

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 22-0867.01 Jane Ritter x4342

HOUSE BILL 22-1376

HOUSE SPONSORSHIP

Herod and Young, Amabile, Bennett, Boesenecker, Cutter, Duran, Esgar, Exum, Froelich, Hooton, Jodeh, Kipp, Lindsay, Lontine, McCluskie, McLachlan, Michaelson Jenet, Sirota, Titone, Valdez D.

SENATE SPONSORSHIP

Priola and Winter,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

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

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>.)

HOUSE
3rd Reading Unamended
May 2, 2022

The bill requires the department of education (department) to compile data and create reports based on information received from school districts and charter schools (schools) related to chronic absenteeism rates, the number of in-school and out-of-school suspensions, the number of expulsions, the number of students handcuffed or

HOUSE
Amended 2nd Reading
April 29, 2022

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

restrained, the number of referrals to law enforcement, and the number of school-related arrests. The department shall annually update and post such data and reports on its website.

The department shall create easily accessible and user-friendly school district profiles relating to school climate, including school climate surveys.

Restrictions concerning the use of restraints on students are increased, including providing, creating, and implementing training for school staff and school security staff on the use of restraints and adding restrictions to the use of restraints on students.

The department is required to develop a policy for hiring, training, and evaluating school resource officers.

For the state fiscal year 2022-23, the bill requires an additional appropriation of \$2 million to the department to continue the expelled and at-risk student services program for the purpose of providing services and supports to develop effective attendance and discipline systems, to address educational inequities and disproportionate discipline practices, and to offer staff training and technical assistance to ensure the culturally responsive implementation of services and supports.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-1-134 and
3 22-1-135 as follows:

4 **22-1-134. Information collected and posted on department**
5 **website.** ON OR BEFORE AUGUST 31, 2023, THE DEPARTMENT OF
6 EDUCATION SHALL STANDARDIZE THE REPORTING METHOD THAT SCHOOL
7 DISTRICTS, INCLUDING CHARTER SCHOOLS OF A SCHOOL DISTRICT AND
8 INSTITUTE CHARTER SCHOOLS, USE TO COLLECT AND REPORT DATA
9 CONCERNING SUSPENSIONS AND EXPULSIONS, ARRESTS AND REFERRALS,
10 CHRONIC ABSENTEEISM, INCIDENTS OF VIOLENCE, AND HARASSMENT AND
11 BULLYING, AND THE SAFE SCHOOL REPORTING REQUIREMENTS SET FORTH
12 IN SECTION 22-32-109.1. IN MAKING ITS DETERMINATION REGARDING THE
13 STANDARDIZATION, THE DEPARTMENT OF EDUCATION SHALL CONSULT
14 WITH SCHOOL DISTRICTS AND SCHOOL ADMINISTRATORS, SCHOOL BOARD

1 MEMBERS, TEACHERS, LAW ENFORCEMENT REPRESENTATIVES, SCHOOL
2 RESOURCE OFFICERS, K-12 ADVOCATES, AND OTHER RELEVANT
3 STAKEHOLDERS. IN MAKING ITS DETERMINATION, THE DEPARTMENT OF
4 EDUCATION SHALL ENSURE ALL STUDENT-LEVEL DATA IS KEPT
5 CONFIDENTIAL AND REPORTING COMPLIES WITH THE FEDERAL "FAMILY
6 EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g
7 AND THE "STUDENT DATA TRANSPARENCY AND SECURITY ACT", CREATED
8 PURSUANT TO ARTICLE 16 OF THIS TITLE 22. AS PART OF THE PROCESS, THE
9 DEPARTMENT OF EDUCATION MAY CONSIDER WHETHER TO ADOPT NEW
10 REPORTING CATEGORIES OR REQUIRE ADDITIONAL OR DIFFERENT DATA TO
11 BE COLLECTED TO IMPROVE ACCURACY, CONSISTENCY, AND QUALITY OF
12 DATA.

