

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 22-0867.01 Jane Ritter x4342

**HOUSE BILL 22-1376**

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**HOUSE SPONSORSHIP**

**Herod and Young,**

**SENATE SPONSORSHIP**

**Priola and Winter,**

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**House Committees**

Education

Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING SUPPORTIVE LEARNING ENVIRONMENTS FOR K-12**  
102     **STUDENTS.**

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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>.)*

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 restrained, the number of referrals to law enforcement, and the number of

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.*

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.

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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** 22-1-134 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  
15      MEMBERS, TEACHERS, LAW ENFORCEMENT REPRESENTATIVES, SCHOOL

1 RESOURCE OFFICERS, K-12 ADVOCATES, AND OTHER RELEVANT  
2 STAKEHOLDERS.

3 **22-1-135. Accessible district profile reports - school climate**  
4 **reports and surveys - reporting - definition.** (1) (a) ON OR BEFORE  
5 AUGUST 31, 2024, THE DEPARTMENT OF EDUCATION SHALL DEVELOP  
6 EASILY ACCESSIBLE, USER-FRIENDLY PROFILE REPORTS FOR EACH SCHOOL  
7 DISTRICT AND THE CHARTER SCHOOL INSTITUTE. THE REPORTS MUST BE  
8 MADE EASILY ACCESSIBLE TO THE GENERAL PUBLIC THROUGH A LINK ON  
9 THE DEPARTMENT OF EDUCATION'S WEBSITE; UPDATED ANNUALLY; AND  
10 DISAGGREGATED BY GENDER, GRADE LEVEL, ETHNICITY, DISABILITY,  
11 ENGLISH LANGUAGE LEARNER STATUS, FREE AND REDUCED-PRICE LUNCH  
12 STATUS, AND HOMELESS STATUS TO THE MAXIMUM EXTENT POSSIBLE IN  
13 COMPLIANCE WITH THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND  
14 PRIVACY RIGHTS ACT OF 1974", 20 U.S.C. SEC. 1232g AND THE "STUDENT  
15 DATA TRANSPARENCY AND SECURITY ACT" CREATED PURSUANT TO  
16 ARTICLE 16 OF THIS TITLE 22. TO PREPARE THE PROFILE REPORTS, THE  
17 DEPARTMENT OF EDUCATION SHALL COLLECT THE INDIVIDUAL STUDENT  
18 DATA DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION. THE  
19 DEPARTMENT OF EDUCATION SHALL NOT PUBLICLY REPORT INDIVIDUAL  
20 STUDENT DATA AS PART OF THE DISTRICT PROFILE REPORTS.

21 (b) THE PROFILE REPORTS MUST INCLUDE, BUT ARE NOT LIMITED  
22 TO:

23 (I) CHRONIC ABSENTEEISM RATES;  
24 (II) THE NUMBER OF IN-SCHOOL AND OUT-OF-SCHOOL  
25 SUSPENSIONS;  
26 (III) THE NUMBER OF EXPULSIONS;  
27 (IV) THE NUMBER OF STUDENTS HANDCUFFED;

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

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

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

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

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

1 ASSOCIATIONS REPRESENTING SCHOOL EXECUTIVES, SCHOOL BOARDS,  
2 CHARTER SCHOOLS, AND TEACHERS.

3 (b) THE DEPARTMENT OF EDUCATION MAY CONSULT WITH STATE  
4 AND NATIONAL ORGANIZATIONS OR OTHER STATES WITH EXPERTISE IN  
5 MEASURING AND IMPROVING STUDENTS' EXPERIENCE AT SCHOOL. BY  
6 DECEMBER 31, 2023, THE DEPARTMENT OF EDUCATION MAY MAKE  
7 RECOMMENDATIONS TO THE STATE BOARD OF EDUCATION AND THE  
8 GENERAL ASSEMBLY FOR ADDITIONAL INDICATORS TO CONSIDER,  
9 INCLUDING, BUT NOT LIMITED TO, MEASURES OF STUDENT ENGAGEMENT,  
10 STUDENTS' EMOTIONAL AND PHYSICAL SAFETY AND SENSE OF BELONGING,  
11 AND TEACHERS' PERSPECTIVES OF LEARNING CONDITIONS.  
12 RECOMMENDATIONS MAY ALSO LEVERAGE INFORMATION LEARNED FROM  
13 PILOT AND GRANT PROGRAMS RELATED TO IMPROVING STUDENTS'  
14 EXPERIENCES IN SCHOOL.

