

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 22-0868.01 Conrad Imel x2313

HOUSE BILL 22-1327

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A BILL FOR AN ACT

101 **CONCERNING FORMER NATIVE AMERICAN BOARDING SCHOOLS IN**
102 **COLORADO, 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 establishes the Native American boarding school research program in the Colorado commission of Indian affairs (commission) to research the events, physical and emotional abuse, and deaths that occurred at Native American boarding schools in Colorado, including the victimization of families of youth forced to attend the boarding schools

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.*

HOUSE
Amended 2nd Reading
April 27, 2022

and the intergenerational impacts of the abuse.

The bill requires the commission to enter into an agreement with an organization to research events, abuse, and deaths that occurred at the Native American boarding school at Fort Lewis, which was known as the Fort Lewis Indian school. After receiving the results of the research, the commission shall make recommendations, which may include legislation, necessary to better understand the abuse and victimization that occurred at, and is related to, Native American boarding schools and to support healing in tribal communities. The commission must make its recommendations publicly available.

The commission shall consult with the Southern Ute Tribe and the Ute Mountain Ute Tribe before selecting and entering into an agreement with a research organization and before making its recommendations.

The department of human services owns and operates a regional center on the property that was formerly the Teller institute Native American boarding school. The bill requires the department to vacate the property and sell all or a portion of the property, or transfer all or a portion of the property, to a state institution of higher education, a local government, a state agency, or a federally recognized tribe in Colorado. The department is not permitted to sell or transfer the property until after the identification and mapping of any graves of students buried at the Native American boarding school that was located on the property and until after the department develops a plan, in consultation with tribal governments, to acknowledge the abuse and victimization of students and families related to the operation of the school.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Beginning with the federal "Indian Civilization Act" enacted
5 in 1819, the United States enacted laws and implemented policies
6 establishing and supporting federal Indian boarding schools across the
7 nation. The purpose of federal Indian boarding schools was to culturally
8 assimilate Native children by forcibly relocating them from their families
9 and communities to distant residential facilities to suppress the children's
10 identities, languages, and beliefs. For over 150 years, hundreds of
11 thousands of Native children were taken from their communities. Over

1 350 federal Indian boarding schools existed in the United States. By
2 1926, nearly 83 percent of all Native children of school age were in
3 boarding schools.

4 (b) Children at these boarding schools were subjected to the loss
5 of their cultural identities, physical and sexual abuse, and forced labor,
6 and suffered the effects of disease due to their confinement. Many
7 children disappeared or lost their lives at these schools, and their bodies
8 remain today in unmarked graves on the school grounds.

9 (c) The impact of the boarding schools on Native families has
10 been immeasurable. Families lost their traditional language, parenting
11 skills, and the ability to pass on Native culture and traditions.

12 (d) The trauma from federal Indian boarding schools crosses
13 generational boundaries and the boarding school policy resulted in
14 long-standing intergenerational trauma, cycles of violence and abuse,
15 disappearance of Native people, premature deaths, mental health
16 disorders, and substance abuse in Native communities;

17 (e) In Colorado, there were at least four federal Indian boarding
18 schools: The Teller Indian School in Grand Junction, the Southern Ute
19 Boarding School in Ignacio, a boarding school in Towaoc operated by the
20 federal bureau of Indian affairs, and the original Fort Lewis Indian School
21 in Hesperus, Colorado;

22 (f) The Teller Institute and Fort Lewis College are currently
23 operated by the state of Colorado and it is understood that Native children
24 may have died at these schools and were buried on the school grounds;

25 (g) In order to heal from the generational trauma, we must
26 confront the past and shed light on the hidden cruelty; and

27 (h) Fort Lewis College has been taking steps to recognize its place

1 in this history and to find opportunities to raise awareness about what
2 actually occurred at federal Indian boarding schools and to begin the
3 process of healing.

4 (2) The general assembly therefore declares that it is in the interest
5 of the state and its citizens to better understand and acknowledge
6 Colorado's history with federal Indian boarding schools and develop a
7 roadmap for education and healing.

8 **SECTION 2.** In Colorado Revised Statutes, add 24-80-215 as
9 follows:

10 **24-80-215. Federal Indian boarding school research program**
11 **- recommendations - definitions - repeal.** (1) AS USED IN THIS SECTION,
12 UNLESS THE CONTEXT OTHERWISE REQUIRES:

13 (a) "FEDERAL INDIAN BOARDING SCHOOL" MEANS A BOARDING
14 SCHOOL FOR NATIVE AMERICAN YOUTH AUTHORIZED BY THE FEDERAL
15 GOVERNMENT THAT WAS NOT LOCATED ON AN INDIAN RESERVATION.

16 (b) "PROGRAM" MEANS THE FEDERAL INDIAN BOARDING SCHOOL
17 RESEARCH PROGRAM ESTABLISHED IN THIS SECTION.

18
19 (2) (a) THERE IS ESTABLISHED IN THE STATE HISTORICAL SOCIETY
20 THE FEDERAL INDIAN BOARDING SCHOOL RESEARCH PROGRAM TO
21 RESEARCH AND MAKE RECOMMENDATIONS TO PROMOTE COLORADANS'
22 UNDERSTANDING OF THE PHYSICAL AND EMOTIONAL ABUSE AND DEATHS
23 THAT OCCURRED AT AND IN RELATION TO FEDERAL INDIAN BOARDING
24 SCHOOLS IN COLORADO, INCLUDING THE VICTIMIZATION OF, AND
25 INTERGENERATIONAL IMPACTS ON, FAMILIES OF THE YOUTH FORCED TO
26 ATTEND THE BOARDING SCHOOLS.

27 (b) IN ADDITION TO THE CONSULTATION WITH THE SOUTHERN UTE

1 TRIBE AND THE UTE MOUNTAIN UTE TRIBE DESCRIBED IN THIS SECTION,
2 THE SOCIETY SHALL CONSULT WITH THE COLORADO COMMISSION OF
3 INDIAN AFFAIRS, ESTABLISHED PURSUANT TO SECTION 24-44-102, AND
4 MAY CONSULT WITH ANY OTHER FEDERALLY RECOGNIZED INDIAN TRIBE.

5 (3) (a) AS PART OF THE PROGRAM, THE STATE HISTORICAL SOCIETY
6 SHALL RESEARCH THE EVENTS, PHYSICAL AND EMOTIONAL ABUSE, AND
7 DEATHS THAT OCCURRED AT THE FEDERAL INDIAN BOARDING SCHOOL AT
8 FORT LEWIS, WHICH WAS KNOWN AS THE FORT LEWIS INDIAN SCHOOL,
9 INCLUDING THE VICTIMIZATION OF FAMILIES OF THE YOUTH FORCED TO
10 ATTEND THE SCHOOL AND THE INTERGENERATIONAL IMPACTS OF THE
11 ABUSE. THE SOCIETY SHALL CONDUCT THE RESEARCH DESCRIBED IN
12 SUBSECTION (3)(c) OF THIS SECTION; PROVIDE THE COMMISSION, THE
13 SOUTHERN UTE TRIBE, AND THE UTE MOUNTAIN UTE TRIBE WITH
14 PERIODIC UPDATES ABOUT ITS RESEARCH; AND SHALL DELIVER A FINAL
15 REPORT TO THE COMMISSION, THE SOUTHERN UTE TRIBE, AND THE UTE
16 MOUNTAIN UTE TRIBE NO LATER THAN JUNE 30, 2023.

17 (b) (I) THE STATE HISTORICAL SOCIETY MAY ENTER INTO AN
18 AGREEMENT WITH A THIRD-PARTY RESEARCH ENTITY TO CONDUCT PARTS
19 OF THE RESEARCH DESCRIBED IN THIS SUBSECTION (3).

20 (II) IN DETERMINING WHETHER TO ENTER INTO AN AGREEMENT
21 WITH A THIRD-PARTY RESEARCH ENTITY AND SELECTING A THIRD-PARTY
22 RESEARCH ENTITY, THE SOCIETY SHALL ENSURE THAT THE SOCIETY AND
23 ANY OTHER PARTY PERFORMING RESEARCH COLLECTIVELY HAVE:

- 24 (A) EXPERIENCE WORKING WITH INDIGENOUS COMMUNITIES;
- 25 (B) AN UNDERSTANDING OF NATIVE AMERICAN HISTORY AND
26 CULTURE, INCLUDING THE BOARDING SCHOOL EXPERIENCE;
- 27 (C) NATIVE AMERICAN TEAM MEMBERS;

1 (D) AN UNDERSTANDING OF THE IMPACT OF TRAUMA AND HOW IT
2 PASSES THROUGH GENERATIONS;

3 (E) ONE OR MORE TEAM MEMBERS WITH EXPERIENCE AS AN
4 ARCHAEOLOGIST AT NATIVE AMERICAN SITES, INCLUDING THE
5 PERFORMANCE OF HISTORICAL ARCHAEOLOGICAL INVESTIGATIONS;

6 (F) ONE OR MORE TEAM MEMBERS WITH EXPERIENCE IN FORENSIC
7 ANTHROPOLOGY;

8 (G) EXPERIENCE WITH, OR MEANINGFUL UNDERSTANDING OF, THE
9 FEDERAL "NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION
10 ACT", 25 U.S.C. SEC. 3001 ET SEQ., OR SIMILAR LEGISLATION;

11 (H) EXPERIENCE IN THE USE OF GEOSPATIAL TECHNOLOGY,
12 GROUND PENETRATING RADAR, MAPPING, AND OTHER RESOURCES THAT
13 MAY BE UTILIZED IN THE IDENTIFICATION OF UNDERGROUND BURIAL SITES;

14 (I) EXPERIENCE IDENTIFYING HUMAN REMAINS AND
15 DISINTERMENT; AND

16 (J) EXPERIENCE INTERVIEWING VICTIMS OF TRAUMA.

