

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0034.01 Shelby Ross x4510

HOUSE BILL 21-1221

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A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PREVENT BULLYING IN PUBLIC SCHOOLS.**

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 the department of education (department) to utilize a stakeholder process when updating the model bullying prevention and education policy (model policy), which process must include the parents of students who have been bullied. At a minimum, the model policy must clearly differentiate between a conflict and bullying and differentiate between harassment and bullying and clarify the role of cyberbullying during online instruction, which may occur on or off school property.

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.

SENATE
3rd Reading Unamended
May 12, 2021

SENATE
2nd Reading Unamended
May 11, 2021

HOUSE
3rd Reading Unamended
April 27, 2021

HOUSE
Amended 2nd Reading
April 26, 2021

Current law requires each school district and charter school to adopt a safe school plan that includes:

- A conduct and discipline code with a specific policy concerning bullying prevention and education (bullying policy). The bill requires the bullying policy to incorporate the approaches, policies, and practices outlined in the model policy.
- Safe school reporting requirements that include the number of conduct and discipline code violations relating to a school activity or sanctioned event that is detrimental to the welfare or safety of other students or of school personnel, including incidents of bullying. The bill requires incidents of bullying be listed as a separate type of violation.

The bill specifies bullying as a behavior that may be grounds for suspension or expulsion of a student from public school.

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

2 **SECTION 1. Short title.** The short title of this act is "Jack and
3 Cait's Law".

4 **SECTION 2.** In Colorado Revised Statutes, 22-2-144, **amend**
5 (2)(a); and **add** (3) as follows:

6 **22-2-144. Bullying prevention and education policies - short**
7 **title - study.** (2) (a) The department shall research approaches, policies,
8 and practices related to bullying prevention and education used by
9 education providers in other states. On or before July 1, 2019, after
10 consideration of the research conducted pursuant to this subsection (2)(a),
11 the department, in consultation with the school safety resource center
12 created in section 24-33.5-1803, shall develop a model bullying
13 prevention and education policy. The research and model policy described
14 in this subsection (2)(a) must be updated every three years. THE
15 DEPARTMENT SHALL UTILIZE A STAKEHOLDER PROCESS WHEN UPDATING
16 THE MODEL BULLYING PREVENTION AND EDUCATION POLICY, WHICH
17 PROCESS MUST INCLUDE PARTICIPATION BY THE PARENTS OF STUDENTS

1 WHO HAVE BEEN BULLIED.

2 (3) AT A MINIMUM, THE MODEL POLICY DEVELOPED PURSUANT TO
3 SUBSECTION (2)(a) OF THIS SECTION MUST:

4 (a) CLEARLY DIFFERENTIATE BETWEEN A CONFLICT AND BULLYING
5 AND BETWEEN HARASSMENT AND BULLYING; AND

6 (b) CLARIFY THE ROLE OF CYBERBULLYING DURING ONLINE
7 INSTRUCTION, WHICH MAY OCCUR ON OR OFF SCHOOL PROPERTY.

8 **SECTION 3.** In Colorado Revised Statutes, 22-32-109.1, **amend**
9 (2)(a)(I)(K) and (2)(b)(IV)(G); and **add** (2)(b)(IV)(G.5) as follows:

10 **22-32-109.1. Board of education - specific powers and duties**
11 **- safe school plan - conduct and discipline code - safe school reporting**
12 **requirements - school response framework - school resource officers**
13 **- definitions. (2) Safe school plan.** In order to provide a learning
14 environment that is safe, conducive to the learning process, and free from
15 unnecessary disruption, each school district board of education or institute
16 charter school board for a charter school authorized by the charter school
17 institute shall, following consultation with the school district
18 accountability committee and school accountability committees, parents,
19 teachers, administrators, students, student councils where available, and,
20 where appropriate, the community at large, adopt and implement a safe
21 school plan, or review and revise, as necessary in response to any relevant
22 data collected by the school district, any existing plans or policies already
23 in effect. In addition to the aforementioned parties, each school district
24 board of education, in adopting and implementing its safe school plan,
25 may consult with victims' advocacy organizations, school psychologists,
26 local law enforcement, and community partners. The plan, at a minimum,
27 must include the following:

1 (a) **Conduct and discipline code.** (I) A concisely written conduct
2 and discipline code that shall be enforced uniformly, fairly, and
3 consistently for all students. Copies of the code shall be provided to each
4 student upon enrollment at the preschool, elementary, middle, and high
5 school levels and shall be posted or kept on file at each public school in
6 the school district. The school district shall take reasonable measures to
7 ensure that each student of each public school in the school district is
8 familiar with the code. The code shall include, but need not be limited to:

9 (K) On and after August 8, 2001, a specific policy concerning
10 bullying prevention and education. Each school district ~~is encouraged to~~
11 SHALL ensure that ~~its~~ THE SCHOOL DISTRICT'S policy, at a minimum,
12 incorporates the ~~biennial administration of surveys of students'~~
13 ~~impressions of the severity of bullying in their schools, as described in~~
14 ~~section 22-93-104 (1)(c); character building; and the designation of a~~
15 ~~team of persons at each school of the school district who advise the~~
16 ~~school administration concerning the severity and frequency of bullying~~
17 ~~incidents that occur in the school, which team may include, but need not~~
18 ~~be limited to, law enforcement officials, social workers, prosecutors,~~
19 ~~health professionals, mental health professionals, school psychologists,~~
20 ~~counselors, teachers, administrators, parents, and students. Each school~~
21 ~~district's policy shall set forth appropriate disciplinary consequences for~~
22 ~~students who bully other students and for any person who takes any~~
23 ~~retaliatory action against a student who reports in good faith an incident~~
24 ~~of bullying, which consequences shall comply with all applicable state~~
25 ~~and federal laws.~~ APPROACHES, POLICIES, AND PRACTICES OUTLINED IN
26 THE MODEL BULLYING PREVENTION AND EDUCATION POLICY DEVELOPED
27 PURSUANT TO SECTION 22-2-144.

1 (b) **Safe school reporting requirements.** A policy whereby the
2 principal of each public school in a school district is required to submit
3 annually, in a manner and by a date specified by rule of the state board,
4 a written report to the board of education of the school district concerning
5 the learning environment in the school during that school year. The board
6 of education of the school district shall annually compile the reports from
7 every school in the district and submit the compiled report to the
8 department of education in a format specified by rule of the state board.
9 The compiled report must be easily accessible by the general public
10 through a link on the department of education's website home page. The
11 report must include, but need not be limited to, the following specific
12 information for the preceding school year:

13 (IV) The number of conduct and discipline code violations. Each
14 violation must be reported only in the most serious category that is
15 applicable to that violation, including but not limited to specific
16 information identifying the number of, and the action taken with respect
17 to, each of the following types of violations:

18 (G) Behavior on school grounds, in a school vehicle, or at a
19 school activity or sanctioned event that is detrimental to the welfare or
20 safety of other students or of school personnel, including but not limited
21 to incidents of bullying and other behavior that creates a threat of physical
22 OR EMOTIONAL harm to the student or to other students;

23 (G.5) BULLYING;

24 ■ ■

25 **SECTION 4. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety.