

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

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

Senate Committees

A BILL FOR AN ACT

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

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.

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;

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

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.

17 (2) (a) THE DISTRICT PROFILES MUST INCLUDE DATA COLLECTED
18 PURSUANT TO SECTION 22-2-112 (1)(u)(I) AND ANY OTHER EXISTING
19 DISTRICT-LEVEL MEASURES THAT THE DEPARTMENT OF EDUCATION
20 DETERMINES RELEVANT AND RELATED TO SCHOOL CLIMATE. IN
21 DEVELOPING THE PROFILES, THE DEPARTMENT OF EDUCATION SHALL
22 CONSULT WITH STAKEHOLDERS, INCLUDING MEMBERS OF THE STATE
23 ADVISORY COUNCIL FOR PARENT INVOLVEMENT IN EDUCATION, CREATED
24 IN SECTION 22-7-303; MEMBERS OF THE COLORADO SPECIAL EDUCATION
25 ADVISORY COMMITTEE APPOINTED PURSUANT TO SECTION 22-20-104
26 (2)(a); AND STAKEHOLDERS WHO REPRESENT THE DISABILITY COMMUNITY;
27 K-12 ADVOCATES AND STUDENTS; AND REPRESENTATIVES OF

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:

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

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

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

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.

23 (3) (a) On and after August 9, 2017, each ~~school district~~
24 INSTITUTE CHARTER SCHOOL shall require any school employee or
25 volunteer who uses any type of restraint on a student of the INSTITUTE
26 CHARTER school ~~district~~ to submit a written report of the incident to the
27 INSTITUTE CHARTER SCHOOL'S administration ~~of the school~~ not later than

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), (2)(b.5), and (12) 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 (12) **Training and resources.** THE P.O.S.T. BOARD, WITH
12 RESPECT TO THE HIRING, TRAINING, AND EVALUATION OF SCHOOL
13 RESOURCE OFFICERS AND PROFESSIONALIZING A SCHOOL-POLICE
14 PARTNERSHIP, SHALL CREATE A MODEL POLICY FOR SELECTING SCHOOL
15 RESOURCE OFFICERS PURSUANT TO THE GENERAL DUTIES AND
16 RESPONSIBILITIES GRANTED TO THE P.O.S.T. BOARD PURSUANT TO
17 SECTION 24-31-303. THE P.O.S.T. BOARD SHALL CONSULT WITH SCHOOL
18 BOARD MEMBERS, SCHOOL RESOURCE OFFICERS, AND OTHER RELEVANT
19 STAKEHOLDERS, INCLUDING STUDENT GROUPS, IN THE DEVELOPMENT OF
20 THE MODEL POLICY. THE DEPARTMENT OF EDUCATION SHALL POST THE
21 MODEL POLICY ON ITS WEBSITE AND DISTRIBUTE THE POLICY TO SCHOOL
22 DISTRICTS, CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS FOR
23 CONSIDERATION AND POSSIBLE ADOPTION. THE MODEL POLICY MAY BE
24 USED BY SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER
25 SCHOOLS, AND POLICE DEPARTMENTS. ONCE SELECTED, SCHOOL RESOURCE
26 OFFICERS MUST BE FULLY TRAINED IN STANDARD BEST PRACTICES, AS SET
27 FORTH BY A NATIONAL ASSOCIATION OF SCHOOL RESOURCE OFFICERS. THE

1 MODEL POLICY MUST, AT A MINIMUM, REQUIRE:

2 (a) A CANDIDATE TO DEMONSTRATE, WHENEVER POSSIBLE, A
3 RECORD OF EXPERIENCE DEVELOPING POSITIVE RELATIONSHIPS WITH
4 YOUTH, WHICH MAY INCLUDE PARTICIPATION IN YOUTH OR COMMUNITY
5 POLICING PROGRAMS;

6 (b) A CANDIDATE TO VOLUNTARILY APPLY TO SERVE AS A SCHOOL
7 RESOURCE OFFICER;

8 (c) THE EMPLOYING LAW ENFORCEMENT AGENCY AND SCHOOL
9 DISTRICT TO JOINTLY CREATE AN EVALUATION PROCESS TO EVALUATE
10 SCHOOL RESOURCE OFFICERS; AND

11 (d) THAT A SCHOOL BOARD OF EDUCATION OR SUPERINTENDENT
12 MAY TERMINATE A CONTRACT WITH A SCHOOL RESOURCE OFFICER BASED
13 ON THE FINDINGS OF AN EVALUATION.

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

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

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

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

1 (6) THE DEPARTMENT OF EDUCATION HAS ENFORCEMENT
2 AUTHORITY TO APPLY TO INVESTIGATIONS AND DECISIONS CONCERNING
3 THE USE OF RESTRAINTS ON STUDENTS.

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

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

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

1 PROVIDE SERVICES AND SUPPORTS THAT ARE DESIGNED TO REDUCE THE
2 NUMBER OF TRUANCY CASES REQUIRING COURT INVOLVEMENT AND THAT
3 ALSO REFLECT THE BEST INTERESTS OF STUDENTS AND FAMILIES.

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

19 **SECTION 8.** In Colorado Revised Statutes, 26-20-102, **amend**
20 (5), (6) introductory portion, and (6)(c) as follows:

21 **26-20-102. Definitions.** As used in this article 20, unless the
22 context otherwise requires:

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

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

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

15 **SECTION 9.** In Colorado Revised Statutes, 26-20-111, **amend**
16 (1); and **add** (5) and (6) as follows:

17 **26-20-111. Use of restraints in public schools - certain**
18 **restraints prohibited.** (1) Except as provided otherwise in this section,
19 and notwithstanding any other provision of this article 20:

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

25 (b) A SCHOOL RESOURCE OFFICER OR A LAW ENFORCEMENT
26 OFFICER ACTING IN THE OFFICER'S OFFICIAL CAPACITY ON SCHOOL
27 GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR

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

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

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

17 **SECTION 10. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.