17 (c) THE SOCIETY SHALL, AT A MINIMUM:

18 (I) CONDUCT RESEARCH NECESSARY TO MORE ACCURATELY
19 ESTIMATE THE NUMBER OF DEATHS AT THE FEDERAL INDIAN BOARDING
20 SCHOOL AT FORT LEWIS;

21 (II) IDENTIFY AND MAP GRAVES OF NATIVE AMERICAN STUDENTS
22 BURIED AT THE FEDERAL INDIAN BOARDING SCHOOL AT FORT LEWIS AND
23 OFF-CAMPUS CEMETERIES BY USING RESEARCH METHODS DETERMINED
24 DURING CONSULTATION WITH THE SOUTHERN UTE TRIBE AND THE UTE
25 MOUNTAIN UTE TRIBE;

26 (III) REVIEW EXISTING RESEARCH AND CONDUCT NEW RESEARCH
27 AS NEEDED ON EXISTING RESOURCES AND MATERIALS TO REVEAL NATIVE

1 AMERICAN STUDENT VICTIMS AT THE FEDERAL INDIAN BOARDING SCHOOL
2 AT FORT LEWIS;

3 (IV) REVIEW WRITTEN AND RECORDED HISTORY AND ORAL
4 HISTORY DESCRIBING THE EXPERIENCES AND TRAUMA OF STUDENTS
5 ATTENDING THE FEDERAL INDIAN BOARDING SCHOOL AT FORT LEWIS AND
6 THEIR FAMILIES; AND

7 (V) INTERVIEW THOSE WITH KNOWLEDGE OF THE EXPERIENCES
8 AND TRAUMA EXPERIENCED BY NATIVE AMERICAN STUDENTS ATTENDING
9 THE FEDERAL INDIAN BOARDING SCHOOL AT FORT LEWIS AND THE
10 EXPERIENCES, INCLUDING INTERGENERATIONAL TRAUMA, OF THE
11 STUDENTS' FAMILIES AND DESCENDANTS.

12 (4) (a) AFTER THE STATE HISTORICAL SOCIETY DELIVERS THE FINAL
13 REPORT ON ITS RESEARCH, IT SHALL FACILITATE CONSULTATION WITH THE
14 COMMISSION, THE SOUTHERN UTE TRIBE, AND THE UTE MOUNTAIN UTE
15 TRIBE TO DEVELOP RECOMMENDATIONS NECESSARY TO BETTER
16 UNDERSTAND THE ABUSE THAT OCCURRED AT, AND IS RELATED TO,
17 FEDERAL INDIAN BOARDING SCHOOLS AND TO SUPPORT TRIBAL MEMBERS
18 HEALING FROM THE EFFECTS OF THE ABUSE. IN DEVELOPING
19 RECOMMENDATIONS, THE PARTIES SHALL CONSIDER INCLUDING
20 RECOMMENDATIONS FOR NECESSARY IMMEDIATE ACTION, LONG-TERM
21 GOALS, AND ANY LEGISLATION NECESSARY TO IMPLEMENT ANY OF ITS
22 RECOMMENDATIONS. THE RECOMMENDATIONS MAY INCLUDE:

23 (I) A PROCESS FOR REPATRIATION OF ANY IDENTIFIED NATIVE
24 AMERICAN REMAINS IN A CULTURALLY APPROPRIATE MANNER, AS
25 DETERMINED FOLLOWING CONSULTATION WITH FEDERALLY RECOGNIZED
26 INDIAN TRIBES;

27 (II) A PLAN TO PROVIDE SUPPORT AND SERVICES TO TRIBAL

1 MEMBERS TO HEAL FROM THE INTERGENERATIONAL IMPACTS OF FEDERAL
2 INDIAN BOARDING SCHOOLS AND THE RELATED SEPARATION OF FAMILIES;

3 (III) EDUCATION PROGRAMS TO MAKE THE PUBLIC AWARE OF
4 INFORMATION LEARNED FROM THE RESEARCH CONDUCTED AS PART OF THE
5 PROGRAM AND TO TEACH STUDENTS ABOUT THE HISTORY OF FEDERAL
6 INDIAN BOARDING SCHOOLS IN COLORADO;

