

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

REVISED

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

LLS NO. 22-0867.01 Jane Ritter x4342

HOUSE BILL 22-1376

HOUSE SPONSORSHIP

Herod and Young, Amabile, Bernett, Boesenecker, Cutter, Duran, Esgar, Exum, Froelich, Hooton, Jodeh, Kipp, Lindsay, Lontine, McCluskie, McLachlan, Michaelson Jenet, Sirota, Titone, Valdez D.

SENATE SPONSORSHIP

Priola and Winter,

House Committees

Education
Appropriations

Senate Committees

Judiciary
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Appropriations

A BILL FOR AN ACT

101 **CONCERNING SUPPORTIVE LEARNING ENVIRONMENTS FOR K-12**
102 **STUDENTS, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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 compile data and create reports based on information received from school districts and charter schools (schools) related to chronic absenteeism rates, the number of in-school and out-of-school suspensions, the number of expulsions, the number of students handcuffed or

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
Amended 2nd Reading
May 10, 2022

HOUSE
3rd Reading Unamended
May 2, 2022

HOUSE
Amended 2nd Reading
April 29, 2022

restrained, the number of referrals to law enforcement, and the number of school-related arrests. The department shall annually update and post such data and reports on its website.

The department shall create easily accessible and user-friendly school district profiles relating to school climate, including school climate surveys.

Restrictions concerning the use of restraints on students are increased, including providing, creating, and implementing training for school staff and school security staff on the use of restraints and adding restrictions to the use of restraints on students.

The department is required to develop a policy for hiring, training, and evaluating school resource officers.

For the state fiscal year 2022-23, the bill requires an additional appropriation of \$2 million to the department to continue the expelled and at-risk student services program for the purpose of providing services and supports to develop effective attendance and discipline systems, to address educational inequities and disproportionate discipline practices, and to offer staff training and technical assistance to ensure the culturally responsive implementation of services and supports.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-1-134 and
3 22-1-135 as follows:

4 **22-1-134. Information collected and posted on department**
5 **website.** ON OR BEFORE AUGUST 31, 2023, THE DEPARTMENT OF
6 EDUCATION SHALL STANDARDIZE THE REPORTING METHOD THAT SCHOOL
7 DISTRICTS, INCLUDING CHARTER SCHOOLS OF A SCHOOL DISTRICT AND
8 INSTITUTE CHARTER SCHOOLS, USE TO COLLECT AND REPORT DATA
9 CONCERNING SUSPENSIONS AND EXPULSIONS, ARRESTS AND REFERRALS,
10 CHRONIC ABSENTEEISM, INCIDENTS OF VIOLENCE, AND HARASSMENT AND
11 BULLYING, AND THE SAFE SCHOOL REPORTING REQUIREMENTS SET FORTH
12 IN SECTION 22-32-109.1. IN MAKING ITS DETERMINATION REGARDING THE
13 STANDARDIZATION, THE DEPARTMENT OF EDUCATION SHALL CONSULT
14 WITH SCHOOL DISTRICTS AND SCHOOL ADMINISTRATORS, SCHOOL BOARD

1 MEMBERS, TEACHERS, LAW ENFORCEMENT REPRESENTATIVES, SCHOOL
2 RESOURCE OFFICERS, K-12 ADVOCATES, AND OTHER RELEVANT
3 STAKEHOLDERS. IN MAKING ITS DETERMINATION, THE DEPARTMENT OF
4 EDUCATION SHALL ENSURE ALL STUDENT-LEVEL DATA IS KEPT
5 CONFIDENTIAL AND REPORTING COMPLIES WITH THE "COLORADO PRIVACY
6 ACT", ESTABLISHED PURSUANT TO PART 13 OF ARTICLE 1 OF TITLE 6, THE
7 FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20
8 U.S.C. SEC. 1232g, AND THE "STUDENT DATA TRANSPARENCY AND
9 SECURITY ACT", CREATED PURSUANT TO ARTICLE 16 OF THIS TITLE 22,
10 WHICH MUST INCLUDE THE APPLICATION OF DATA SUPPRESSION POLICIES
11 TO AVOID THE RE-IDENTIFICATION OF ANY INDIVIDUAL IN ANY PUBLIC
12 REPORTS. AS PART OF THE PROCESS, THE DEPARTMENT OF EDUCATION MAY
13 CONSIDER WHETHER TO ADOPT NEW REPORTING CATEGORIES OR REQUIRE
14 ADDITIONAL OR DIFFERENT DATA TO BE COLLECTED TO IMPROVE
15 ACCURACY, CONSISTENCY, AND QUALITY OF DATA.

