

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

PREAMENDED

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

LLS NO. 23-0995.02 Conrad Imel x2313

SENATE BILL 23-296

SENATE SPONSORSHIP

Winter F. and Marchman, Buckner, Coleman, Cutter, Danielson, Exum, Fields, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Moreno, Mullica, Priola, Roberts, Sullivan

HOUSE SPONSORSHIP

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Senate Committees

Education
Appropriations

House Committees

Judiciary
Appropriations

A BILL FOR AN ACT

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

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
3rd Reading Unamended
May 3, 2023

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

22-1-140. Harassment or discrimination - policy required - training and notification - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CONTRACTOR" MEANS A PERSON WHO HAS DIRECT CONTACT WITH OR SUPERVISION OVER STUDENTS PURSUANT TO A CONTRACT WITH A SCHOOL OR LOCAL EDUCATION PROVIDER.

(b) "COMPLAINANT" MEANS A PERSON WHO IS SUBJECT TO, AND FILES A REPORT OF, ALLEGED MISCONDUCT OR DISCRIMINATION PURSUANT TO A LOCAL EDUCATION PROVIDER'S POLICY.

(c) "EMPLOYEE" MEANS ANY EMPLOYEE OF THE PUBLIC SCHOOL OR SCHOOL DISTRICT, INCLUDING TEACHERS, TEACHER AIDES, BUS DRIVERS, CAFETERIA WORKERS, CUSTODIAL STAFF, ATHLETIC STAFF, ADMINISTRATIVE AND CLERICAL STAFF, SCHOOL MEDICAL STAFF, AND SECURITY STAFF, AND CONTRACTORS.

(d) (I) "HARASSMENT OR DISCRIMINATION" MEANS TO ENGAGE IN, OR THE ACT OF ENGAGING IN, ANY UNWELCOME PHYSICAL OR VERBAL CONDUCT OR ANY WRITTEN, PICTORIAL, OR VISUAL COMMUNICATION, BY A STUDENT, SCHOOL STAFF, OR EMPLOYEE OF THE SCHOOL OR LOCAL EDUCATION PROVIDER, DIRECTED AT A STUDENT OR GROUP OF STUDENTS BECAUSE OF THAT STUDENT'S OR GROUP'S MEMBERSHIP IN, OR PERCEIVED MEMBERSHIP IN, A PROTECTED CLASS BASED ON DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY, WHICH CONDUCT OR COMMUNICATION IS SUBJECTIVELY OFFENSIVE TO THE

1 INDIVIDUAL ALLEGING HARASSMENT AND IS OBJECTIVELY OFFENSIVE TO
2 A REASONABLE INDIVIDUAL WHO IS A MEMBER OF THE SAME PROTECTED
3 CLASS. VERBAL CONDUCT OR WRITTEN, PICTORIAL, OR VISUAL
4 COMMUNICATION THAT IS PART OF THE CURRICULUM IS NOT HARASSMENT
5 OR DISCRIMINATION. THE CONDUCT OR COMMUNICATION NEED NOT
6 BE SEVERE OR PERVASIVE TO CONSTITUTE HARASSMENT OR
7 DISCRIMINATION AND CONSTITUTES HARASSMENT OR DISCRIMINATION IF:

8 (A) SUBMISSION TO THE CONDUCT OR COMMUNICATION IS
9 EXPLICITLY OR IMPLICITLY MADE A TERM OR CONDITION OF THE
10 INDIVIDUAL'S ACCESS TO AN EDUCATIONAL SERVICE, OPPORTUNITY, OR
11 BENEFIT;

12 (B) SUBMISSION TO, OBJECTION TO, OR REJECTION OF THE
13 CONDUCT OR COMMUNICATION IS USED OR EXPLICITLY OR IMPLICITLY
14 THREATENED TO BE USED AS A BASIS FOR EDUCATIONAL DECISIONS
15 AFFECTING THE INDIVIDUAL; OR

16 (C) THE CONDUCT OR COMMUNICATION HAS THE PURPOSE OR
17 EFFECT OF UNREASONABLY INTERFERING WITH THE INDIVIDUAL'S ACCESS
18 TO THEIR EDUCATIONAL SERVICE, OPPORTUNITY, OR BENEFIT OR CREATING
19 AN INTIMIDATING, HOSTILE, OR OFFENSIVE EDUCATIONAL ENVIRONMENT.

