

CHAPTER 243

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 22-1376

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also SENATOR(S) Priola and Winter, Bridges, Buckner, Coleman, Danielson, Gonzales, Hinrichsen, Jaquez Lewis, Lee, Moreno, Pettersen, Story, Fenberg.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, **add** 22-1-138 and 22-1-139 as follows:

22-1-138. Information collected and posted on department website. ON OR BEFORE AUGUST 31, 2023, THE DEPARTMENT OF EDUCATION SHALL STANDARDIZE THE REPORTING METHOD THAT SCHOOL DISTRICTS, INCLUDING CHARTER SCHOOLS OF A SCHOOL DISTRICT AND INSTITUTE CHARTER SCHOOLS, USE TO COLLECT AND REPORT DATA CONCERNING SUSPENSIONS AND EXPULSIONS, ARRESTS AND REFERRALS, CHRONIC ABSENTEEISM, INCIDENTS OF VIOLENCE, AND HARASSMENT AND BULLYING, AND THE SAFE SCHOOL REPORTING REQUIREMENTS SET FORTH IN SECTION 22-32-109.1. IN MAKING ITS DETERMINATION REGARDING THE STANDARDIZATION, THE DEPARTMENT OF EDUCATION SHALL CONSULT WITH SCHOOL DISTRICTS AND SCHOOL ADMINISTRATORS, SCHOOL BOARD MEMBERS, TEACHERS, LAW ENFORCEMENT REPRESENTATIVES, SCHOOL RESOURCE OFFICERS, K-12 ADVOCATES, AND OTHER RELEVANT STAKEHOLDERS. IN MAKING ITS DETERMINATION, THE DEPARTMENT OF EDUCATION SHALL ENSURE ALL STUDENT-LEVEL DATA IS KEPT CONFIDENTIAL AND REPORTING COMPLIES WITH THE "COLORADO PRIVACY ACT", ESTABLISHED PURSUANT TO PART 13 OF ARTICLE 1 OF TITLE 6, THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g, AND THE "STUDENT DATA TRANSPARENCY AND SECURITY ACT", CREATED PURSUANT TO ARTICLE 16 OF THIS TITLE 22, WHICH MUST INCLUDE

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

THE APPLICATION OF DATA SUPPRESSION POLICIES TO AVOID THE RE-IDENTIFICATION OF ANY INDIVIDUAL IN ANY PUBLIC REPORTS. AS PART OF THE PROCESS, THE DEPARTMENT OF EDUCATION MAY CONSIDER WHETHER TO ADOPT NEW REPORTING CATEGORIES OR REQUIRE ADDITIONAL OR DIFFERENT DATA TO BE COLLECTED TO IMPROVE ACCURACY, CONSISTENCY, AND QUALITY OF DATA.

22-1-139. Accessible district profile reports - school climate reports and surveys - reporting - definition. (1) (a) ON OR BEFORE AUGUST 31, 2024, THE DEPARTMENT OF EDUCATION SHALL WORK TO DEVELOP EASILY ACCESSIBLE, USER-FRIENDLY PROFILE REPORTS FOR EACH SCHOOL DISTRICT AND THE CHARTER SCHOOL INSTITUTE. THE REPORTS MUST BE MADE EASILY ACCESSIBLE TO THE GENERAL PUBLIC THROUGH A LINK ON THE DEPARTMENT OF EDUCATION'S WEBSITE; UPDATED ANNUALLY; AND DISAGGREGATED BY GENDER, GRADE LEVEL, ETHNICITY, DISABILITY, ENGLISH LANGUAGE LEARNER STATUS, FREE AND REDUCED-PRICE LUNCH STATUS, AND HOMELESS STATUS TO THE MAXIMUM EXTENT POSSIBLE IN COMPLIANCE WITH THE "COLORADO PRIVACY ACT", ESTABLISHED PURSUANT TO PART 13 OF ARTICLE 1 OF TITLE 6, THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY RIGHTS ACT OF 1974", 20 U.S.C. SEC. 1232g, AND THE "STUDENT DATA TRANSPARENCY AND SECURITY ACT" CREATED PURSUANT TO ARTICLE 16 OF THIS TITLE 22. TO PREPARE THE PROFILE REPORTS, THE DEPARTMENT OF EDUCATION SHALL COLLECT THE INDIVIDUAL STUDENT DATA DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION. THE DEPARTMENT OF EDUCATION SHALL MAINTAIN STRICT STANDARDS FOR STUDENT DATA PRIVACY, COMPLY WITH STANDARDS FOR REPORTING DATA FOR A STUDENT WITH AN ACCOMMODATION PURSUANT TO SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS, OR A STUDENT WITH AN INDIVIDUALIZED EDUCATION PLAN, AND SHALL NOT PUBLICLY REPORT INDIVIDUAL STUDENT DATA FOR ANY PURPOSE, INCLUDING AS PART OF THE DISTRICT PROFILE REPORTS.

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

(I) CHRONIC ABSENTEEISM RATES;

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

(III) THE NUMBER OF EXPULSIONS;

(IV) THE NUMBER OF STUDENTS HANDCUFFED;

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

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

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

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

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

(VII) THE NUMBER OF STUDENTS PHYSICALLY RESTRAINED; AND

(VIII) THE NUMBER OF STUDENTS PLACED IN SECLUSION.

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

(b) THE DEPARTMENT OF EDUCATION MAY CONSULT WITH STATE AND NATIONAL ORGANIZATIONS OR OTHER STATES WITH EXPERTISE IN MEASURING AND IMPROVING STUDENTS' EXPERIENCES AT SCHOOL. BY DECEMBER 31, 2023, THE DEPARTMENT OF EDUCATION MAY MAKE RECOMMENDATIONS TO THE STATE BOARD OF EDUCATION AND THE GENERAL ASSEMBLY FOR ADDITIONAL INDICATORS TO CONSIDER FOR INCLUSION IN THE DISTRICT PROFILE REPORT, INCLUDING, BUT NOT LIMITED TO, MEASURES OF STUDENT ENGAGEMENT, STUDENTS' EMOTIONAL AND PHYSICAL SAFETY AND SENSE OF BELONGING, AND TEACHERS' PERSPECTIVES OF LEARNING CONDITIONS. RECOMMENDATIONS MAY ALSO LEVERAGE INFORMATION LEARNED FROM PILOT AND GRANT PROGRAMS RELATED TO IMPROVING STUDENTS' EXPERIENCES IN SCHOOL.

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

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

22-2-112. Commissioner - duties - report - legislative declaration - repeal.

(1) Subject to the supervision of the state board, the commissioner has the following duties:

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

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

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

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

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

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

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

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

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

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

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

22-30.5-528. Institute charter schools - use of restraints on students - certain restraints prohibited - reports and review process - complaints and investigations - rules - definitions. (2) ~~Pursuant to section 26-20-111, the use of a chemical, mechanical, or prone restraint upon a student in an institute charter~~

~~school is prohibited~~ THE "PROTECTION OF INDIVIDUALS FROM RESTRAINT AND SECLUSION ACT", SECTIONS 26-20-101 TO 26-20-111, SETS FORTH THE KEY DEFINITIONS AND PROHIBITIONS ON THE USE OF RESTRAINTS, INCLUDING THE USE OF RESTRAINTS ON STUDENTS, DESCRIBED IN SECTION 26-20-111.

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

(b) On and after August 9, 2017, each INSTITUTE CHARTER school ~~district~~ shall establish a review process, conduct the review process at least annually, and document the results of each review process in writing. Each annual review process must include a review of each incident in which restraint was used on a student during the preceding year. The purpose of each annual review process is to ensure that the INSTITUTE CHARTER school ~~district~~ is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff. Each annual review process must include but is not limited to:

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

(e) NO LATER THAN JUNE 30, 2023, AND EVERY JUNE 30 THEREAFTER, EACH INSTITUTE CHARTER SCHOOL 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 22-1-138.

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

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

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

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

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

(b) **Safe school reporting requirements.** A policy whereby the principal of each public school in a school district is required to submit annually, in a manner and by a date specified by rule of the state board, AND IN ACCORDANCE WITH STANDARDIZED METHODS AND ANY REVISED REPORTING CATEGORIES IDENTIFIED AND ADOPTED THROUGH THE STAKEHOLDER PROCESS SET FORTH IN SECTION 22-1-138, a written report to the board of education of the school district concerning the learning environment in the school during that school year. The board of education of the school district shall annually compile the reports from every school in the district and submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report must be easily accessible by the general public through a link on the department of education's website home page. The report must include, but need not be limited to, the following specific information for the preceding school year, INCLUDING ANY DISCIPLINARY INCIDENT SPECIFIED IN SUBSECTION (2)(b)(IV)(E) OR (2)(b)(IV)(K) OF THIS SECTION THAT REQUIRES ADDITIONAL REPORTING ON THE INCIDENT:

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

(E) Being willfully disobedient or openly and persistently defiant or repeatedly interfering with the school's ability to provide educational opportunities to, and a safe environment for, other students. IN ADDITION TO PROVIDING INFORMATION ON SUCH DISCIPLINARY INCIDENTS IN THE COMPILED REPORT REQUIRED BY THIS SUBSECTION (2)(b), THE REPORT FILING MUST INCLUDE ANY ADDITIONAL INFORMATION DEEMED NECESSARY BY THE DEPARTMENT OF EDUCATION PURSUANT TO THE PROCESS REQUIRED PURSUANT TO SECTION 22-1-138. INFORMATION INCLUDED IN REPORTING FOR INCIDENTS CURRENTLY CATEGORIZED AS DISOBEDIENCE OR DEFIANCE MAY INCLUDE, BUT IS NOT LIMITED TO SCHOOL AND DISTRICT CODE; LOCATION OF INCIDENTS; DESCRIPTION OF THE BEHAVIORS THAT CONSTITUTED THE VIOLATIONS; INTERVENTIONS OR DE-ESCALATION STRATEGIES ATTEMPTED LEADING UP TO THE INCIDENT; AND DESCRIPTIVE INFORMATION OF THE STUDENT OR STUDENTS INVOLVED IN THE INCIDENTS, INCLUDING, BUT NOT LIMITED TO, GENDER, GRADE LEVEL, ETHNICITY, RACE, AND WHETHER THE STUDENT HAS FEDERAL SECTION 504 ACCOMMODATIONS OR AN INDIVIDUALIZED EDUCATION PLAN. INFORMATION ON THE REPORT MUST BE SUBMITTED IN ACCORDANCE WITH THE

DEPARTMENT OF EDUCATION'S DATA PRIVACY AND REPORTING REQUIREMENTS.

(K) Other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record. IN ADDITION TO PROVIDING INFORMATION ON SUCH DISCIPLINARY INCIDENTS IN THE COMPILED REPORT REQUIRED BY THIS SUBSECTION (2)(b), THE REPORT FILING MUST INCLUDE ANY ADDITIONAL INFORMATION DEEMED NECESSARY BY THE DEPARTMENT OF EDUCATION PURSUANT TO THE PROCESS REQUIRED PURSUANT TO SECTION 22-1-138. INFORMATION INCLUDED IN REPORTING FOR INCIDENTS CURRENTLY CATEGORIZED AS DISOBEDIENCE OR DEFIANCE MAY INCLUDE, BUT IS NOT LIMITED TO, SCHOOL AND DISTRICT CODE; LOCATION OF THE INCIDENTS; DESCRIPTION OF THE BEHAVIORS THAT CONSTITUTED THE VIOLATIONS; INTERVENTIONS OR DE-ESCALATION STRATEGIES ATTEMPTED LEADING UP TO THE INCIDENTS; AND DESCRIPTIVE INFORMATION OF THE STUDENT OR STUDENTS INVOLVED IN THE INCIDENTS, INCLUDING, BUT NOT LIMITED TO, GENDER, GRADE LEVEL, ETHNICITY, RACE, AND WHETHER THE STUDENT HAS FEDERAL SECTION 504 ACCOMMODATIONS OR AN INDIVIDUALIZED EDUCATION PLAN. INFORMATION ON THE REPORT MUST BE SUBMITTED IN ACCORDANCE WITH THE DEPARTMENT OF EDUCATION'S DATA PRIVACY AND REPORTING REQUIREMENTS.

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

SECTION 6. In Colorado Revised Statutes, 22-32-147, **amend** (3)(c) introductory portion; 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 e-mail 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 22-1-138.

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

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

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

24-31-312. School resource officer training. (7) THE P.O.S.T. BOARD, WITH RESPECT TO THE HIRING, TRAINING, AND EVALUATION OF SCHOOL RESOURCE OFFICERS AND PROFESSIONALIZING A SCHOOL-POLICE PARTNERSHIP, SHALL CREATE A MODEL POLICY FOR SELECTING SCHOOL RESOURCE OFFICERS PURSUANT TO THE GENERAL DUTIES AND RESPONSIBILITIES GRANTED TO THE P.O.S.T. BOARD PURSUANT TO SECTION 24-31-303. THE P.O.S.T. BOARD SHALL CONSULT WITH SCHOOL BOARD MEMBERS, SCHOOL RESOURCE OFFICERS, K-12 ADVOCATES, AND OTHER RELEVANT STAKEHOLDERS, INCLUDING STUDENT GROUPS, IN THE DEVELOPMENT OF THE MODEL POLICY. THE DEPARTMENT OF EDUCATION SHALL POST THE MODEL POLICY ON ITS WEBSITE AND DISTRIBUTE THE POLICY TO SCHOOL DISTRICTS, CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS FOR CONSIDERATION AND POSSIBLE ADOPTION. THE MODEL POLICY MAY BE USED BY SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER SCHOOLS, AND POLICE DEPARTMENTS. THE MODEL POLICY MUST, AT A MINIMUM, REQUIRE THAT:

(a) ONCE SELECTED, SCHOOL RESOURCE OFFICERS MUST BE FULLY TRAINED IN

STANDARD BEST PRACTICES, AS SET FORTH BY A NATIONAL ASSOCIATION OF SCHOOL RESOURCE OFFICERS;

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

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

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

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

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

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

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

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

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

26-20-111. Use of restraints in public schools - certain restraints prohibited.

(1) Except as provided otherwise in this section, and notwithstanding any other provision of this article 20:

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

(b) A SCHOOL RESOURCE OFFICER OR A LAW ENFORCEMENT OFFICER ACTING IN THE OFFICER'S OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR

AT A SCHOOL ACTIVITY OR SANCTIONED EVENT SHALL NOT USE HANDCUFFS ON ANY STUDENT, UNLESS THERE IS A DANGER TO THEMSELVES OR OTHERS OR HANDCUFFS ARE USED DURING A CUSTODIAL ARREST THAT REQUIRES TRANSPORT.

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

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

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

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

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

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

(a) \$263,900 for information technology services; and

(b) \$252,551 for the office of dropout prevention and student reengagement, which amount is based on an assumption that the department will require an additional 2.4 FTE.

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

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

Approved: May 26, 2022