

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0170.01 Alana Rosen x2606

SENATE BILL 23-029

SENATE SPONSORSHIP

Moreno, Buckner, Cutter, Exum, Fields, Gonzales, Hinrichsen, Marchman, Priola, Sullivan, Winter F.

HOUSE SPONSORSHIP

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Senate Committees

Education
Appropriations

House Committees

Education
Appropriations

A BILL FOR AN ACT

101 **CONCERNING ADDRESSING DISPROPORTIONATE DISCIPLINE IN PUBLIC**
102 **SCHOOLS, 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/>.)

Colorado Youth Advisory Council Committee. The bill requires each school district board of education, institute charter school board for a charter school authorized by the state charter school institute, or governing board of a board of cooperative services (BOCES) to adopt a policy to address disproportionate disciplinary practices in public schools.

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

HOUSE
3rd Reading Unamended
May 1, 2023

HOUSE
Amended 2nd Reading
April 29, 2023

SENATE
3rd Reading Unamended
April 14, 2023

SENATE
Amended 2nd Reading
April 13, 2023

Each school district, charter school, institute charter school, or BOCES (local education provider) shall develop, implement, and annually review improvement plans if the data reported to the department of education pursuant to the safe school reporting requirements shows disproportionate discipline practices at the local education provider. In implementing an improvement plan to address disproportionate discipline practices, each local education provider shall provide to the parents of the students enrolled in the school written notice of the improvement plan and issues identified by the local education provider as giving rise to the need for the plan. The written notice must include the timeline for developing and adopting the improvement plan and the dates, times, and locations of the public meeting to solicit input from parents concerning disproportionate discipline and the contents of the plan before the plan is written and a public hearing to review the plan prior to final adoption.

Current law encourages school districts to consider certain factors before suspending or expelling a student. The bill requires school districts to consider those factors before suspending or expelling a student.

The bill requires school districts to document in a student's record and compile in the safe school report any alternative disciplinary attempts before suspending or expelling a student.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-33-112 as
3 follows:

4 **22-33-112. Addressing disproportionate discipline - task force**
5 **- report - legislative declaration - definitions - repeal.** (1) (a) THE
6 GENERAL ASSEMBLY FINDS AND DECLARES THAT:

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

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

13 (III) FOR THE 2018-19 SCHOOL YEAR IN COLORADO, BLACK
14 STUDENTS WERE 3.2 TIMES MORE LIKELY TO BE SUSPENDED THAN WHITE

1 STUDENTS, AND HISPANIC STUDENTS WERE 1.7 TIMES MORE LIKELY TO BE
2 SUSPENDED THAN WHITE STUDENTS; AND

3 (IV) LONGITUDINAL RESEARCH SHOWS THAT TWELVE YEARS
4 AFTER A SUSPENSION, SUSPENDED YOUTH ARE LESS LIKELY THAN
5 NONSUSPENDED YOUTH TO HAVE EARNED A HIGH SCHOOL DIPLOMA OR A
6 BACHELOR'S DEGREE. SUSPENDED YOUTH ARE MORE LIKELY TO HAVE BEEN
7 ARRESTED AND ON PROBATION, WHICH SUGGESTS THAT SUSPENSION,
8 RATHER THAN SELECTION BIAS, EXPLAINS NEGATIVE OUTCOMES.

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

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

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

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

27 (c) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION

1 CREATED IN SECTION 24-1-115.

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

8 (e) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
9 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
10 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY
11 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE
12 30.5 OF THIS TITLE 22, OR A BOCES THAT OPERATES A SCHOOL.

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

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

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

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

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

6 (4) THE TASK FORCE MEMBERS MUST BE APPOINTED ON OR BEFORE
7 SEPTEMBER 31, 2023. THE TASK FORCE CONSISTS OF EIGHTEEN MEMBERS
8 AS FOLLOWS:

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

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

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

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

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

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

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

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

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

27 (VII) ONE REPRESENTATIVE OF A STATEWIDE DISABILITY

1 ADVOCACY ORGANIZATION;
2 (VIII) ONE REPRESENTATIVE OF A STATEWIDE MENTAL HEALTH
3 ADVOCACY ORGANIZATION;
4 (IX) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION
5 REPRESENTING STUDENTS WHO HAVE EXPERIENCED SUSPENSION,
6 EXPULSION, OR OTHER SCHOOL DISCIPLINE ISSUES;
7 (X) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION
8 SPECIALIZING IN EQUITY AND INCLUSION;
9 (XI) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
10 REPRESENTS THE INTERESTS OF STUDENTS AND FAMILIES;
11 (XII) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT
12 REPRESENTS VICTIMS OF VIOLENT CRIMES OR SEXUAL ASSAULT; AND
13 (XIII) THREE FORMER STUDENTS WHO ATTENDED COLORADO
14 PUBLIC SCHOOLS AND WHO HAVE LIVED EXPERIENCE WITH THE SCHOOL
15 DISCIPLINE SYSTEM.
16 (5) (a) ON OR BEFORE OCTOBER 15, 2023, THE COMMISSIONER, OR
17 THE COMMISSIONER'S DESIGNEE, SHALL CALL THE FIRST MEETING OF THE
18 TASK FORCE. DURING THE FIRST MEETING, THE TASK FORCE SHALL ELECT
19 A MEMBER TO SERVE AS THE CHAIR OF THE TASK FORCE, ESTABLISH
20 PROCEDURES TO ALLOW MEMBERS OF THE TASK FORCE TO PARTICIPATE IN
21 THE MEETINGS REMOTELY, DEVELOP BEST PRACTICES FOR THE
22 ADMINISTRATION OF THE TASK FORCE MEETINGS, AND CREATE A PLAN FOR
23 THE ENGAGEMENT OF STAKEHOLDERS AND EXPERTS TO SUPPORT AND
24 INFORM THE TASK FORCE'S WORK.
25 (b) THE TASK FORCE SHALL MEET AT LEAST SIX TIMES BETWEEN
26 OCTOBER 15, 2023 AND THE FIRST REVIEW COMMITTEE MEETING IN 2024.
27 (c) EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, THE

1 TASK FORCE MEMBERS SHALL SERVE WITHOUT COMPENSATION BUT MUST
2 RECEIVE REIMBURSEMENT FOR REASONABLE EXPENSES INCURRED TO
3 PARTICIPATE IN TASK FORCE MEETINGS.

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

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

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

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

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

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

27 (IV) DETERMINE WHETHER THE DEPARTMENT'S PLAN AND

1 PROGRESS IN STANDARDIZING DISCIPLINE DATA, AS REQUIRED PURSUANT
2 TO SECTION 22-1-138, SHOULD INCLUDE REPORTS OF ALTERNATIVE
3 DISCIPLINARY MEASURES TAKEN PRIOR TO A STUDENT'S SUSPENSION OR
4 EXPULSION AND WHETHER LEGISLATIVE OR ADMINISTRATIVE CHANGES
5 ARE NECESSARY;

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

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

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

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

1 LOCATION, AND DEMOGRAPHICS; AND
2 (IX) RECOMMEND LEGISLATION, CHANGES TO THE
3 IMPLEMENTATION OF EXISTING LAW, OR OTHER ADMINISTRATIVE
4 CHANGES, AS NECESSARY, AND ANALYZE THE COSTS AND TIME FRAMES
5 REQUIRED TO IMPLEMENT THE RECOMMENDED CHANGES.

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

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

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

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

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

22 =====

23 **SECTION 2.** In Colorado Revised Statutes, 22-33-106, **amend**
24 (1.2) introductory portion as follows:

25 **22-33-106. Grounds for suspension, expulsion, and denial of**
26 **admission.** (1.2) == Each school district ~~is encouraged to~~ SHALL consider
27 each of the following factors before suspending or expelling a student

1 pursuant to a provision of subsection (1) of this section:

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

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

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