20 (II) PETTY SLIGHTS, MINOR ANNOYANCES, AND LACK OF GOOD
21 MANNERS DO NOT CONSTITUTE HARASSMENT OR DISCRIMINATION UNLESS
22 THE SLIGHTS, ANNOYANCES, OR LACK OF MANNERS, WHEN TAKEN IN
23 COMBINATION AND UNDER THE TOTALITY OF THE CIRCUMSTANCES, MEET
24 THE STANDARD SET FORTH IN SUBSECTION (1)(d)(I) OF THIS SECTION.

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

1 (A) THE FREQUENCY OF THE CONDUCT OR COMMUNICATION,
2 RECOGNIZING THAT A SINGLE INCIDENT MAY RISE TO THE LEVEL OF
3 HARASSMENT OR DISCRIMINATION;

4 (B) THE NUMBER OF INDIVIDUALS ENGAGED IN THE CONDUCT OR
5 COMMUNICATION;

6 (C) THE TYPE OR NATURE OF THE CONDUCT OR COMMUNICATION;

7 (D) THE DURATION OF THE CONDUCT OR COMMUNICATION;

8 (E) THE LOCATION WHERE THE CONDUCT OR COMMUNICATION
9 OCCURRED;

10 (F) WHETHER THE CONDUCT OR COMMUNICATION IS
11 THREATENING;

12 (G) WHETHER ANY POWER DIFFERENTIAL EXISTS BETWEEN THE
13 INDIVIDUAL ALLEGED TO HAVE ENGAGED IN HARASSMENT OR
14 DISCRIMINATION AND THE INDIVIDUAL ALLEGING THE HARASSMENT OR
15 DISCRIMINATION;

16 (H) ANY USE OF EPITHETS, SLURS, OR OTHER CONDUCT OR
17 COMMUNICATION THAT IS HUMILIATING OR DEGRADING;

18 (I) WHETHER THE CONDUCT OR COMMUNICATION REFLECTS
19 STEREOTYPES ABOUT AN INDIVIDUAL OR GROUP OF INDIVIDUALS IN A
20 PROTECTED CLASS; OR

21 (J) WHETHER THE CONDUCT INCLUDES AN ACT OF PHYSICAL
22 VIOLENCE.

23 (e) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
24 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
25 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY
26 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE
27 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED

1 AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT
2 OPERATES ONE OR MORE PUBLIC SCHOOLS.

3 (f) "POLICY" MEANS THE POLICY ADOPTED BY A LOCALE EDUCATION
4 PROVIDER AS REQUIRED IN SUBSECTION (3) OF THIS SECTION.

5 (g) "PUBLIC SCHOOL" MEANS AN ELEMENTARY SCHOOL, MIDDLE
6 SCHOOL, JUNIOR HIGH SCHOOL, HIGH SCHOOL, OR DISTRICT CHARTER
7 SCHOOL OF A SCHOOL DISTRICT THAT ENROLLS STUDENTS IN ANY OF
8 GRADES KINDERGARTEN THROUGH TWELVE OR AN INSTITUTE CHARTER
9 SCHOOL THAT ENROLLS STUDENTS IN ANY OF GRADES KINDERGARTEN
10 THROUGH TWELVE.

11 (h) "RESPONDENT" MEANS THE INDIVIDUAL WHO HAS BEEN
12 REPORTED TO BE THE PERPETRATOR OF ALLEGED HARASSMENT OR
13 DISCRIMINATION.

14 (i) "SAFE2TELL" MEANS THE SAFE2TELL PROGRAM CREATED IN
15 SECTION 24-31-606.

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

19 (2) (a) A PUBLIC SCHOOL SHALL ACCEPT FORMAL REPORTS OF
20 HARASSMENT OR DISCRIMINATION IN WRITING OR IN-PERSON; BY PHONE,
21 E-MAIL, OR ONLINE FORM.

22 (b) A REPORT OF HARASSMENT OR DISCRIMINATION RECEIVED BY
23 A PUBLIC SCHOOL IS CONFIDENTIAL AND EMPLOYEES SHALL KEEP
24 INFORMATION LEARNED DURING AN INVESTIGATION OF HARASSMENT OR
25 DISCRIMINATION CONFIDENTIAL TO THE EXTENT PRACTICABLE. NOTHING
26 IN THIS SECTION PREVENTS EMPLOYEES FROM REPORTING KNOWN OR
27 SUSPECTED CHILD ABUSE OR NEGLECT AS REQUIRED PURSUANT TO SECTION

1 19-3-304 OR REPORTING ANY OTHER CRIMINAL ACTIVITY TO LAW
2 ENFORCEMENT. NOTHING IN THIS SECTION PROHIBITS A PUBLIC SCHOOL OR
3 A LOCAL EDUCATION PROVIDER FROM PROVIDING RECORDS TO LAW
4 ENFORCEMENT, THE DEPARTMENT OF HUMAN SERVICES, OR A DISTRICT
5 ATTORNEY FOR THE INVESTIGATION OR PROSECUTION OF ANY CRIME, OR
6 FROM PROVIDING RECORDS TO THE COLORADO CIVIL RIGHTS DIVISION
7 CREATED IN SECTION 24-34-302 THAT ARE RELATED TO A CLAIM FILED
8 WITH THE DIVISION.

9 (c) EACH PUBLIC SCHOOL SHALL POST NOTICES IN MULTIPLE
10 PLACES IN THE SCHOOL, WRITTEN IN SIMPLE AND AGE-APPROPRIATE
11 LANGUAGE, DESCRIBING HOW AND TO WHOM A STUDENT CAN REPORT
12 HARASSMENT OR DISCRIMINATION TO THE SCHOOL. THE NOTICES MUST BE
13 CONSPICUOUSLY POSTED IN EASILY ACCESSIBLE AND WELL-LIT PLACES
14 CUSTOMARILY FREQUENTED BY STUDENTS AND SCHOOL STAFF.

15 (d) EACH LOCAL EDUCATION PROVIDER SHALL ADOPT PROCEDURES
16 FOR INVESTIGATING REPORTS OF HARASSMENT OR DISCRIMINATION, WHICH
17 MUST BE FAIR, IMPARTIAL, AND PROMPT, AND MUST:

18 (I) REQUIRE A PUBLIC SCHOOL TO MAKE A GOOD FAITH EFFORT TO
19 COMPLETE AN INVESTIGATION AND MAKE ANY FINDINGS WITHIN SIXTY
20 DAYS AFTER THE REPORT, WITHOUT INFRINGING UPON THE RIGHTS
21 ENSHRINED IN FEDERAL AND STATE LAW OF THE COMPLAINANT OR THE
22 RESPONDENT; EXCEPT THAT THE PUBLIC SCHOOL MAY EXTEND THE
23 SIXTY-DAY DEADLINE FOR UP TO THIRTY ADDITIONAL DAYS FOR GOOD
24 CAUSE WITH PRIOR WRITTEN NOTICE TO THE COMPLAINANT AND TO THE
25 RESPONDENT OF THE DELAY AND THE REASON FOR THE DELAY OR MAY
26 EXTEND THE DEADLINE AT THE REQUEST OF A LAW ENFORCEMENT
27 AGENCY.

1 (II) INCLUDE PREPONDERANCE OF THE EVIDENCE AS THE
2 EVIDENTIARY STANDARD, NOTWITHSTANDING ANY OTHER EVIDENTIARY
3 STANDARD IN ANY OTHER POLICY OF THE LOCAL EDUCATION PROVIDER;

4 (III) SPECIFY THAT ALL QUESTIONS RELATED TO THE
5 INVESTIGATION BE DIRECTED TO THE INDIVIDUAL CONDUCTING THE
6 INVESTIGATION, OR THE INDIVIDUAL'S DESIGNEE, AND THAT THE
7 INDIVIDUAL OR DESIGNEE CONDUCTING THE INVESTIGATION SHALL
8 CONSIDER PATTERNS OF MISCONDUCT AS RELEVANT EVIDENCE;

9 (IV) PROVIDE THE PARTIES WITH THE SAME OPPORTUNITY TO HAVE
10 AN ADVISOR OR OTHER PERSON PRESENT DURING ANY PART OF THE
11 INVESTIGATIVE PROCESS; ==

