

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

REVISED

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

LLS NO. 24-0255.02 Conrad Imel x2313

SENATE BILL 24-162

SENATE SPONSORSHIP

Marchman and Winter F., Bridges, Buckner, Cutter, Exum, Fields, Jaquez Lewis, Kolker, Michaelson Jenet, Priola

HOUSE SPONSORSHIP

Bacon and Herod,

Senate Committees

Education
Appropriations

House Committees

Education
Appropriations

A BILL FOR AN ACT

101 **CONCERNING BEST PRACTICES FOR RESPONDING TO DISCRIMINATORY**
102 **CONDUCT IN SCHOOLS, AND, IN CONNECTION THEREWITH,**
103 **DEVELOPING TRAINING CONSISTENT WITH THE BEST PRACTICES**
104 **AND MAKING AN 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 requires the department of education (department) to enter into an agreement with an organization (selected organization) to develop best practices for local education providers, and specifically public

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
2nd Reading Unamended
May 5, 2024

SENATE
3rd Reading Unamended
April 24, 2024

SENATE
Amended 2nd Reading
April 23, 2024

schools, to effectively respond to reports of harassment or discrimination. The selected organization shall submit a report to the department, the office of school safety, and the general assembly's education committees that includes an explanation of the best practices developed by the selected organization.

Current law requires public schools to provide training to all employees about harassment and discrimination, beginning no later than July 1, 2024. The bill repeals that deadline and instead requires harassment and discrimination training beginning with employee training for the 2025-26 school year, with the training beginning no later than December 31, 2025. The bill requires that harassment and discrimination training that occurs after August 1, 2025, be consistent with the best practices developed by the selected organization.

The bill requires the selected organization to develop a harassment or discrimination training program curriculum for use by schools that is consistent with the best practices developed by the selected organization and that complies with the requirements for public schools' harassment and discrimination training. The department shall make the training program curriculum available to public schools at no cost.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-1-143, **amend** (4)
3 introductory portion and (4)(a); and **add** (1)(b.5), (1)(e.5), (4.2), and (8)
4 as follows:

5 **22-1-143. Harassment or discrimination - policy required -**
6 **training and notification - definitions.** (1) As used in this section,
7 unless the context otherwise requires:

8 (b.5) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
9 CREATED IN SECTION 24-1-115.

10 (e.5) "OFFICE OF SCHOOL SAFETY" MEANS THE OFFICE OF SCHOOL
11 SAFETY CREATED IN SECTION 24-33.5-2702.

12 (4) **Beginning** WITH THE TRAINING CONDUCTED FOR EMPLOYEES
13 FOR THE 2025-26 SCHOOL YEAR, BUT BEGINNING no later than ~~July 1, 2024~~
14 DECEMBER 31, 2025, each public school shall provide training to all

1 employees about harassment and discrimination. Each new employee of
2 a public school ~~must~~ SHALL complete training upon hiring and at least
3 every three years thereafter; except that an employee ~~must~~ SHALL
4 complete training when transferring from a position working with
5 elementary school-aged students to a position working with secondary
6 school-aged students, or transferring from a position working with
7 secondary school-aged students to a position working with elementary
8 school-aged students. The training must be provided during the
9 employee's normal working hours. TRAINING PROVIDED ON AND AFTER
10 AUGUST 1, 2025, MUST BE CONSISTENT WITH THE BEST PRACTICES
11 DEVELOPED PURSUANT TO SUBSECTION (8) OF THIS SECTION. A PUBLIC
12 SCHOOL MAY USE THE TRAINING DEVELOPED AND MADE AVAILABLE TO
13 SCHOOLS PURSUANT TO SUBSECTION (8)(h) OF THIS SECTION. The training
14 must include, at a minimum, instruction on the following:

15 (a) Recognizing harassment or discrimination, including
16 indicators of grooming and child sexual abuse, AND DISTINGUISHING
17 HARASSMENT AND DISCRIMINATION FROM BULLYING;

18 (4.2) THE TRAINING FOR EMPLOYEES WHO HAVE DIRECT
19 SUPERVISION OF STUDENTS DESCRIBED IN SUBSECTION (4)(d) OF THIS
20 SECTION MUST INCLUDE INSTRUCTION THAT IS SPECIFIC BASED ON
21 WHETHER THE EMPLOYEE IS SUPERVISING ELEMENTARY SCHOOL-AGED
22 STUDENTS OR SECONDARY SCHOOL-AGED STUDENTS.

23 (8)(a) THE DEPARTMENT SHALL ENTER INTO AN AGREEMENT WITH
24 AN ORGANIZATION TO DEVELOP BEST PRACTICES FOR LOCAL EDUCATION
25 PROVIDERS, INCLUDING PUBLIC SCHOOLS, TO EFFECTIVELY RESPOND TO
26 REPORTS OF HARASSMENT OR DISCRIMINATION.

27 (b) THE DEPARTMENT SHALL CONVENE AN EVALUATION

1 COMMITTEE TO SELECT THE ORGANIZATION. THE COMMISSIONER OF
2 EDUCATION SHALL DETERMINE THE COMPOSITION OF THE COMMITTEE;
3 EXCEPT THAT THE EVALUATION COMMITTEE MUST INCLUDE:

4 (I) TWO REPRESENTATIVES WHO EACH REPRESENT A SCHOOL
5 DISTRICT, ONE OF WHOM REPRESENTS A RURAL SCHOOL DISTRICT,
6 APPOINTED BY THE COMMISSIONER OF EDUCATION;

7 (II) TWO PERSONS WHO REPRESENT AN ORGANIZATION THAT
8 ADVOCATES FOR STUDENTS WHO FACE HARASSMENT OR DISCRIMINATION,
9 APPOINTED BY THE COMMISSIONER OF EDUCATION;

10 (III) TWO PERSONS WITH LIVED EXPERIENCE OF HAVING FACED
11 HARASSMENT OR DISCRIMINATION, APPOINTED BY THE COMMISSIONER OF
12 EDUCATION;

13 (IV) TWO STUDENTS WHO ARE IN GRADES SEVEN THROUGH
14 TWELVE, ONE OF WHOM ATTENDS SCHOOL IN A RURAL SCHOOL DISTRICT,
15 APPOINTED BY THE COMMISSIONER OF EDUCATION; AND

16 (V) TWO REPRESENTATIVES FROM THE OFFICE OF SCHOOL SAFETY,
17 APPOINTED BY THE DIRECTOR OF THE OFFICE OF SCHOOL SAFETY.

18 (c) THE ORGANIZATION SELECTED PURSUANT TO THIS SUBSECTION
19 (8) MUST HAVE EXPERIENCE IN K-12 EDUCATION, HAVE EXPERTISE IN
20 TRAUMA-INFORMED RESPONSES TO HARASSMENT OR DISCRIMINATION FOR
21 K-12-AGED STUDENTS, AND HAVE EXPERTISE IN THE MINIMUM TRAINING
22 TOPICS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

23 (d) THE SELECTED ORGANIZATION SHALL DEVELOP BEST
24 PRACTICES FOR THE FOLLOWING:

25 (I) NOTIFICATIONS BY SCHOOLS AND LOCAL EDUCATION
26 PROVIDERS TO STUDENTS AND PARENTS OF HARASSMENT OR
27 DISCRIMINATION POLICIES AND PROCEDURES;

1 (II) HOW EMPLOYEES ACCEPT AND RESPOND TO REPORTS OF
2 HARASSMENT OR DISCRIMINATION;

3 (III) IMPLEMENTING TRAUMA-INFORMED RESPONSES TO STUDENTS;
4 AND

5 (IV) TRAINING FOR EMPLOYEES ABOUT THEIR RESPONSIBILITIES
6 WHEN RESPONDING TO HARASSMENT OR DISCRIMINATION, INCLUDING
7 DISTINGUISHING BETWEEN BULLYING AND HARASSMENT OR
8 DISCRIMINATION, WHEN POSSIBLE.

9 (e) THE BEST PRACTICES DEVELOPED PURSUANT TO THIS
10 SUBSECTION (8) MUST BE ALIGNED WITH THE GOAL OF A LOCAL EDUCATION
11 PROVIDER OR SCHOOL CONDUCTING EFFECTIVE AND IMPARTIAL
12 INVESTIGATIONS OF REPORTS OF HARASSMENT OR DISCRIMINATION AND
13 COMPLY WITH THE REQUIREMENTS FOR THE TRAINING DESCRIBED IN
14 SUBSECTION (4) OF THIS SECTION.

