

Amended Text 2023-2024 #143

Be it Enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, ~~add 19-1-132~~ **add 22-1-144** as follows:
~~19-1-132.~~ **Parental rights - legislative declaration - definitions - review school records.**

~~(1) Legislative Declaration. We the voters of the State of Colorado, hereby find that the best education decisions are made by those who know the students best and who are responsible for implementing the decisions, and, therefore, that educators and parents have a right and responsibility to participate in the education institutions which serve them.~~

WE THE VOTERS OF THE STATE OF COLORADO, HEREBY FIND THAT THE BEST EDUCATION DECISIONS ARE MADE BY THOSE WHO KNOW THE STUDENTS BEST AND WHO ARE RESPONSIBLE FOR IMPLEMENTING THE DECISIONS, AND, THEREFORE, THAT EDUCATORS AND PARENTS HAVE A RIGHT AND RESPONSIBILITY TO PARTICIPATE IN THE EDUCATION INSTITUTIONS WHICH SERVE THEM.

~~(2) Definitions. AS USED IN THIS SECTION:~~ **, UNLESS THE CONTENT OTHERWISE REQUIRES**

~~(a) "CHILD" MEANS A PERSON LESS THAN 18 YEARS OF AGE WHO HAS NOT BEEN EMANCIPATED;~~

~~(b) "PARENT" MEANS A PERSON WHO HAS LEGAL CUSTODY OF A CHILD, INCLUDING A NATURAL PARENT, ADOPTIVE PARENT, OR LEGAL GUARDIAN;~~

~~(c) "PUBLIC EDUCATION SCHOOL" MEANS A SCHOOL THAT RECEIVES PUBLIC FUNDS.~~ **MEANS ANY PRESCHOOL, PRIMARY OR SECONDARY SCHOOL THAT RECEIVES STATE OR FEDERAL FUNDS.**

~~(d) "PUBLIC EDUCATION SCHOOL REPRESENTATIVE" MEANS ANY PUBLIC EDUCATION SCHOOL ADMINISTRATOR, TEACHER, NURSE, OR ANY OTHER PERSON ASSOCIATED WITH PUBLIC EDUCATION SCHOOLS.~~

(3) Parent's legal right to review their child's education school records. PARENT(S) OF A CHILD ENROLLED IN PUBLIC EDUCATION SCHOOL SHALL HAVE THE RIGHT, WITHIN ~~48 HOURS~~ **TWO BUSINESS DAYS** OF MAKING A REQUEST **TO THE PUBLIC SCHOOL REPRESENTATIVE** , TO REVIEW ALL OF THEIR CHILD'S PUBLIC EDUCATION SCHOOL RECORDS, INCLUDING, WITHOUT LIMITATION, RECORDS OF MATERIALS THE PARENT(S)'S CHILD HAS ACCESS TO IN A PUBLIC EDUCATION SCHOOL LIBRARY, IN A PUBLIC EDUCATION SCHOOL ONLINE RESOURCE, IN A PUBLIC EDUCATION SCHOOL CLASSROOM, OR ANY SCHOOL OR STUDENT SPONSORED EXTRACURRICULAR EVENT TO WHICH THE PARENT(S)'S CHILD HAS ACCESS.

FOR THE PURPOSES OF THIS SUBSECTION, SOVEREIGN IMMUNITY IS HEREBY WAIVED SOLELY WITH RESPECT TO PART (3). ANY PUBLIC SCHOOL THAT FAILS TO COMPLY WITH THE PROVISIONS OF THIS TITLE SHALL BE LIABLE FOR ANY DIRECT HARMS, INJURIES, OR DAMAGES SUSTAINED BY A CHILD AS A RESULT OF SUCH FAILURE.

(a) IN ADDITION TO ANY CIVIL LIABILITY AND PENALTY UNDER LAW, IF A COURT FINDS THAT A PUBLIC SCHOOL REPRESENTATIVE FAILED TO COMPLY WITH THE NOTICE REQUIREMENTS IN PART (3), THE PUBLIC SCHOOL REPRESENTATIVE'S EMPLOYER SHALL SUBJECT THE PUBLIC SCHOOL

REPRESENTATIVE TO DISCIPLINE, UP TO AND INCLUDING TERMINATION, TO THE EXTENT PERMITTED BY APPLICABLE CONSTITUTIONAL AND STATUTORY PERSONNEL LAWS AND CASE LAW.

SECTION 2. Effective date - applicability. This measure shall be effective on and after the date it is declared by proclamation of the governor to have been adopted by the registered electors of the state and shall apply to instances occurring on or after the effective date.