

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

INTRODUCED

LLS NO. 22-0868.01 Conrad Imel x2313

HOUSE BILL 22-1327

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A BILL FOR AN ACT

101 **CONCERNING FORMER NATIVE AMERICAN BOARDING SCHOOLS IN**
102 **COLORADO.**

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 establishes the Native American boarding school research program in the Colorado commission of Indian affairs (commission) to research the events, physical and emotional abuse, and deaths that occurred at Native American boarding schools in Colorado, including the victimization of families of youth forced to attend the boarding schools and the intergenerational impacts of the abuse.

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.

The bill requires the commission to enter into an agreement with an organization to research events, abuse, and deaths that occurred at the Native American boarding school at Fort Lewis, which was known as the Fort Lewis Indian school. After receiving the results of the research, the commission shall make recommendations, which may include legislation, necessary to better understand the abuse and victimization that occurred at, and is related to, Native American boarding schools and to support healing in tribal communities. The commission must make its recommendations publicly available.

The commission shall consult with the Southern Ute Tribe and the Ute Mountain Ute Tribe before selecting and entering into an agreement with a research organization and before making its recommendations.

The department of human services owns and operates a regional center on the property that was formerly the Teller institute Native American boarding school. The bill requires the department to vacate the property and sell all or a portion of the property, or transfer all or a portion of the property, to a state institution of higher education, a local government, a state agency, or a federally recognized tribe in Colorado. The department is not permitted to sell or transfer the property until after the identification and mapping of any graves of students buried at the Native American boarding school that was located on the property and until after the department develops a plan, in consultation with tribal governments, to acknowledge the abuse and victimization of students and families related to the operation of the school.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Beginning with the federal "Indian Civilization Act" enacted
5 in 1819, the United States enacted laws and implemented policies
6 establishing and supporting Native American boarding schools across the
7 nation. The purpose of Native American boarding schools was to
8 culturally assimilate Native children by forcibly relocating them from
9 their families and communities to distant residential facilities to suppress
10 the children's identities, languages, and beliefs. For over 150 years,
11 hundreds of thousands of Native children were taken from their

1 communities. Over 350 Native American boarding schools existed in the
2 United States. By 1926, nearly 83 percent of all Native children of school
3 age were in boarding schools.

4 (b) Children at these boarding schools were subjected to the loss
5 of their cultural identities, physical and sexual abuse, and forced labor,
6 and suffered the effects of disease due to their confinement. Many
7 children disappeared or lost their lives at these schools, and their bodies
8 remain today in unmarked graves on the school grounds.

9 (c) The impact of the boarding schools on Native families has
10 been immeasurable. Families lost their traditional language, parenting
11 skills, and the ability to pass on Native culture and traditions.

12 (d) The trauma from Native American boarding schools crosses
13 generational boundaries and the boarding school policy resulted in
14 long-standing intergenerational trauma, cycles of violence and abuse,
15 disappearance of Native people, premature deaths, mental health
16 disorders, and substance abuse in Native communities;

17 (e) In Colorado, there were at least four Native American
18 boarding schools: The Teller Indian School in Grand Junction, the
19 Southern Ute Boarding School in Ignacio, a boarding school in Towaoc
20 operated by the federal bureau of Indian affairs, and the original Fort
21 Lewis Indian School in Hesperus, Colorado;

22 (f) The Teller Institute and Fort Lewis College are currently
23 operated by the state of Colorado and it is understood that Native children
24 may have died at these schools and were buried on the school grounds;

25 (g) In order to heal from the generational trauma, we must
26 confront the past and shed light on the hidden cruelty; and

27 (h) Fort Lewis College has been taking steps to recognize its place

1 in this history and to find opportunities to raise awareness about what
2 actually occurred at Native American boarding schools and to begin the
3 process of healing.

4 (2) The general assembly therefore declares that it is in the interest
5 of the state and its citizens to better understand and acknowledge
6 Colorado's history with federal Native American boarding schools and
7 develop a roadmap for education and healing.

8 **SECTION 2.** In Colorado Revised Statutes, **add** 24-44-109 as
9 follows:

10 **24-44-109. Native American boarding school research**
11 **program - recommendations - definitions - repeal.** (1) AS USED IN THIS
12 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

13 (a) "NATIVE AMERICAN BOARDING SCHOOL" MEANS A BOARDING
14 SCHOOL FOR NATIVE AMERICAN YOUTH AUTHORIZED BY THE FEDERAL
15 GOVERNMENT THAT WAS NOT LOCATED ON AN INDIAN RESERVATION.