16 **22-1-135. Accessible district profile reports - school climate**
17 **reports and surveys - reporting - definition.** (1) (a) ON OR BEFORE
18 AUGUST 31, 2024, THE DEPARTMENT OF EDUCATION SHALL WORK TO
19 DEVELOPEASILY ACCESSIBLE, USER-FRIENDLY PROFILE REPORTS FOR EACH
20 SCHOOL DISTRICT AND THE CHARTER SCHOOL INSTITUTE. THE REPORTS
21 MUST BE MADE EASILY ACCESSIBLE TO THE GENERAL PUBLIC THROUGH A
22 LINK ON THE DEPARTMENT OF EDUCATION'S WEBSITE; UPDATED
23 ANNUALLY; AND DISAGGREGATED BY GENDER, GRADE LEVEL, ETHNICITY,
24 DISABILITY, ENGLISH LANGUAGE LEARNER STATUS, FREE AND
25 REDUCED-PRICE LUNCH STATUS, AND HOMELESS STATUS TO THE MAXIMUM
26 EXTENT POSSIBLE IN COMPLIANCE WITH THE "COLORADO PRIVACY ACT",
27 ESTABLISHED PURSUANT TO PART 13 OF ARTICLE 1 OF TITLE 6, THE

1 FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY RIGHTS ACT OF
2 1974", 20 U.S.C. SEC. 1232g, AND THE "STUDENT DATA TRANSPARENCY
3 AND SECURITY ACT" CREATED PURSUANT TO ARTICLE 16 OF THIS TITLE 22.
4 TO PREPARE THE PROFILE REPORTS, THE DEPARTMENT OF EDUCATION
5 SHALL COLLECT THE INDIVIDUAL STUDENT DATA DESCRIBED IN
6 SUBSECTION (1)(b) OF THIS SECTION. THE DEPARTMENT OF EDUCATION
7 SHALL MAINTAIN STRICT STANDARDS FOR STUDENT DATA PRIVACY,
8 COMPLY WITH STANDARDS FOR REPORTING DATA FOR A STUDENT WITH AN
9 ACCOMMODATION PURSUANT TO SECTION 504 OF THE FEDERAL
10 "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET SEQ., AS
11 AMENDED, AND ITS IMPLEMENTING REGULATIONS, OR A STUDENT WITH AN
12 INDIVIDUALIZED EDUCATION PLAN, AND SHALL NOT PUBLICLY REPORT
13 INDIVIDUAL STUDENT DATA FOR ANY PURPOSE, INCLUDING AS PART OF THE
14 DISTRICT PROFILE REPORTS.

15 (b) THE PROFILE REPORTS MUST INCLUDE, BUT ARE NOT LIMITED
16 TO:

17 (I) CHRONIC ABSENTEEISM RATES;

18 (II) THE NUMBER OF IN-SCHOOL AND OUT-OF-SCHOOL
19 SUSPENSIONS;

20 (III) THE NUMBER OF EXPULSIONS;

21 (IV) THE NUMBER OF STUDENTS HANDCUFFED;

22 (V) THE NUMBER OF REFERRALS TO LAW ENFORCEMENT. AS USED
23 IN THIS SECTION, "REFERRALS TO LAW ENFORCEMENT" MEANS WHEN A
24 SCHOOL EMPLOYEE PROACTIVELY CALLS, SUMMONS, OR REQUESTS A LAW
25 ENFORCEMENT OFFICIAL, INCLUDING A SCHOOL RESOURCE OFFICER, TO:

26 (A) RESPOND TO AN INCIDENT ON SCHOOL GROUNDS INVOLVING
27 A POSSIBLE VIOLATION OF LOCAL, STATE, OR FEDERAL LAW;

1 (B) ENGAGE WITH A STUDENT OR THIRD PARTY ON SCHOOL
2 GROUNDS WHO IS CREATING A POTENTIALLY DANGEROUS SITUATION; OR

3 (C) ENFORCE A LOCAL, STATE, OR FEDERAL RULE, REGULATION, OR
4 LAW ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL
5 ACTIVITY OR SCHOOL-SANCTIONED EVENT;

6 (VI) THE NUMBER OF SCHOOL-RELATED ARRESTS, INCLUDING AN
7 ARREST THAT OCCURS ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT
8 A SCHOOL ACTIVITY OR SCHOOL-SANCTIONED EVENT;

9 (VII) THE NUMBER OF STUDENTS PHYSICALLY RESTRAINED; AND

10 (VIII) THE NUMBER OF STUDENTS PLACED IN SECLUSION.

11 (2) (a) THE DISTRICT PROFILES MUST INCLUDE DATA COLLECTED
12 PURSUANT TO SECTION 22-2-112 (1)(u)(I) AND ANY OTHER EXISTING
13 DISTRICT-LEVEL MEASURES THAT THE DEPARTMENT OF EDUCATION
14 DETERMINES RELEVANT AND RELATED TO SCHOOL CLIMATE. IN
15 DEVELOPING THE PROFILES, THE DEPARTMENT OF EDUCATION SHALL
16 CONSULT WITH STAKEHOLDERS, INCLUDING MEMBERS OF THE STATE
17 ADVISORY COUNCIL FOR PARENT INVOLVEMENT IN EDUCATION, CREATED
18 IN SECTION 22-7-303; MEMBERS OF THE COLORADO SPECIAL EDUCATION
19 ADVISORY COMMITTEE APPOINTED PURSUANT TO SECTION 22-20-104
20 (2)(a); AND STAKEHOLDERS WHO REPRESENT THE DISABILITY COMMUNITY;
21 K-12 ADVOCATES AND STUDENTS; AND REPRESENTATIVES OF
22 ASSOCIATIONS REPRESENTING SCHOOL EXECUTIVES, SCHOOL BOARDS,
23 SPECIAL EDUCATION DIRECTORS, CHARTER SCHOOLS, AND TEACHERS.

24 (b) THE DEPARTMENT OF EDUCATION MAY CONSULT WITH STATE
25 AND NATIONAL ORGANIZATIONS OR OTHER STATES WITH EXPERTISE IN
26 MEASURING AND IMPROVING STUDENTS' EXPERIENCE AT SCHOOL. BY
27 DECEMBER 31, 2023, THE DEPARTMENT OF EDUCATION MAY MAKE

1 RECOMMENDATIONS TO THE STATE BOARD OF EDUCATION AND THE
2 GENERAL ASSEMBLY FOR ADDITIONAL INDICATORS TO CONSIDER FOR
3 INCLUSION IN THE DISTRICT PROFILE REPORT, INCLUDING, BUT NOT LIMITED
4 TO, MEASURES OF STUDENT ENGAGEMENT, STUDENTS' EMOTIONAL AND
5 PHYSICAL SAFETY AND SENSE OF BELONGING, AND TEACHERS'
6 PERSPECTIVES OF LEARNING CONDITIONS. RECOMMENDATIONS MAY ALSO
7 LEVERAGE INFORMATION LEARNED FROM PILOT AND GRANT PROGRAMS
8 RELATED TO IMPROVING STUDENTS' EXPERIENCES IN SCHOOL.

9 (3) BEGINNING IN THE 2023-24 SCHOOL YEAR, THE DEPARTMENT
10 OF EDUCATION SHALL ANNUALLY COLLECT INFORMATION CONCERNING
11 SCHOOL CLIMATE SURVEYS ADMINISTERED TO STUDENTS OR FAMILIES, OR
12 SCHOOL CLIMATE TOOLS UTILIZED BY SCHOOLS AND SCHOOL DISTRICTS,
13 INCLUDING WHICH SURVEY OR TOOL IS USED, IF ANY, AND HOW THE
14 RESULTS OF SUCH SURVEYS ARE MADE PUBLICLY ACCESSIBLE, IF AT ALL.
15 THE DEPARTMENT OF EDUCATION SHALL INCLUDE THIS INFORMATION IN
16 THE DISTRICT PROFILE REPORTS.

17 **SECTION 2.** In Colorado Revised Statutes, 22-2-112, **amend**
18 (1)(u)(I) as follows:

19 **22-2-112. Commissioner - duties - report - legislative**
20 **declaration - repeal.** (1) Subject to the supervision of the state board,
21 the commissioner has the following duties:

22 (u) (I) To prepare an annual report on the number of pupils
23 enrolled in public schools in the state based on the pupil enrollments
24 reported to the state board pursuant to section 22-54-112 (2)(a) for the
25 applicable school year, and the number of SCHOOL COUNSELORS, SCHOOL
26 SOCIAL WORKERS, SCHOOL NURSES, AND school psychologists in the state,
27 ~~who are~~ licensed by the department pursuant to part 2 of article 60.5 of

1 this title 22, and employed by a school district, board of cooperative
2 services, ~~or~~ charter school, OR ENTITY THAT CONTRACTS WITH ANY OF THE
3 ABOVE who are reported as full-time equivalent OR PART-TIME employees.
4 The report must state the number of pupils and licensed and employed
5 school psychologists, SCHOOL COUNSELORS, SCHOOL SOCIAL WORKERS,
6 AND SCHOOL NURSES in total for the state and disaggregated by school
7 district, board of cooperative services, and the state charter school
8 institute.

9 **SECTION 3.** In Colorado Revised Statutes, 22-2-503, **amend** (1)
10 introductory portion, (1)(b), (1)(c), (2)(e), and (2)(f); and **add** (1)(d) and
11 (2)(g) as follows:

12 **22-2-503. Teaching and learning conditions survey.** (1) Subject
13 to available appropriations, the department shall administer a biennial
14 teaching and learning conditions survey, referred to in this section as the
15 "survey", to all preschool teachers, elementary teachers, secondary
16 teachers, and education support professionals in public schools of the
17 state. The survey ~~shall~~ MUST be designed to assess, at a minimum:

18 (b) The correlation, if any, between teaching and learning
19 conditions and teacher retention; ~~and~~

20 (c) The relationship, if any, between teaching and learning
21 conditions and school administration; AND

22 (d) THE RELATIONSHIP, IF ANY, BETWEEN TEACHING AND
23 LEARNING CONDITIONS AND MEASURES OF SCHOOL CLIMATE, AS
24 EXPERIENCED BY STUDENTS AND TEACHERS.

25 (2) The survey results may be used by schools, school districts, the
26 department, state policymakers, and researchers as a resource for:

27 (e) State education reform initiatives concerning achievement

1 gaps, teacher gaps, dropout rates, and graduation rates; **and**
2 (f) Other analyses to inform school improvement efforts; AND
3 (g) IMPROVING WAYS TO MEASURE AND IMPROVE SCHOOL CLIMATE
4 AND TEACHING AND LEARNING ENVIRONMENTS.

