

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

HOUSE SPONSORSHIP

Herod and Young,

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>.)

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

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.

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

22 (b) THE PROFILE REPORTS MUST INCLUDE, BUT ARE NOT LIMITED
23 TO:
24 (I) CHRONIC ABSENTEEISM RATES;
25 (II) THE NUMBER OF IN-SCHOOL AND OUT-OF-SCHOOL
26 SUSPENSIONS;
27 (III) THE NUMBER OF EXPULSIONS;

1 (IV) THE NUMBER OF STUDENTS HANDCUFFED;

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

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

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

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

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

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

18 (2) (a) THE DISTRICT PROFILES MUST INCLUDE DATA COLLECTED
19 PURSUANT TO SECTION 22-2-112 (1)(u)(I) AND ANY OTHER EXISTING
20 DISTRICT-LEVEL MEASURES THAT THE DEPARTMENT OF EDUCATION
21 DETERMINES RELEVANT AND RELATED TO SCHOOL CLIMATE. IN
22 DEVELOPING THE PROFILES, THE DEPARTMENT OF EDUCATION SHALL
23 CONSULT WITH STAKEHOLDERS, INCLUDING MEMBERS OF THE STATE
24 ADVISORY COUNCIL FOR PARENT INVOLVEMENT IN EDUCATION, CREATED
25 IN SECTION 22-7-303; MEMBERS OF THE COLORADO SPECIAL EDUCATION
26 ADVISORY COMMITTEE APPOINTED PURSUANT TO SECTION 22-20-104
27 (2)(a); AND STAKEHOLDERS WHO REPRESENT THE DISABILITY COMMUNITY;

1 K-12 ADVOCATES AND STUDENTS; AND REPRESENTATIVES OF
2 ASSOCIATIONS REPRESENTING SCHOOL EXECUTIVES, SCHOOL BOARDS,
3 CHARTER SCHOOLS, AND TEACHERS.

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

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

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

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

1 the commissioner has the following duties:

2 (u) (I) To prepare an annual report on the number of pupils
3 enrolled in public schools in the state based on the pupil enrollments
4 reported to the state board pursuant to section 22-54-112 (2)(a) for the
5 applicable school year, and the number of SCHOOL COUNSELORS, SCHOOL
6 SOCIAL WORKERS, SCHOOL NURSES, AND school psychologists in the state,
7 ~~who are~~ licensed by the department pursuant to part 2 of article 60.5 of
8 this title 22, and employed by a school district, board of cooperative
9 services, ~~or~~ charter school, OR ENTITY THAT CONTRACTS WITH ANY OF THE
10 ABOVE who are reported as full-time equivalent OR PART-TIME employees.
11 The report must state the number of pupils and licensed and employed
12 school psychologists, SCHOOL COUNSELORS, SCHOOL SOCIAL WORKERS,
13 AND SCHOOL NURSES in total for the state and disaggregated by school
14 district, board of cooperative services, and the state charter school
15 institute.

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

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

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

27 (c) The relationship, if any, between teaching and learning

1 conditions and school administration; AND
2 (d) THE RELATIONSHIP, IF ANY, BETWEEN TEACHING AND
3 LEARNING CONDITIONS AND MEASURES OF SCHOOL CLIMATE, AS
4 EXPERIENCED BY STUDENTS AND TEACHERS.

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

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

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

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

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

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

24 (3) (a) On and after August 9, 2017, each ~~school district~~
25 INSTITUTE CHARTER SCHOOL shall require any school employee or
26 volunteer who uses any type of restraint on a student of the INSTITUTE
27 CHARTER school district to submit a written report of the incident to the

1 INSTITUTE CHARTER SCHOOL'S administration of the school not later than
2 one school day after the incident occurred.

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

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

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

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

26 **SECTION 5.** In Colorado Revised Statutes, 22-32-109.1, amend
27 (2) introductory portion, (2)(b) introductory portion, (2)(b)(IV)(E), and

1 (2)(b)(IV)(K); and **add** (1)(g.3) and (2)(b.5) as follows:

2 **22-32-109.1. Board of education - specific powers and duties**

3 **- safe school plan - conduct and discipline code - safe school reporting**

4 **requirements - school response framework - school resource officers**

5 **- definitions.** (1) **Definitions.** As used in this section, unless the context

6 otherwise requires:

7 (g.3) "SCHOOL" MEANS A PUBLIC SCHOOL OF A SCHOOL DISTRICT,

8 A CHARTER SCHOOL, OR AN INSTITUTE CHARTER SCHOOL.

9 (2) **Safe school plan.** ~~In order~~ To provide a learning environment

10 that is safe, conducive to the learning process, and free from unnecessary

11 disruption, each school district board of education or institute charter

12 school board for a charter school authorized by the charter school institute

13 shall, following consultation with the school district accountability

14 committee and school accountability committees, parents, teachers,

15 administrators, students, student councils where available, and, where

16 appropriate, the community at large, adopt and implement a safe school

17 plan, or review and revise, as necessary in response to any relevant data

18 collected by the school district, any existing plans or policies already in

19 effect. In addition to the aforementioned parties, each school district

20 board of education, in adopting and implementing its safe school plan,

21 may consult with victims' advocacy organizations, school psychologists,

22 local law enforcement, and community partners. The plan, at a minimum,

23 must include the following:

24 (b) **Safe school reporting requirements.** A policy whereby the

25 principal of each public school in a school district is required to submit

26 annually in a manner and by a date specified by rule of the state board,

27 AND IN ACCORDANCE WITH STANDARDIZED METHODS IDENTIFIED AND

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

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

19 (E) Being willfully disobedient or openly and persistently defiant
20 or repeatedly interfering with the school's ability to provide educational
21 opportunities to, and a safe environment for, other students. IN ADDITION
22 TO PROVIDING INFORMATION ON SUCH DISCIPLINARY INCIDENTS IN THE
23 COMPILED REPORT REQUIRED BY THIS SUBSECTION (2)(b), THE REPORT
24 FILING MUST INCLUDE SCHOOL AND DISTRICT CODE; LOCATION OF
25 INCIDENTS; DESCRIPTION OF THE BEHAVIORS THAT CONSTITUTED THE
26 VIOLATIONS; INTERVENTIONS OR DE-ESCALATION STRATEGIES ATTEMPTED
27 LEADING UP TO THE INCIDENT; AND DESCRIPTIVE INFORMATION OF THE

1 STUDENT OR STUDENTS INVOLVED IN THE INCIDENTS, INCLUDING, BUT NOT
2 LIMITED TO, GENDER, GRADE LEVEL, ETHNICITY, RACE, AND WHETHER THE
3 STUDENT HAS FEDERAL SECTION 504 ACCOMMODATIONS OR AN
4 INDIVIDUALIZED EDUCATION PLAN.

5 (K) Other violations of the code of conduct and discipline that
6 resulted in documentation of the conduct in a student's record. IN
7 ADDITION TO PROVIDING INFORMATION ON SUCH DISCIPLINARY INCIDENTS
8 IN THE COMPILED REPORT REQUIRED BY THIS SUBSECTION (2)(b), THE
9 REPORT FILING MUST INCLUDE SCHOOL AND DISTRICT CODE; LOCATION OF
10 THE INCIDENTS; DESCRIPTION OF THE BEHAVIORS THAT CONSTITUTED THE
11 VIOLATIONS; INTERVENTIONS OR DE-ESCALATION STRATEGIES ATTEMPTED
12 LEADING UP TO THE INCIDENTS; AND DESCRIPTIVE INFORMATION OF THE
13 STUDENT OR STUDENTS INVOLVED IN THE INCIDENTS, INCLUDING, BUT NOT
14 LIMITED TO, GENDER, GRADE LEVEL, ETHNICITY, RACE, AND WHETHER THE
15 STUDENT HAS FEDERAL SECTION 504 ACCOMMODATIONS OR AN
16 INDIVIDUALIZED EDUCATION PLAN.

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

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

12 

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

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

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

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

27 (6) THE DEPARTMENT OF EDUCATION HAS ENFORCEMENT

1 AUTHORITY TO APPLY TO INVESTIGATIONS AND DECISIONS CONCERNING
2 THE USE OF RESTRAINTS ON STUDENTS.

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

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

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

1 NUMBER OF TRUANCY CASES REQUIRING COURT INVOLVEMENT AND THAT
2 ALSO REFLECT THE BEST INTERESTS OF STUDENTS AND FAMILIES.

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

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

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

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

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

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

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

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

21 **SECTION 9.** In Colorado Revised Statutes, 26-20-102, amend
22 (5), (6) introductory portion, and (6)(c) as follows:

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

25 (5) "Physical restraint" means the use of bodily, physical force to
26 involuntarily limit an individual's freedom of movement FOR MORE THAN
27 ONE MINUTE; except that "physical restraint" does not include the holding

1 of a child by one adult for the purposes of calming or comforting the
2 child.

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

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

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

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

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

27 (b) A SCHOOL RESOURCE OFFICER OR A LAW ENFORCEMENT

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

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

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

19 **SECTION 11. Appropriation.** (1) For the 2022-23 state fiscal
20 year, \$1,016,451 is appropriated to the department of education. This
21 appropriation is from the general fund. To implement this act, the
22 department may use this appropriation as follows:

23 (a) \$263,900 for information technology services;
24 (b) \$500,000 for the expelled and at-risk student services grant
25 program; and
26 (c) \$252,551 for the office of dropout prevention and student
27 reengagement, which amount is based on an assumption that the

1 department will require an additional 2.4 FTE.

2 (2) For the 2022-23 state fiscal year, \$30,000 is appropriated to
3 the department of law for use by the peace officers training board. This
4 appropriation is from the P.O.S.T board cash fund created in section
5 24-31-303 (2)(b), C.R.S. To implement this act, the board may use this
6 appropriation for peace officers standards and training board support.

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