16 (b) "PROGRAM" MEANS THE NATIVE AMERICAN BOARDING SCHOOL
17 RESEARCH PROGRAM ESTABLISHED IN THIS SECTION.

18 (c) "RESEARCH ORGANIZATION" MEANS THE ORGANIZATION
19 PERFORMING RESEARCH PURSUANT TO A CONTRACT WITH THE
20 COMMISSION, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

21 (2) THERE IS ESTABLISHED IN THE COMMISSION THE NATIVE
22 AMERICAN BOARDING SCHOOL RESEARCH PROGRAM TO RESEARCH AND
23 MAKE RECOMMENDATIONS TO PROMOTE COLORADANS' UNDERSTANDING
24 OF THE PHYSICAL AND EMOTIONAL ABUSE AND DEATHS THAT OCCURRED
25 AT AND IN RELATION TO NATIVE AMERICAN BOARDING SCHOOLS IN
26 COLORADO, INCLUDING THE VICTIMIZATION OF, AND INTERGENERATIONAL
27 IMPACTS ON, FAMILIES OF THE YOUTH FORCED TO ATTEND THE BOARDING

1 SCHOOLS.

2 (3) (a) THE COMMISSION, FOLLOWING CONSULTATION WITH THE
3 SOUTHERN UTE TRIBE AND THE UTE MOUNTAIN UTE TRIBE, SHALL ENTER
4 INTO AN AGREEMENT WITH AN ORGANIZATION TO RESEARCH THE EVENTS,
5 PHYSICAL AND EMOTIONAL ABUSE, AND DEATHS THAT OCCURRED AT THE
6 NATIVE AMERICAN BOARDING SCHOOL AT FORT LEWIS, WHICH WAS
7 KNOWN AS THE FORT LEWIS INDIAN SCHOOL, INCLUDING THE
8 VICTIMIZATION OF FAMILIES OF THE YOUTH FORCED TO ATTEND THE
9 SCHOOL AND THE INTERGENERATIONAL IMPACTS OF THE ABUSE. THE
10 RESEARCH ORGANIZATION SHALL CONDUCT THE RESEARCH DESCRIBED IN
11 SUBSECTION (3)(c) OF THIS SECTION. THE RESEARCH ORGANIZATION SHALL
12 DELIVER A PRELIMINARY REPORT ON ITS RESEARCH TO THE COMMISSION
13 NO LATER THAN DECEMBER 31, 2022, AND SHALL DELIVER A FINAL
14 REPORT TO THE COMMISSION NO LATER THAN MARCH 31, 2023.

15 (b) (I) THE COMMISSION SHALL CREATE A PROCESS, FOLLOWING
16 CONSULTATION WITH THE SOUTHERN UTE TRIBE AND THE UTE MOUNTAIN
17 UTE TRIBE, FOR SELECTING A RESEARCH ORGANIZATION AND MAKE THAT
18 PROCESS PUBLICLY AVAILABLE ON ITS WEBSITE AT LEAST TWENTY-EIGHT
19 DAYS PRIOR TO THE APPLICATION DEADLINE.

20 (II) IN ORDER TO BE SELECTED AS THE RESEARCH ORGANIZATION,
21 AN ORGANIZATION MUST HAVE:

22 (A) EXPERIENCE WORKING WITH INDIGENOUS COMMUNITIES;

23 (B) AN UNDERSTANDING OF NATIVE AMERICAN HISTORY AND
24 CULTURE, INCLUDING THE BOARDING SCHOOL EXPERIENCE;

25 (C) NATIVE AMERICAN TEAM MEMBERS;

26 (D) AN UNDERSTANDING OF THE IMPACT OF TRAUMA AND HOW IT
27 PASSES THROUGH GENERATIONS;

1 (E) ONE OR MORE TEAM MEMBERS WITH EXPERIENCE AS AN
2 ARCHAEOLOGIST AT NATIVE AMERICAN SITES, INCLUDING THE
3 PERFORMANCE OF HISTORICAL ARCHAEOLOGICAL INVESTIGATIONS;

4 (F) ONE OR MORE TEAM MEMBERS WITH EXPERIENCE IN FORENSIC
5 ANTHROPOLOGY;

6 (G) EXPERIENCE WITH, OR MEANINGFUL UNDERSTANDING OF, THE
7 FEDERAL "NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION
8 ACT", 25 U.S.C. SEC. 3001 ET SEQ., OR SIMILAR LEGISLATION;

9 (H) EXPERIENCE IN THE USE OF GEOSPATIAL TECHNOLOGY,
10 GROUND PENETRATING RADAR, MAPPING, AND OTHER RESOURCES THAT
11 MAY BE UTILIZED IN THE IDENTIFICATION OF UNDERGROUND BURIAL SITES;

12 (I) EXPERIENCE IDENTIFYING HUMAN REMAINS AND
13 DISINTERMENT; AND

14 (J) EXPERIENCE INTERVIEWING VICTIMS OF TRAUMA.

15 (c) THE RESEARCH ORGANIZATION SHALL, AT A MINIMUM:

16 (I) CONDUCT RESEARCH NECESSARY TO MORE ACCURATELY
17 ESTIMATE THE NUMBER OF DEATHS AT THE NATIVE AMERICAN BOARDING
18 SCHOOL AT FORT LEWIS;

19 (II) IDENTIFY AND MAP GRAVES OF NATIVE AMERICAN STUDENTS
20 BURIED AT THE NATIVE AMERICAN BOARDING SCHOOL AT FORT LEWIS
21 AND OFF-CAMPUS CEMETERIES BY USING THE BEST AVAILABLE RESEARCH
22 METHODS, WHICH MAY INCLUDE USING A GLOBAL POSITIONING SYSTEM, A
23 GEOGRAPHIC INFORMATION SYSTEM DATABASE, AND
24 GROUND-PENETRATING RADAR;

25 (III) REVIEW EXISTING RESEARCH AND CONDUCT NEW RESEARCH
26 AS NEEDED ON EXISTING RESOURCES AND MATERIALS TO REVEAL NATIVE
27 AMERICAN STUDENT VICTIMS AT THE NATIVE AMERICAN BOARDING

1 SCHOOL AT FORT LEWIS;

2 (IV) REVIEW WRITTEN AND RECORDED HISTORY AND ORAL
3 HISTORY DESCRIBING THE EXPERIENCES AND TRAUMA OF STUDENTS
4 ATTENDING THE NATIVE AMERICAN BOARDING SCHOOL AT FORT LEWIS
5 AND THEIR FAMILIES; AND

6 (V) INTERVIEW THOSE WITH KNOWLEDGE OF THE EXPERIENCES
7 AND TRAUMA EXPERIENCED BY NATIVE AMERICAN STUDENTS ATTENDING
8 THE NATIVE AMERICAN BOARDING SCHOOL AT FORT LEWIS AND THE
9 EXPERIENCES, INCLUDING INTERGENERATIONAL TRAUMA, OF THE
10 STUDENTS' FAMILIES AND DESCENDANTS.

11 (4) (a) NO LATER THAN JUNE 1, 2023, AND AFTER CONSIDERATION
12 OF THE RESEARCH PERFORMED BY THE RESEARCH ORGANIZATION AND ANY
13 INPUT PROVIDED BY FORT LEWIS COLLEGE, THE COMMISSION SHALL, IN
14 CONSULTATION WITH THE SOUTHERN UTE TRIBE AND THE UTE MOUNTAIN
15 UTE TRIBE, MAKE RECOMMENDATIONS NECESSARY TO BETTER
16 UNDERSTAND THE ABUSE THAT OCCURRED AT, AND IS RELATED TO,
17 NATIVE AMERICAN BOARDING SCHOOLS AND TO SUPPORT TRIBAL
18 MEMBERS HEALING FROM THE EFFECTS OF THE ABUSE. THE COMMISSION
19 MAY RECOMMEND NECESSARY IMMEDIATE ACTION AND SET LONG-TERM
20 GOALS AND ANY LEGISLATION NECESSARY TO IMPLEMENT ANY OF ITS
21 RECOMMENDATIONS. THE RECOMMENDATIONS MAY INCLUDE:

22 (I) A PROCESS FOR REPATRIATION OF ANY IDENTIFIED NATIVE
23 AMERICAN REMAINS IN A CULTURALLY APPROPRIATE MANNER, AS
24 DETERMINED FOLLOWING CONSULTATION WITH FEDERALLY RECOGNIZED
25 INDIAN TRIBES, CONSISTENT WITH THE PROCESS DESCRIBED IN SECTION
26 24-80-1302 (4) FOR DISINTERMENT FOLLOWING THE DISCOVERY OF
27 NATIVE AMERICAN HUMAN REMAINS;

1 (II) A PLAN TO PROVIDE SUPPORT AND SERVICES TO TRIBAL
2 MEMBERS TO HEAL FROM THE INTERGENERATIONAL IMPACTS OF NATIVE
3 AMERICAN BOARDING SCHOOLS AND THE RELATED SEPARATION OF
4 FAMILIES;

5 (III) EDUCATION PROGRAMS TO MAKE THE PUBLIC AWARE OF
6 INFORMATION LEARNED FROM THE RESEARCH CONDUCTED AS PART OF THE
7 PROGRAM AND TO TEACH STUDENTS ABOUT THE HISTORY OF NATIVE
8 AMERICAN BOARDING SCHOOLS IN COLORADO;

9 (IV) TRANSFERRING BURIAL SITES TO TRIBAL OWNERSHIP AND
10 MANAGEMENT BY THE SOUTHERN UTE TRIBE OR THE UTE MOUNTAIN UTE
11 TRIBE;

12 (V) ALLOWING TRIBAL BLESSINGS TO OCCUR AT THE SITES OF
13 NATIVE AMERICAN BOARDING SCHOOLS AND BURIAL SITES; AND

14 (VI) ANY ADDITIONAL POLICIES TO SUPPORT HEALING IN TRIBAL
15 COMMUNITIES AND TO FURTHER DETERMINE THE EXTENT OF,
16 ACKNOWLEDGE, AND EDUCATE COLORADANS ABOUT, THE ABUSE AND
17 VICTIMIZATION OF STUDENTS AND FAMILIES RELATED TO THE OPERATION
18 OF NATIVE AMERICAN BOARDING SCHOOLS.

19 (b) PRIOR TO MAKING ITS RECOMMENDATIONS, IN ADDITION TO THE
20 CONSULTATION WITH THE SOUTHERN UTE TRIBE AND THE UTE MOUNTAIN
21 UTE TRIBE, THE COMMISSION MAY CONSULT WITH ANY OTHER FEDERALLY
22 RECOGNIZED TRIBE WHOSE CHILDREN MAY HAVE ATTENDED A NATIVE
23 AMERICAN BOARDING SCHOOL IN COLORADO.

24 (c) THE COMMISSION SHALL MAKE A SUMMARY OF THE RESEARCH
25 ORGANIZATION'S FINDINGS AND THE COMMISSION'S RECOMMENDATIONS
26 PUBLICLY AVAILABLE ON ITS WEBSITE AND SHALL DELIVER A WRITTEN
27 COPY OF THE SUMMARY OF THE FINDINGS AND RECOMMENDATIONS TO THE

1 HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE
2 JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, THE JOINT
3 BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE GOVERNOR'S
4 OFFICE, ANY STATE AGENCY THAT IS THE SUBJECT OF A
5 RECOMMENDATION, THE SOUTHERN UTE TRIBE, THE UTE MOUNTAIN UTE
6 TRIBE, AND THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE.

7 (5) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2023.

8 **SECTION 3.** In Colorado Revised Statutes, **add 27-10.5-314** as
9 follows:

10 **27-10.5-314. Former Teller institute property.** (1) EXCEPT AS
11 DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AS SOON AS EACH PERSON
12 WHO WAS RECEIVING SERVICES ON THE EFFECTIVE DATE OF THIS SECTION
13 AT THE FORMER TELLER INSTITUTE NATIVE AMERICAN BOARDING SCHOOL
14 PROPERTY, NOW OWNED BY THE DEPARTMENT AND OPERATED AS A
15 REGIONAL CENTER, IS TRANSITIONED TO A RESIDENCE OTHER THAN A
16 RESIDENCE AT THE REGIONAL CENTER, THE DEPARTMENT SHALL VACATE
17 THE PROPERTY AND SHALL SELL ALL OR A PORTION OF THE PROPERTY, OR
18 TRANSFER ALL OR A PORTION OF THE PROPERTY, TO A STATE INSTITUTION
19 OF HIGHER EDUCATION, A LOCAL GOVERNMENT, A STATE AGENCY, OR A
20 FEDERALLY RECOGNIZED TRIBE IN COLORADO THAT IS IMPACTED BY THE
21 OPERATION OF THE TELLER INSTITUTE.

22 (2) THE DEPARTMENT SHALL NOT SELL OR TRANSFER THE
23 PROPERTY, OR ANY PORTION OF THE PROPERTY, UNTIL AFTER THE
24 IDENTIFICATION AND MAPPING OF ANY GRAVES OF NATIVE AMERICAN
25 STUDENTS BURIED AT THE NATIVE AMERICAN BOARDING SCHOOL THAT
26 WAS LOCATED ON THE PROPERTY AND UNTIL AFTER THE DEPARTMENT, IN
27 CONSULTATION WITH TRIBAL GOVERNMENTS, DEVELOPS A PLAN TO

1 ACKNOWLEDGE THE ABUSE AND VICTIMIZATION OF STUDENTS AND
2 FAMILIES RELATED TO THE OPERATION OF THE NATIVE AMERICAN
3 BOARDING SCHOOL LOCATED ON THE PROPERTY.

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