12 (V) PROVIDE WRITTEN UPDATES ABOUT THE STATUS OF AN
13 INVESTIGATION OR PROCEEDING TO THE PARTIES AND THE PARTIES'
14 PARENTS OR LEGAL GUARDIANS AT EACH STAGE OF THE INVESTIGATION
15 OR PROCEEDING, BUT AT LEAST EVERY FIFTEEN BUSINESS DAYS;

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

18 (VII) PROHIBIT RETALIATION AGAINST A STUDENT WHO REPORTS
19 OR PARTICIPATES IN, OR REFUSES TO PARTICIPATE IN, AN INVESTIGATION
20 INTO A REPORT MADE PURSUANT TO THIS SECTION. CHARGES AGAINST A
21 STUDENT FOR CODE OF CONDUCT VIOLATIONS RELATED TO THE INCIDENT
22 FOR THE PURPOSE OF PUNISHING A STUDENT FOR MAKING A REPORT OR
23 OTHERWISE INTERFERING WITH ANY RIGHT OR PRIVILEGE SECURED BY THIS
24 SECTION CONSTITUTES RETALIATION.

25 (e) EACH LOCAL EDUCATION PROVIDER SHALL RETAIN THE
26 RECORDS OF A HARASSMENT OR DISCRIMINATION REPORT FOR SEVEN
27 YEARS. THE RECORD OF A REPORT INCLUDES ANY ACCOMMODATIONS OR

1 SUPPORTIVE MEASURES TAKEN IN RESPONSE TO A REPORT OR FORMAL
2 COMPLAINT OF HARASSMENT OR DISCRIMINATION AND DOCUMENTATION
3 OF THE BASIS FOR THE LOCAL EDUCATION PROVIDER'S ACTION AND
4 RESPONSE. ==

5 (f) A PUBLIC SCHOOL SHALL GRANT AN EXCUSED ABSENCE TO A
6 STUDENT WHO HAS EXPERIENCED HARASSMENT OR DISCRIMINATION FOR
7 ANY TIME THE STUDENT IS OUT OF SCHOOL BECAUSE OF A THERAPY,
8 MEDICAL, LEGAL, OR VICTIM SERVICES APPOINTMENT RELATED TO THE
9 HARASSMENT OR DISCRIMINATION.

10 (g) (I) A PUBLIC SCHOOL SHALL OFFER ACCOMMODATIONS AND
11 SUPPORTIVE MEASURES TO A STUDENT EXPERIENCING HARASSMENT OR
12 DISCRIMINATION THAT ARE DESIGNED TO PROTECT THE SAFETY OF ALL
13 STUDENTS AND THAT PRESERVE AND RESTORE EQUAL ACCESS TO
14 EDUCATION FOR THE STUDENT. ACCOMMODATIONS AND SUPPORTIVE
15 MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO, COUNSELING,
16 EXTENSIONS OF DEADLINES OR OTHER COURSE-RELATED ADJUSTMENTS,
17 EXTRA TIME FOR HOMEWORK OR TESTS, THE OPPORTUNITY TO RESUBMIT
18 HOMEWORK OR RETAKE A TEST, REMEDYING AN IMPACTED GRADE,
19 EXCUSED ABSENCES, THE OPPORTUNITY FOR HOME INSTRUCTION,
20 MODIFICATIONS TO CLASS SCHEDULES, AND == RESTRICTIONS ON CONTACT
21 BETWEEN THE PARTIES TO A REPORT OF HARASSMENT OR DISCRIMINATION.

22 (II) A PUBLIC SCHOOL SHALL PROVIDE SUPPORTIVE MEASURES
23 REQUIRED PURSUANT TO TITLE IX, AND MAY PROVIDE ANY OTHER
24 SUPPORTIVE MEASURES AS SOON AS IT RECEIVES A REPORT OF
25 HARASSMENT OR DISCRIMINATION.

