

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

**ENGROSSED**

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

LLS NO. 23-0995.02 Conrad Imel x2313

**SENATE BILL 23-296**

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**SENATE SPONSORSHIP**

**Winter F. and Marchman,**

**HOUSE SPONSORSHIP**

**Bacon,**

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**Senate Committees**

Education  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PROTECTIONS FOR STUDENTS AGAINST DISCRIMINATORY**  
102 **PRACTICES AT SCHOOL.**

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**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 that a report received by a public school that enrolls students in any of grades kindergarten through 12 (public school) that alleges harassment or discrimination is confidential. The bill requires a public school to:

- Accept reports of harassment or discrimination in writing or in-person; by phone, e-mail, or online form; or through

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

SENATE  
Amended 2nd Reading  
May 2, 2023

- safe2tell;
- Post notices describing how a student can report harassment or discrimination to the school;
- Adopt procedures for investigating reports of harassment or discrimination;
- Retain harassment or discrimination case files for 7 years;
- Grant an excused absence to a student for certain out-of-school appointments related to the student experiencing harassment or discrimination; and
- Provide accommodations and supportive measures to a student experiencing harassment or discrimination.

The bill requires a public school to adopt a written policy (policy) that protects students experiencing harassment or discrimination. The policy must include the following:

- Information on reporting options for students, including contact information for the school staff member designated to receive reports;
- An explanation of the school's role in responding to reports of harassment or discrimination;
- Information about resources for victims of gender-based violence and sexual violence;
- Amnesty protections for a student who reports, or is a witness to a report of, harassment or discrimination for any school policy violation by the student related to the harassment or discrimination; and
- Information about available accommodations and supportive measures.

A public school shall make the policy available annually to students, students' parents and legal guardians, and school staff.

The bill requires a public school to annually provide training to school staff about harassment and discrimination, including training about the school's policy.

The bill requires public schools to report information about harassment or discrimination to school districts, who report that information to the department of education (department). An institute charter school reports the information directly to the department. The department reports the information to the sexual misconduct advisory committee in the department of higher education.

The bill waives immunity for a public entity for a failure to comply with any requirement concerning harassment or discrimination in public schools described in the bill.

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

1           **SECTION 1. Legislative intent.** (1) It is the intent of the general  
2 assembly that this Senate Bill 23-296 does not create a private cause of  
3 action against a local education agency or its employee.

4           **SECTION 2.** In Colorado Revised Statutes, **add** 22-1-140 as  
5 follows:

6           **22-1-140. Prohibit harassment or discrimination - policy**  
7 **required - training and notification - definitions.** (1) AS USED IN THIS  
8 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9           (a) "EMPLOYEE" MEANS ANY EMPLOYEE OF THE PUBLIC SCHOOL OR  
10 SCHOOL DISTRICT, INCLUDING TEACHERS, TEACHER AIDES, BUS DRIVERS,  
11 CAFETERIA WORKERS, CUSTODIAL STAFF, ADMINISTRATIVE AND CLERICAL  
12 STAFF, SCHOOL MEDICAL STAFF, AND SECURITY STAFF.

13           (b) (I) "HARASSMENT OR DISCRIMINATION" MEANS TO ENGAGE IN,  
14 OR THE ACT OF ENGAGING IN, ANY UNWELCOME PHYSICAL OR VERBAL  
15 CONDUCT OR ANY WRITTEN, PICTORIAL, OR VISUAL COMMUNICATION, BY  
16 A STUDENT, SCHOOL STAFF, OR EMPLOYEE OF THE SCHOOL OR LOCAL  
17 EDUCATION PROVIDER, DIRECTED AT A STUDENT OR GROUP OF STUDENTS  
18 BECAUSE OF THAT STUDENT'S OR GROUP'S MEMBERSHIP IN, OR PERCEIVED  
19 MEMBERSHIP IN, A PROTECTED CLASS BASED ON DISABILITY, RACE, CREED,  
20 COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER  
21 EXPRESSION, FAMILY COMPOSITION, RELIGION, AGE, NATIONAL ORIGIN, OR  
22 ANCESTRY, WHICH CONDUCT OR COMMUNICATION IS SUBJECTIVELY  
23 OFFENSIVE TO THE INDIVIDUAL ALLEGING HARASSMENT AND IS  
24 OBJECTIVELY OFFENSIVE TO A REASONABLE INDIVIDUAL WHO IS A MEMBER  
25 OF THE SAME PROTECTED CLASS. HARASSMENT OR DISCRIMINATION MAY  
26 OCCUR ON SCHOOL GROUNDS, AT A SCHOOL ACTIVITY, OR THROUGH  
27 ELECTRONIC COMMUNICATION. THE CONDUCT OR COMMUNICATION NEED