15 (3) BEGINNING IN THE 2023-24 SCHOOL YEAR, THE DEPARTMENT  
16 OF EDUCATION SHALL ANNUALLY COLLECT INFORMATION CONCERNING  
17 SCHOOL CLIMATE SURVEYS ADMINISTERED TO STUDENTS OR FAMILIES, OR  
18 SCHOOL CLIMATE TOOLS UTILIZED BY SCHOOLS AND SCHOOL DISTRICTS,  
19 INCLUDING WHICH SURVEY OR TOOL IS USED, IF ANY, AND HOW THE  
20 RESULTS OF SUCH SURVEYS ARE MADE PUBLICLY ACCESSIBLE, IF AT ALL.  
21 THE DEPARTMENT OF EDUCATION SHALL INCLUDE THIS INFORMATION IN  
22 THE DISTRICT PROFILE REPORTS.

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

25 **22-2-112. Commissioner - duties - report - legislative**  
26 **declaration - repeal.** (1) Subject to the supervision of the state board,  
27 the commissioner has the following duties:

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

18                   **22-2-503. Teaching and learning conditions survey.** (1) Subject  
19                   to available appropriations, the department shall administer a biennial  
20                   teaching and learning conditions survey, referred to in this section as the  
21                   "survey", to all preschool teachers, elementary teachers, secondary  
22                   teachers, and education support professionals in public schools of the  
23                   state. The survey ~~shall~~ MUST be designed to assess, at a minimum:

24 (b) The correlation, if any, between teaching and learning  
25 conditions and teacher retention; and

26 (c) The relationship, if any, between teaching and learning  
27 conditions and school administration; AND

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

6 (e) State education reform initiatives concerning achievement  
7 gaps, teacher gaps, dropout rates, and graduation rates; and

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

9 (g) IMPROVING WAYS TO MEASURE AND IMPROVE SCHOOL CLIMATE  
10 AND TEACHING AND LEARNING ENVIRONMENTS.

11                   **SECTION 4.** In Colorado Revised Statutes, 22-30.5-528, amend  
12                   (2), (3)(a), and (3)(b) introductory portion; and **add** (3)(d), (3)(e), and (5)  
13                   as follows:

14                   **22-30.5-528. Institute charter schools - use of restraints on**  
15                   **students - certain restraints prohibited - reports and review process**  
16                   **- complaints and investigations - rules - definitions.** (2) Pursuant to  
17                   section 26-20-111, the use of a chemical, mechanical, or prone restraint  
18                   upon a student in an institute charter school is prohibited. THE  
19                   "PROTECTION OF INDIVIDUALS FROM RESTRAINT AND SECLUSION ACT",  
20                   SECTIONS 26-20-101 TO 26-20-111, SETS FORTH THE KEY DEFINITIONS AND  
21                   PROHIBITIONS ON THE USE OF RESTRAINTS, INCLUDING THE USE OF  
22                   RESTRAINTS ON STUDENTS, DESCRIBED IN SECTION 26-20-111.

1 one school day after the incident occurred.

2 (b) On and after August 9, 2017, each INSTITUTE CHARTER school  
3 ~~district~~ shall establish a review process, conduct the review process at  
4 least annually, and document the results of each review process in  
5 writing. Each annual review process must include a review of each  
6 incident in which restraint was used on a student during the preceding  
7 year. The purpose of each annual review process is to ensure that the  
8 INSTITUTE CHARTER school ~~district~~ is properly administering restraint,  
9 identifying additional training needs, minimizing and preventing the use  
10 of restraint by increasing the use of positive behavior interventions, and  
11 reducing the incidence of injury to students and staff. Each annual review  
12 process must include but is not limited to:

13 (d) THE DEPARTMENT OF EDUCATION HAS ENFORCEMENT  
14 AUTHORITY TO APPLY TO INVESTIGATIONS AND DECISIONS CONCERNING  
15 THE USE OF RESTRAINTS ON STUDENTS.

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

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

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

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

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

8                   (2) **Safe school plan.** ~~In order~~ To provide a learning environment  
9 that is safe, conducive to the learning process, and free from unnecessary  
10 disruption, each school district board of education or institute charter  
11 school board for a charter school authorized by the charter school institute  
12 shall, following consultation with the school district accountability  
13 committee and school accountability committees, parents, teachers,  
14 administrators, students, student councils where available, and, where  
15 appropriate, the community at large, adopt and implement a safe school  
16 plan, or review and revise, as necessary in response to any relevant data  
17 collected by the school district, any existing plans or policies already in  
18 effect. In addition to the aforementioned parties, each school district  
19 board of education, in adopting and implementing its safe school plan,  
20 may consult with victims' advocacy organizations, school psychologists,  
21 local law enforcement, and community partners. The plan, at a minimum,  
22 must include the following:

23                   (b) **Safe school reporting requirements.** A policy whereby the  
24 principal of each public school in a school district is required to submit  
25 annually in a manner and by a date specified by rule of the state board,  
26 AND IN ACCORDANCE WITH STANDARDIZED METHODS IDENTIFIED AND  
27 ADOPTED THROUGH THE STAKEHOLDER PROCESS SET FORTH IN SECTION

1 22-1-134, a written report to the board of education of the school district  
2 concerning the learning environment in the school during that school  
3 year. The board of education of the school district shall annually compile  
4 the reports from every school in the district and submit the compiled  
5 report to the department of education in a format specified by rule of the  
6 state board. The compiled report must be easily accessible by the general  
7 public through a link on the department of education's website home  
8 page. The report must include, but need not be limited to, the following  
9 specific information for the preceding school year, INCLUDING ANY  
10 DISCIPLINARY INCIDENT SPECIFIED IN SUBSECTION (2)(b)(IV)(E) OR  
11 (2)(b)(IV)(K) OF THIS SECTION THAT REQUIRES ADDITIONAL REPORTING  
12 ON THE INCIDENT AT THE TIME OF ITS OCCURRENCE:

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

18 (E) Being willfully disobedient or openly and persistently defiant  
19 or repeatedly interfering with the school's ability to provide educational  
20 opportunities to, and a safe environment for, other students. IN ADDITION  
21 TO PROVIDING INFORMATION ON SUCH DISCIPLINARY INCIDENTS IN THE  
22 COMPILED REPORT REQUIRED BY THIS SUBSECTION (2)(b), THE REPORT  
23 FILING MUST INCLUDE SCHOOL AND DISTRICT CODE; LOCATION OF  
24 INCIDENTS; DESCRIPTION OF THE BEHAVIORS THAT CONSTITUTED THE  
25 VIOLATIONS; INTERVENTIONS OR DE-ESCALATION STRATEGIES ATTEMPTED  
26 LEADING UP TO THE INCIDENT; AND DESCRIPTIVE INFORMATION OF THE  
27 STUDENT OR STUDENTS INVOLVED IN THE INCIDENTS, INCLUDING, BUT NOT

1 LIMITED TO, GENDER, GRADE LEVEL, ETHNICITY, RACE, AND WHETHER THE  
2 STUDENT HAS FEDERAL SECTION 504 ACCOMMODATIONS OR AN  
3 INDIVIDUALIZED EDUCATION PLAN.

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 SCHOOL AND DISTRICT CODE; LOCATION OF  
9 THE INCIDENTS; DESCRIPTION OF THE BEHAVIORS THAT CONSTITUTED THE  
10 VIOLATIONS; INTERVENTIONS OR DE-ESCALATION STRATEGIES ATTEMPTED  
11 LEADING UP TO THE INCIDENTS; AND DESCRIPTIVE INFORMATION OF THE  
12 STUDENT OR STUDENTS INVOLVED IN THE INCIDENTS, INCLUDING, BUT NOT  
13 LIMITED TO, GENDER, GRADE LEVEL, ETHNICITY, RACE, AND WHETHER THE  
14 STUDENT HAS FEDERAL SECTION 504 ACCOMMODATIONS OR AN  
15 INDIVIDUALIZED EDUCATION PLAN.

16 (b.5) IN ADDITION TO THE ITEMS SPECIFIED IN SUBSECTION (2)(b)  
17 OF THIS SECTION, EACH SCHOOL DISTRICT BOARD OF EDUCATION OR  
18 INSTITUTE CHARTER SCHOOL BOARD FOR A CHARTER SCHOOL AUTHORIZED  
19 BY THE CHARTER SCHOOL INSTITUTE SHALL ANNUALLY REVIEW AND  
20 SUBMIT DATA TO THE DEPARTMENT OF EDUCATION CONCERNING THE  
21 NUMBER AND TYPES OF DISCIPLINARY INCIDENTS AND THE DISCIPLINARY  
22 ACTIONS TAKEN IN RESPONSE TO SUCH INCIDENTS. THE DEPARTMENT OF  
23 EDUCATION SHALL COLLECT THE DATA DESCRIBED IN SUBSECTION  
24 (2)(b)(IV) OF THIS SECTION AT THE INDIVIDUAL STUDENT LEVEL AND  
25 REPORT DISAGGREGATED STUDENT DATA ON THE TYPE OF DISCIPLINARY  
26 INCIDENTS AND ACTION TAKEN. SUCH STUDENT DATA MUST BE  
27 DISAGGREGATED BY GENDER, GRADE LEVEL, RACE, ETHNICITY,

