

Final Text 2023-2024 #143

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

**SECTION 1.** In Colorado Revised Statutes, **add** 22-1-144 as follows:

**22-1-144. 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.
- (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTENT OTHERWISE REQUIRES
  - (a) “CHILD” MEANS A PERSON LESS THAN EIGHTEEN 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 SCHOOL” MEANS ANY PRESCHOOL, PRIMARY OR SECONDARY SCHOOL THAT RECEIVES STATE OR FEDERAL FUNDS.
  - (d) “PUBLIC SCHOOL REPRESENTATIVE” MEANS ANY PUBLIC SCHOOL ADMINISTRATOR, TEACHER, NURSE, OR ANY OTHER PERSON ASSOCIATED WITH PUBLIC SCHOOLS.

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