

CHAPTER 204

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 17-1211

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also SENATOR(S) Priola, Fields, Martinez Humenik, Aguilar, Court, Kefalas, Kerr, Merrifield, Moreno, Todd, Williams A., Zenzinger.

AN ACT**CONCERNING PROFESSIONAL DEVELOPMENT FOR EDUCATORS REGARDING DISCIPLINARY STRATEGIES FOR YOUNG STUDENTS.**

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

SECTION 1. In Colorado Revised Statutes, **add 22-2-143** as follows:

22-2-143. Discipline strategies pilot program - created - reporting - rules - definitions - legislative declaration - repeal. (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) RESEARCH DEMONSTRATES THAT YOUNG CHILDREN WHO ARE SUSPENDED OR EXPELLED FROM SCHOOL ARE UP TO TEN TIMES MORE LIKELY TO EXPERIENCE ACADEMIC FAILURE AND GRADE RETENTION AND TO HOLD NEGATIVE ATTITUDES TOWARD SCHOOL THAN THOSE CHILDREN WHO ARE NOT SUSPENDED OR EXPELLED. YOUNG CHILDREN WHO ARE SUSPENDED OR EXPELLED FROM SCHOOL ARE ALSO MORE LIKELY TO DROP OUT OF HIGH SCHOOL AND TO BE INCARCERATED LATER IN LIFE.

(b) LACK OF TRAINING TO DEAL WITH BEHAVIORAL ISSUES IN THE CLASSROOM CONTRIBUTES TO EDUCATION DISSATISFACTION AND BURNOUT, WHICH INCREASES THE NUMBER OF EDUCATORS WHO LEAVE THE PROFESSION. PROVIDING ADDITIONAL TRAINING AND SUPPORT IN DEALING WITH STUDENT DISCIPLINE ISSUES MAY HELP SCHOOL DISTRICTS AND SCHOOLS RETAIN EXPERIENCED EDUCATORS.

(c) TO REDUCE THE INCIDENCE OF EXCLUSIONARY DISCIPLINE AMONG STUDENTS,

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ESPECIALLY THOSE ENROLLED IN PRESCHOOL THROUGH THIRD GRADE, TEACHERS AND ADMINISTRATORS SHOULD RECEIVE TRAINING AND SUPPORT IN USING CULTURALLY RESPONSIVE METHODS OF DISCIPLINE WITH YOUNG STUDENTS AND IN IMPLEMENTING DEVELOPMENTALLY APPROPRIATE RESPONSES TO THE BEHAVIORAL ISSUES OF YOUNG STUDENTS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BOARD OF COOPERATIVE SERVICES" MEANS A REGIONAL EDUCATIONAL SERVICE UNIT CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE 22.

(b) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22 OR A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22.

(c) "CULTURALLY RESPONSIVE METHODS" MEANS METHODS THAT USE THE CULTURAL KNOWLEDGE, EXPERIENCES, SOCIAL AND EMOTIONAL LEARNING NEEDS, AND PERFORMANCE STYLES OF DIVERSE STUDENTS TO ENSURE THAT CLASSROOM MANAGEMENT STRATEGIES AND RESEARCH-BASED ALTERNATIVES TO EXCLUSIONARY DISCIPLINE ARE APPROPRIATE AND EFFECTIVE FOR STUDENTS.

(d) "EXCLUSIONARY DISCIPLINE METHODS" MEANS IN-SCHOOL SUSPENSION, OUT-OF-SCHOOL SUSPENSION, EXPULSION, SCHOOL-BASED ARRESTS, SCHOOL-BASED REFERRALS TO THE JUVENILE JUSTICE SYSTEM, AND VOLUNTARY OR INVOLUNTARY PLACEMENT IN AN ALTERNATIVE EDUCATION PROGRAM.

(e) "PILOT PROGRAM" MEANS THE DISCIPLINE STRATEGIES PILOT PROGRAM CREATED IN SUBSECTION (3) OF THIS SECTION.

(3)(a) THERE IS CREATED IN THE DEPARTMENT THE DISCIPLINE STRATEGIES PILOT PROGRAM TO PROVIDE MONEY TO SCHOOL DISTRICTS, GROUPS OF SCHOOL DISTRICTS, BOARDS OF COOPERATIVE SERVICES, AND CHARTER SCHOOLS FOR PROFESSIONAL DEVELOPMENT FOR TEACHERS AND PRINCIPALS CONCERNING THE USE OF CULTURALLY RESPONSIVE METHODS OF STUDENT DISCIPLINE IN PRESCHOOL THROUGH THIRD GRADE AND DEVELOPMENTALLY APPROPRIATE RESPONSES TO THE BEHAVIORAL ISSUES OF STUDENTS ENROLLED IN PRESCHOOL THROUGH THIRD GRADE, INCLUDING STUDENTS WITH DISABILITIES. THE INTENT OF THE PILOT PROGRAM IS TO PROVIDE PROFESSIONAL DEVELOPMENT FOR EDUCATORS TO ASSIST THEM IN REDUCING THE USE OF EXCLUSIONARY DISCIPLINE METHODS IN PUBLIC SCHOOLS, ESPECIALLY WITH REGARD TO STUDENTS ENROLLED IN PRESCHOOL THROUGH THIRD GRADE AND STUDENTS WITH DISABILITIES. THE DEPARTMENT IS REQUIRED TO IMPLEMENT THE PILOT PROGRAM ONLY TO THE EXTENT THAT IT RECEIVES SUFFICIENT MONEY THROUGH GIFTS, GRANTS, AND DONATIONS AS PROVIDED IN SUBSECTION (7) OF THIS SECTION.

(b) THE STATE BOARD SHALL PROMULGATE RULES AS PROVIDED IN THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, AS NECESSARY, TO IMPLEMENT THE PILOT PROGRAM.

(4) A SCHOOL DISTRICT, GROUP OF SCHOOL DISTRICTS, BOARD OF COOPERATIVE

SERVICES, OR CHARTER SCHOOL MAY APPLY TO THE DEPARTMENT TO RECEIVE A GRANT THROUGH THE PILOT PROGRAM. AN APPLICATION MUST INCLUDE:

(a) THE NUMBER OF TEACHERS AND PRINCIPALS TO WHOM THE APPLICANT WILL PROVIDE PROFESSIONAL DEVELOPMENT IN USING CULTURALLY RESPONSIVE METHODS OF STUDENT DISCIPLINE IN PRESCHOOL THROUGH THIRD GRADE AND DEVELOPMENTALLY APPROPRIATE RESPONSES TO THE BEHAVIORAL ISSUES OF STUDENTS ENROLLED IN PRESCHOOL THROUGH THIRD GRADE AND THE NUMBER AND GRADE LEVELS OF STUDENTS SERVED BY THOSE TEACHERS AND PRINCIPALS;

(b) THE PROFESSIONAL DEVELOPMENT PROGRAMS THAT THE APPLICANT EXPECTS TO PROVIDE WITH THE GRANT MONEY;

(c) THE OTHER RESOURCES AVAILABLE TO THE APPLICANT TO PROVIDE THE PROFESSIONAL DEVELOPMENT;

(d) THE AGGREGATE NUMBER AND TYPE OF DISCIPLINARY INCIDENTS OCCURRING IN PRESCHOOL, KINDERGARTEN, AND GRADES ONE THROUGH THREE IN THE SCHOOLS OPERATED BY THE APPLICANT IN THE PRECEDING THREE SCHOOL YEARS AND THE TYPES OF DISCIPLINARY RESPONSES AND STRATEGIES USED;

(e) THE APPLICANT'S AGREEMENT TO PROVIDE TO THE DEPARTMENT THE INFORMATION NECESSARY FOR THE DEPARTMENT TO CREATE THE REPORT DESCRIBED IN SUBSECTION (6) OF THIS SECTION FOR EACH SCHOOL YEAR IN WHICH THE APPLICANT RECEIVES A GRANT; AND

(f) ANY ADDITIONAL INFORMATION REQUIRED BY RULE OF THE STATE BOARD.