26 (III) A PUBLIC SCHOOL SHALL NOT REQUIRE A FORMAL REPORT OR
27 FINDING OF HARASSMENT OR DISCRIMINATION BEFORE PROVIDING

1 SUPPORTIVE MEASURES.

2 (3) (a) ON OR BEFORE JULY 1, 2024, EACH LOCAL EDUCATION
3 PROVIDER SHALL ADOPT A WRITTEN POLICY THAT PROTECTS STUDENTS
4 EXPERIENCING HARASSMENT OR DISCRIMINATION. THE POLICY ADOPTED
5 PURSUANT TO THIS SUBSECTION (3) IS SEPARATE FROM AND IN ADDITION
6 TO ANY POLICY A PUBLIC SCHOOL OR LOCAL EDUCATION PROVIDER MUST
7 ADOPT PURSUANT TO TITLE IX. EACH LOCAL EDUCATION PROVIDER SHALL
8 PERIODICALLY REVIEW AND UPDATE THE POLICY.

9 (b) THE POLICY MUST BE WRITTEN IN PLAIN LANGUAGE AND
10 INCLUDE THE FOLLOWING:

11 (I) INFORMATION ON ALL REPORTING OPTIONS AVAILABLE TO A
12 STUDENT;

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

17 (III) AN EXPLANATION OF THE SCHOOL'S ROLE IN RESPONDING TO
18 REPORTS OF HARASSMENT OR DISCRIMINATION, PREVENTING RECURRENCE
19 OF HARASSMENT OR DISCRIMINATION, AND REMEDYING EFFECTS OF THE
20 HARASSMENT OR DISCRIMINATION;

21 (IV) THE CONTACT INFORMATION FOR RESOURCES FOR VICTIMS OF
22 VIOLENCE, INCLUDING A LOCAL, STATE, OR NATIONAL
23 TWENTY-FOUR-HOUR HELPLINE FOR DOMESTIC VIOLENCE AND SEXUAL
24 VIOLENCE SUPPORT;

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

27 (A) THE PROCEDURES ADOPTED PURSUANT TO SUBSECTION (2)(d)

1 OF THIS SECTION FOR INVESTIGATING REPORTS OF HARASSMENT OR
2 DISCRIMINATION AND MAKING FINDINGS THAT ARE FAIR, IMPARTIAL, AND
3 PROMPT; AND

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

7 (VI) A PROHIBITION ON A SCHOOL USING A STUDENT REPORT OF
8 HARASSMENT OR DISCRIMINATION, WHETHER VERBAL OR IN WRITING, OR
9 INFORMATION REVEALED IN ANY INVESTIGATION OR DISCIPLINARY
10 PROCEEDINGS OF THE REPORT, AS THE BASIS FOR, OR A CONSIDERATION IN,
11 INVESTIGATING OR EXACTING ANY DISCIPLINARY RESPONSE FOR A SCHOOL
12 VIOLATION BY THE REPORTING STUDENT OR COMPLAINANT RELATED TO
13 THE REPORTED INCIDENT FOR ANY OF THE FOLLOWING: ENGAGING IN
14 REASONABLE SELF-DEFENSE AGAINST THE RESPONDENT, CONSENSUAL
15 SEXUAL ACTIVITY, DRUG USE, ALCOHOL USE, LATE ARRIVAL, TRUANCY,
16 UNAUTHORIZED ACCESS TO FACILITIES, TALKING PUBLICLY ABOUT THE
17 REPORTED HARASSMENT OR DISCRIMINATION, OR EXPRESSING A TRAUMA
18 SYMPTOM; EXCEPT THAT NOTHING IN THIS SECTION PROHIBITS A SCHOOL
19 OR LOCAL EDUCATION PROVIDER FROM DISCIPLINING A STUDENT WHO
20 KNOWINGLY MAKES A FALSE REPORT OF HARASSMENT OR
21 DISCRIMINATION, OR DISCIPLINING A STUDENT WHEN NECESSARY TO
22 ENSURE THE SAFETY OF ANY STUDENT OR EMPLOYEE. A FINDING OF NO
23 HARASSMENT OR DISCRIMINATION DOES NOT ITSELF CONSTITUTE A FALSE
24 REPORT.