1 NOT BE SEVERE OR PERVASIVE TO CONSTITUTE HARASSMENT OR  
2 DISCRIMINATION IF:

3 (A) SUBMISSION TO THE CONDUCT OR COMMUNICATION IS  
4 EXPLICITLY OR IMPLICITLY MADE A TERM OR CONDITION OF THE  
5 INDIVIDUAL'S ACCESS TO AN EDUCATIONAL SERVICE, OPPORTUNITY, OR  
6 BENEFIT;

7 (B) SUBMISSION TO, OBJECTION TO, OR REJECTION OF THE  
8 CONDUCT OR COMMUNICATION IS USED OR EXPLICITLY OR IMPLICITLY  
9 THREATENED TO BE USED AS A BASIS FOR EDUCATIONAL DECISIONS  
10 AFFECTING THE INDIVIDUAL; OR

11 (C) THE CONDUCT OR COMMUNICATION HAS THE PURPOSE OR  
12 EFFECT OF INTERFERING WITH, UNDERMINING, DETRACTING, OR  
13 OTHERWISE LIMITING THE INDIVIDUAL'S ACCESS TO THEIR EDUCATIONAL  
14 SERVICE, OPPORTUNITY, OR BENEFIT OR CREATING AN INTIMIDATING,  
15 HOSTILE, OR OFFENSIVE EDUCATIONAL ENVIRONMENT.

16 (II) PETTY SLIGHTS, MINOR ANNOYANCES, AND LACK OF GOOD  
17 MANNERS DO NOT CONSTITUTE HARASSMENT OR DISCRIMINATION UNLESS  
18 THE SLIGHTS, ANNOYANCES, OR LACK OF MANNERS, WHEN TAKEN IN  
19 COMBINATION AND UNDER THE TOTALITY OF THE CIRCUMSTANCES, MEET  
20 THE STANDARD SET FORTH IN SUBSECTION (1)(a)(I) OF THIS SECTION.

21 (III) WHETHER CONDUCT CONSTITUTES HARASSMENT OR  
22 DISCRIMINATION IS JUDGED UNDER THE TOTALITY OF THE  
23 CIRCUMSTANCES, WHICH MAY INCLUDE, BUT IS NOT LIMITED TO:

24 (A) THE FREQUENCY OF THE CONDUCT OR COMMUNICATION,  
25 RECOGNIZING THAT A SINGLE INCIDENT MAY RISE TO THE LEVEL OF  
26 HARASSMENT OR DISCRIMINATION;

27 (B) THE NUMBER OF INDIVIDUALS ENGAGED IN THE CONDUCT OR

1 COMMUNICATION;  
2 (C) THE TYPE OR NATURE OF THE CONDUCT OR COMMUNICATION;  
3 (D) THE DURATION OF THE CONDUCT OR COMMUNICATION;  
4 (E) THE LOCATION WHERE THE CONDUCT OR COMMUNICATION  
5 OCCURRED;  
6 (F) WHETHER THE CONDUCT OR COMMUNICATION IS  
7 THREATENING;  
8 (G) WHETHER ANY POWER DIFFERENTIAL EXISTS BETWEEN THE  
9 INDIVIDUAL ALLEGED TO HAVE ENGAGED IN HARASSMENT OR  
10 DISCRIMINATION AND THE INDIVIDUAL ALLEGING THE HARASSMENT OR  
11 DISCRIMINATION;  
12 (H) ANY USE OF EPITHETS, SLURS, OR OTHER CONDUCT OR  
13 COMMUNICATION THAT IS HUMILIATING OR DEGRADING;  
14 (I) WHETHER THE CONDUCT OR COMMUNICATION REFLECTS  
15 STEREOTYPES ABOUT AN INDIVIDUAL OR GROUP OF INDIVIDUALS IN A  
16 PROTECTED CLASS; OR  
17 (J) WHETHER THE CONDUCT INCLUDES AN ACT OF PHYSICAL  
18 VIOLENCE.  
19 (c) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A  
20 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART  
21 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY  
22 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE  
23 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED  
24 AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT  
25 OPERATES ONE OR MORE PUBLIC SCHOOLS.  
26 (d) "POLICY" MEANS THE POLICY ADOPTED BY A LOCAL EDUCATION  
27 PROVIDER AS REQUIRED IN SUBSECTION (3) OF THIS SECTION.