1       DISABILITY, WHETHER THE STUDENT HAS FEDERAL SECTION 504  
2       ACCOMMODATIONS OR AN INDIVIDUALIZED EDUCATION PLAN, ENGLISH  
3       LANGUAGE LEARNER STATUS, FREE AND REDUCED-PRICE LUNCH STATUS,  
4       AND HOMELESS STATUS, TO THE MAXIMUM EXTENT POSSIBLE IN  
5       COMPLIANCE WITH THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND  
6       PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g AND THE "STUDENT DATA  
7       TRANSPARENCY AND SECURITY ACT", CREATED IN ARTICLE 16 OF THIS  
8       TITLE 22. THE DEPARTMENT OF EDUCATION SHALL NOT REPORT  
9       INDIVIDUAL STUDENT DATA IN MEETING THE REQUIREMENTS OF THIS  
10      SUBSECTION (2).

11            [REDACTED]

12            **SECTION 6.** In Colorado Revised Statutes, 22-32-147, **add**  
13        (3)(d), (5), and (6) as follows:

14            **22-32-147. Use of restraints on students - certain restraints**  
15       **prohibited - reports and review process - rules - definitions.**

16       (3) (d) NO LATER THAN JUNE 30, 2023, AND EVERY JUNE 30 THEREAFTER,  
17       EACH SCHOOL DISTRICT SHALL SUBMIT THE DATA FROM THE ANNUAL  
18       REVIEW CONDUCTED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION TO  
19       THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-1-134.

20       (5) THE DEPARTMENT OF EDUCATION SHALL MAKE TRAINING  
21       AVAILABLE ON THE "PROTECTION OF INDIVIDUALS FROM RESTRAINT AND  
22       SECLUSION ACT", SECTIONS 26-20-101 TO 26-20-111, AND ON THE  
23       DEPARTMENT OF EDUCATION'S CORRESPONDING RULES FOR  
24       ADMINISTRATION OF SUCH ACT TO INDIVIDUALS CERTIFIED IN THE USE OF  
25       RESTRAINT.

26       (6) THE DEPARTMENT OF EDUCATION HAS ENFORCEMENT  
27       AUTHORITY TO APPLY TO INVESTIGATIONS AND DECISIONS CONCERNING

1 THE USE OF RESTRAINTS ON STUDENTS.

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

4 **22-33-205. Services for expelled and at-risk students - grants**  
5 **- criteria - rules - funding.** (3.5) (a) FOR THE STATE FISCAL YEAR  
6 2022-23, THE GENERAL ASSEMBLY SHALL APPROPRIATE AN ADDITIONAL  
7 TWO MILLION DOLLARS TO THE GRANT PROGRAM. UP TO TWO MILLION  
8 DOLLARS OF ANY INCREASE IN APPROPRIATION FOR THE PROGRAM FOR THE  
9 2022-23 STATE FISCAL YEAR MAY BE GRANTED TO APPLICANTS THAT  
10 PROVIDE SERVICES AND SUPPORT TO DEVELOP EFFECTIVE ATTENDANCE  
11 AND DISCIPLINE SYSTEMS; ADDRESS EDUCATIONAL INEQUITIES AND  
12 DISPROPORTIONATE DISCIPLINE PRACTICES; AND OFFER STAFF TRAINING  
13 AND TECHNICAL ASSISTANCE TO ENSURE THE CULTURALLY RESPONSIVE  
14 IMPLEMENTATION OF SERVICES, SUPPORTS, AND PROGRAMMING. THE  
15 SERVICES AND SUPPORTS MUST INCLUDE, BUT NEED NOT BE LIMITED TO,  
16 EQUITY, DIVERSITY, AND INCLUSION TRAINING FOR STAFF; POSITIVE  
17 BEHAVIOR INTERVENTION MODELS; AND RESTORATIVE JUSTICE PRACTICES  
18 AS DESCRIBED IN SECTION 22-32-144.