5 **SECTION 4.** In Colorado Revised Statutes, 22-30.5-528, **amend**
6 (2), (3)(a), and (3)(b) introductory portion; and **add** (3)(d), (3)(e), and (5)
7 as follows:

8 **22-30.5-528. Institute charter schools - use of restraints on**
9 **students - certain restraints prohibited - reports and review process**
10 **- complaints and investigations - rules - definitions.** (2) Pursuant to
11 ~~section 26-20-111, the use of a chemical, mechanical, or prone restraint~~
12 ~~upon a student in an institute charter school is prohibited~~ THE
13 "PROTECTION OF INDIVIDUALS FROM RESTRAINT AND SECLUSION ACT",
14 SECTIONS 26-20-101 TO 26-20-111, SETS FORTH THE KEY DEFINITIONS AND
15 PROHIBITIONS ON THE USE OF RESTRAINTS, INCLUDING THE USE OF
16 RESTRAINTS ON STUDENTS, DESCRIBED IN SECTION 26-20-111.

17 (3) (a) On and after August 9, 2017, each ~~school district~~
18 INSTITUTE CHARTER SCHOOL shall require any school employee or
19 volunteer who uses any type of restraint on a student of the INSTITUTE
20 CHARTER school ~~district~~ to submit a written report of the incident to the
21 INSTITUTE CHARTER SCHOOL'S administration ~~of the school~~ not later than
22 one school day after the incident occurred.

23 (b) On and after August 9, 2017, each INSTITUTE CHARTER school
24 ~~district~~ shall establish a review process, conduct the review process at
25 least annually, and document the results of each review process in
26 writing. Each annual review process must include a review of each
27 incident in which restraint was used on a student during the preceding

1 year. The purpose of each annual review process is to ensure that the
2 INSTITUTE CHARTER school ~~district~~ is properly administering restraint,
3 identifying additional training needs, minimizing and preventing the use
4 of restraint by increasing the use of positive behavior interventions, and
5 reducing the incidence of injury to students and staff. Each annual review
6 process must include but is not limited to:

7 (d) THE DEPARTMENT OF EDUCATION HAS ENFORCEMENT
8 AUTHORITY OVER THE RESTRAINT INVESTIGATION DECISIONS. THIS
9 ENFORCEMENT AUTHORITY MUST FOLLOW THE SAME PROCEDURES
10 OUTLINED FOR STATE COMPLAINTS UNDER THE FEDERAL "INDIVIDUALS
11 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS
12 AMENDED, AND THE DEPARTMENT'S STATE-LEVEL COMPLAINT
13 PROCEDURES.

14 (e) NO LATER THAN JUNE 30, 2023, AND EVERY JUNE 30
15 THEREAFTER, EACH INSTITUTE CHARTER SCHOOL SHALL SUBMIT THE DATA
16 FROM THE ANNUAL REVIEW CONDUCTED PURSUANT TO SUBSECTION (3)(b)
17 OF THIS SECTION TO THE DEPARTMENT OF EDUCATION PURSUANT TO
18 SECTION 22-1-134.

19 (5) THE DEPARTMENT OF EDUCATION SHALL CREATE AND
20 IMPLEMENT RIGOROUS STANDARDS FOR TRAINING SCHOOL STAFF AND
21 ADMINISTRATORS ON THE "PROTECTION OF INDIVIDUALS FROM RESTRAINT
22 AND SECLUSION ACT", SECTIONS 26-20-101 TO 26-20-111.

23 **SECTION 5.** In Colorado Revised Statutes, 22-32-109.1, **amend**
24 (2) introductory portion, (2)(b) introductory portion, (2)(b)(IV)(E), and
25 (2)(b)(IV)(K); and **add** (1)(g.3) and (2)(b.5) as follows:

26 **22-32-109.1. Board of education - specific powers and duties**
27 **- safe school plan - conduct and discipline code - safe school reporting**

1 **requirements - school response framework - school resource officers**
2 **- definitions. (1) Definitions.** As used in this section, unless the context
3 otherwise requires:

4 (g.3) "SCHOOL" MEANS A PUBLIC SCHOOL OF A SCHOOL DISTRICT,
5 A CHARTER SCHOOL, OR AN INSTITUTE CHARTER SCHOOL.

6 (2) **Safe school plan.** ~~In order~~ To provide a learning environment
7 that is safe, conducive to the learning process, and free from unnecessary
8 disruption, each school district board of education or institute charter
9 school board for a charter school authorized by the charter school institute
10 shall, following consultation with the school district accountability
11 committee and school accountability committees, parents, teachers,
12 administrators, students, student councils where available, and, where
13 appropriate, the community at large, adopt and implement a safe school
14 plan, or review and revise, as necessary in response to any relevant data
15 collected by the school district, any existing plans or policies already in
16 effect. In addition to the aforementioned parties, each school district
17 board of education, in adopting and implementing its safe school plan,
18 may consult with victims' advocacy organizations, school psychologists,
19 local law enforcement, and community partners. The plan, at a minimum,
20 must include the following:

21 (b) **Safe school reporting requirements.** A policy whereby the
22 principal of each public school in a school district is required to submit
23 annually in a manner and by a date specified by rule of the state board,
24 AND IN ACCORDANCE WITH STANDARDIZED METHODS AND ANY REVISED
25 REPORTING CATEGORIES IDENTIFIED AND ADOPTED THROUGH THE
26 STAKEHOLDER PROCESS SET FORTH IN SECTION 22-1-134, a written report
27 to the board of education of the school district concerning the learning

1 environment in the school during that school year. The board of education
2 of the school district shall annually compile the reports from every school
3 in the district and submit the compiled report to the department of
4 education in a format specified by rule of the state board. The compiled
5 report must be easily accessible by the general public through a link on
6 the department of education's website home page. The report must
7 include, but need not be limited to, the following specific information for
8 the preceding school year, INCLUDING ANY DISCIPLINARY INCIDENT
9 SPECIFIED IN SUBSECTION (2)(b)(IV)(E) OR (2)(b)(IV)(K) OF THIS SECTION
10 THAT REQUIRES ADDITIONAL REPORTING ON THE INCIDENT:

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

16 (E) Being willfully disobedient or openly and persistently defiant
17 or repeatedly interfering with the school's ability to provide educational
18 opportunities to, and a safe environment for, other students. IN ADDITION
19 TO PROVIDING INFORMATION ON SUCH DISCIPLINARY INCIDENTS IN THE
20 COMPILED REPORT REQUIRED BY THIS SUBSECTION (2)(b), THE REPORT
21 FILING MUST INCLUDE ANY ADDITIONAL INFORMATION DEEMED
22 NECESSARY BY THE DEPARTMENT OF EDUCATION PURSUANT TO THE
23 PROCESS REQUIRED PURSUANT TO SECTION 22-1-134. INFORMATION
24 INCLUDED IN REPORTING FOR INCIDENTS CURRENTLY CATEGORIZED AS
25 DISOBEDIENCE OR DEFIANCE MAY INCLUDE, BUT IS NOT LIMITED TO
26 SCHOOL AND DISTRICT CODE; LOCATION OF INCIDENTS; DESCRIPTION OF
27 THE BEHAVIORS THAT CONSTITUTED THE VIOLATIONS; INTERVENTIONS OR

1 DE-ESCALATION STRATEGIES ATTEMPTED LEADING UP TO THE INCIDENT;
2 AND DESCRIPTIVE INFORMATION OF THE STUDENT OR STUDENTS INVOLVED
3 IN THE INCIDENTS, INCLUDING, BUT NOT LIMITED TO, GENDER, GRADE
4 LEVEL, ETHNICITY, RACE, AND WHETHER THE STUDENT HAS FEDERAL
5 SECTION 504 ACCOMMODATIONS OR AN INDIVIDUALIZED EDUCATION PLAN.
6 INFORMATION ON THE REPORT MUST BE SUBMITTED IN ACCORDANCE WITH
7 THE DEPARTMENT OF EDUCATION'S DATA PRIVACY AND REPORTING
8 REQUIREMENTS.

9 (K) Other violations of the code of conduct and discipline that
10 resulted in documentation of the conduct in a student's record. In
11 ADDITION TO PROVIDING INFORMATION ON SUCH DISCIPLINARY INCIDENTS
12 IN THE COMPILED REPORT REQUIRED BY THIS SUBSECTION (2)(b), THE
13 REPORT FILING MUST INCLUDE ANY ADDITIONAL INFORMATION DEEMED
14 NECESSARY BY THE DEPARTMENT OF EDUCATION PURSUANT TO THE
15 PROCESS REQUIRED PURSUANT TO SECTION 22-1-134. INFORMATION
16 INCLUDED IN REPORTING FOR INCIDENTS CURRENTLY CATEGORIZED AS
17 DISOBEDIENCE OR DEFIANCE MAY INCLUDE, BUT IS NOT LIMITED TO
18 SCHOOL AND DISTRICT CODE; LOCATION OF THE INCIDENTS; DESCRIPTION
19 OF THE BEHAVIORS THAT CONSTITUTED THE VIOLATIONS; INTERVENTIONS
20 OR DE-ESCALATION STRATEGIES ATTEMPTED LEADING UP TO THE
21 INCIDENTS; AND DESCRIPTIVE INFORMATION OF THE STUDENT OR
22 STUDENTS INVOLVED IN THE INCIDENTS, INCLUDING, BUT NOT LIMITED TO,
23 GENDER, GRADE LEVEL, ETHNICITY, RACE, AND WHETHER THE STUDENT
24 HAS FEDERAL SECTION 504 ACCOMMODATIONS OR AN INDIVIDUALIZED
25 EDUCATION PLAN. INFORMATION ON THE REPORT MUST BE SUBMITTED IN
26 ACCORDANCE WITH THE DEPARTMENT OF EDUCATION'S DATA PRIVACY
27 AND REPORTING REQUIREMENTS.

1 (b.5) IN ADDITION TO THE ITEMS SPECIFIED IN SUBSECTION (2)(b)
2 OF THIS SECTION, EACH SCHOOL DISTRICT BOARD OF EDUCATION OR
3 INSTITUTE CHARTER SCHOOL BOARD FOR A CHARTER SCHOOL AUTHORIZED
4 BY THE CHARTER SCHOOL INSTITUTE SHALL ANNUALLY REVIEW AND
5 SUBMIT DATA TO THE DEPARTMENT OF EDUCATION CONCERNING THE
6 NUMBER AND TYPES OF DISCIPLINARY INCIDENTS AND THE DISCIPLINARY
7 ACTIONS TAKEN IN RESPONSE TO SUCH INCIDENTS. THE DEPARTMENT OF
8 EDUCATION SHALL COLLECT THE DATA DESCRIBED IN SUBSECTION
9 (2)(b)(IV) OF THIS SECTION AT THE INDIVIDUAL STUDENT LEVEL AND
10 REPORT DISAGGREGATED STUDENT DATA ON THE TYPE OF DISCIPLINARY
11 INCIDENTS AND ACTION TAKEN. SUCH STUDENT DATA MUST BE
12 DISAGGREGATED BY GENDER, GRADE LEVEL, RACE, ETHNICITY,
13 DISABILITY, WHETHER THE STUDENT HAS FEDERAL SECTION 504
14 ACCOMMODATIONS OR AN INDIVIDUALIZED EDUCATION PLAN, ENGLISH
15 LANGUAGE LEARNER STATUS, FREE AND REDUCED-PRICE LUNCH STATUS,
16 AND HOMELESS STATUS, TO THE MAXIMUM EXTENT POSSIBLE IN
17 COMPLIANCE WITH THE "COLORADO PRIVACY ACT", ESTABLISHED
18 PURSUANT TO PART 13 OF ARTICLE 1 OF TITLE 6, THE FEDERAL "FAMILY
19 EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC.
20 1232g, AND THE "STUDENT DATA TRANSPARENCY AND SECURITY ACT",
21 CREATED IN ARTICLE 16 OF THIS TITLE 22. THE DEPARTMENT OF
22 EDUCATION SHALL NOT PUBLICLY REPORT INDIVIDUAL STUDENT DATA FOR
23 ANY PURPOSE, SHALL INCLUDE THE APPLICATION OF DATA SUPPRESSION
24 POLICIES TO AVOID THE RE-IDENTIFICATION OF ANY INDIVIDUAL IN ANY
25 PUBLIC REPORTS, AND SHALL ENSURE COMPLIANCE WITH STANDARDS FOR
26 REPORTING DATA FOR A STUDENT WITH A FEDERAL SECTION 504
27 ACCOMMODATION OR AN INDIVIDUALIZED EDUCATION PLAN.

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SECTION 6. In Colorado Revised Statutes, 22-32-147, amend (3)(c); and add (1)(b.7), (3)(b.5), (3)(d), (5), and (6) as follows:

22-32-147. Use of restraints on students - certain restraints prohibited - reports and review process - rules - definitions. (1) As used in this section, unless the context otherwise requires:

(b.7) "PHYSICAL RESTRAINT" HAS THE SAME MEANING AS SET FORTH IN SECTION 26-20-102 (5).

(3) (b.5) IF A PHYSICAL RESTRAINT IS MORE THAN ONE MINUTE BUT LESS THAN FIVE MINUTES, THE NOTIFICATION REQUIREMENT IS A WRITTEN NOTICE TO THE PARENT ON THE DAY OF THE RESTRAINT. THE WRITTEN NOTICE MUST INCLUDE THE DATE, THE NAME OF THE STUDENT, AND THE NUMBER OF RESTRAINTS THAT DAY THAT LASTED BETWEEN ONE AND FIVE MINUTES.

(c) ~~Not more than five calendar days after the use of restraint on a student~~ IF A PHYSICAL RESTRAINT IS FIVE MINUTES OR MORE, the school administration shall mail, fax, or email a written report of the incident to the parent or legal guardian of the student NOT MORE THAN FIVE CALENDAR DAYS AFTER THE USE OF THE RESTRAINT ON THE STUDENT. The written report must be placed in the student's confidential file and include:

(d) NO LATER THAN JUNE 30, 2023, AND EVERY JUNE 30 THEREAFTER, ___ EACH SCHOOL DISTRICT SHALL SUBMIT THE DATA FROM THE ANNUAL REVIEW CONDUCTED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION TO THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-1-134.

(5) THE DEPARTMENT OF EDUCATION SHALL MAKE TRAINING AVAILABLE ON THE "PROTECTION OF INDIVIDUALS FROM RESTRAINT AND

1 SECLUSION ACT", SECTIONS 26-20-101 TO 26-20-111, AND ON THE
2 DEPARTMENT OF EDUCATION'S CORRESPONDING RULES FOR
3 ADMINISTRATION OF SUCH ACT TO INDIVIDUALS CERTIFIED IN THE USE OF
4 RESTRAINT.

5 (6) THE DEPARTMENT OF EDUCATION HAS ENFORCEMENT
6 AUTHORITY OVER THE RESTRAINT INVESTIGATION DECISIONS. THIS
7 ENFORCEMENT AUTHORITY MUST FOLLOW THE SAME PROCEDURES
8 OUTLINED FOR STATE COMPLAINTS UNDER THE FEDERAL "INDIVIDUALS
9 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS
10 AMENDED, AND THE DEPARTMENT'S STATE-LEVEL COMPLAINT
11 PROCEDURES.

12 == == ==

13 **SECTION 7.** In Colorado Revised Statutes, 24-31-312, **add** (7)
14 as follows:

15 **24-31-312. School resource officer training.** (7) THE P.O.S.T.
16 BOARD, WITH RESPECT TO THE HIRING, TRAINING, AND EVALUATION OF
17 SCHOOL RESOURCE OFFICERS AND PROFESSIONALIZING A SCHOOL-POLICE
18 PARTNERSHIP, SHALL CREATE A MODEL POLICY FOR SELECTING SCHOOL
19 RESOURCE OFFICERS PURSUANT TO THE GENERAL DUTIES AND
20 RESPONSIBILITIES GRANTED TO THE P.O.S.T. BOARD PURSUANT TO
21 SECTION 24-31-303. THE P.O.S.T. BOARD SHALL CONSULT WITH SCHOOL
22 BOARD MEMBERS, SCHOOL RESOURCE OFFICERS, K-12 ADVOCATES, AND
23 OTHER RELEVANT STAKEHOLDERS, INCLUDING STUDENT GROUPS, IN THE
24 DEVELOPMENT OF THE MODEL POLICY. THE DEPARTMENT OF EDUCATION
25 SHALL POST THE MODEL POLICY ON ITS WEBSITE AND DISTRIBUTE THE
26 POLICY TO SCHOOL DISTRICTS, CHARTER SCHOOLS, AND INSTITUTE
27 CHARTER SCHOOLS FOR CONSIDERATION AND POSSIBLE ADOPTION. THE

1 MODEL POLICY MAY BE USED BY SCHOOL DISTRICTS, CHARTER SCHOOLS,
2 INSTITUTE CHARTER SCHOOLS, AND POLICE DEPARTMENTS. THE MODEL
3 POLICY MUST, AT A MINIMUM, REQUIRE THAT:

4 (a) ONCE SELECTED, SCHOOL RESOURCE OFFICERS MUST BE FULLY
5 TRAINED IN STANDARD BEST PRACTICES, AS SET FORTH BY A NATIONAL
6 ASSOCIATION OF SCHOOL RESOURCE OFFICERS;

7 (b) A CANDIDATE DEMONSTRATE, WHENEVER POSSIBLE, A RECORD
8 OF EXPERIENCE DEVELOPING POSITIVE RELATIONSHIPS WITH YOUTH,
9 WHICH MAY INCLUDE PARTICIPATION IN YOUTH OR COMMUNITY POLICING
10 PROGRAMS;

11 (c) A CANDIDATE VOLUNTARILY APPLY TO SERVE AS A SCHOOL
12 RESOURCE OFFICER; AND

13 (d) THE EMPLOYING LAW ENFORCEMENT AGENCY AND SCHOOL
14 DISTRICT JOINTLY CREATE AN EVALUATION PROCESS TO EVALUATE
15 SCHOOL RESOURCE OFFICERS.

16 **SECTION 8.** In Colorado Revised Statutes, 26-20-102, **amend**
17 (5), (6) introductory portion, and (6)(c) as follows:

18 **26-20-102. Definitions.** As used in this article 20, unless the
19 context otherwise requires:

20 (5) "Physical restraint" means the use of bodily, physical force to
21 involuntarily limit an individual's freedom of movement FOR MORE THAN
22 ONE MINUTE; except that "physical restraint" does not include the holding
23 of a child by one adult for the purposes of calming or comforting the
24 child.

25 (6) "Restraint" means any method or device used to involuntarily
26 limit freedom of movement, including bodily physical force, mechanical
27 devices, or chemicals. RESTRAINT MUST NOT BE USED AS A FORM OF

1 DISCIPLINE OR TO GAIN COMPLIANCE FROM A STUDENT. IF PROPERTY
2 DAMAGE MIGHT BE INVOLVED, RESTRAINT MAY ONLY BE USED WHEN THE
3 DESTRUCTION OF PROPERTY COULD POSSIBLY RESULT IN BODILY HARM TO
4 THE INDIVIDUAL OR ANOTHER PERSON. "Restraint" includes chemical
5 restraint, mechanical restraint, and physical restraint. "Restraint" does not
6 include:

7 (c) The holding of an individual for less than ~~five minutes~~ ONE
8 MINUTE by a staff person for protection of the individual or other persons;
9 except that nothing in this subsection (6)(c) may be interpreted to permit
10 the holding of a public school student in a prone position, except as
11 described in section 26-20-111 (2), (3), or (4); or

12 **SECTION 9.** In Colorado Revised Statutes, 26-20-111, **amend**
13 (1); and **add** (5), (6), (7), (8), and (9) as follows:

14 **26-20-111. Use of restraints in public schools - certain**
15 **restraints prohibited.** (1) Except as provided otherwise in this section,
16 and notwithstanding any other provision of this article 20:

17 (a) The use of a chemical, mechanical, or prone restraint upon a
18 student of a school of a school district, charter school of a school district,
19 or institute charter school is prohibited when the student is on the
20 property of any agency or is participating in an off-campus,
21 school-sponsored activity or event; AND

22 (b) A SCHOOL RESOURCE OFFICER OR A LAW ENFORCEMENT
23 OFFICER ACTING IN THE OFFICER'S OFFICIAL CAPACITY ON SCHOOL
24 GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR
25 SANCTIONED EVENT SHALL NOT USE HANDCUFFS ON ANY STUDENT, UNLESS
26 THERE IS A DANGER TO THEMSELVES OR OTHERS OR HANDCUFFS ARE USED
27 DURING A CUSTODIAL ARREST THAT REQUIRES TRANSPORT.

