



## **DISABILITY LAW COLORADO'S POSITION STATEMENT ON HB17-1210 & HB17-1211**

### **Who is Disability Law Colorado?**

Disability Law Colorado is a Colorado nonprofit organization established to protect and promote the rights of individuals with disabilities. It serves as the federally-mandated and state-designated Protection and Advocacy System for people with disabilities as authorized by the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. §15043, *et. seq.*), the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. §10801, *et. seq.*), and the Protection and Advocacy for Individuals Rights section of the Rehabilitation Act (29 U.S.C. §794e, *et. seq.*). Since Disability Law Colorado was founded in 1976, we have represented nearly 20,000 individuals with disabilities and assisted more than 65,000 individuals with disabilities in advocating for themselves.

### **HB17-1210 & HB17-1211 Ensures Students with Disabilities are Not Disciplined for Behavior Related to their Disability**

Oftentimes, there are students with disabilities, particularly those with emotional and other invisible disabilities, who are not immediately identified as students with disabilities. It is not uncommon for students to go through years of school prior to being identified as a student with a disability. These students are often being suspended and expelled because of behavior likely related to the disability that has not yet been identified. Although these students could be identified as students with disabilities later in their educational career, the harm may have already been done when suspension and expulsion is allowed in the early years of preschool through second grade. Furthermore, the U.S. Department of Education's Office for Civil Rights has recognized that removal from school does not reduce or eliminate the reoccurrence of misbehavior, and has stressed in a Dear Colleague letter that schools need to focus on positive behavior supports rather than suspending or expelling these students. Thus, the focus – particularly for students with disabilities – should be on supporting the student in a positive manner rather than removing them from school and thereby limiting their access to the free appropriate public education to which they are entitled.

### **Support for HB17-1210 & HB17-1211**

HB17-1210 ensures that students with disabilities will not be suspended or expelled unnecessarily, and safeguards against an infringement of their right to a free appropriate education. Furthermore, HB17-1211 provides a means to more successfully implement HB17-1210 through the discipline strategies pilot program, which we believe will provide necessary support to schools so they may implement positive behavior supports.

For these reasons, we support HB17-1210 and HB17-1211 and urge you to vote yes!

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