME MANNER BY WHICH THE
10 LOCAL EDUCATION PROVIDER NOTIFIES PARENTS OF IMPORTANT SCHOOL
11 BUSINESS, WHICH MAY INCLUDE E-MAIL NOTIFICATION OR OTHER
12 ELECTRONIC COMMUNICATION SENT DIRECTLY TO PARENTS OR BY
13 FIRST-CLASS MAIL. WITHIN TWO SCHOOL DAYS AFTER THE LOCAL
14 EDUCATION PROVIDER CONFIRMS THE DISPOSITION OF THE CHARGE, THE
15 LOCAL EDUCATION PROVIDER SHALL PROVIDE NOTICE TO PARENTS OF THE
16 DISPOSITION OF THE CHARGE USING THE SAME NOTIFICATION METHOD
17 USED IN THE ORIGINAL NOTICE TO PARENTS.

18 (e) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4)(a) OF
19 THIS SECTION TO THE CONTRARY, IF A DELAY IN PARENT NOTIFICATION IS
20 REQUESTED BY THE APPROPRIATE LAW ENFORCEMENT AGENCY, THE LOCAL
21 EDUCATION PROVIDER SHALL DELAY NOTIFICATION TO PARENTS UNTIL THE
22 REQUEST IS WITHDRAWN.

23 (f) A LOCAL EDUCATION PROVIDER SHALL NOTIFY PARENTS
24 PURSUANT TO THIS SECTION REGARDLESS OF WHETHER THE ACTIONS
25 GIVING RISE TO THE CHARGE OCCURRED WHILE THE EMPLOYEE WAS ON
26 DUTY.

27 (g) THE BOARD OR GOVERNING BODY OF THE LOCAL EDUCATION

1 PROVIDER SHALL ESTABLISH POLICIES TO COMPLY WITH THE PROVISIONS
2 OF THIS SECTION WHEN SCHOOL IS NOT IN SESSION.

3 (5) (a) THE LOCAL EDUCATION PROVIDER'S NOTIFICATION TO
4 PARENTS OF A CHARGE BROUGHT AGAINST AN EMPLOYEE MUST INCLUDE
5 THE FOLLOWING:

6 (I) THE NAME OF THE EMPLOYEE;

7 (II) THE EMPLOYEE'S POSITION;

8 (III) WHETHER THE EMPLOYEE CONTINUES TO BE EMPLOYED BY
9 THE LOCAL EDUCATION PROVIDER;

10 (IV) THE LENGTH OF EMPLOYMENT WITH THE LOCAL EDUCATION
11 PROVIDER;

12 (V) THE ALLEGED OFFENSE AS SET FORTH IN THE CHARGING
13 DOCUMENT, INCLUDING THE VIOLATION OF STATUTE OR CODE; AND

14 (VI) A STATEMENT THAT, UNDER STATE AND FEDERAL LAW, A
15 PERSON IS PRESUMED INNOCENT UNTIL PROVEN GUILTY.

16 (b) A LOCAL EDUCATION PROVIDER MAY PROVIDE ADDITIONAL
17 INFORMATION TO PARENTS REGARDING THE UNDERLYING FACTS OR
18 CIRCUMSTANCES RELATING TO THE CHARGE BUT SHALL NOT DISCLOSE THE
19 IDENTITY OF THE ALLEGED VICTIM.

20 (6) EACH LOCAL EDUCATION PROVIDER SHALL INCORPORATE THE
21 NOTIFICATION REQUIREMENTS SET FORTH IN THIS SECTION AS PART OF A
22 SAFE SCHOOL PLAN REQUIRED PURSUANT TO SECTION 22-32-109.1, AS
23 APPLICABLE.

24 **SECTION 2.** In Colorado Revised Statutes, 22-2-117, **amend**
25 (1)(b)(V) and (1)(b)(VI); and **add** (1)(b)(VII) as follows:

26 **22-2-117. Additional power - state board - waiver of**
27 **requirements - rules.** (1) (b) The state board shall not waive any of the

1 requirements specified in any of the following statutory provisions:
2 (V) The "Children's Internet Protection Act", article 87 of this title
3 22; or
4 (VI) The requirement to post on the internet the statutes for which
5 waivers are granted as provided in section 22-44-305; OR
6 (VII) ANY PROVISIONS OF SECTION 22-1-130 RELATING TO
7 NOTIFICATION TO PARENTS OF ALLEGED CRIMINAL CONDUCT BY SCHOOL
8 DISTRICT EMPLOYEES.

9 **SECTION 3.** In Colorado Revised Statutes, 22-30.5-104, **amend**
10 (6)(c)(V) and (6)(c)(VI); and **add** (6)(c)(VII) as follows:

11 **22-30.5-104. Charter school - requirements - authority - rules.**

12 (6) (c) A school district, on behalf of a charter school, may apply to the
13 state board for a waiver of a state statute or state rule that is not an
14 automatic waiver. Notwithstanding any provision of this subsection (6)
15 to the contrary, the state board may not waive any statute or rule relating
16 to:

17 (V) The "Children's Internet Protection Act", article 87 of this title
18 22; or
19 (VI) The requirement to post on the internet the statutes for which
20 waivers are granted as provided in section 22-44-305; OR
21 (VII) ANY PROVISIONS OF SECTION 22-1-130, RELATING TO
22 NOTIFICATION TO PARENTS OF ALLEGED CRIMINAL CONDUCT BY CHARTER
23 SCHOOL EMPLOYEES.

24 **SECTION 4.** In Colorado Revised Statutes, 22-30.5-507, **amend**
25 (7)(b)(V) and (7)(b)(VI); and **add** (7)(b)(VII) as follows:

26 **22-30.5-507. Institute charter school - requirements -**
27 **authority - rules.** (7) (b) An institute charter school may apply to the

1 state board, through the institute, for a waiver of state statutes and state
2 rules that are not automatic waivers. The state board may waive state
3 statutory requirements or rules promulgated by the state board; except that
4 the state board may not waive any statute or rule relating to:

5 (V) The "Children's Internet Protection Act", article 87 of this title
6 22; or

7 (VI) The requirement to post on the internet the statutes for which
8 waivers are granted as provided in section 22-44-305; OR

9 (VII) ANY PROVISIONS OF SECTION 22-1-130, RELATING TO
10 NOTIFICATION TO PARENTS OF ALLEGED CRIMINAL CONDUCT BY INSTITUTE
11 CHARTER SCHOOL EMPLOYEES.

12 **SECTION 5. Act subject to petition - effective date.** This act
13 takes effect August 15, 2018; except that, if a referendum petition is filed
14 pursuant to section 1 (3) of article V of the state constitution against this
15 act or an item, section, or part of this act within the ninety-day period
16 after final adjournment of the general assembly, then the act, item,
17 section, or part will not take effect unless approved by the people at the
18 general election to be held in November 2018 and, in such case, will take
19 effect on the date of the official declaration of the vote thereon by the
20 governor.