19 (b) THE DEPARTMENT OF EDUCATION IS AUTHORIZED TO RETAIN UP  
20 TO FIVE PERCENT OF ANY MONEY APPROPRIATED FOR THE PROGRAM FOR  
21 THE PURPOSE OF ANNUALLY ADMINISTERING, MAINTAINING, AND  
22 EVALUATING THE PROGRAM. THE DEPARTMENT OF EDUCATION IS  
23 AUTHORIZED AND ENCOURAGED TO USE UP TO TWO PERCENT OF THE FIVE  
24 PERCENT RETAINED PURSUANT TO THIS SUBSECTION (3.5)(b) FOR THE  
25 PURPOSE OF PARTNERING WITH ORGANIZATIONS OR AGENCIES THAT  
26 PROVIDE SERVICES AND SUPPORTS THAT ARE DESIGNED TO REDUCE THE  
27 NUMBER OF TRUANCY CASES REQUIRING COURT INVOLVEMENT AND THAT

1 ALSO REFLECT THE BEST INTERESTS OF STUDENTS AND FAMILIES.

2 (4) The department of education is authorized to retain up to one  
3 percent of any money appropriated for the program for the purpose of  
4 annually evaluating the program. The department of education is  
5 authorized and encouraged to retain up to an additional two percent of  
6 any money appropriated for the program for the purpose of partnering  
7 with organizations or agencies that provide services and supports that are  
8 designed to reduce the number of truancy cases requiring court  
9 involvement and that also reflect the best interests of students and  
10 families. Notwithstanding section 24-1-136 (11)(a)(I), on or before  
11 January 1, 2006, and on or before January 1 each year thereafter, the  
12 department of education shall report to the education committees of the  
13 house of representatives and the senate, or any successor committees, the  
14 evaluation findings on the outcomes and the effectiveness of the program  
15 related to school attendance, attachment, and achievement. At a  
16 minimum, the report must include:

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

19 **24-31-312. School resource officer training.** (7) THE P.O.S.T.  
20 BOARD, WITH RESPECT TO THE HIRING, TRAINING, AND EVALUATION OF  
21 SCHOOL RESOURCE OFFICERS AND PROFESSIONALIZING A SCHOOL-POLICE  
22 PARTNERSHIP, SHALL CREATE A MODEL POLICY FOR SELECTING SCHOOL  
23 RESOURCE OFFICERS PURSUANT TO THE GENERAL DUTIES AND  
24 RESPONSIBILITIES GRANTED TO THE P.O.S.T. BOARD PURSUANT TO  
25 SECTION 24-31-303. THE P.O.S.T. BOARD SHALL CONSULT WITH SCHOOL  
26 BOARD MEMBERS, SCHOOL RESOURCE OFFICERS, K-12 ADVOCATES, AND  
27 OTHER RELEVANT STAKEHOLDERS, INCLUDING STUDENT GROUPS, IN THE

1 DEVELOPMENT OF THE MODEL POLICY. THE DEPARTMENT OF EDUCATION  
2 SHALL POST THE MODEL POLICY ON ITS WEBSITE AND DISTRIBUTE THE  
3 POLICY TO SCHOOL DISTRICTS, CHARTER SCHOOLS, AND INSTITUTE  
4 CHARTER SCHOOLS FOR CONSIDERATION AND POSSIBLE ADOPTION. THE  
5 MODEL POLICY MAY BE USED BY SCHOOL DISTRICTS, CHARTER SCHOOLS,  
6 INSTITUTE CHARTER SCHOOLS, AND POLICE DEPARTMENTS. THE MODEL  
7 POLICY MUST, AT A MINIMUM, REQUIRE THAT:

8 (a) ONCE SELECTED, SCHOOL RESOURCE OFFICERS MUST BE FULLY  
9 TRAINED IN STANDARD BEST PRACTICES, AS SET FORTH BY A NATIONAL  
10 ASSOCIATION OF SCHOOL RESOURCE OFFICERS;

11 (b) A CANDIDATE DEMONSTRATE, WHENEVER POSSIBLE, A RECORD  
12 OF EXPERIENCE DEVELOPING POSITIVE RELATIONSHIPS WITH YOUTH,  
13 WHICH MAY INCLUDE PARTICIPATION IN YOUTH OR COMMUNITY POLICING  
14 PROGRAMS;

15 (c) A CANDIDATE VOLUNTARILY APPLY TO SERVE AS A SCHOOL  
16 RESOURCE OFFICER; AND

17 (d) THE EMPLOYING LAW ENFORCEMENT AGENCY AND SCHOOL  
18 DISTRICT JOINTLY CREATE AN EVALUATION PROCESS TO EVALUATE  
19 SCHOOL RESOURCE OFFICERS.

