

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

INTRODUCED

LLS NO. 23-0715.01 Jane Ritter x4342

HOUSE BILL 23-1191

HOUSE SPONSORSHIP

English,

SENATE SPONSORSHIP

Fields,

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. The bill defines "corporal punishment" as 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 or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

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

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

11 **SECTION 2.** In Colorado Revised Statutes, **add** 22-1-140 as
12 follows:

13 **22-1-140. 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 INFLECTION OF, OR WILLFULLY CAUSING THE INFLECTION 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, NECESSARY FOR PURPOSES OF SELF-DEFENSE,
25 OR USED TO OBTAIN POSSESSION OF A WEAPON OR OTHER DANGEROUS
26 OBJECT WITHIN THE 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) introductory portion and (2)(a)(I)(D); and **add** (1)(b.7) as
6 follows:

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

12 (b.7) "CORPORAL PUNISHMENT" HAS THE SAME MEANING AS SET
13 FORTH IN SECTION 22-1-140.

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

1 must include the following:

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

11 (D) Policies and procedures for the use of acts of reasonable and
12 appropriate physical intervention or force in dealing with disruptive
13 students; except that ~~no~~ A board shall NOT adopt a discipline code that
14 includes provisions that are in conflict with the ~~definition~~ DESCRIPTION
15 of child abuse in section 18-6-401 (1) ~~C.R.S.~~, and section 19-1-103 (1),
16 ~~C.R.S.~~; OR 19-1-103 (1). EACH CONDUCT AND DISCIPLINE CODE MUST
17 STATE THAT, IN ACCORDANCE WITH SECTION 22-1-140, A PERSON
18 EMPLOYED BY OR VOLUNTEERING IN A PUBLIC SCHOOL SHALL NOT IMPOSE
19 CORPORAL PUNISHMENT ON A CHILD.

20 **SECTION 4.** In Colorado Revised Statutes, 26.5-5-314, **amend**
21 (2)(j) as follows:

22 **26.5-5-314. Standards for facilities and agencies - rules -**
23 **definition.** (2) The standards prescribed by department rules are
24 restricted to:

25 (j) Discipline of children. THE RULES MUST PROHIBIT THE
26 IMPOSITION OF CORPORAL PUNISHMENT, AS DEFINED IN SECTION 22-1-140,
27 UPON A CHILD BY ANY PERSON EMPLOYED BY OR VOLUNTEERING IN A

1 CHILD CARE CENTER, A FAMILY CHILD CARE HOME, OR A SPECIALIZED
2 GROUP FACILITY.

3 **SECTION 5. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.