13 **22-1-135. Accessible district profile reports - school climate**
14 **reports and surveys - reporting - definition.** (1) (a) ON OR BEFORE
15 AUGUST 31, 2024, THE DEPARTMENT OF EDUCATION SHALL WORK TO
16 DEVELOP EASILY ACCESSIBLE, USER-FRIENDLY PROFILE REPORTS FOR EACH
17 SCHOOL DISTRICT AND THE CHARTER SCHOOL INSTITUTE. THE REPORTS
18 MUST BE MADE EASILY ACCESSIBLE TO THE GENERAL PUBLIC THROUGH A
19 LINK ON THE DEPARTMENT OF EDUCATION'S WEBSITE; UPDATED
20 ANNUALLY; AND DISAGGREGATED BY GENDER, GRADE LEVEL, ETHNICITY,
21 DISABILITY, ENGLISH LANGUAGE LEARNER STATUS, FREE AND
22 REDUCED-PRICE LUNCH STATUS, AND HOMELESS STATUS TO THE MAXIMUM
23 EXTENT POSSIBLE IN COMPLIANCE WITH THE FEDERAL "FAMILY
24 EDUCATIONAL RIGHTS AND PRIVACY RIGHTS ACT OF 1974", 20 U.S.C.
25 SEC. 1232g AND THE "STUDENT DATA TRANSPARENCY AND SECURITY
26 ACT" CREATED PURSUANT TO ARTICLE 16 OF THIS TITLE 22. TO PREPARE
27 THE PROFILE REPORTS, THE DEPARTMENT OF EDUCATION SHALL COLLECT

1 THE INDIVIDUAL STUDENT DATA DESCRIBED IN SUBSECTION (1)(b) OF THIS
2 SECTION. THE DEPARTMENT OF EDUCATION SHALL MAINTAIN STRICT
3 STANDARDS FOR STUDENT DATA PRIVACY, COMPLY WITH STANDARDS FOR
4 REPORTING DATA FOR A STUDENT WITH AN ACCOMMODATION PURSUANT
5 TO SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29
6 U.S.C. SEC. 701 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING
7 REGULATIONS, OR A STUDENT WITH AN INDIVIDUALIZED EDUCATION PLAN,
8 AND SHALL NOT PUBLICLY REPORT INDIVIDUAL STUDENT DATA AS PART OF
9 THE DISTRICT PROFILE REPORTS.

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

11 TO:

12 (I) CHRONIC ABSENTEEISM RATES;

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

15 (III) THE NUMBER OF EXPULSIONS;

16 (IV) THE NUMBER OF STUDENTS HANDCUFFED;

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

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

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

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

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

4 (VII) THE NUMBER OF STUDENTS PHYSICALLY RESTRAINED; AND
5 (VIII) THE NUMBER OF STUDENTS PLACED IN SECLUSION.

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

1 PERSPECTIVES OF LEARNING CONDITIONS. RECOMMENDATIONS MAY ALSO
2 LEVERAGE INFORMATION LEARNED FROM PILOT AND GRANT PROGRAMS
3 RELATED TO IMPROVING STUDENTS' EXPERIENCES IN SCHOOL.

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

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

14 **22-2-112. Commissioner - duties - report - legislative**
15 **declaration - repeal.** (1) Subject to the supervision of the state board,
16 the commissioner has the following duties:

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

1 AND SCHOOL NURSES in total for the state and disaggregated by school
2 district, board of cooperative services, and the state charter school
3 institute.

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

7 **22-2-503. Teaching and learning conditions survey.** (1) Subject
8 to available appropriations, the department shall administer a biennial
9 teaching and learning conditions survey, referred to in this section as the
10 "survey", to all preschool teachers, elementary teachers, secondary
11 teachers, and education support professionals in public schools of the
12 state. The survey ~~shall~~ MUST be designed to assess, at a minimum:

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

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

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

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

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

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

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

27 **SECTION 4.** In Colorado Revised Statutes, 22-30.5-528, **amend**

1 (2), (3)(a), and (3)(b) introductory portion; and **add** (3)(d), (3)(e), and (5)
2 as follows:

3 **22-30.5-528. Institute charter schools - use of restraints on**
4 **students - certain restraints prohibited - reports and review process**
5 **- complaints and investigations - rules - definitions.** (2) Pursuant to
6 section ~~26-20-111, the use of a chemical, mechanical, or prone restraint~~
7 upon a student in an institute charter school is prohibited THE
8 "PROTECTION OF INDIVIDUALS FROM RESTRAINT AND SECLUSION ACT",
9 SECTIONS 26-20-101 TO 26-20-111, SETS FORTH THE KEY DEFINITIONS AND
10 PROHIBITIONS ON THE USE OF RESTRAINTS, INCLUDING THE USE OF
11 RESTRAINTS ON STUDENTS, DESCRIBED IN SECTION 26-20-111.

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

18 (b) On and after August 9, 2017, each INSTITUTE CHARTER school
19 ~~district~~ shall establish a review process, conduct the review process at
20 least annually, and document the results of each review process in
21 writing. Each annual review process must include a review of each
22 incident in which restraint was used on a student during the preceding
23 year. The purpose of each annual review process is to ensure that the
24 INSTITUTE CHARTER school ~~district~~ is properly administering restraint,
25 identifying additional training needs, minimizing and preventing the use
26 of restraint by increasing the use of positive behavior interventions, and
27 reducing the incidence of injury to students and staff. Each annual review

1 process must include but is not limited to:

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

9 (e) NO LATER THAN JUNE 30, 2023, AND EVERY JUNE 30
10 THEREAFTER, EACH INSTITUTE CHARTER SCHOOL SHALL SUBMIT THE DATA
11 FROM THE ANNUAL REVIEW CONDUCTED PURSUANT TO SUBSECTION (3)(b)
12 OF THIS SECTION TO THE DEPARTMENT OF EDUCATION PURSUANT TO
13 SECTION 22-1-134.

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

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

21 **22-32-109.1. Board of education - specific powers and duties**
22 **- safe school plan - conduct and discipline code - safe school reporting**
23 **requirements - school response framework - school resource officers**
24 **- definitions.** (1) **Definitions.** As used in this section, unless the context
25 otherwise requires:

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

1 the department of education's website home page. The report must
2 include, but need not be limited to, the following specific information for
3 the preceding school year, INCLUDING ANY DISCIPLINARY INCIDENT
4 SPECIFIED IN SUBSECTION (2)(b)(IV)(E) OR (2)(b)(IV)(K) OF THIS SECTION
5 THAT REQUIRES ADDITIONAL REPORTING ON THE INCIDENT:

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

11 (E) Being willfully disobedient or openly and persistently defiant
12 or repeatedly interfering with the school's ability to provide educational
13 opportunities to, and a safe environment for, other students. IN ADDITION
14 TO PROVIDING INFORMATION ON SUCH DISCIPLINARY INCIDENTS IN THE
15 COMPILED REPORT REQUIRED BY THIS SUBSECTION (2)(b), THE REPORT
16 FILING MUST INCLUDE ANY ADDITIONAL INFORMATION DEEMED
17 NECESSARY BY THE DEPARTMENT OF EDUCATION PURSUANT TO THE
18 PROCESS REQUIRED PURSUANT TO SECTION 22-1-134. INFORMATION
19 INCLUDED IN REPORTING FOR INCIDENTS CURRENTLY CATEGORIZED AS
20 DISOBEDIENCE OR DEFIANCE MAY INCLUDE, BUT IS NOT LIMITED TO
21 SCHOOL AND DISTRICT CODE; LOCATION OF INCIDENTS; DESCRIPTION OF
22 THE BEHAVIORS THAT CONSTITUTED THE VIOLATIONS; INTERVENTIONS OR
23 DE-ESCALATION STRATEGIES ATTEMPTED LEADING UP TO THE INCIDENT;
24 AND DESCRIPTIVE INFORMATION OF THE STUDENT OR STUDENTS INVOLVED
25 IN THE INCIDENTS, INCLUDING, BUT NOT LIMITED TO, GENDER, GRADE
26 LEVEL, ETHNICITY, RACE, AND WHETHER THE STUDENT HAS FEDERAL
27 SECTION 504 ACCOMMODATIONS OR AN INDIVIDUALIZED EDUCATION PLAN.

1 INFORMATION ON THE REPORT MUST BE SUBMITTED IN ACCORDANCE WITH
2 THE DEPARTMENT OF EDUCATION'S DATA PRIVACY AND REPORTING
3 REQUIREMENTS.

4 (K) Other violations of the code of conduct and discipline that
5 resulted in documentation of the conduct in a student's record. IN
6 ADDITION TO PROVIDING INFORMATION ON SUCH DISCIPLINARY INCIDENTS
7 IN THE COMPILED REPORT REQUIRED BY THIS SUBSECTION (2)(b), THE
8 REPORT FILING MUST INCLUDE ANY ADDITIONAL INFORMATION DEEMED
9 NECESSARY BY THE DEPARTMENT OF EDUCATION PURSUANT TO THE
10 PROCESS REQUIRED PURSUANT TO SECTION 22-1-134. INFORMATION
11 INCLUDED IN REPORTING FOR INCIDENTS CURRENTLY CATEGORIZED AS
12 DISOBEDIENCE OR DEFIANCE MAY INCLUDE, BUT IS NOT LIMITED TO
13 SCHOOL AND DISTRICT CODE; LOCATION OF THE INCIDENTS; DESCRIPTION
14 OF THE BEHAVIORS THAT CONSTITUTED THE VIOLATIONS; INTERVENTIONS
15 OR DE-ESCALATION STRATEGIES ATTEMPTED LEADING UP TO THE
16 INCIDENTS; AND DESCRIPTIVE INFORMATION OF THE STUDENT OR
17 STUDENTS INVOLVED IN THE INCIDENTS, INCLUDING, BUT NOT LIMITED TO,
18 GENDER, GRADE LEVEL, ETHNICITY, RACE, AND WHETHER THE STUDENT
19 HAS FEDERAL SECTION 504 ACCOMMODATIONS OR AN INDIVIDUALIZED
20 EDUCATION PLAN. INFORMATION ON THE REPORT MUST BE SUBMITTED IN
21 ACCORDANCE WITH THE DEPARTMENT OF EDUCATION'S DATA PRIVACY
22 AND REPORTING REQUIREMENTS.

