

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0399.01 Brita Darling x2241

SENATE BILL 21-140

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SENATE SPONSORSHIP

Sonnenberg,

HOUSE SPONSORSHIP

Holtorf,

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Senate Committees  
Education

House Committees

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A BILL FOR AN ACT

101 CONCERNING A PROCESS TO PROVIDE INFORMATION ABOUT A CHILD  
102 THAT MAY BE RELEVANT TO A REPORT OF SUSPECTED CHILD  
103 ABUSE AND NEGLECT.

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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, whenever possible, that a report of known or suspected child abuse or neglect made by a public school official or employee includes information as to whether the child who is the subject of the report has an individualized education program (IEP), as defined in statute.

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.

Unless the child is in imminent danger of child abuse or neglect, prior to reporting the suspected child abuse or neglect, a public school official or employee shall request an immediate advisory meeting concerning the child with a least one person who is a primary teacher or special education teacher of the child, if applicable, to share information concerning the child and any IEP or safety plan for the child. Public school officials or employees are encouraged to provide a child's IEP with any report of suspected child abuse or neglect made by a public school official or employee.

The bill authorizes the state board of human services to adopt rules to include a notation or flag in a report or inquiry that the child who is the subject of the report or inquiry has been identified as a child who is neuroatypical.

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

2           **SECTION 1.** In Colorado Revised Statutes, 19-3-307, **add** (2)(j)  
3 and (3.3) as follows:

4           **19-3-307. Reporting procedures.** (2) Reports of known or  
5 suspected child abuse or neglect made pursuant to this article 3 must  
6 include the following information whenever possible:

7           (j) IF THE PERSON REPORTING KNOWN OR SUSPECTED CHILD ABUSE  
8 OR NEGLECT IS A PUBLIC SCHOOL OFFICIAL OR EMPLOYEE WHO HAS  
9 REASON TO KNOW OF OR SUSPECT CHILD ABUSE OR NEGLECT DUE TO THE  
10 PERSON'S DUTIES OR EMPLOYMENT IN A PUBLIC SCHOOL, A STATEMENT AS  
11 TO WHETHER THE CHILD HAS AN INDIVIDUALIZED EDUCATION PROGRAM,  
12 AS DEFINED IN SECTION 22-20-103, IF KNOWN.

13           (3.3) UNLESS THE CHILD IS IN IMMINENT DANGER OF CHILD ABUSE  
14 OR NEGLECT, PRIOR TO REPORTING KNOWN OR SUSPECTED CHILD ABUSE OR  
15 NEGLECT, A PUBLIC SCHOOL OFFICIAL OR EMPLOYEE SHALL REQUEST AN  
16 IMMEDIATE ADVISORY MEETING WITH OFFICIALS OR EMPLOYEES OF THE  
17 SCHOOL DISTRICT OR SCHOOL IN WHICH THE CHILD IS ENROLLED TO SHARE  
18 INFORMATION CONCERNING THE CHILD AND ANY INDIVIDUALIZED

1 EDUCATION PROGRAM OR SAFETY PLAN THAT MAY BE IN PLACE FOR THE  
2 CHILD. THE SCHOOL DISTRICT OR SCHOOL SHALL MAKE A GOOD-FAITH  
3 EFFORT TO IMMEDIATELY CONVENE AN ADVISORY MEETING. AT LEAST ONE  
4 OF THE SCHOOL DISTRICT OR SCHOOL OFFICIALS OR EMPLOYEES  
5 ATTENDING THE ADVISORY MEETING MUST HAVE A PRIMARY ROLE IN THE  
6 EDUCATION OF THE CHILD OR BE A SPECIAL EDUCATION TEACHER OR  
7 SPECIAL SERVICES PROVIDER FOR THE CHILD, IF APPLICABLE. ANY PUBLIC  
8 SCHOOL OFFICIAL OR EMPLOYEE MAY MAKE A REPORT OF KNOWN OR  
9 SUSPECTED CHILD ABUSE OR NEGLECT AS A RESULT OF THE MEETING.  
10 SCHOOL DISTRICT OR SCHOOL OFFICIALS OR EMPLOYEES ARE ENCOURAGED  
11 TO PROVIDE A CHILD'S INDIVIDUALIZED EDUCATION PROGRAM OR SAFETY  
12 PLAN WITH ANY REPORT OF KNOWN OR SUSPECTED CHILD ABUSE OR  
13 NEGLECT SUBMITTED BY A PUBLIC SCHOOL OFFICIAL OR EMPLOYEE TO THE  
14 COUNTY DEPARTMENT, POLICE DEPARTMENT, OR CHILD ABUSE REPORTING  
15 HOTLINE CREATED PURSUANT TO SECTION 26-5-111.

16 **SECTION 2.** In Colorado Revised Statutes, 26-5-111, **amend**  
17 (4)(h) and (4)(i); and **add** (4)(j) as follows:

18 **26-5-111. Statewide child abuse reporting hotline system -**  
19 **child abuse hotline steering committee - rules on consistent processes**  
20 **in response to reports and inquiries for information - legislative**  
21 **declaration - definitions.** (4) The state board is authorized to adopt  
22 rules, based upon the recommendations of the child abuse hotline steering  
23 committee, and may revise rules, as necessary, including but not limited  
24 to the following:

25 (h) A consistent screening process with criteria and steps for the  
26 county department to follow in responding to a report or inquiry; ~~and~~

27 (i) Rules establishing a consistent decision-making process with

1 criteria and steps for the county department to follow when deciding how  
2 to act on a report or inquiry or when to take no action on a report or  
3 inquiry; AND

4 (j) RULES ESTABLISHING CRITERIA FOR THE COUNTY DEPARTMENT  
5 TO INCLUDE A NOTATION OR FLAG IN A REPORT OR INQUIRY THAT THE  
6 CHILD WHO IS THE SUBJECT OF A REPORT OR INQUIRY HAS BEEN IDENTIFIED  
7 AS A CHILD WHO IS NEUROATYPICAL.

8 **SECTION 3. Act subject to petition - effective date.** This act  
9 takes effect at 12:01 a.m. on the day following the expiration of the  
10 ninety-day period after final adjournment of the general assembly; except  
11 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
12 of the state constitution against this act or an item, section, or part of this  
13 act within such period, then the act, item, section, or part will not take  
14 effect unless approved by the people at the general election to be held in  
15 November 2022 and, in such case, will take effect on the date of the  
16 official declaration of the vote thereon by the governor.