

CHAPTER 315

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 23-029

BY SENATOR(S) Moreno, Buckner, Cutter, Exum, Fields, Gonzales, Hinrichsen, Marchman, Priola, Sullivan, Winter F.;
 also REPRESENTATIVE(S) Lindsay, Amabile, Bacon, Brown, Dickson, Duran, English, Epps, Froelich, Garcia,
 Gonzales-Gutierrez, Hamrick, Herod, Joseph, Kipp, Lukens, Mabrey, Mauro, McCormick, McLachlan, Michaelson Jenet, Ortiz,
 Parenti, Ricks, Sharbini, Sirota, Story, Velasco, Vigil, McCluskie.

AN ACT

CONCERNING ADDRESSING DISPROPORTIONATE DISCIPLINE IN PUBLIC SCHOOLS, 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** 22-33-112 as follows:

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

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

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

(III) **FOR THE 2018-19 SCHOOL YEAR IN COLORADO, BLACK STUDENTS WERE 3.2 TIMES MORE LIKELY TO BE SUSPENDED THAN WHITE STUDENTS, AND HISPANIC STUDENTS WERE 1.7 TIMES MORE LIKELY TO BE SUSPENDED THAN WHITE STUDENTS; AND**

(IV) **LONGITUDINAL RESEARCH SHOWS THAT TWELVE YEARS AFTER A SUSPENSION, SUSPENDED YOUTH ARE LESS LIKELY THAN NONSUSPENDED YOUTH TO HAVE EARNED A HIGH SCHOOL DIPLOMA OR A BACHELOR'S DEGREE. SUSPENDED**

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.

YOUTH ARE MORE LIKELY TO HAVE BEEN ARRESTED AND ON PROBATION, WHICH SUGGESTS THAT SUSPENSION, RATHER THAN SELECTION BIAS, EXPLAINS NEGATIVE OUTCOMES.

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

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

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

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

(c) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED IN SECTION 24-1-115.

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

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

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

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

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

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

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

(4) THE TASK FORCE MEMBERS MUST BE APPOINTED ON OR BEFORE SEPTEMBER 30, 2023. THE TASK FORCE CONSISTS OF EIGHTEEN MEMBERS AS FOLLOWS:

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

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

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

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

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

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

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

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

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

(VII) ONE REPRESENTATIVE OF A STATEWIDE DISABILITY ADVOCACY ORGANIZATION;

(VIII) ONE REPRESENTATIVE OF A STATEWIDE MENTAL HEALTH ADVOCACY ORGANIZATION;

(IX) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION REPRESENTING STUDENTS WHO HAVE EXPERIENCED SUSPENSION, EXPULSION, OR OTHER SCHOOL DISCIPLINE ISSUES;

(X) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION SPECIALIZING IN EQUITY AND INCLUSION;

(XI) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT REPRESENTS THE INTERESTS OF STUDENTS AND FAMILIES;

(XII) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT REPRESENTS VICTIMS OF VIOLENT CRIMES OR SEXUAL ASSAULT; AND

(XIII) THREE FORMER STUDENTS WHO ATTENDED COLORADO PUBLIC SCHOOLS AND WHO HAVE LIVED EXPERIENCE WITH THE SCHOOL DISCIPLINE SYSTEM.

(5) (a) ON OR BEFORE OCTOBER 15, 2023, THE COMMISSIONER, OR THE COMMISSIONER'S DESIGNEE, SHALL CALL THE FIRST MEETING OF THE TASK FORCE. DURING THE FIRST MEETING, THE TASK FORCE SHALL ELECT A MEMBER TO SERVE AS THE CHAIR OF THE TASK FORCE, ESTABLISH PROCEDURES TO ALLOW MEMBERS OF THE TASK FORCE TO PARTICIPATE IN THE MEETINGS REMOTELY, DEVELOP BEST PRACTICES FOR THE ADMINISTRATION OF THE TASK FORCE MEETINGS, AND CREATE A PLAN FOR THE ENGAGEMENT OF STAKEHOLDERS AND EXPERTS TO SUPPORT AND INFORM THE TASK FORCE'S WORK.

(b) THE TASK FORCE SHALL MEET AT LEAST SIX TIMES BETWEEN OCTOBER 15, 2023 AND THE FIRST REVIEW COMMITTEE MEETING IN 2024.

(c) EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, THE TASK FORCE MEMBERS SHALL SERVE WITHOUT COMPENSATION BUT MUST RECEIVE REIMBURSEMENT FOR REASONABLE EXPENSES INCURRED TO PARTICIPATE IN TASK FORCE MEETINGS.

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

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

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

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

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

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

(IV) DETERMINE WHETHER THE DEPARTMENT'S PLAN AND PROGRESS IN STANDARDIZING DISCIPLINE DATA, AS REQUIRED PURSUANT TO SECTION 22-1-138, SHOULD INCLUDE REPORTS OF ALTERNATIVE DISCIPLINARY MEASURES TAKEN PRIOR TO A STUDENT'S SUSPENSION OR EXPULSION AND WHETHER LEGISLATIVE OR ADMINISTRATIVE CHANGES ARE NECESSARY;

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

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

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

(VIII) IDENTIFY ALTERNATIVE APPROACHES TO DISCIPLINE, INCLUDING BUT NOT LIMITED TO POSITIVE BEHAVIORAL INTERVENTION AND SUPPORTS, BULLYING INTERVENTION AND PREVENTION, AND BEHAVIOR INTERVENTION PLANS, AND ADDRESS CONCERNS AROUND WORKFORCE AND OTHER RESOURCE SHORTAGES IN SCHOOL DISTRICTS IN RELATION TO SCHOOL DISCIPLINE PRACTICES AND REPORTING, WITH A FOCUS ON ADDRESSING CONCERNS REGARDING SCHOOL DISTRICT SIZE, LOCATION, AND DEMOGRAPHICS; AND

(IX) RECOMMEND LEGISLATION, CHANGES TO THE IMPLEMENTATION OF EXISTING LAW, OR OTHER ADMINISTRATIVE CHANGES, AS NECESSARY, AND ANALYZE THE COSTS AND TIME FRAMES REQUIRED TO IMPLEMENT THE RECOMMENDED CHANGES.

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

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

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

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

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

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

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1.2) Each school district ~~is encouraged to~~ SHALL consider each of the following factors before suspending or expelling a student pursuant to ~~a provision of~~ subsection (1) of this section:

SECTION 3. Appropriation. (1) For the 2023-24 state fiscal year, \$164,398 is appropriated to the department of education. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.5 FTE. To implement this act, the department may use this appropriation for a school discipline task force.

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

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

Approved: June 2, 2023