23 (b.5) IN ADDITION TO THE ITEMS SPECIFIED IN SUBSECTION (2)(b)
24 OF THIS SECTION, EACH SCHOOL DISTRICT BOARD OF EDUCATION OR
25 INSTITUTE CHARTER SCHOOL BOARD FOR A CHARTER SCHOOL AUTHORIZED
26 BY THE CHARTER SCHOOL INSTITUTE SHALL ANNUALLY REVIEW AND
27 SUBMIT DATA TO THE DEPARTMENT OF EDUCATION CONCERNING THE

1 NUMBER AND TYPES OF DISCIPLINARY INCIDENTS AND THE DISCIPLINARY
2 ACTIONS TAKEN IN RESPONSE TO SUCH INCIDENTS. THE DEPARTMENT OF
3 EDUCATION SHALL COLLECT THE DATA DESCRIBED IN SUBSECTION
4 (2)(b)(IV) OF THIS SECTION AT THE INDIVIDUAL STUDENT LEVEL AND
5 REPORT DISAGGREGATED STUDENT DATA ON THE TYPE OF DISCIPLINARY
6 INCIDENTS AND ACTION TAKEN. SUCH STUDENT DATA MUST BE
7 DISAGGREGATED BY GENDER, GRADE LEVEL, RACE, ETHNICITY,
8 DISABILITY, WHETHER THE STUDENT HAS FEDERAL SECTION 504
9 ACCOMMODATIONS OR AN INDIVIDUALIZED EDUCATION PLAN, ENGLISH
10 LANGUAGE LEARNER STATUS, FREE AND REDUCED-PRICE LUNCH STATUS,
11 AND HOMELESS STATUS, TO THE MAXIMUM EXTENT POSSIBLE IN
12 COMPLIANCE WITH THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND
13 PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g AND THE "STUDENT DATA
14 TRANSPARENCY AND SECURITY ACT", CREATED IN ARTICLE 16 OF THIS
15 TITLE 22. THE DEPARTMENT OF EDUCATION SHALL NOT REPORT
16 INDIVIDUAL STUDENT DATA IN MEETING THE REQUIREMENTS OF THIS
17 SUBSECTION (2) AND SHALL ENSURE COMPLIANCE WITH STANDARDS FOR
18 REPORTING DATA FOR A STUDENT WITH A FEDERAL SECTION 504
19 ACCOMMODATION OR AN INDIVIDUALIZED EDUCATION PLAN.

20

21 **SECTION 6.** In Colorado Revised Statutes, 22-32-147, **add**

22 (3)(d), (5), and (6) as follows:

23 **22-32-147. Use of restraints on students - certain restraints**

24 **prohibited - reports and review process - rules - definitions.**

25 (3) (d) NO LATER THAN JUNE 30, 2023, AND EVERY JUNE 30 THEREAFTER,

26 EACH SCHOOL DISTRICT SHALL SUBMIT THE DATA FROM THE ANNUAL

27 REVIEW CONDUCTED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION TO

1 THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-1-134.

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

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

15 **SECTION 7.** In Colorado Revised Statutes, 22-33-205, **amend**
16 (4) introductory portion; and **add** (3.5) as follows:

