

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 17-0165.01 Richard Sweetman x4333

HOUSE BILL 17-1038

HOUSE SPONSORSHIP

Lontine,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING CORPORAL PUNISHMENT OF CHILDREN IN**
102 **CERTAIN PUBLIC SETTINGS.**

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 prohibits a person employed by or volunteering in a public school, a state-licensed child care center, a family child care home, or a specialized group facility from imposing corporal punishment on a child. "Corporal punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a child.

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

HOUSE
2nd Reading Unamended
January 30, 2017

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 hereby finds and declares that when children are in the care of public
4 schools, a state-licensed child care center, a family child care home, or a
5 specialized group facility, they should enjoy the same state protections
6 against corporal punishment that extend to other persons in other walks
7 of life. Children are more vulnerable and impressionable than adults, and
8 it is wholly reasonable that our safeguards to protect the integrity and
9 sanctity of their bodies should be at least equal to those safeguards that
10 we afford to other persons.

11 **SECTION 2.** In Colorado Revised Statutes, **add** 22-1-130 as
12 follows:

13 **22-1-130. Corporal punishment prohibited - definition.** (1) A
14 PERSON EMPLOYED BY OR VOLUNTEERING IN A PUBLIC SCHOOL, AS
15 DEFINED IN SECTION 22-1-101, SHALL NOT IMPOSE CORPORAL PUNISHMENT
16 ON A CHILD.

17 (2) (a) AS USED IN THIS SECTION, UNLESS THE CONTEXT
18 OTHERWISE REQUIRES, "CORPORAL PUNISHMENT" MEANS THE WILLFUL
19 INFLICTION OF, OR WILLFULLY CAUSING THE INFLICTION OF, PHYSICAL PAIN
20 ON A CHILD.

21 (b) "CORPORAL PUNISHMENT" DOES NOT INCLUDE:

22 (I) AN AMOUNT OF FORCE THAT IS REASONABLE AND NECESSARY
23 TO QUELL A DISTURBANCE THAT THREATENS PHYSICAL INJURY TO PERSONS
24 OR DAMAGE TO PROPERTY; FOR PURPOSES OF SELF-DEFENSE; OR TO OBTAIN
25 POSSESSION OF A WEAPON OR OTHER DANGEROUS OBJECT WITHIN THE
26 CONTROL OF A CHILD; OR

1 (II) PHYSICAL PAIN OR DISCOMFORT CAUSED BY ATHLETIC
2 COMPETITION OR OTHER SIMILAR PHYSICAL ACTIVITY IN WHICH A CHILD IS
3 VOLUNTARILY ENGAGED.

4 **SECTION 3.** In Colorado Revised Statutes, 22-32-109.1, **amend**
5 (2)(a)(I)(D); and **add** (1)(b.7) as follows:

6 **22-32-109.1. Board of education - specific powers and duties**
7 **- safe school plan - conduct and discipline code - safe school reporting**
8 **requirements - school response framework - school resource officers**
9 **- definitions - repeal. (1) Definitions.** As used in this section, unless the
10 context otherwise requires:

11 (b.7) "CORPORAL PUNISHMENT" HAS THE SAME MEANING AS SET
12 FORTH IN SECTION 22-1-130.

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

1 (a) **Conduct and discipline code.** (I) A concisely written conduct
2 and discipline code that shall be enforced uniformly, fairly, and
3 consistently for all students. Copies of the code shall be provided to each
4 student upon enrollment at the elementary, middle, and high school levels
5 and shall be posted or kept on file at each public school in the school
6 district. The school district shall take reasonable measures to ensure that
7 each student of each public school in the school district is familiar with
8 the code. The code shall include, but need not be limited to:

9 (D) Policies and procedures for the use of acts of reasonable and
10 appropriate physical intervention or force in dealing with disruptive
11 students; except that no board shall adopt a discipline code that includes
12 provisions that are in conflict with the ~~definition~~ DESCRIPTION of child
13 abuse in section 18-6-401 (1) C.R.S., and section 19-1-103 (1), C.R.S; OR
14 19-1-103 (1). EACH CONDUCT AND DISCIPLINE CODE MUST STATE THAT, IN
15 ACCORDANCE WITH SECTION 22-1-130, A PERSON EMPLOYED BY OR
16 VOLUNTEERING IN A PUBLIC SCHOOL SHALL NOT IMPOSE CORPORAL
17 PUNISHMENT ON A CHILD.

18 **SECTION 4.** In Colorado Revised Statutes, 26-6-106, **amend**
19 (2)(j) as follows:

20 **26-6-106. Standards for facilities and agencies - rules.**

21 (2) Standards prescribed by such rules are restricted to:

22 (j) Discipline of children. THE RULES MUST PROHIBIT THE
23 IMPOSITION OF CORPORAL PUNISHMENT, AS DEFINED IN SECTION 22-1-130,
24 UPON A CHILD BY ANY PERSON EMPLOYED BY OR VOLUNTEERING IN A
25 CHILD CARE CENTER, A FAMILY CHILD CARE HOME, OR A SPECIALIZED
26 GROUP FACILITY.

27 **SECTION 5. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2018 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.