25 (VII) INFORMATION ABOUT AVAILABLE ACCOMMODATIONS AND
26 SUPPORTIVE MEASURES DESCRIBED IN SUBSECTION (2)(g) OF THIS SECTION,
27 INCLUDING INFORMATION ABOUT HOW A STUDENT CAN REQUEST

1 SUPPORTIVE MEASURES AND AN EXPLANATION OF ADDITIONAL
2 ACCOMMODATIONS AVAILABLE FOR STUDENTS WITH DISABILITIES.

3 (c) EACH PUBLIC SCHOOL SHALL MAKE THE POLICY AVAILABLE TO
4 STUDENTS, STUDENTS' PARENTS AND LEGAL GUARDIANS, AND SCHOOL
5 STAFF BY:

6 (I) PROMINENTLY DISPLAYING THE POLICY ON THE HOME PAGE OF
7 ITS WEBSITE;

8 (II) ANNUALLY DISTRIBUTING THE POLICY THROUGH ELECTRONIC
9 MEANS TO PARENTS AND LEGAL GUARDIANS OF STUDENTS ENROLLED AT
10 THE PUBLIC SCHOOL AND SEPARATELY TO STUDENTS ENROLLED IN SIXTH
11 THROUGH TWELFTH GRADE. THE COPY OF THE POLICY DISTRIBUTED
12 PURSUANT TO THIS SUBSECTION (3)(c)(II) MUST BE DISTRIBUTED
13 SEPARATELY FROM ANY OTHER DOCUMENT.

14 (III) PROVIDING A PHYSICAL COPY OF THE POLICY TO EACH
15 INCOMING STUDENT AND THE PARENT OR LEGAL GUARDIAN OF EACH
16 INCOMING STUDENT, UPON REQUEST; AND

17 (IV) ANNUALLY DISTRIBUTING THE POLICY TO EMPLOYEES.

18 (d) A POLICY DISTRIBUTED TO A STUDENT, PARENT, LEGAL
19 GUARDIAN, OR EMPLOYEE, WHETHER A PHYSICAL OR ELECTRONIC COPY,
20 MUST BE AVAILABLE IN ENGLISH AND, UPON REQUEST, IN SPANISH. THE
21 POLICY POSTED ON THE WEBSITE MUST BE IN ENGLISH AND A SCHOOL MAY
22 ALSO POST THE POLICY IN SPANISH.

23 (4) BEGINNING NO LATER THAN JULY 1, 2024, EACH PUBLIC
24 SCHOOL SHALL PROVIDE ANNUAL TRAINING TO ALL EMPLOYEES ABOUT
25 HARASSMENT AND DISCRIMINATION. THE TRAINING MUST BE PROVIDED
26 DURING THE EMPLOYEE'S NORMAL WORKING HOURS. THE TRAINING MUST
27 INCLUDE, AT A MINIMUM, INSTRUCTION ON THE FOLLOWING:

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

3 (b) THE APPROPRIATE IMMEDIATE RESPONSE WHEN HARASSMENT
4 OR DISCRIMINATION IS REPORTED TO OR WITNESSED BY A EMPLOYEES
5 MEMBER;

6 (c) REPORTING HARASSMENT OR DISCRIMINATION TO THE PUBLIC
7 SCHOOL OR SCHOOL DISTRICT; AND

8 (d) IF THE EMPLOYEE HAS DIRECT SUPERVISION OF STUDENTS, THE
9 FOLLOWING:

10 (I) THE PUBLIC SCHOOL'S PROCEDURE FOR RESPONDING TO
11 ALLEGATIONS OF HARASSMENT OR DISCRIMINATION;

12 (II) THE DIFFERENCE BETWEEN THE PUBLIC SCHOOL'S HARASSMENT
13 OR DISCRIMINATION POLICY ADOPTED PURSUANT TO THIS SECTION;
14 OBLIGATIONS REQUIRED BY FEDERAL LAW IN TITLE IX; SECTION 504 OF
15 THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET
16 SEQ.; TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", 42 U.S.C.
17 SEC. 2000d ET SEQ.; AND TITLE VII OF THE FEDERAL "CIVIL RIGHTS ACT
18 OF 1964", 42 U.S.C. SEC. 2000e ET SEQ.; AND MANDATORY REPORTING
19 REQUIREMENTS IN STATE LAW;