20 **SECTION 9.** In Colorado Revised Statutes, 26-20-102, **amend**  
21 (5), (6) introductory portion, and (6)(c) as follows:

22 **26-20-102. Definitions.** As used in this article 20, unless the  
23 context otherwise requires:

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

1 child.

2 (6) "Restraint" means any method or device used to involuntarily  
3 limit freedom of movement, including bodily physical force, mechanical  
4 devices, or chemicals. RESTRAINT MUST NOT BE USED AS A FORM OF  
5 DISCIPLINE OR TO GAIN COMPLIANCE FROM A STUDENT. IF PROPERTY  
6 DAMAGE MIGHT BE INVOLVED, RESTRAINT MAY ONLY BE USED WHEN THE  
7 DESTRUCTION OF PROPERTY COULD POSSIBLY RESULT IN BODILY HARM TO  
8 THE INDIVIDUAL OR ANOTHER PERSON. "Restraint" includes chemical  
9 restraint, mechanical restraint, and physical restraint. "Restraint" does not  
10 include:

11 (c) The holding of an individual for less than ~~five minutes~~ ONE  
12 MINUTE by a staff person for protection of the individual or other persons;  
13 except that nothing in this subsection (6)(c) may be interpreted to permit  
14 the holding of a public school student in a prone position, except as  
15 described in section 26-20-111 (2), (3), or (4); or

16 **SECTION 10.** In Colorado Revised Statutes, 26-20-111, **amend**  
17 (1); and **add** (5) and (6) as follows:

18 **26-20-111. Use of restraints in public schools - certain**  
19 **restraints prohibited.** (1) Except as provided otherwise in this section,  
20 and notwithstanding any other provision of this article 20:

21 (a) The use of a chemical, mechanical, or prone restraint upon a  
22 student of a school of a school district, charter school of a school district,  
23 or institute charter school is prohibited when the student is on the  
24 property of any agency or is participating in an off-campus,  
25 school-sponsored activity or event; AND

26 (b) A SCHOOL RESOURCE OFFICER OR A LAW ENFORCEMENT  
27 OFFICER ACTING IN THE OFFICER'S OFFICIAL CAPACITY ON SCHOOL

1 GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR  
2 SANCTIONED EVENT SHALL NOT USE HANDCUFFS ON ANY STUDENT, UNLESS  
3 THERE IS A DANGER TO THEMSELVES OR OTHERS OR HANDCUFFS ARE USED  
4 DURING A CUSTODIAL ARREST THAT REQUIRES TRANSPORT.

5 (5) IF A SCHOOL DISTRICT, CHARTER SCHOOL OF A SCHOOL  
6 DISTRICT, OR INSTITUTE CHARTER SCHOOL USES A SECLUSION ROOM,  
7 THERE MUST BE AT LEAST ONE WINDOW FOR MONITORING WHEN THE DOOR  
8 IS CLOSED. IF A WINDOW IS NOT FEASIBLE, MONITORING MUST BE POSSIBLE  
9 THROUGH A VIDEO CAMERA. A STUDENT PLACED IN A SECLUSION ROOM  
10 MUST BE CONTINUALLY MONITORED. THE ROOM MUST BE A SAFE SPACE  
11 FREE OF INJURIOUS ITEMS. THE SECLUSION ROOM MUST NOT BE A ROOM  
12 THAT IS USED BY SCHOOL STAFF FOR STORAGE, CUSTODIAL, OR OFFICE  
13 SPACE.

14 (6) STATUTORY PROVISIONS CONCERNING THE USE OF RESTRAINTS  
15 IN SCHOOL DISTRICTS, CHARTER SCHOOLS OF A SCHOOL DISTRICT, OR  
16 INSTITUTE CHARTER SCHOOLS, INCLUDING REPORTING REQUIREMENTS, ARE  
17 SET FORTH IN SECTIONS 22-30.5-528 AND 22-32-147.

18 **SECTION 11. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, or safety.