

SB15-213 and SB15-214 are companion measures designed to provide important tools and incentives to make schools safer, as well as ensuring that meaningful changes in how schools deal with troubled students will be implemented.

SB15-213

Claire Davis School Safety Act

*By Senate President Bill Cadman and Senate Majority Leader Mark Scheffel
House Speaker Dickie Lee Hullinghorst and House Majority Leader Crisanta Duran*

- ✓ Recognizes that a duty of reasonable care exists with respect to schools and school employees to protect students, faculty and staff from reasonably foreseeable violent acts within school facilities and during school-sponsored events.

SB15-213 recognizes in statute what Colorado parents already believe to be true, schools have a responsibility to keep their students and school personnel safe.

The “reasonable care” standard, used throughout Colorado law, already applies to homeowners, businesses, non-profit groups and private schools. SB15-213 applies this same standard to public schools.

- ✓ Waives sovereign immunity in connection with narrowly defined claims against public schools in cases of murder and first-degree assault.
- ✓ Establishes a two-year period during which no compensatory damages can be awarded. After those two years it will maintain the caps, which the legislature has established for other situations where government immunity is waived - \$350,000 if one person is seriously injured or killed and a maximum of \$900,000 if multiple people are seriously injured or killed.
- ✓ School Districts are not found negligent solely as a result of not expelling or suspending a student.

Colorado law already waives governmental immunity in at least ten areas. Some examples:

- ✓ A jailed criminal awaiting conviction could sue the state, a county or a city for injuries sustained as a result of authorities’ failure to reasonably operate and maintain the jail.
- ✓ A student who slipped and fell because snow and ice hadn’t been properly removed could sue the school for injuries.
- ✓ A child or adult who is hurt while swimming in a public swimming pool can sue.

Individual teachers could not be sued under this Act. It applies only to the institutions, not the teachers.

The measure would not apply to standard sports injuries or minor schoolyard scuffles.

This Act can only be triggered by a crime of violence, a very high bar that must be met before ANY claim can be brought.

A crime of violence is defined as actual or attempted:

- ✓ Murder
- ✓ First Degree Assault.
- ✓ Violent Sexual Assault or “statutory rape,” as defined in CRS 18-3-403

In the absence of a waiver, policymakers, the public and parents of slain children may never learn what led up to a tragic act of violence.