15 (f) WHEN DEVELOPING THE BEST PRACTICES DESCRIBED IN
16 SUBSECTION (8)(d) OF THIS SECTION, THE SELECTED ORGANIZATION SHALL
17 EVALUATE A SAMPLE OF SCHOOL HARASSMENT OR DISCRIMINATION
18 POLICIES ADOPTED BY VARIOUS SCHOOLS NATIONWIDE AND SOLICIT AND
19 CONSIDER INPUT FROM SCHOOLS AND LOCAL EDUCATION PROVIDERS
20 STATEWIDE; THE DEPARTMENT; AND THE OFFICE OF SCHOOL SAFETY. THE
21 SELECTED ORGANIZATION SHALL ALSO CONSIDER THE RESOURCES OF
22 RURAL SCHOOLS AND LOCAL EDUCATION PROVIDERS. UPON REQUEST OF
23 THE ORGANIZATION, THE DEPARTMENT SHALL ASSIST THE ORGANIZATION
24 IN SOLICITING FEEDBACK FROM SCHOOLS AND LOCAL EDUCATION
25 PROVIDERS.

26 (g) (I) ON OR BEFORE DECEMBER 31, 2024, THE ORGANIZATION
27 SHALL SUBMIT A REPORT TO THE DEPARTMENT, THE OFFICE OF SCHOOL

1 SAFETY, AND THE HOUSE OF REPRESENTATIVES EDUCATION COMMITTEE
2 AND THE SENATE EDUCATION COMMITTEE, OR THEIR SUCCESSOR
3 COMMITTEES. THE REPORT MUST INCLUDE AN EXPLANATION OF THE BEST
4 PRACTICES DEVELOPED PURSUANT TO SUBSECTION (8)(d) OF THIS SECTION
5 AND ANY OTHER RELEVANT RECOMMENDATIONS OF THE ORGANIZATION.
6 THE DEPARTMENT SHALL POST THE REPORT ON ITS WEBSITE AND PROVIDE
7 THE REPORT TO EACH LOCAL EDUCATION PROVIDER.

8 (II) THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS
9 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
10 SECTION 2-7-203 THAT OCCURS DURING THE 2025 REGULAR LEGISLATIVE
11 SESSION, INFORMATION CONCERNING THE ORGANIZATION'S REPORT.

12 (h) THE ORGANIZATION SHALL DEVELOP A HARASSMENT OR
13 DISCRIMINATION TRAINING PROGRAM _____ FOR USE BY SCHOOLS. THE
14 TRAINING PROGRAM ___ MUST BE CONSISTENT WITH THE BEST PRACTICES
15 DEVELOPED BY THE ORGANIZATION PURSUANT TO THIS SUBSECTION (8)
16 AND COMPLY WITH THE REQUIREMENTS FOR THE TRAINING DESCRIBED IN
17 SUBSECTION (4) OF THIS SECTION. ON OR BEFORE APRIL 1, 2025, THE
18 ORGANIZATION SHALL PROVIDE THE TRAINING PROGRAM MATERIALS TO
19 THE DEPARTMENT. THE DEPARTMENT SHALL MAKE THE TRAINING
20 PROGRAM MATERIALS AVAILABLE TO PUBLIC SCHOOLS AT NO COST TO THE
21 SCHOOL.

22 (i) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE
23 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,
24 DEVELOPING BEST PRACTICES TO EFFECTIVELY RESPOND TO REPORTS OF
25 HARASSMENT OR DISCRIMINATION, AS DESCRIBED IN THIS SUBSECTION (8),
26 IMPROVES STUDENT SAFETY AND MAY THEREFORE RECEIVE FUNDING FROM
27 THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX

1 OF THE STATE CONSTITUTION.

2 (j) THE DEPARTMENT SHALL NOT USE MORE THAN TEN PERCENT OF
3 THE MONEY APPROPRIATED TO DEVELOP BEST PRACTICES TO EFFECTIVELY
4 RESPOND TO REPORTS OF HARASSMENT OR DISCRIMINATION, AS DESCRIBED
5 IN THIS SUBSECTION (8), FOR THE ADMINISTRATIVE COSTS INCURRED
6 RELATED TO DEVELOPING THE BEST PRACTICES.

7

8 SECTION 2. Appropriation. For the 2024-25 state fiscal year,
9 \$111,111 is appropriated to the department of education for use by
10 management and administration. This appropriation is from the state
11 education fund created in section 17 (4) of article IX of the state
12 constitution. To implement this act, the department may use this
13 appropriation for training for local education providers on responding to
14 harassment and discrimination reports.

15 SECTION 3. Safety clause. The general assembly finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety or for appropriations for
18 the support and maintenance of the departments of the state and state
19 institutions.