

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Finance

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.*

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 FEDERAL "FAMILY
6 EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g
7 AND THE "STUDENT DATA TRANSPARENCY AND SECURITY ACT", CREATED
8 PURSUANT TO ARTICLE 16 OF THIS TITLE 22. AS PART OF THE PROCESS, THE
9 DEPARTMENT OF EDUCATION MAY CONSIDER WHETHER TO ADOPT NEW
10 REPORTING CATEGORIES OR REQUIRE ADDITIONAL OR DIFFERENT DATA TO
11 BE COLLECTED TO IMPROVE ACCURACY, CONSISTENCY, AND QUALITY OF
12 DATA.

13 **22-1-135. Accessible district profile reports - school climate**
14 **reports and surveys - reporting - definition.** (1) (a) ON OR BEFORE
15 AUGUST 31, 2024, THE DEPARTMENT OF EDUCATION SHALL WORK TO
16 DEVELOPEASILY ACCESSIBLE, USER-FRIENDLY PROFILE REPORTS FOR EACH
17 SCHOOL DISTRICT AND THE CHARTER SCHOOL INSTITUTE. THE REPORTS
18 MUST BE MADE EASILY ACCESSIBLE TO THE GENERAL PUBLIC THROUGH A
19 LINK ON THE DEPARTMENT OF EDUCATION'S WEBSITE; UPDATED
20 ANNUALLY; AND DISAGGREGATED BY GENDER, GRADE LEVEL, ETHNICITY,
21 DISABILITY, ENGLISH LANGUAGE LEARNER STATUS, FREE AND
22 REDUCED-PRICE LUNCH STATUS, AND HOMELESS STATUS TO THE MAXIMUM
23 EXTENT POSSIBLE IN COMPLIANCE WITH THE FEDERAL "FAMILY
24 EDUCATIONAL RIGHTS AND PRIVACY RIGHTS ACT OF 1974", 20 U.S.C.
25 SEC. 1232g AND THE "STUDENT DATA TRANSPARENCY AND SECURITY
26 ACT" CREATED PURSUANT TO ARTICLE 16 OF THIS TITLE 22. TO PREPARE
27 THE PROFILE REPORTS, THE DEPARTMENT OF EDUCATION SHALL COLLECT

1 THE INDIVIDUAL STUDENT DATA DESCRIBED IN SUBSECTION (1)(b) OF THIS
2 SECTION. THE DEPARTMENT OF EDUCATION SHALL MAINTAIN STRICT
3 STANDARDS FOR STUDENT DATA PRIVACY, COMPLY WITH STANDARDS FOR
4 REPORTING DATA FOR A STUDENT WITH AN ACCOMMODATION PURSUANT
5 TO SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29
6 U.S.C. SEC. 701 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING
7 REGULATIONS, OR A STUDENT WITH AN INDIVIDUALIZED EDUCATION PLAN,
8 AND SHALL NOT PUBLICLY REPORT INDIVIDUAL STUDENT DATA AS PART OF
9 THE DISTRICT PROFILE REPORTS.

10 (b) THE PROFILE REPORTS MUST INCLUDE, BUT ARE NOT LIMITED
11 TO:

12 (I) CHRONIC ABSENTEEISM RATES;

13 (II) THE NUMBER OF IN-SCHOOL AND OUT-OF-SCHOOL
14 SUSPENSIONS;

15 (III) THE NUMBER OF EXPULSIONS;

16 (IV) THE NUMBER OF STUDENTS HANDCUFFED;

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

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

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

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

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

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

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

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

19 (b) THE DEPARTMENT OF EDUCATION MAY CONSULT WITH STATE
20 AND NATIONAL ORGANIZATIONS OR OTHER STATES WITH EXPERTISE IN
21 MEASURING AND IMPROVING STUDENTS' EXPERIENCE AT SCHOOL. BY
22 DECEMBER 31, 2023, THE DEPARTMENT OF EDUCATION MAY MAKE
23 RECOMMENDATIONS TO THE STATE BOARD OF EDUCATION AND THE
24 GENERAL ASSEMBLY FOR ADDITIONAL INDICATORS TO CONSIDER FOR
25 INCLUSION IN THE DISTRICT PROFILE REPORT, INCLUDING, BUT NOT LIMITED
26 TO, MEASURES OF STUDENT ENGAGEMENT, STUDENTS' EMOTIONAL AND
27 PHYSICAL SAFETY AND SENSE OF BELONGING, AND TEACHERS'

1 PERSPECTIVES OF LEARNING CONDITIONS. RECOMMENDATIONS MAY ALSO
2 LEVERAGE INFORMATION LEARNED FROM PILOT AND GRANT PROGRAMS
3 RELATED TO IMPROVING STUDENTS' EXPERIENCES IN SCHOOL.

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

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

14 **22-2-112. Commissioner - duties - report - legislative**
15 **declaration - repeal.** (1) Subject to the supervision of the state board,
16 the commissioner has the following duties:

17 (u) (I) To prepare an annual report on the number of pupils
18 enrolled in public schools in the state based on the pupil enrollments
19 reported to the state board pursuant to section 22-54-112 (2)(a) for the
20 applicable school year, and the number of SCHOOL COUNSELORS, SCHOOL
21 SOCIAL WORKERS, SCHOOL NURSES, AND school psychologists in the state,
22 ~~who are~~ licensed by the department pursuant to part 2 of article 60.5 of
23 this title 22, and employed by a school district, board of cooperative
24 services, ~~or~~ charter school, OR ENTITY THAT CONTRACTS WITH ANY OF THE
25 ABOVE who are reported as full-time equivalent OR PART-TIME employees.
26 The report must state the number of pupils and licensed and employed
27 school psychologists, SCHOOL COUNSELORS, SCHOOL SOCIAL WORKERS,

1 AND SCHOOL NURSES in total for the state and disaggregated by school
2 district, board of cooperative services, and the state charter school
3 institute.

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

7 **22-2-503. Teaching and learning conditions survey.** (1) Subject
8 to available appropriations, the department shall administer a biennial
9 teaching and learning conditions survey, referred to in this section as the
10 "survey", to all preschool teachers, elementary teachers, secondary
11 teachers, and education support professionals in public schools of the
12 state. The survey ~~shall~~ **MUST** be designed to assess, at a minimum:

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

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

17 (d) THE RELATIONSHIP, IF ANY, BETWEEN TEACHING AND
18 LEARNING CONDITIONS AND MEASURES OF SCHOOL CLIMATE, AS
19 EXPERIENCED BY STUDENTS AND TEACHERS.

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

22 (e) State education reform initiatives concerning achievement
23 gaps, teacher gaps, dropout rates, and graduation rates; ~~and~~

24 (f) Other analyses to inform school improvement efforts; AND

25 (g) IMPROVING WAYS TO MEASURE AND IMPROVE SCHOOL CLIMATE
26 AND TEACHING AND LEARNING ENVIRONMENTS.

27 **SECTION 4.** In Colorado Revised Statutes, 22-30.5-528, **amend**

1 (2), (3)(a), and (3)(b) introductory portion; and **add** (3)(d), (3)(e), and (5)
2 as follows:

3 **22-30.5-528. Institute charter schools - use of restraints on**
4 **students - certain restraints prohibited - reports and review process**
5 **- complaints and investigations - rules - definitions.** (2) Pursuant to
6 ~~section 26-20-111, the use of a chemical, mechanical, or prone restraint~~
7 ~~upon a student in an institute charter school is prohibited~~ THE
8 "PROTECTION OF INDIVIDUALS FROM RESTRAINT AND SECLUSION ACT",
9 SECTIONS 26-20-101 TO 26-20-111, SETS FORTH THE KEY DEFINITIONS AND
10 PROHIBITIONS ON THE USE OF RESTRAINTS, INCLUDING THE USE OF
11 RESTRAINTS ON STUDENTS, DESCRIBED IN SECTION 26-20-111.

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

18 (b) On and after August 9, 2017, each INSTITUTE CHARTER school
19 ~~district~~ shall establish a review process, conduct the review process at
20 least annually, and document the results of each review process in
21 writing. Each annual review process must include a review of each
22 incident in which restraint was used on a student during the preceding
23 year. The purpose of each annual review process is to ensure that the
24 INSTITUTE CHARTER school ~~district~~ is properly administering restraint,
25 identifying additional training needs, minimizing and preventing the use
26 of restraint by increasing the use of positive behavior interventions, and
27 reducing the incidence of injury to students and staff. Each annual review

1 process must include but is not limited to:

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

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

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

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

21 **22-32-109.1. Board of education - specific powers and duties**
22 **- safe school plan - conduct and discipline code - safe school reporting**
23 **requirements - school response framework - school resource officers**
24 **- definitions. (1) Definitions.** As used in this section, unless the context
25 otherwise requires:

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

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

16 (b) **Safe school reporting requirements.** A policy whereby the
17 principal of each public school in a school district is required to submit
18 annually in a manner and by a date specified by rule of the state board,
19 AND IN ACCORDANCE WITH STANDARDIZED METHODS AND ANY REVISED
20 REPORTING CATEGORIES IDENTIFIED AND ADOPTED THROUGH THE
21 STAKEHOLDER PROCESS SET FORTH IN SECTION 22-1-134, a written report
22 to the board of education of the school district concerning the learning
23 environment in the school during that school year. The board of education
24 of the school district shall annually compile the reports from every school
25 in the district and submit the compiled report to the department of
26 education in a format specified by rule of the state board. The compiled
27 report must be easily accessible by the general public through a link on

1 the department of education's website home page. The report must
2 include, but need not be limited to, the following specific information for
3 the preceding school year, INCLUDING ANY DISCIPLINARY INCIDENT
4 SPECIFIED IN SUBSECTION (2)(b)(IV)(E) OR (2)(b)(IV)(K) OF THIS SECTION
5 THAT REQUIRES ADDITIONAL REPORTING ON THE INCIDENT:

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

11 (E) Being willfully disobedient or openly and persistently defiant
12 or repeatedly interfering with the school's ability to provide educational
13 opportunities to, and a safe environment for, other students. IN ADDITION
14 TO PROVIDING INFORMATION ON SUCH DISCIPLINARY INCIDENTS IN THE
15 COMPILED REPORT REQUIRED BY THIS SUBSECTION (2)(b), THE REPORT
16 FILING MUST INCLUDE ANY ADDITIONAL INFORMATION DEEMED
17 NECESSARY BY THE DEPARTMENT OF EDUCATION PURSUANT TO THE
18 PROCESS REQUIRED PURSUANT TO SECTION 22-1-134. INFORMATION
19 INCLUDED IN REPORTING FOR INCIDENTS CURRENTLY CATEGORIZED AS
20 DISOBEDIENCE OR DEFIANCE MAY INCLUDE, BUT IS NOT LIMITED TO
21 SCHOOL AND DISTRICT CODE; LOCATION OF INCIDENTS; DESCRIPTION OF
22 THE BEHAVIORS THAT CONSTITUTED THE VIOLATIONS; INTERVENTIONS OR
23 DE-ESCALATION STRATEGIES ATTEMPTED LEADING UP TO THE INCIDENT;
24 AND DESCRIPTIVE INFORMATION OF THE STUDENT OR STUDENTS INVOLVED
25 IN THE INCIDENTS, INCLUDING, BUT NOT LIMITED TO, GENDER, GRADE
26 LEVEL, ETHNICITY, RACE, AND WHETHER THE STUDENT HAS FEDERAL
27 SECTION 504 ACCOMMODATIONS OR AN INDIVIDUALIZED EDUCATION PLAN.

1 INFORMATION ON THE REPORT MUST BE SUBMITTED IN ACCORDANCE WITH
2 THE DEPARTMENT OF EDUCATION'S DATA PRIVACY AND REPORTING
3 REQUIREMENTS.

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

23 (b.5) IN ADDITION TO THE ITEMS SPECIFIED IN SUBSECTION (2)(b)
24 OF THIS SECTION, EACH SCHOOL DISTRICT BOARD OF EDUCATION OR
25 INSTITUTE CHARTER SCHOOL BOARD FOR A CHARTER SCHOOL AUTHORIZED
26 BY THE CHARTER SCHOOL INSTITUTE SHALL ANNUALLY REVIEW AND
27 SUBMIT DATA TO THE DEPARTMENT OF EDUCATION CONCERNING THE

1 NUMBER AND TYPES OF DISCIPLINARY INCIDENTS AND THE DISCIPLINARY
2 ACTIONS TAKEN IN RESPONSE TO SUCH INCIDENTS. THE DEPARTMENT OF
3 EDUCATION SHALL COLLECT THE DATA DESCRIBED IN SUBSECTION
4 (2)(b)(IV) OF THIS SECTION AT THE INDIVIDUAL STUDENT LEVEL AND
5 REPORT DISAGGREGATED STUDENT DATA ON THE TYPE OF DISCIPLINARY
6 INCIDENTS AND ACTION TAKEN. SUCH STUDENT DATA MUST BE
7 DISAGGREGATED BY GENDER, GRADE LEVEL, RACE, ETHNICITY,
8 DISABILITY, WHETHER THE STUDENT HAS FEDERAL SECTION 504
9 ACCOMMODATIONS OR AN INDIVIDUALIZED EDUCATION PLAN, ENGLISH
10 LANGUAGE LEARNER STATUS, FREE AND REDUCED-PRICE LUNCH STATUS,
11 AND HOMELESS STATUS, TO THE MAXIMUM EXTENT POSSIBLE IN
12 COMPLIANCE WITH THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND
13 PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g AND THE "STUDENT DATA
14 TRANSPARENCY AND SECURITY ACT", CREATED IN ARTICLE 16 OF THIS
15 TITLE 22. THE DEPARTMENT OF EDUCATION SHALL NOT REPORT
16 INDIVIDUAL STUDENT DATA IN MEETING THE REQUIREMENTS OF THIS
17 SUBSECTION (2) AND SHALL ENSURE COMPLIANCE WITH STANDARDS FOR
18 REPORTING DATA FOR A STUDENT WITH A FEDERAL SECTION 504
19 ACCOMMODATION OR AN INDIVIDUALIZED EDUCATION PLAN.

20
21 **SECTION 6.** In Colorado Revised Statutes, 22-32-147, amend
22 (3)(c); and add (1)(b.7), (3)(b.5), (3)(d), (5), and (6) as follows:

23 **22-32-147. Use of restraints on students - certain restraints**
24 **prohibited - reports and review process - rules - definitions.** (1) As
25 used in this section, unless the context otherwise requires:

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

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

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

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

18 (5) THE DEPARTMENT OF EDUCATION SHALL MAKE TRAINING
19 AVAILABLE ON THE "PROTECTION OF INDIVIDUALS FROM RESTRAINT AND
20 SECLUSION ACT", SECTIONS 26-20-101 TO 26-20-111, AND ON THE
21 DEPARTMENT OF EDUCATION'S CORRESPONDING RULES FOR
22 ADMINISTRATION OF SUCH ACT TO INDIVIDUALS CERTIFIED IN THE USE OF
23 RESTRAINT.

24 (6) THE DEPARTMENT OF EDUCATION HAS ENFORCEMENT
25 AUTHORITY OVER THE RESTRAINT INVESTIGATION DECISIONS. THIS
26 ENFORCEMENT AUTHORITY MUST FOLLOW THE SAME PROCEDURES
27 OUTLINED FOR STATE COMPLAINTS UNDER THE FEDERAL "INDIVIDUALS

1 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS
2 AMENDED, AND THE DEPARTMENT'S STATE-LEVEL COMPLAINT
3 PROCEDURES.

4 **SECTION 7.** In Colorado Revised Statutes, 22-33-205, **amend**
5 (4) introductory portion; and **add** (3.5) as follows:

6 **22-33-205. Services for expelled and at-risk students - grants**
7 **- criteria - rules - funding.** (3.5) (a) FOR THE STATE FISCAL YEAR
8 2022-23, THE GENERAL ASSEMBLY SHALL APPROPRIATE AN ADDITIONAL
9 FIVE HUNDRED THOUSAND DOLLARS TO THE GRANT PROGRAM. UP TO FIVE
10 HUNDRED THOUSAND DOLLARS OF ANY INCREASE IN APPROPRIATION FOR
11 THE PROGRAM FOR THE 2022-23 STATE FISCAL YEAR MAY BE GRANTED TO
12 APPLICANTS THAT PROVIDE SERVICES AND SUPPORT TO DEVELOP
13 EFFECTIVE ATTENDANCE AND DISCIPLINE SYSTEMS; ADDRESS
14 EDUCATIONAL INEQUITIES AND DISPROPORTIONATE DISCIPLINE PRACTICES;
15 AND OFFER STAFF TRAINING AND TECHNICAL ASSISTANCE TO ENSURE THE
16 CULTURALLY RESPONSIVE IMPLEMENTATION OF SERVICES, SUPPORTS, AND
17 PROGRAMMING. THE SERVICES AND SUPPORTS MUST INCLUDE, BUT NEED
18 NOT BE LIMITED TO, EQUITY, DIVERSITY, AND INCLUSION TRAINING FOR
19 STAFF; POSITIVE BEHAVIOR INTERVENTION MODELS; AND RESTORATIVE
20 JUSTICE PRACTICES AS DESCRIBED IN SECTION 22-32-144.

21 (b) THE DEPARTMENT OF EDUCATION IS AUTHORIZED TO RETAIN UP
22 TO FIVE PERCENT OF ANY MONEY APPROPRIATED FOR THE PROGRAM FOR
23 THE PURPOSE OF ANNUALLY ADMINISTERING, MAINTAINING, AND
24 EVALUATING THE PROGRAM. THE DEPARTMENT OF EDUCATION IS
25 AUTHORIZED AND ENCOURAGED TO USE UP TO TWO PERCENT OF THE FIVE
26 PERCENT RETAINED PURSUANT TO THIS SUBSECTION (3.5)(b) FOR THE
27 PURPOSE OF PARTNERING WITH ORGANIZATIONS OR AGENCIES THAT

1 PROVIDE SERVICES AND SUPPORTS THAT ARE DESIGNED TO REDUCE THE
2 NUMBER OF TRUANCY CASES REQUIRING COURT INVOLVEMENT AND THAT
3 ALSO REFLECT THE BEST INTERESTS OF STUDENTS AND FAMILIES.

4 (4) ~~The department of education is authorized to retain up to one~~
5 ~~percent of any money appropriated for the program for the purpose of~~
6 ~~annually evaluating the program. The department of education is~~
7 ~~authorized and encouraged to retain up to an additional two percent of~~
8 ~~any money appropriated for the program for the purpose of partnering~~
9 ~~with organizations or agencies that provide services and supports that are~~
10 ~~designed to reduce the number of truancy cases requiring court~~
11 ~~involvement and that also reflect the best interests of students and~~
12 ~~families. Notwithstanding section 24-1-136 (11)(a)(I), on or before~~
13 ~~January 1, 2006, and on or before January 1 each year thereafter, the~~
14 ~~department of education shall report to the education committees of the~~
15 ~~house of representatives and the senate, or any successor committees, the~~
16 ~~evaluation findings on the outcomes and the effectiveness of the program~~
17 ~~related to school attendance, attachment, and achievement. At a~~
18 ~~minimum, the report must include:~~

19 **SECTION 8.** In Colorado Revised Statutes, 24-31-312, **add (7)**
20 **as follows:**

21 **24-31-312. School resource officer training.** (7) **THE P.O.S.T.**
22 **BOARD, WITH RESPECT TO THE HIRING, TRAINING, AND EVALUATION OF**
23 **SCHOOL RESOURCE OFFICERS AND PROFESSIONALIZING A SCHOOL-POLICE**
24 **PARTNERSHIP, SHALL CREATE A MODEL POLICY FOR SELECTING SCHOOL**
25 **RESOURCE OFFICERS PURSUANT TO THE GENERAL DUTIES AND**
26 **RESPONSIBILITIES GRANTED TO THE P.O.S.T. BOARD PURSUANT TO**
27 **SECTION 24-31-303. THE P.O.S.T. BOARD SHALL CONSULT WITH SCHOOL**

1 BOARD MEMBERS, SCHOOL RESOURCE OFFICERS, K-12 ADVOCATES, AND
2 OTHER RELEVANT STAKEHOLDERS, INCLUDING STUDENT GROUPS, IN THE
3 DEVELOPMENT OF THE MODEL POLICY. THE DEPARTMENT OF EDUCATION
4 SHALL POST THE MODEL POLICY ON ITS WEBSITE AND DISTRIBUTE THE
5 POLICY TO SCHOOL DISTRICTS, CHARTER SCHOOLS, AND INSTITUTE
6 CHARTER SCHOOLS FOR CONSIDERATION AND POSSIBLE ADOPTION. THE
7 MODEL POLICY MAY BE USED BY SCHOOL DISTRICTS, CHARTER SCHOOLS,
8 INSTITUTE CHARTER SCHOOLS, AND POLICE DEPARTMENTS. THE MODEL
9 POLICY MUST, AT A MINIMUM, REQUIRE THAT:

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

13 (b) A CANDIDATE DEMONSTRATE, WHENEVER POSSIBLE, A RECORD
14 OF EXPERIENCE DEVELOPING POSITIVE RELATIONSHIPS WITH YOUTH,
15 WHICH MAY INCLUDE PARTICIPATION IN YOUTH OR COMMUNITY POLICING
16 PROGRAMS;

17 (c) A CANDIDATE VOLUNTARILY APPLY TO SERVE AS A SCHOOL
18 RESOURCE OFFICER; AND

19 (d) THE EMPLOYING LAW ENFORCEMENT AGENCY AND SCHOOL
20 DISTRICT JOINTLY CREATE AN EVALUATION PROCESS TO EVALUATE
21 SCHOOL RESOURCE OFFICERS.

22 **SECTION 9.** In Colorado Revised Statutes, 26-20-102, **amend**
23 (5), (6) introductory portion, and (6)(c) as follows:

24 **26-20-102. Definitions.** As used in this article 20, unless the
25 context otherwise requires:

26 (5) "Physical restraint" means the use of bodily, physical force to
27 involuntarily limit an individual's freedom of movement FOR MORE THAN

1 ONE MINUTE; except that "physical restraint" does not include the holding
2 of a child by one adult for the purposes of calming or comforting the
3 child.

4 (6) "Restraint" means any method or device used to involuntarily
5 limit freedom of movement, including bodily physical force, mechanical
6 devices, or chemicals. RESTRAINT MUST NOT BE USED AS A FORM OF
7 DISCIPLINE OR TO GAIN COMPLIANCE FROM A STUDENT. IF PROPERTY
8 DAMAGE MIGHT BE INVOLVED, RESTRAINT MAY ONLY BE USED WHEN THE
9 DESTRUCTION OF PROPERTY COULD POSSIBLY RESULT IN BODILY HARM TO
10 THE INDIVIDUAL OR ANOTHER PERSON. "Restraint" includes chemical
11 restraint, mechanical restraint, and physical restraint. "Restraint" does not
12 include:

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

18 **SECTION 10.** In Colorado Revised Statutes, 26-20-111, **amend**
19 (1); and **add** (5), (6), (7), (8), and (9) as follows:

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

23 (a) The use of a chemical, mechanical, or prone restraint upon a
24 student of a school of a school district, charter school of a school district,
25 or institute charter school is prohibited when the student is on the
26 property of any agency or is participating in an off-campus,
27 school-sponsored activity or event; AND

1 (b) A SCHOOL RESOURCE OFFICER OR A LAW ENFORCEMENT
2 OFFICER ACTING IN THE OFFICER'S OFFICIAL CAPACITY ON SCHOOL
3 GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR
4 SANCTIONED EVENT SHALL NOT USE HANDCUFFS ON ANY STUDENT, UNLESS
5 THERE IS A DANGER TO THEMSELVES OR OTHERS OR HANDCUFFS ARE USED
6 DURING A CUSTODIAL ARREST THAT REQUIRES TRANSPORT.

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

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

23 (7) IF A PHYSICAL RESTRAINT IS BETWEEN ONE AND FIVE MINUTES,
24 THE NOTIFICATION REQUIREMENT MUST BE A WRITTEN NOTICE TO THE
25 PARENT ON THE DAY OF THE RESTRAINT. THE NOTICE MUST INCLUDE THE
26 DATE, THE STUDENT'S NAME, AND THE NUMBER OF RESTRAINTS THAT DAY
27 THAT LASTED BETWEEN ONE AND FIVE MINUTES.

1 (8) ON OR BEFORE JULY 1, 2023, THE STATE BOARD SHALL INITIATE
2 RULE MAKING FOR THE PROCESS OF DETERMINING WHETHER TO REQUIRE
3 THE REPORTING OF RESTRAINTS FROM ONE TO FIVE MINUTES AND WHAT
4 DATA, IF ANY, WILL BE COLLECTED. AS A PART OF THE PUBLIC INPUT
5 PROCESS REQUIRED PURSUANT TO SECTION 24-4-104, THE STATE BOARD
6 AND THE DEPARTMENT OF EDUCATION SHALL ENGAGE WITH
7 STAKEHOLDERS, INCLUDING, BUT NOT LIMITED TO, A REPRESENTATIVE OF
8 SCHOOL DISTRICT ADMINISTRATORS, A STATEWIDE ORGANIZATION
9 REPRESENTING SPECIAL EDUCATION DIRECTORS, AND A MEMBER OF A
10 DISABILITY RIGHTS ORGANIZATION.

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

15 **SECTION 11. Appropriation.** (1) For the 2022-23 state fiscal
16 year, \$1,016,451 is appropriated to the department of education. This
17 appropriation is from the general fund. To implement this act, the
18 department may use this appropriation as follows:

- 19 (a) \$263,900 for information technology services;
- 20 (b) \$500,000 for the expelled and at-risk student services grant
21 program; and
- 22 (c) \$252,551 for the office of dropout prevention and student
23 reengagement, which amount is based on an assumption that the
24 department will require an additional 2.4 FTE.

25 (2) For the 2022-23 state fiscal year, \$30,000 is appropriated to
26 the department of law for use by the peace officers training board. This
27 appropriation is from the P.O.S.T board cash fund created in section

1 24-31-303 (2)(b), C.R.S. To implement this act, the board may use this
2 appropriation for peace officers standards and training board support.

3 **SECTION 12. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.