20 (III) BEST PRACTICES FOR AVOIDING VICTIM-BLAMING; THE EFFECT
21 OF TRAUMA ON VICTIMS OF HARASSMENT OR DISCRIMINATION;
22 COMMUNICATING WITH VICTIMS SENSITIVELY, COMPASSIONATELY, AND IN
23 A GENDER-INCLUSIVE AND CULTURALLY RESPONSIVE MANNER; AND THE
24 IMPACT OF HARASSMENT OR DISCRIMINATION ON STUDENTS WITH
25 DISABILITIES; AND

26 (IV) THE TYPES OF SUPPORTIVE MEASURES AVAILABLE TO
27 STUDENTS AND THE PROVISION OF EFFECTIVE ACADEMIC, MENTAL HEALTH,

1 AND SAFETY ACCOMMODATIONS FOR STUDENTS WHO REPORT
2 HARASSMENT OR DISCRIMINATION.

3 (5) (a) ON OR BEFORE JULY 1, 2025, AND ON OR BEFORE JULY 1 OF
4 EACH YEAR THEREAFTER, EACH PUBLIC SCHOOL OF A SCHOOL DISTRICT
5 SHALL REPORT TO THE SCHOOL DISTRICT, AND EACH INSTITUTE CHARTER
6 SCHOOL SHALL REPORT TO THE STATE CHARTER SCHOOL INSTITUTE, THE
7 FOLLOWING INFORMATION, AGGREGATED AND WITHOUT PERSONALLY
8 IDENTIFIABLE INFORMATION ABOUT THE PARTIES, FROM THE PRIOR
9 TWELVE MONTHS:

10 (I) THE NUMBER OF FORMAL HARASSMENT OR DISCRIMINATION
11 REPORTS RECEIVED BY THE SCHOOL AND THE TYPE OF BIAS REPORTED
12 WHEN HARASSMENT OR DISCRIMINATION WAS FOUND; AND

13 (II) THE TIME TO COMPLETE EACH INVESTIGATION AND TO MAKE
14 FINDINGS RELATED TO EACH REPORT.

15 (b) ON OR BEFORE AUGUST 1, 2025, AND ON OR BEFORE AUGUST
16 1 OF EACH YEAR THEREAFTER, THE STATE CHARTER SCHOOL INSTITUTE
17 AND EACH SCHOOL DISTRICT SHALL REPORT TO THE DEPARTMENT OF
18 EDUCATION THE INFORMATION IT RECEIVED FROM EACH SCHOOL
19 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION.

20 (c) ON OR BEFORE OCTOBER 1, 2025, AND ON OR BEFORE OCTOBER
21 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT THE
22 INFORMATION RECEIVED PURSUANT TO THIS SECTION TO THE SEXUAL
23 MISCONDUCT ADVISORY COMMITTEE CREATED IN SECTION 23-5-147.

24 (6) THIS SECTION DOES NOT AUTHORIZE A PUBLIC SCHOOL OR
25 SCHOOL DISTRICT, OR THE CHARTER SCHOOL INSTITUTE, TO VIOLATE ANY
26 FEDERAL LAW, REGULATION, OR GUIDELINE, INCLUDING TITLE IX; SECTION
27 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701

1 ET SEQ.; AND TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", 42
2 U.S.C. SEC. 2000d ET SEQ.; IN CARRYING OUT THE DUTIES DESCRIBED IN
3 THIS SECTION. IF THIS SECTION CONFLICTS WITH TITLE IX, SECTION 504
4 OF THE FEDERAL "REHABILITATION ACT OF 1973", OR TITLE VI OF THE
5 FEDERAL "CIVIL RIGHTS ACT OF 1964", THE APPLICABLE FEDERAL LAW
6 PREVAILS.

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

9 **22-33-104. Compulsory school attendance.** (2) The provisions
10 of subsection (1) of this section shall not apply to a child:

11 (k) WHO IS EXCUSED FROM SCHOOL FOR A THERAPY, MEDICAL,
12 LEGAL, OR VICTIM SERVICES APPOINTMENT RELATED TO HARASSMENT OR
13 DISCRIMINATION, AS DESCRIBED IN SECTION 22-1-140 (2)(f), OR FOR
14 BEHAVIORAL OR MENTAL HEALTH CONCERNS RELATED TO HARASSMENT
15 OR DISCRIMINATION.

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