17 **22-33-205. Services for expelled and at-risk students - grants**
18 **- criteria - rules - funding.** (3.5) (a) FOR THE STATE FISCAL YEAR
19 2022-23, THE GENERAL ASSEMBLY SHALL APPROPRIATE AN ADDITIONAL
20 FIVE HUNDRED THOUSAND DOLLARS TO THE GRANT PROGRAM. UP TO FIVE
21 HUNDRED THOUSAND DOLLARS OF ANY INCREASE IN APPROPRIATION FOR
22 THE PROGRAM FOR THE 2022-23 STATE FISCAL YEAR MAY BE GRANTED TO
23 APPLICANTS THAT PROVIDE SERVICES AND SUPPORT TO DEVELOP
24 EFFECTIVE ATTENDANCE AND DISCIPLINE SYSTEMS; ADDRESS
25 EDUCATIONAL INEQUITIES AND DISPROPORTIONATE DISCIPLINE PRACTICES;
26 AND OFFER STAFF TRAINING AND TECHNICAL ASSISTANCE TO ENSURE THE
27 CULTURALLY RESPONSIVE IMPLEMENTATION OF SERVICES, SUPPORTS, AND

1 PROGRAMMING. THE SERVICES AND SUPPORTS MUST INCLUDE, BUT NEED
2 NOT BE LIMITED TO, EQUITY, DIVERSITY, AND INCLUSION TRAINING FOR
3 STAFF; POSITIVE BEHAVIOR INTERVENTION MODELS; AND RESTORATIVE
4 JUSTICE PRACTICES AS DESCRIBED IN SECTION 22-32-144.

5 (b) THE DEPARTMENT OF EDUCATION IS AUTHORIZED TO RETAIN UP
6 TO FIVE PERCENT OF ANY MONEY APPROPRIATED FOR THE PROGRAM FOR
7 THE PURPOSE OF ANNUALLY ADMINISTERING, MAINTAINING, AND
8 EVALUATING THE PROGRAM. THE DEPARTMENT OF EDUCATION IS
9 AUTHORIZED AND ENCOURAGED TO USE UP TO TWO PERCENT OF THE FIVE
10 PERCENT RETAINED PURSUANT TO THIS SUBSECTION (3.5)(b) FOR THE
11 PURPOSE OF PARTNERING WITH ORGANIZATIONS OR AGENCIES THAT
12 PROVIDE SERVICES AND SUPPORTS THAT ARE DESIGNED TO REDUCE THE
13 NUMBER OF TRUANCY CASES REQUIRING COURT INVOLVEMENT AND THAT
14 ALSO REFLECT THE BEST INTERESTS OF STUDENTS AND FAMILIES.

15 (4) ~~The department of education is authorized to retain up to one~~
16 ~~percent of any money appropriated for the program for the purpose of~~
17 ~~annually evaluating the program. The department of education is~~
18 ~~authorized and encouraged to retain up to an additional two percent of~~
19 ~~any money appropriated for the program for the purpose of partnering~~
20 ~~with organizations or agencies that provide services and supports that are~~
21 ~~designed to reduce the number of truancy cases requiring court~~
22 ~~involvement and that also reflect the best interests of students and~~
23 ~~families. Notwithstanding section 24-1-136 (11)(a)(I), on or before~~
24 January 1, 2006, and on or before January 1 each year thereafter, the
25 department of education shall report to the education committees of the
26 house of representatives and the senate, or any successor committees, the
27 evaluation findings on the outcomes and the effectiveness of the program

1 related to school attendance, attachment, and achievement. At a
2 minimum, the report must include:

3 **SECTION 8.** In Colorado Revised Statutes, 24-31-312, **add (7)**
4 as follows:

5 **24-31-312. School resource officer training.** (7) THE P.O.S.T.
6 BOARD, WITH RESPECT TO THE HIRING, TRAINING, AND EVALUATION OF
7 SCHOOL RESOURCE OFFICERS AND PROFESSIONALIZING A SCHOOL-POLICE
8 PARTNERSHIP, SHALL CREATE A MODEL POLICY FOR SELECTING SCHOOL
9 RESOURCE OFFICERS PURSUANT TO THE GENERAL DUTIES AND
10 RESPONSIBILITIES GRANTED TO THE P.O.S.T. BOARD PURSUANT TO
11 SECTION 24-31-303. THE P.O.S.T. BOARD SHALL CONSULT WITH SCHOOL
12 BOARD MEMBERS, SCHOOL RESOURCE OFFICERS, K-12 ADVOCATES, AND
13 OTHER RELEVANT STAKEHOLDERS, INCLUDING STUDENT GROUPS, IN THE
14 DEVELOPMENT OF THE MODEL POLICY. THE DEPARTMENT OF EDUCATION
15 SHALL POST THE MODEL POLICY ON ITS WEBSITE AND DISTRIBUTE THE
16 POLICY TO SCHOOL DISTRICTS, CHARTER SCHOOLS, AND INSTITUTE
17 CHARTER SCHOOLS FOR CONSIDERATION AND POSSIBLE ADOPTION. THE
18 MODEL POLICY MAY BE USED BY SCHOOL DISTRICTS, CHARTER SCHOOLS,
19 INSTITUTE CHARTER SCHOOLS, AND POLICE DEPARTMENTS. THE MODEL
20 POLICY MUST, AT A MINIMUM, REQUIRE THAT:

21 (a) ONCE SELECTED, SCHOOL RESOURCE OFFICERS MUST BE FULLY
22 TRAINED IN STANDARD BEST PRACTICES, AS SET FORTH BY A NATIONAL
23 ASSOCIATION OF SCHOOL RESOURCE OFFICERS;
24 (b) A CANDIDATE DEMONSTRATE, WHENEVER POSSIBLE, A RECORD
25 OF EXPERIENCE DEVELOPING POSITIVE RELATIONSHIPS WITH YOUTH,
26 WHICH MAY INCLUDE PARTICIPATION IN YOUTH OR COMMUNITY POLICING
27 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 9. 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:

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

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

1 described in section 26-20-111 (2), (3), or (4); or

2 **SECTION 10.** In Colorado Revised Statutes, 26-20-111, **amend**
3 (1); and **add** (5), (6), (7), (8), and (9) as follows:

4 **26-20-111. Use of restraints in public schools - certain**
5 **restraints prohibited.** (1) Except as provided otherwise in this section,
6 and notwithstanding any other provision of this article 20:

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

12 (b) A SCHOOL RESOURCE OFFICER OR A LAW ENFORCEMENT
13 OFFICER ACTING IN THE OFFICER'S OFFICIAL CAPACITY ON SCHOOL
14 GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR
15 SANCTIONED EVENT SHALL NOT USE HANDCUFFS ON ANY STUDENT, UNLESS
16 THERE IS A DANGER TO THEMSELVES OR OTHERS OR HANDCUFFS ARE USED
17 DURING A CUSTODIAL ARREST THAT REQUIRES TRANSPORT.

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

27 (6) NOTHING IN THIS SECTION PROHIBITS SCHOOL PERSONNEL FROM

1 TAKING ANY LAWFUL ACTIONS NECESSARY, INCLUDING SECLUSION OR
2 RESTRAINT, WHEN AND WHERE NECESSARY TO KEEP STUDENTS AND STAFF
3 SAFE FROM HARM DURING AN EMERGENCY, AS DEFINED BY RULE OF THE
4 STATE BOARD. SCHOOL PERSONNEL SHALL COMPLY WITH ALL
5 DOCUMENTATION AND REPORTING REQUIREMENTS, EVEN IN THE CASE OF
6 AN EMERGENCY.

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

12 (8) ON OR BEFORE JULY 1, 2023, THE DEPARTMENT OF EDUCATION
13 SHALL CONVENE A STAKEHOLDER GROUP TO DRAFT RULES FOR REPORTING
14 RESTRAINTS FROM ONE TO FIVE MINUTES AND DATA TO BE COLLECTED BY
15 THE DEPARTMENT OF EDUCATION. THE DEPARTMENT OF EDUCATION SHALL
16 PRESENT THESE RULES TO THE STATE BOARD FOR CONSIDERATION ON OR
17 BEFORE DECEMBER 31, 2023. THE STAKEHOLDER GROUP MUST INCLUDE,
18 BUT IS NOT LIMITED TO, REPRESENTATIVES FROM THE GENERAL
19 EDUCATION ADMINISTRATION, A STATEWIDE ORGANIZATION
20 REPRESENTING SPECIAL EDUCATION DIRECTORS, THE DEPARTMENT OF
21 EDUCATION, AND A DISABILITY RIGHTS ORGANIZATION.

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

26 **SECTION 11. Appropriation.** (1) For the 2022-23 state fiscal
27 year, \$1,016,451 is appropriated to the department of education. This

1 appropriation is from the general fund. To implement this act, the
2 department may use this appropriation as follows:

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

4 (b) \$500,000 for the expelled and at-risk student services grant
5 program; and

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

9 (2) For the 2022-23 state fiscal year, \$30,000 is appropriated to
10 the department of law for use by the peace officers training board. This
11 appropriation is from the P.O.S.T board cash fund created in section
12 24-31-303 (2)(b), C.R.S. To implement this act, the board may use this
13 appropriation for peace officers standards and training board support.

14 **SECTION 12. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety.