

## CHAPTER 209

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 21-1221**

BY REPRESENTATIVE(S) Cutter and Young, Amabile, Bernett, Bird, Caraveo, Duran, Esgar, Exum, Froelich, Gray, Hooton, Jackson, Kipp, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Ricks, Roberts, Snyder, Titone, Valdez A., Valdez D., Garnett;  
also SENATOR(S) Coram, Bridges, Buckner, Cooke, Danielson, Fenberg, Fields, Gardner, Ginal, Gonzales, Hansen, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Liston, Lundeen, Moreno, Pettersen, Priola, Scott, Smallwood, Story, Winter, Woodward, Zenzinger, Garcia.

**AN ACT****CONCERNING MEASURES TO PREVENT BULLYING IN PUBLIC SCHOOLS.**

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

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

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

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

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

(a) CLEARLY DIFFERENTIATE BETWEEN A CONFLICT AND BULLYING AND BETWEEN

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

## HARASSMENT AND BULLYING; AND

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

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

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

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

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

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

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

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

(G.5) BULLYING;

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

Approved: June 7, 2021