1           (e) "PUBLIC SCHOOL" MEANS AN ELEMENTARY SCHOOL, MIDDLE  
2 SCHOOL, JUNIOR HIGH SCHOOL, HIGH SCHOOL, OR DISTRICT CHARTER  
3 SCHOOL OF A SCHOOL DISTRICT THAT ENROLLS STUDENTS IN ANY OF  
4 GRADES KINDERGARTEN THROUGH TWELVE OR AN INSTITUTE CHARTER  
5 SCHOOL THAT ENROLLS STUDENTS IN ANY OF GRADES KINDERGARTEN  
6 THROUGH TWELVE.

7           (f) "RESPONDENT" MEANS THE INDIVIDUAL WHO HAS BEEN  
8 REPORTED TO BE THE PERPETRATOR OF ALLEGED HARASSMENT OR  
9 DISCRIMINATION.

10           (g) "SAFE2TELL" MEANS THE SAFE2TELL PROGRAM CREATED IN  
11 SECTION 24-31-606.

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13           (h) "TITLE IX" MEANS TITLE IX OF THE FEDERAL "EDUCATION  
14 AMENDMENTS OF 1972", 20 U.S.C. SECS. 1681 ET SEQ., AS AMENDED.

15           (2) (a) A PUBLIC SCHOOL SHALL ACCEPT REPORTS OF HARASSMENT  
16 OR DISCRIMINATION IN WRITING OR IN-PERSON; BY PHONE, E-MAIL, OR  
17 ONLINE FORM.

18           (b) A REPORT OF HARASSMENT OR DISCRIMINATION RECEIVED BY  
19 A PUBLIC SCHOOL IS CONFIDENTIAL AND EMPLOYEES SHALL KEEP  
20 INFORMATION LEARNED DURING AN INVESTIGATION OF HARASSMENT OR  
21 DISCRIMINATION CONFIDENTIAL TO THE EXTENT PRACTICABLE. NOTHING  
22 IN THIS SECTION PREVENTS EMPLOYEES FROM REPORTING KNOWN OR  
23 SUSPECTED CHILD ABUSE OR NEGLECT AS REQUIRED PURSUANT TO SECTION  
24 19-3-304 OR REPORTING ANY OTHER CRIMINAL ACTIVITY TO LAW  
25 ENFORCEMENT. NOTHING IN THIS SECTION PROHIBITS A PUBLIC SCHOOL  
26 FROM PROVIDING RECORDS TO LAW ENFORCEMENT, THE DEPARTMENT OF  
27 HUMAN SERVICES, OR A DISTRICT ATTORNEY FOR THE INVESTIGATION OR

1 PROSECUTION OF ANY CRIME.

2 (c) EACH PUBLIC SCHOOL SHALL POST NOTICES IN MULTIPLE  
3 PLACES IN THE SCHOOL, WRITTEN IN SIMPLE AND AGE-APPROPRIATE  
4 LANGUAGE, DESCRIBING HOW AND TO WHOM A STUDENT CAN REPORT  
5 HARASSMENT OR DISCRIMINATION TO THE SCHOOL.

6 (d) EACH LOCALE EDUCATION PROVIDER SHALL ADOPT PROCEDURES  
7 FOR INVESTIGATING REPORTS OF HARASSMENT OR DISCRIMINATION, WHICH  
8 MUST BE FAIR, IMPARTIAL, AND PROMPT, AND MUST:

9 (I) REQUIRE A PUBLIC SCHOOL TO MAKE A GOOD FAITH EFFORT TO  
10 COMPLETE AN INVESTIGATION AND MAKE ANY FINDINGS WITHIN SIXTY  
11 DAYS AFTER THE REPORT, WITHOUT INFRINGING UPON THE RIGHTS  
12 ENSHRINED IN FEDERAL AND STATE LAW OF THE REPORTING STUDENT OR  
13 THE RESPONDENT; EXCEPT THAT THE PUBLIC SCHOOL MAY EXTEND THE  
14 SIXTY-DAY DEADLINE FOR UP TO THIRTY ADDITIONAL DAYS FOR GOOD  
15 CAUSE WITH PRIOR WRITTEN NOTICE TO THE REPORTING STUDENT AND TO  
16 THE RESPONDENT OF THE DELAY AND THE REASON FOR THE DELAY;

17 (II) INCLUDE PREPONDERANCE OF THE EVIDENCE AS THE  
18 EVIDENTIARY STANDARD, NOTWITHSTANDING ANY OTHER EVIDENTIARY  
19 STANDARD IN ANY OTHER POLICY OF THE LOCAL EDUCATION PROVIDER;

20 (III) SPECIFY THAT ALL QUESTIONS RELATED TO THE  
21 INVESTIGATION BE DIRECTED TO THE INDIVIDUAL CONDUCTING THE  
22 INVESTIGATION, OR THE INDIVIDUAL'S DESIGNEE, AND THAT THE  
23 INDIVIDUAL OR DESIGNEE \_\_\_ CONDUCTING THE INVESTIGATION SHALL  
24 CONSIDER PATTERNS OF MISCONDUCT AS RELEVANT EVIDENCE;

25 (IV) PROVIDE THE PARTIES WITH THE SAME OPPORTUNITY TO HAVE  
26 AN ADVISOR OR OTHER PERSON PRESENT DURING ANY PART OF THE  
27 INVESTIGATIVE PROCESS; \_\_\_

1           (V) PROVIDE WRITTEN UPDATES ABOUT THE STATUS OF AN  
2 INVESTIGATION OR PROCEEDING TO THE REPORTING STUDENT AND  
3 RESPONDENT, AND THE PARENTS OR LEGAL GUARDIANS OF THE STUDENT  
4 AND RESPONDENT, AT EACH CRITICAL STAGE OF THE INVESTIGATION OR  
5 PROCEEDING, BUT AT LEAST EVERY FIFTEEN DAYS;

6           (VI) PROVIDE FOR CONCURRENT NOTIFICATION TO THE PARTIES OF  
7 THE OUTCOME OF THE INVESTIGATION AND ANY FINDINGS; AND

8           (VII) PROHIBIT RETALIATION AGAINST A STUDENT WHO REPORTS  
9 OR PARTICIPATES IN, OR REFUSES TO PARTICIPATE IN, AN INVESTIGATION  
10 INTO A REPORT MADE PURSUANT TO THIS SECTION. CHARGES AGAINST A  
11 STUDENT FOR CODE OF CONDUCT VIOLATIONS RELATED TO THE INCIDENT  
12 FOR THE PURPOSE OF PUNISHING A STUDENT FOR MAKING A REPORT OR  
13 OTHERWISE INTERFERING WITH ANY RIGHT OR PRIVILEGE SECURED BY THIS  
14 SECTION CONSTITUTES RETALIATION.

15           (e) EACH LOCAL EDUCATION PROVIDER SHALL RETAIN THE  
16 RECORDS OF A HARASSMENT OR DISCRIMINATION REPORT FOR SEVEN  
17 YEARS. THE RECORD OF A REPORT INCLUDES ANY ACCOMMODATIONS OR  
18 SUPPORTIVE MEASURES TAKEN IN RESPONSE TO A REPORT OR FORMAL  
19 COMPLAINT OF HARASSMENT OR FORMAL COMPLAINT AND  
20 DOCUMENTATION OF THE BASIS FOR THE LOCAL EDUCATION PROVIDER'S  
21 ACTION AND RESPONSE. \_\_\_

22           (f) A PUBLIC SCHOOL SHALL GRANT AN EXCUSED ABSENCE TO A  
23 STUDENT WHO HAS EXPERIENCED HARASSMENT OR DISCRIMINATION FOR  
24 ANY TIME THE STUDENT IS OUT OF SCHOOL BECAUSE OF A THERAPY,  
25 MEDICAL, LEGAL, OR VICTIM SERVICES APPOINTMENT RELATED TO THE  
26 HARASSMENT OR DISCRIMINATION.

27           (g) (I) A PUBLIC SCHOOL SHALL OFFER ACCOMMODATIONS AND



1 SUPPORTIVE MEASURES TO A STUDENT EXPERIENCING HARASSMENT OR  
2 DISCRIMINATION THAT ARE DESIGNED TO PROTECT THE SAFETY OF ALL  
3 STUDENTS AND THAT PRESERVE AND RESTORE EQUAL ACCESS TO  
4 EDUCATION FOR THE STUDENT. ACCOMMODATIONS AND SUPPORTIVE  
5 MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO, COUNSELING,  
6 EXTENSIONS OF DEADLINES OR OTHER COURSE-RELATED ADJUSTMENTS,  
7 EXTRA TIME FOR HOMEWORK OR TESTS, THE OPPORTUNITY TO RESUBMIT  
8 HOMEWORK OR RETAKE A TEST, REMEDYING AN IMPACTED GRADE,  
9 EXCUSED ABSENCES, THE OPPORTUNITY FOR HOME INSTRUCTION,  
10 MODIFICATIONS TO CLASS SCHEDULES, AND RESTRICTIONS ON CONTACT  
11 BETWEEN THE PARTIES TO A REPORT OF HARASSMENT OR DISCRIMINATION.

12 (II) A PUBLIC SCHOOL SHALL PROVIDE SUPPORTIVE MEASURES  
13 REQUIRED PURSUANT TO TITLE IX, AND MAY PROVIDE ANY OTHER  
14 SUPPORTIVE MEASURES AS SOON AS IT RECEIVES A REPORT OF  
15 HARASSMENT OR DISCRIMINATION.

16 (III) A PUBLIC SCHOOL SHALL NOT REQUIRE A FORMAL REPORT OR  
17 FINDING OF HARASSMENT OR DISCRIMINATION BEFORE PROVIDING  
18 SUPPORTIVE MEASURES.

19 (3) (a) ON OR BEFORE JULY 1, 2024, EACH LOCAL EDUCATION  
20 PROVIDER SHALL ADOPT A WRITTEN POLICY THAT PROTECTS STUDENTS  
21 EXPERIENCING HARASSMENT OR DISCRIMINATION. THE POLICY ADOPTED  
22 PURSUANT TO THIS SUBSECTION (3) IS SEPARATE FROM AND IN ADDITION  
23 TO ANY POLICY A PUBLIC SCHOOL OR LOCAL EDUCATION PROVIDER MUST  
24 ADOPT PURSUANT TO TITLE IX. EACH LOCAL EDUCATION PROVIDER SHALL  
25 PERIODICALLY REVIEW AND UPDATE THE POLICY.

26 (b) THE POLICY MUST BE WRITTEN IN PLAIN LANGUAGE AND  
27 INCLUDE THE FOLLOWING:

1 (I) INFORMATION ON ALL REPORTING OPTIONS AVAILABLE TO A  
2 STUDENT;

3 (II) THE NAME AND CONTACT INFORMATION FOR THE PERSON  
4 DESIGNATED TO RECEIVE REPORTS OF HARASSMENT OR DISCRIMINATION,  
5 WHO MAY BE THE TITLE IX COORDINATOR OR SERVE IN AN EQUIVALENT  
6 POSITION IN THE SCHOOL;

7 (III) AN EXPLANATION OF THE SCHOOL'S ROLE IN RESPONDING TO  
8 REPORTS OF HARASSMENT OR DISCRIMINATION, PREVENTING RECURRENCE  
9 OF HARASSMENT OR DISCRIMINATION, AND REMEDYING EFFECTS OF THE  
10 HARASSMENT OR DISCRIMINATION;

11 (IV) THE CONTACT INFORMATION FOR RESOURCES FOR VICTIMS OF  
12 VIOLENCE, INCLUDING A LOCAL, STATE, OR NATIONAL  
13 TWENTY-FOUR-HOUR HELPLINE FOR DOMESTIC VIOLENCE AND SEXUAL  
14 VIOLENCE SUPPORT;

15 (V) THE PROTOCOL FOR EMPLOYEES TO RESPOND TO REPORTS OF  
16 HARASSMENT OR DISCRIMINATION, INCLUDING:

17 (A) THE PROCEDURES ADOPTED PURSUANT TO SUBSECTION (2)(d)  
18 OF THIS SECTION FOR INVESTIGATING REPORTS OF HARASSMENT OR  
19 DISCRIMINATION AND MAKING FINDINGS THAT ARE FAIR, IMPARTIAL, AND  
20 PROMPT; AND

21 (B) PROHIBITING RELIANCE SOLELY ON A CRIMINAL INVESTIGATION  
22 BY A LAW ENFORCEMENT AGENCY IN LIEU OF RESPONDING TO A REPORT OF  
23 HARASSMENT OR DISCRIMINATION PROMPTLY AND EFFECTIVELY;

24 (VI) A PROHIBITION ON A SCHOOL USING A STUDENT REPORT OF  
25 HARASSMENT OR DISCRIMINATION, WHETHER VERBAL OR IN WRITING, AS  
26 THE BASIS FOR, OR A CONSIDERATION IN, INVESTIGATING OR EXACTING  
27 ANY DISCIPLINARY RESPONSE FOR A SCHOOL VIOLATION BY THE

1 REPORTING STUDENT RELATED TO THE REPORTED INCIDENT FOR ANY OF  
2 THE FOLLOWING: ENGAGING IN REASONABLE SELF-DEFENSE AGAINST THE  
3 RESPONDENT, CONSENSUAL SEXUAL ACTIVITY, DRUG USE, ALCOHOL USE,  
4 LATE ARRIVAL, TRUANCY, UNAUTHORIZED ACCESS TO FACILITIES, TALKING  
5 PUBLICLY ABOUT THE REPORTED HARASSMENT OR DISCRIMINATION, OR  
6 EXPRESSING A TRAUMA SYMPTOM; AND

7 (VII) INFORMATION ABOUT AVAILABLE ACCOMMODATIONS AND  
8 SUPPORTIVE MEASURES DESCRIBED IN SUBSECTION (2)(g) OF THIS SECTION,  
9 INCLUDING INFORMATION ABOUT HOW A STUDENT CAN REQUEST  
10 SUPPORTIVE MEASURES AND AN EXPLANATION OF ADDITIONAL  
11 ACCOMMODATIONS AVAILABLE FOR STUDENTS WITH DISABILITIES.

12 (c) EACH PUBLIC SCHOOL SHALL MAKE THE POLICY AVAILABLE TO  
13 STUDENTS, STUDENTS' PARENTS AND LEGAL GUARDIANS, AND SCHOOL  
14 STAFF BY:

15 (I) PROMINENTLY DISPLAYING THE POLICY ON ITS WEBSITE;

16 (II) ANNUALLY DISTRIBUTING THE POLICY THROUGH ELECTRONIC  
17 MEANS TO PARENTS AND LEGAL GUARDIANS OF STUDENTS ENROLLED AT  
18 THE PUBLIC SCHOOL AND SEPARATELY TO STUDENTS ENROLLED IN SIXTH  
19 THROUGH TWELFTH GRADE. THE COPY OF THE POLICY DISTRIBUTED  
20 PURSUANT TO THIS SUBSECTION (3)(c)(II) MUST BE DISTRIBUTED  
21 SEPARATELY FROM ANY OTHER DOCUMENT.

22 (III) PROVIDING A PHYSICAL COPY OF THE POLICY TO EACH  
23 INCOMING STUDENT AND THE PARENT OR LEGAL GUARDIAN OF EACH  
24 INCOMING STUDENT, UPON REQUEST; AND

25 (IV) ANNUALLY DISTRIBUTING THE POLICY TO EMPLOYEES.

26 (d) A POLICY DISTRIBUTED TO A STUDENT, PARENT, LEGAL  
27 GUARDIAN, OR SCHOOL STAFF, WHETHER A PHYSICAL OR ELECTRONIC

1 COPY, MUST BE AVAILABLE IN ENGLISH AND, UPON REQUEST, IN SPANISH.  
2 THE POLICY POSTED ON THE WEBSITE MUST BE IN ENGLISH AND A SCHOOL  
3 MAY ALSO POST THE POLICY IN SPANISH.

4 (4) BEGINNING NO LATER THAN JULY 1, 2024, EACH PUBLIC  
5 SCHOOL SHALL PROVIDE \_\_\_\_\_ TRAINING TO ALL EMPLOYEES ABOUT  
6 HARASSMENT AND DISCRIMINATION. EACH NEW EMPLOYEE OF A PUBLIC  
7 SCHOOL MUST COMPLETE TRAINING UPON HIRING, AND EVERY THREE  
8 YEARS THEREAFTER; EXCEPT THAT AN EMPLOYEE MUST COMPLETE  
9 TRAINING WHEN TRANSFERRING FROM A POSITION WORKING WITH  
10 ELEMENTARY SCHOOL-AGED STUDENTS TO A POSITION WORKING WITH  
11 SECONDARY SCHOOL-AGED STUDENTS, OR TRANSFERRING FROM A  
12 POSITION WORKING WITH SECONDARY SCHOOL-AGED STUDENTS TO A  
13 POSITION WORKING WITH ELEMENTARY SCHOOL-AGED STUDENTS. THE  
14 TRAINING MUST INCLUDE, AT A MINIMUM, INSTRUCTION ON THE  
15 FOLLOWING:

16 (a) RECOGNIZING HARASSMENT OR DISCRIMINATION, INCLUDING  
17 INDICATORS OF GROOMING AND CHILD SEXUAL ABUSE;

18 (b) THE APPROPRIATE IMMEDIATE RESPONSE WHEN HARASSMENT  
19 OR DISCRIMINATION IS REPORTED TO OR WITNESSED BY A EMPLOYEES  
20 MEMBER;

21 (c) REPORTING HARASSMENT OR DISCRIMINATION TO THE PUBLIC  
22 SCHOOL OR SCHOOL DISTRICT;

23 (d) THE PUBLIC SCHOOL'S PROCEDURE FOR RESPONDING TO  
24 ALLEGATIONS OF HARASSMENT OR DISCRIMINATION;

25 (e) THE DIFFERENCE BETWEEN THE PUBLIC SCHOOL'S HARASSMENT  
26 OR DISCRIMINATION POLICY ADOPTED PURSUANT TO THIS SECTION;  
27 OBLIGATIONS REQUIRED BY FEDERAL LAW IN TITLE IX; SECTION 504 OF

1 THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET  
2 SEQ.; TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", 42 U.S.C.  
3 SEC. 2000d ET SEQ.; AND TITLE VII OF THE FEDERAL "CIVIL RIGHTS ACT  
4 OF 1964", 42 U.S.C. SEC. 2000e ET SEQ.; AND MANDATORY REPORTING  
5 REQUIREMENTS IN STATE LAW;

6 (f) BEST PRACTICES FOR AVOIDING VICTIM-BLAMING; THE EFFECT  
7 OF TRAUMA ON VICTIMS OF HARASSMENT OR DISCRIMINATION;  
8 COMMUNICATING WITH VICTIMS SENSITIVELY, COMPASSIONATELY, AND IN  
9 A GENDER-INCLUSIVE AND CULTURALLY RESPONSIVE MANNER; AND THE  
10 IMPACT OF HARASSMENT OR DISCRIMINATION ON STUDENTS WITH  
11 DISABILITIES; AND

12 (g) THE TYPES OF SUPPORTIVE MEASURES AVAILABLE TO  
13 STUDENTS AND THE PROVISION OF EFFECTIVE ACADEMIC, MENTAL HEALTH,  
14 AND SAFETY ACCOMMODATIONS FOR STUDENTS WHO REPORT  
15 HARASSMENT OR DISCRIMINATION.

16 (5) (a) ON OR BEFORE JULY 1, 2025, AND ON OR BEFORE JULY 1 OF  
17 EACH YEAR THEREAFTER, EACH PUBLIC SCHOOL OF A SCHOOL DISTRICT  
18 SHALL REPORT TO THE SCHOOL DISTRICT, AND EACH INSTITUTE CHARTER  
19 SCHOOL SHALL REPORT TO THE STATE CHARTER SCHOOL INSTITUTE, THE  
20 FOLLOWING INFORMATION, AGGREGATED AND WITHOUT PERSONALLY  
21 IDENTIFIABLE INFORMATION ABOUT THE PARTIES, FROM THE PRIOR  
22 TWELVE MONTHS:

23 (I) THE NUMBER OF FORMAL HARASSMENT OR DISCRIMINATION  
24 REPORTS RECEIVED BY THE SCHOOL AND THE TYPE OF BIAS REPORTED  
25 WHEN HARASSMENT OR DISCRIMINATION WAS FOUND; AND

26 (II) THE TIME TO COMPLETE EACH INVESTIGATION AND TO MAKE  
27 FINDINGS RELATED TO EACH REPORT.

1 (b) ON OR BEFORE AUGUST 1, 2025, AND ON OR BEFORE AUGUST  
2 1 OF EACH YEAR THEREAFTER, THE STATE CHARTER SCHOOL INSTITUTE  
3 AND EACH SCHOOL DISTRICT SHALL REPORT TO THE DEPARTMENT OF  
4 EDUCATION THE INFORMATION IT RECEIVED FROM EACH SCHOOL  
5 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION.

6 (c) ON OR BEFORE OCTOBER 1, 2025, AND ON OR BEFORE OCTOBER  
7 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT THE  
8 INFORMATION RECEIVED PURSUANT TO THIS SECTION TO THE SEXUAL  
9 MISCONDUCT ADVISORY COMMITTEE CREATED IN SECTION 23-5-147.

10 (6) THIS SECTION DOES NOT AUTHORIZE A PUBLIC SCHOOL OR  
11 SCHOOL DISTRICT, OR THE CHARTER SCHOOL INSTITUTE, TO VIOLATE ANY  
12 FEDERAL LAW, REGULATION, OR GUIDELINE, INCLUDING TITLE IX; SECTION  
13 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701  
14 ET SEQ.; AND TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", 42  
15 U.S.C. SEC. 2000d ET SEQ.; IN CARRYING OUT THE DUTIES DESCRIBED IN  
16 THIS SECTION. IF THIS SECTION CONFLICTS WITH OR DUPLICATES TITLE IX,  
17 SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", OR TITLE  
18 VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", THE APPLICABLE  
19 FEDERAL LAW PREVAILS.

20 **SECTION 3.** In Colorado Revised Statutes, 22-33-104, add  
21 (2)(k) as follows:

22 **22-33-104. Compulsory school attendance.** (2) The provisions  
23 of subsection (1) of this section shall not apply to a child:

24 (k) WHO IS EXCUSED FROM SCHOOL FOR A THERAPY, MEDICAL,  
25 LEGAL, OR VICTIM SERVICES APPOINTMENT RELATED TO HARASSMENT OR  
26 DISCRIMINATION, AS DESCRIBED IN SECTION 22-1-140 (2)(f), OR FOR  
27 BEHAVIORAL OR MENTAL HEALTH CONCERNS RELATED TO HARASSMENT

1 OR DISCRIMINATION.

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3           **SECTION 4. Act subject to petition - effective date.** This act  
4 takes effect at 12:01 a.m. on the day following the expiration of the  
5 ninety-day period after final adjournment of the general assembly; except  
6 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
7 of the state constitution against this act or an item, section, or part of this  
8 act within such period, then the act, item, section, or part will not take  
9 effect unless approved by the people at the general election to be held in  
10 November 2024 and, in such case, will take effect on the date of the  
11 official declaration of the vote thereon by the governor.