7 (IV) A PROCESS FOR TRANSFERRING BURIAL SITES TO TRIBAL
8 OWNERSHIP;

9 (V) ALLOWING TRIBAL BLESSINGS TO OCCUR AT THE SITES OF
10 FEDERAL INDIAN BOARDING SCHOOLS AND BURIAL SITES; AND

11 (VI) ANY ADDITIONAL POLICIES TO SUPPORT HEALING IN TRIBAL
12 COMMUNITIES AND TO FURTHER DETERMINE THE EXTENT OF,
13 ACKNOWLEDGE, AND EDUCATE COLORADANS ABOUT, THE ABUSE AND
14 VICTIMIZATION OF STUDENTS AND FAMILIES RELATED TO THE OPERATION
15 OF FEDERAL INDIAN BOARDING SCHOOLS.

16 (b) IN DEVELOPING THE RECOMMENDATIONS, THE SOCIETY,
17 COMMISSION, THE SOUTHERN UTE TRIBE, AND UTE MOUNTAIN UTE TRIBE
18 MAY CONSULT WITH ANY OTHER FEDERALLY RECOGNIZED TRIBE WHOSE
19 CHILDREN MAY HAVE ATTENDED A FEDERAL INDIAN BOARDING SCHOOL IN
20 COLORADO.

21 (c) ON OR BEFORE SEPTEMBER 1, 2023, THE SOCIETY SHALL MAKE
22 THE RECOMMENDATIONS AND A SUMMARY OF THE SOCIETY'S RESEARCH
23 PUBLICLY AVAILABLE ON THE SOCIETY'S WEBSITE AND SHALL DELIVER A
24 WRITTEN COPY OF THE RECOMMENDATIONS AND SUMMARY OF RESEARCH
25 TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE
26 SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, THE
27 JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE GOVERNOR'S

1 OFFICE, ANY STATE AGENCY THAT IS THE SUBJECT OF A
2 RECOMMENDATION, THE SOUTHERN UTE TRIBE, THE UTE MOUNTAIN UTE
3 TRIBE, AND THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE.

4 (5) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2023.

5 **SECTION 3.** In Colorado Revised Statutes, **add** 27-10.5-314 as
6 follows:

7 **27-10.5-314. Former Teller institute property.** (1) EXCEPT AS
8 DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AS SOON AS EACH PERSON
9 WHO WAS RECEIVING SERVICES ON THE EFFECTIVE DATE OF THIS SECTION
10 AT THE FORMER TELLER INSTITUTE FEDERAL INDIAN BOARDING SCHOOL
11 PROPERTY, NOW OWNED BY THE DEPARTMENT AND OPERATED AS A
12 REGIONAL CENTER, IS TRANSITIONED TO A RESIDENCE OTHER THAN A
13 RESIDENCE AT THE REGIONAL CENTER, THE DEPARTMENT SHALL VACATE
14 THE PROPERTY AND SHALL SELL ALL OR A PORTION OF THE PROPERTY, OR
15 TRANSFER ALL OR A PORTION OF THE PROPERTY, TO A STATE INSTITUTION
16 OF HIGHER EDUCATION, A LOCAL GOVERNMENT, A STATE AGENCY, OR A
17 FEDERALLY RECOGNIZED TRIBE IN COLORADO THAT IS IMPACTED BY THE
18 OPERATION OF THE TELLER INSTITUTE.

19 (2) THE DEPARTMENT SHALL NOT SELL OR TRANSFER THE
20 PROPERTY, OR ANY PORTION OF THE PROPERTY, UNTIL AFTER THE
21 IDENTIFICATION AND MAPPING OF ANY GRAVES OF NATIVE AMERICAN
22 STUDENTS BURIED AT THE FEDERAL INDIAN BOARDING SCHOOL THAT WAS
23 LOCATED ON THE PROPERTY AND UNTIL AFTER THE DEPARTMENT, IN
24 CONSULTATION WITH TRIBAL GOVERNMENTS, DEVELOPS A PLAN TO
25 ACKNOWLEDGE THE ABUSE AND VICTIMIZATION OF STUDENTS AND
26 FAMILIES RELATED TO THE OPERATION OF THE FEDERAL INDIAN BOARDING
27 SCHOOL LOCATED ON THE PROPERTY.

1 **SECTION 4. Appropriation.** For the 2022-23 state fiscal year,
2 \$618,611 is appropriated to the department of higher education for use by
3 history Colorado. This appropriation is from the general fund and is based
4 on an assumption that history Colorado will require an additional 1.0
5 FTE. To implement this act, history Colorado may use this appropriation
6 for native American boarding school research program.

7 **SECTION 5. 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.