

CHAPTER 93

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 23-1191

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also SENATOR(S) Fields, Bridges, Buckner, Coleman, Cutter, Danielson, Exum, Gonzales, Jaquez Lewis, Kolker, Marchman, Sullivan, Winter F., Zenzinger.

AN ACT**CONCERNING PROHIBITING CORPORAL PUNISHMENT OF CHILDREN IN CERTAIN PUBLIC SETTINGS.**

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

SECTION 1. Legislative declaration. The general assembly finds and declares that when children are in the care of public schools, a state-licensed child care center, a family child care home, or a specialized group facility, they should enjoy the same state protections against corporal punishment that extend to persons in other walks of life. Children are more vulnerable and impressionable than adults, and it is wholly reasonable that our safeguards to protect the integrity and sanctity of their bodies should be at least equal to those safeguards that we afford to other persons.

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

22-1-140. Corporal punishment prohibited - definition. (1) A PERSON EMPLOYED BY OR VOLUNTEERING IN A PUBLIC SCHOOL, AS DEFINED IN SECTION 22-1-101, SHALL NOT IMPOSE CORPORAL PUNISHMENT ON A CHILD.

(2) (a) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "CORPORAL PUNISHMENT" MEANS THE WILLFUL INFLICTION OF, OR WILLFULLY CAUSING THE INFLICTION OF, PHYSICAL PAIN ON A CHILD.

(b) "CORPORAL PUNISHMENT" DOES NOT INCLUDE:

(I) AN AMOUNT OF FORCE THAT IS REASONABLE AND NECESSARY TO QUELL A

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.

DISTURBANCE THAT THREATENS PHYSICAL INJURY TO PERSONS OR DAMAGE TO PROPERTY, NECESSARY FOR PURPOSES OF SELF-DEFENSE, OR USED TO OBTAIN POSSESSION OF A WEAPON OR OTHER DANGEROUS OBJECT WITHIN THE CONTROL OF A CHILD; OR

(II) PHYSICAL PAIN OR DISCOMFORT CAUSED BY ATHLETIC COMPETITION OR OTHER SIMILAR PHYSICAL ACTIVITY IN WHICH A CHILD IS VOLUNTARILY ENGAGED.

SECTION 3. In Colorado Revised Statutes, 22-32-109.1, **amend** (2)(a)(I) introductory portion and (2)(a)(I)(D); and **add** (1)(b.7) 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:

(b.7) "CORPORAL PUNISHMENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-1-140.

(2) **Safe school plan.** 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:

(a) **Conduct and discipline code.** (I) A concisely written conduct and discipline code that ~~shall~~ **MUST** be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the preschool, elementary, middle, and high school levels and ~~shall~~ be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code ~~shall~~ **MUST** include, but need not be limited to:

(D) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that ~~no~~ A board shall **NOT** adopt a discipline code that includes provisions that are in conflict with the ~~definition~~ **DESCRIPTION** of child abuse in section 18-6-401 (1) ~~C.R.S., and section 19-1-103 (1), C.R.S;~~ or 19-1-103 (1). **EACH CONDUCT AND DISCIPLINE CODE MUST STATE THAT, IN ACCORDANCE WITH SECTION 22-1-140, A PERSON EMPLOYED BY OR VOLUNTEERING IN A PUBLIC SCHOOL SHALL NOT IMPOSE CORPORAL PUNISHMENT ON A CHILD.**

SECTION 4. In Colorado Revised Statutes, 26.5-5-314, **amend** (2)(j) as follows:

26.5-5-314. Standards for facilities and agencies - rules - definition. (2) The standards prescribed by department rules are restricted to:

(j) **Discipline of children.** THE RULES MUST PROHIBIT THE IMPOSITION OF CORPORAL PUNISHMENT, AS DEFINED IN SECTION 22-1-140, UPON A CHILD BY ANY PERSON EMPLOYED BY OR VOLUNTEERING IN A CHILD CARE CENTER, A FAMILY CHILD CARE HOME, OR A SPECIALIZED GROUP FACILITY.

SECTION 5. 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: April 20, 2023