1 (5) IF A SCHOOL DISTRICT, CHARTER SCHOOL OF A SCHOOL
2 DISTRICT, OR INSTITUTE CHARTER SCHOOL USES A SECLUSION ROOM,
3 THERE MUST BE AT LEAST ONE WINDOW FOR MONITORING WHEN THE DOOR
4 IS CLOSED. IF A WINDOW IS NOT FEASIBLE, MONITORING MUST BE POSSIBLE
5 THROUGH A VIDEO CAMERA. A STUDENT PLACED IN A SECLUSION ROOM
6 MUST BE CONTINUALLY MONITORED. THE ROOM MUST BE A SAFE SPACE
7 FREE OF INJURIOUS ITEMS. THE SECLUSION ROOM MUST NOT BE A ROOM
8 THAT IS USED BY SCHOOL STAFF FOR STORAGE, CUSTODIAL, OR OFFICE
9 SPACE.

10 (6) NOTHING IN THIS SECTION PROHIBITS SCHOOL PERSONNEL FROM
11 TAKING ANY LAWFUL ACTIONS NECESSARY, INCLUDING SECLUSION OR
12 RESTRAINT, WHEN AND WHERE NECESSARY TO KEEP STUDENTS AND STAFF
13 SAFE FROM HARM DURING AN EMERGENCY, AS DEFINED BY RULE OF THE
14 STATE BOARD. SCHOOL PERSONNEL SHALL COMPLY WITH ALL
15 DOCUMENTATION AND REPORTING REQUIREMENTS, EVEN IN THE CASE OF
16 AN EMERGENCY.

17 (7) IF A PHYSICAL RESTRAINT IS BETWEEN ONE AND FIVE MINUTES,
18 THE NOTIFICATION REQUIREMENT MUST BE A WRITTEN NOTICE TO THE
19 PARENT ON THE DAY OF THE RESTRAINT. THE NOTICE MUST INCLUDE THE
20 DATE, THE STUDENT'S NAME, AND THE NUMBER OF RESTRAINTS THAT DAY
21 THAT LASTED BETWEEN ONE AND FIVE MINUTES.

22 (8) ON OR BEFORE JULY 1, 2023, THE STATE BOARD SHALL INITIATE
23 RULE MAKING FOR THE PROCESS OF DETERMINING WHETHER TO REQUIRE
24 THE REPORTING OF RESTRAINTS FROM ONE TO FIVE MINUTES AND WHAT
25 DATA, IF ANY, WILL BE COLLECTED. AS A PART OF THE PUBLIC INPUT
26 PROCESS REQUIRED PURSUANT TO SECTION 24-4-104, THE STATE BOARD
27 AND THE DEPARTMENT OF EDUCATION SHALL ENGAGE WITH

1 STAKEHOLDERS, INCLUDING, BUT NOT LIMITED TO, A REPRESENTATIVE OF
2 SCHOOL DISTRICT ADMINISTRATORS, A STATEWIDE ORGANIZATION
3 REPRESENTING SPECIAL EDUCATION DIRECTORS, AND A MEMBER OF A
4 DISABILITY RIGHTS ORGANIZATION.

5 (9) STATUTORY PROVISIONS CONCERNING THE USE OF RESTRAINTS
6 IN SCHOOL DISTRICTS, CHARTER SCHOOLS OF A SCHOOL DISTRICT, OR
7 INSTITUTE CHARTER SCHOOLS, INCLUDING REPORTING REQUIREMENTS, ARE
8 SET FORTH IN SECTIONS 22-30.5-528 AND 22-32-147.

9 **SECTION 10. Appropriation.** (1) For the 2022-23 state fiscal
10 year, \$516,451 is appropriated to the department of education. This
11 appropriation is from the general fund. To implement this act, the
12 department may use this appropriation as follows:

- 13 (a) \$263,900 for information technology services; and
- 14 (b) \$252,551 for the office of dropout prevention and student
15 reengagement, which amount is based on an assumption that the
16 department will require an additional 2.4 FTE.

17 =====
18 (2) For the 2022-23 state fiscal year, \$30,000 is appropriated to
19 the department of law for use by the peace officers training board. This
20 appropriation is from the P.O.S.T board cash fund created in section
21 24-31-303 (2)(b), C.R.S. To implement this act, the board may use this
22 appropriation for peace officers standards and training board support.

23 **SECTION 11. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety.