

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

**REENGROSSED**

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

LLS NO. 23-0170.01 Alana Rosen x2606

**SENATE BILL 23-029**

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**SENATE SPONSORSHIP**

**Moreno,** Buckner, Cutter, Exum, Fields, Gonzales, Hinrichsen, Marchman, Priola, Sullivan,  
Winter F.

**HOUSE SPONSORSHIP**

**Lindsay,**

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**Senate Committees**

Education  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING ADDRESSING DISPROPORTIONATE DISCIPLINE IN PUBLIC**  
102                    **SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AN**  
103                    **APPROPRIATION.**

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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/>.)*

**Colorado Youth Advisory Council Committee.** The bill requires each school district board of education, institute charter school board for a charter school authorized by the state charter school institute, or governing board of a board of cooperative services (BOCES) to adopt a policy to address disproportionate disciplinary practices in public schools.

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  
3rd Reading Unamended  
April 14, 2023

SENATE  
Amended 2nd Reading  
April 13, 2023

Each school district, charter school, institute charter school, or BOCES (local education provider) shall develop, implement, and annually review improvement plans if the data reported to the department of education pursuant to the safe school reporting requirements shows disproportionate discipline practices at the local education provider. In implementing an improvement plan to address disproportionate discipline practices, each local education provider shall provide to the parents of the students enrolled in the school written notice of the improvement plan and issues identified by the local education provider as giving rise to the need for the plan. The written notice must include the timeline for developing and adopting the improvement plan and the dates, times, and locations of the public meeting to solicit input from parents concerning disproportionate discipline and the contents of the plan before the plan is written and a public hearing to review the plan prior to final adoption.

Current law encourages school districts to consider certain factors before suspending or expelling a student. The bill requires school districts to consider those factors before suspending or expelling a student.

The bill requires school districts to document in a student's record and compile in the safe school report any alternative disciplinary attempts before suspending or expelling a student.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-33-112 as  
3 follows:

4 **22-33-112. Addressing disproportionate discipline - task force**  
5 **- report - legislative declaration - definitions - repeal.** (1) (a) THE  
6 GENERAL ASSEMBLY FINDS AND DECLARES THAT:

7 (I) STUDENTS WHO ARE SUSPENDED AND EXPELLED ARE MORE  
8 LIKELY TO BE WITHOUT SUPERVISION DURING THE SUSPENSION OR  
9 EXPULSION PERIOD, CAUSING STUDENTS TO FALL BEHIND IN COURSE WORK;

10 (II) SUSPENDED AND EXPELLED STUDENTS ARE FIFTY-ONE PERCENT  
11 MORE LIKELY TO BE ARRESTED TWO OR MORE TIMES THAN THEIR PEERS  
12 WHO ARE NOT SUSPENDED OR EXPELLED FROM SCHOOL;

13 (III) FOR THE 2018-19 SCHOOL YEAR IN COLORADO, BLACK  
14 STUDENTS WERE 3.2 TIMES MORE LIKELY TO BE SUSPENDED THAN WHITE

1 STUDENTS, AND HISPANIC STUDENTS WERE 1.7 TIMES MORE LIKELY TO BE  
2 SUSPENDED THAN WHITE STUDENTS; AND

3 (IV) LONGITUDINAL RESEARCH SHOWS THAT TWELVE YEARS  
4 AFTER A SUSPENSION, SUSPENDED YOUTH ARE LESS LIKELY THAN  
5 NONSUSPENDED YOUTH TO HAVE EARNED A HIGH SCHOOL DIPLOMA OR A  
6 BACHELOR'S DEGREE. SUSPENDED YOUTH ARE MORE LIKELY TO HAVE BEEN  
7 ARRESTED AND ON PROBATION, WHICH SUGGESTS THAT SUSPENSION,  
8 RATHER THAN SELECTION BIAS, EXPLAINS NEGATIVE OUTCOMES.

9 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT  
10 DISCRIMINATION PLAYS A SIGNIFICANT ROLE IN PERPETUATING SCHOOL  
11 SAFETY POLICIES THAT PUSH STUDENTS INTO THE CRIMINAL JUSTICE  
12 SYSTEM. RESEARCH DEMONSTRATES THAT BLACK AND HISPANIC  
13 STUDENTS ARE OFTEN PUNISHED MORE HARSHLY FOR THE SAME  
14 INFRACTIONS THAN WHITE STUDENTS, WHICH REINFORCES THE ROLE OF  
15 RACIAL BIAS IN THE SCHOOL DISCIPLINE SYSTEM. IT IS CRITICAL TO  
16 UNDERSTAND DISPROPORTIONATE DISCIPLINE POLICIES AND TAKE STEPS TO  
17 ADDRESS AND PREVENT THE PROGRESSION FROM SCHOOL TO THE CRIMINAL  
18 JUSTICE SYSTEM FROM OCCURRING.

19 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
20 REQUIRES:

21 (a) "BOARD OF COOPERATIVE SERVICES" OR "BOCES" MEANS A  
22 BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT  
23 TO ARTICLE 5 OF THIS TITLE 22 THAT OPERATES ONE OR MORE PUBLIC  
24 SCHOOLS.

25 (b) "COUNCIL" MEANS THE COLORADO YOUTH ADVISORY COUNCIL  
26 CREATED IN SECTION 2-2-1302.

27 (c) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION

1 CREATED IN SECTION 24-1-115.

2 (d) "GOVERNING BOARD OF A DISTRICT CHARTER SCHOOL" MEANS  
3 THE GOVERNING BOARD OF A DISTRICT CHARTER SCHOOL THAT RECEIVES  
4 DELEGATION POWER TO OVERSEE SCHOOL DISCIPLINE FOR A DISTRICT  
5 CHARTER SCHOOL PURSUANT TO THE TERMS OF THE DISTRICT CHARTER  
6 SCHOOL CONTRACT THAT WOULD HAVE BEEN FILLED BY THE AUTHORIZING  
7 SCHOOL DISTRICT.

8 (e) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A  
9 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART  
10 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY  
11 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE  
12 30.5 OF THIS TITLE 22, OR A BOCES THAT OPERATES A SCHOOL.

13 (f) "LOCAL SCHOOL BOARD" MEANS A SCHOOL DISTRICT BOARD OF  
14 EDUCATION; A GOVERNING BOARD OF A DISTRICT CHARTER SCHOOL; AN  
15 INSTITUTE CHARTER SCHOOL BOARD FOR A CHARTER SCHOOL AUTHORIZED  
16 BY THE STATE CHARTER SCHOOL INSTITUTE; OR THE GOVERNING BOARD OF  
17 A BOCES.

18 (g) "REVIEW COMMITTEE" MEANS THE COLORADO YOUTH  
19 ADVISORY COUNCIL REVIEW COMMITTEE CREATED IN SECTION 2-2-1305.5.

20 (h) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN  
21 COLORADO THAT THE DEPARTMENT DETERMINES IS RURAL BASED ON THE  
22 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE  
23 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THE  
24 TOTAL STUDENT ENROLLMENT OF THE SCHOOL DISTRICT IS SIX THOUSAND  
25 FIVE HUNDRED OR FEWER STUDENTS.

26 (i) "TASK FORCE" MEANS THE SCHOOL DISCIPLINE TASK FORCE  
27 CREATED IN SUBSECTION (3) OF THIS SECTION.

1           (3) THERE IS CREATED IN THE DEPARTMENT THE SCHOOL  
2 DISCIPLINE TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS  
3 REGARDING SCHOOL DISTRICT DISCIPLINE POLICIES AND PRACTICES, STATE  
4 AND LOCAL DISCIPLINE REPORTING REQUIREMENTS, AND LOCAL  
5 ENGAGEMENT.

6           (4) THE TASK FORCE MEMBERS MUST BE APPOINTED ON OR BEFORE  
7 SEPTEMBER 31, 2023. THE TASK FORCE CONSISTS OF EIGHTEEN MEMBERS  
8 AS FOLLOWS:

9           (a) THE LEGISLATIVE MEMBER, WHO IS THE CHAIRPERSON OF THE  
10 REVIEW COMMITTEE, OR THE LEGISLATIVE MEMBER'S DESIGNEE;

11           (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY  
12 CHILDHOOD OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

13           (c) THE COMMISSIONER OF EDUCATION, OR THE COMMISSIONER'S  
14 DESIGNEE, SHALL APPOINT THE FOLLOWING MEMBERS:

15           (I) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION FOR  
16 SCHOOL DISTRICT ADMINISTRATORS;

17           (II) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION FOR  
18 SCHOOL DISTRICT BOARDS OF EDUCATION;

19           (III) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION FOR  
20 RURAL SCHOOL DISTRICTS;

21           (IV) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION  
22 REPRESENTING CHARTER SCHOOLS;

23           (V) ONE REPRESENTATIVE OF A STATEWIDE ASSOCIATION FOR  
24 TEACHERS;

25           (VI) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION  
26 REPRESENTING SPECIAL EDUCATION DIRECTORS;

27           (VII) ONE REPRESENTATIVE OF A STATEWIDE DISABILITY

1 ADVOCACY ORGANIZATION;  
2 (VIII) ONE REPRESENTATIVE OF A STATEWIDE MENTAL HEALTH  
3 ADVOCACY ORGANIZATION;  
4 (IX) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION  
5 REPRESENTING STUDENTS WHO HAVE EXPERIENCED SUSPENSION,  
6 EXPULSION, OR OTHER SCHOOL DISCIPLINE ISSUES;  
7 (X) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION  
8 SPECIALIZING IN EQUITY AND INCLUSION;  
9 (XI) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT  
10 REPRESENTS THE INTERESTS OF STUDENTS AND FAMILIES;  
11 (XII) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT  
12 REPRESENTS VICTIMS OF VIOLENT CRIMES OR SEXUAL ASSAULT; AND  
13 (XIII) THREE FORMER STUDENTS WHO ATTENDED COLORADO  
14 PUBLIC SCHOOLS AND WHO HAVE LIVED EXPERIENCE WITH THE SCHOOL  
15 DISCIPLINE SYSTEM.  
16 (5) (a) ON OR BEFORE OCTOBER 15, 2023, THE COMMISSIONER, OR  
17 THE COMMISSIONER'S DESIGNEE, SHALL CALL THE FIRST MEETING OF THE  
18 TASK FORCE. DURING THE FIRST MEETING, THE TASK FORCE SHALL ELECT  
19 A MEMBER TO SERVE AS THE CHAIR OF THE TASK FORCE, ESTABLISH  
20 PROCEDURES TO ALLOW MEMBERS OF THE TASK FORCE TO PARTICIPATE IN  
21 THE MEETINGS REMOTELY, DEVELOP BEST PRACTICES FOR THE  
22 ADMINISTRATION OF THE TASK FORCE MEETINGS, AND CREATE A PLAN FOR  
23 THE ENGAGEMENT OF STAKEHOLDERS AND EXPERTS TO SUPPORT AND  
24 INFORM THE TASK FORCE'S WORK.  
25 (b) THE TASK FORCE SHALL MEET AT LEAST SIX TIMES BETWEEN  
26 OCTOBER 15, 2023 AND THE FIRST REVIEW COMMITTEE MEETING IN 2024.  
27 (c) EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, THE

1 TASK FORCE MEMBERS SHALL SERVE WITHOUT COMPENSATION BUT MUST  
2 RECEIVE REIMBURSEMENT FOR REASONABLE EXPENSES INCURRED TO  
3 PARTICIPATE IN TASK FORCE MEETINGS.

4 (d) IF A VACANCY OCCURS ON THE TASK FORCE FOR ANY REASON,  
5 THE ORIGINAL APPOINTING AUTHORITY SHALL APPOINT A PERSON WHO  
6 MEETS THE REQUIREMENTS OF THE VACANT POSITION TO FILL THE  
7 VACANCY AS SOON AS POSSIBLE AFTER THE VACANCY OCCURS.

8 (e) THE DEPARTMENT SHALL PROVIDE TO THE TASK FORCE STAFF  
9 ASSISTANCE, MEETING SPACE, OR AUDIO-VISUAL COMMUNICATION  
10 TECHNOLOGY RESOURCES, AS NECESSARY, FOR THE TASK FORCE TO MEET  
11 THE DUTIES DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION. THE  
12 DEPARTMENT MAY CONTRACT WITH A THIRD PARTY, IN ACCORDANCE WITH  
13 THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, TO  
14 PROVIDE STAFF ASSISTANCE, AS NEEDED.

15 (6) (a) IN COMPLETING THE STUDY REQUIRED IN THIS SECTION, THE  
16 TASK FORCE SHALL:

17 (I) DEFINE DISPROPORTIONATE DISCIPLINE WITH CONSIDERATIONS  
18 FOR SIZE, LOCATION, AND DEMOGRAPHICS OF A LOCAL EDUCATION  
19 PROVIDER;

20 (II) REVIEW THE DEPARTMENT'S PLAN AND PROGRESS IN  
21 STANDARDIZING DISCIPLINE DATA, AS REQUIRED PURSUANT TO SECTION  
22 22-1-138, WHICH MAY INCLUDE CONSIDERATION OF DISCIPLINE REPORTING  
23 CATEGORIES AND RECOMMENDATIONS TO DISCIPLINE REPORTING  
24 CATEGORIES;

25 (III) REVIEW THE DEPARTMENT'S PLAN FOR CREATING DISTRICT  
26 PROFILE REPORTS, AS REQUIRED PURSUANT TO SECTION 22-1-139;

27 (IV) DETERMINE WHETHER THE DEPARTMENT'S PLAN AND

1 PROGRESS IN STANDARDIZING DISCIPLINE DATA, AS REQUIRED PURSUANT  
2 TO SECTION 22-1-138, SHOULD INCLUDE REPORTS OF ALTERNATIVE  
3 DISCIPLINARY MEASURES TAKEN PRIOR TO A STUDENT'S SUSPENSION OR  
4 EXPULSION AND WHETHER LEGISLATIVE OR ADMINISTRATIVE CHANGES  
5 ARE NECESSARY;

6 (V) RECOMMEND PROCESSES AND PROVIDE RESOURCES FOR PUBLIC  
7 ENGAGEMENT IN A LOCAL SCHOOL BOARD'S DISCUSSIONS OF DISCIPLINE  
8 DATA AND DEVELOPMENT OF IMPROVEMENT PLANS TO ADDRESS EVIDENCE  
9 OF DISPROPORTIONALITY IN DISCIPLINARY PRACTICES;

10 (VI) REVIEW EXISTING PUBLIC ENGAGEMENT PROCESSES  
11 IMPLEMENTED WITHIN THE FRAMEWORK OF SCHOOL ACCOUNTABILITY  
12 PLANS PURSUANT TO ARTICLE 11 OF THIS TITLE 22 AND THE SAFE SCHOOL  
13 REPORTING REQUIREMENTS PURSUANT TO SECTION 22-32-109.1 (2) AND  
14 DETERMINE WHETHER TO ESTABLISH A NEW PUBLIC ENGAGEMENT PROCESS  
15 FOR DISCIPLINE DATA REVIEW AND RESPONSE;

16 (VII) REVIEW BEST PRACTICES IDENTIFIED BY THE DEPARTMENT  
17 PURSUANT TO SECTION 22-14-103 (3) CONCERNING DROPOUT PREVENTION  
18 AND STUDENT RE-ENGAGEMENT, INCLUDING DISCIPLINARY ACTIONS, AND  
19 RECOMMEND SPECIFIC MATERIALS TO BE ADDED TO THE BEST PRACTICES  
20 MATERIALS ON THE DEPARTMENT'S WEBSITE;

21 (VIII) IDENTIFY ALTERNATIVE APPROACHES TO DISCIPLINE AND  
22 ADDRESS CONCERNS AROUND WORKFORCE AND OTHER RESOURCE  
23 SHORTAGES IN SCHOOL DISTRICTS IN RELATION TO SCHOOL DISCIPLINE  
24 PRACTICES AND REPORTING, WITH A FOCUS ON ADDRESSING CONCERNS  
25 REGARDING SCHOOL DISTRICT SIZE, LOCATION, AND DEMOGRAPHICS; AND

26 (IX) RECOMMEND LEGISLATION, CHANGES TO THE  
27 IMPLEMENTATION OF EXISTING LAW, OR OTHER ADMINISTRATIVE



1 CHANGES, AS NECESSARY, AND ANALYZE THE COSTS AND TIME FRAMES  
2 REQUIRED TO IMPLEMENT THE RECOMMENDED CHANGES.

3 (b) THE TASK FORCE SHALL CONSULT WITH ADDITIONAL  
4 STAKEHOLDERS AND EXPERTS AS NEEDED TO INFORM DISCUSSIONS AND TO  
5 ADDRESS QUESTIONS NECESSARY TO FINALIZE ITS FINDINGS AND  
6 RECOMMENDATIONS.

7 (7) (a) ON OR BEFORE AUGUST 1, 2024, THE TASK FORCE SHALL  
8 SUBMIT A FINAL REPORT, INCLUDING ITS FINDINGS AND  
9 RECOMMENDATIONS ON ISSUES IDENTIFIED IN SUBSECTION (6) OF THIS  
10 SECTION TO THE REVIEW COMMITTEE; THE EDUCATION COMMITTEES OF  
11 THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR  
12 COMMITTEES; THE GOVERNOR; THE STATE BOARD; AND THE DEPARTMENT.

13 (b) THE TASK FORCE SHALL PRESENT ITS FINDINGS AND  
14 RECOMMENDATIONS TO THE REVIEW COMMITTEE DURING THE FIRST  
15 MEETING OF THE REVIEW COMMITTEE IN 2024.

16 (8) ANY MONEY APPROPRIATED TO THE DEPARTMENT FOR  
17 PURPOSES OF THIS SECTION IS AVAILABLE THROUGH DECEMBER 31, 2024.

18 (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

19 =====

20 **SECTION 2.** In Colorado Revised Statutes, 22-33-106, **amend**  
21 **(1.2) introductory portion** as follows:

22 **22-33-106. Grounds for suspension, expulsion, and denial of**  
23 **admission.** (1.2) Each school district is encouraged to ~~is encouraged to~~ SHALL consider  
24 each of the following factors before suspending or expelling a student  
25 pursuant to ~~a provision of~~ subsection (1) of this section:

26 **SECTION 3. Appropriation.** (1) For the 2023-24 state fiscal  
27 year, \$163,880 is appropriated to the department of education. This

1 appropriation is from the general fund and is based on an assumption that  
2 the department will require an additional 0.5 FTE. To implement this act,  
3 the department may use this appropriation for a school discipline task  
4 force.

5 (2) For the 2023-24 state fiscal year, \$1,415 is appropriated to the  
6 legislative department for use by the general assembly. This appropriation  
7 is from the general fund. To implement this act, the general assembly may  
8 use this appropriation for legislator per diem and travel reimbursement.

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