(5) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO SUBSECTION (4) OF THIS SECTION AND RECOMMEND TO THE STATE BOARD WHICH APPLICANTS SHOULD RECEIVE GRANTS THROUGH THE PILOT PROGRAM AND THE AMOUNT OF EACH GRANT. THE STATE BOARD, TAKING INTO CONSIDERATION THE DEPARTMENT'S RECOMMENDATIONS, SHALL AWARD THE GRANTS, SUBJECT TO AVAILABLE FUNDING. IN MAKING RECOMMENDATIONS AND AWARDED GRANTS, THE DEPARTMENT AND THE STATE BOARD SHALL, TO THE EXTENT PRACTICABLE, AWARD A GRANT TO AT LEAST ONE SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR CHARTER SCHOOL LOCATED IN A RURAL AREA AND SHALL CONSIDER:

(a) THE LEVEL OF FINANCIAL NEED THAT AN APPLICANT DEMONSTRATES;

(b) THE QUALITY OF THE PROFESSIONAL DEVELOPMENT GRANT PROGRAMS THAT THE APPLICANT EXPECTS TO PROVIDE WITH THE GRANT MONEY;

(c) THE STUDENT DEMOGRAPHICS OF THE SCHOOLS OPERATED BY THE APPLICANT AND THE USE OF EXCLUSIONARY DISCIPLINE METHODS IN THE PRECEDING THREE SCHOOL YEARS BY EDUCATORS EMPLOYED BY THE APPLICANT; AND

(d) ANY ADDITIONAL CRITERIA ADOPTED BY RULE OF THE STATE BOARD.

(6) (a) FOR EACH SCHOOL YEAR IN WHICH THE STATE BOARD AWARDS GRANTS THROUGH THE PILOT PROGRAM, THE DEPARTMENT SHALL PREPARE A REPORT

CONCERNING IMPLEMENTATION OF THE PILOT PROGRAM. AT A MINIMUM, THE REPORT MUST INCLUDE:

(I) THE NUMBER OF SCHOOL DISTRICTS, BOARDS OF COOPERATIVE SERVICES, AND CHARTER SCHOOLS THAT RECEIVED GRANTS THROUGH THE PILOT PROGRAM AND THE AMOUNT OF EACH GRANT;

(II) THE TYPES OF PROFESSIONAL DEVELOPMENT THAT GRANT RECIPIENTS PROVIDED TO TEACHERS AND PRINCIPALS;

(III) FOR THE SCHOOLS OPERATED BY THE GRANT RECIPIENTS, A COMPARISON OF THE FOLLOWING STRATEGIES, POLICIES, OR DATA BEFORE AND AFTER EDUCATORS PARTICIPATED IN THE PROFESSIONAL DEVELOPMENT PROGRAMMING PROVIDED WITH THE GRANT MONEY:

(A) DISCIPLINARY STRATEGIES OR POLICIES;

(B) FOR PRESCHOOL, KINDERGARTEN, AND GRADES ONE THROUGH THREE, THE AGGREGATE NUMBER AND TYPES OF DISCIPLINARY INCIDENTS, AGGREGATE INFORMATION CONCERNING THE TYPES OF DISCIPLINARY RESPONSES TO INCIDENTS, AND AGGREGATE INFORMATION CONCERNING THE CHANGES IN DISCIPLINARY RESPONSES USED BEFORE AND AFTER THE TRAINING;

(C) ATTENDANCE AND TRUANCY RATES; AND

(D) INDICATORS OF TEACHER SATISFACTION; AND

(IV) ANY OTHER NONPERSONALLY IDENTIFYING DATA REQUESTED BY THE DEPARTMENT THAT INDICATES WHETHER THE PILOT PROGRAM IS SUCCESSFUL IN REDUCING THE USE OF EXCLUSIONARY DISCIPLINE METHODS IN PUBLIC SCHOOLS.

(b) BY APRIL 15, 2018, AND BY APRIL 15 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT THE REPORT TO THE STATE BOARD, THE JOINT BUDGET COMMITTEE, AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

(7) THE PILOT PROGRAM IS NOT ELIGIBLE TO RECEIVE STATE APPROPRIATIONS AND MUST BE FUNDED SOLELY THROUGH GIFTS, GRANTS, OR DONATIONS. THE DEPARTMENT MAY ACCEPT AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THE PILOT PROGRAM. NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE DEPARTMENT AND THE STATE BOARD ARE NOT REQUIRED TO IMPLEMENT THE PILOT PROGRAM, INCLUDING PROMULGATING RULES AND PREPARING THE REPORT DESCRIBED IN SUBSECTION (6) OF THIS SECTION, IN A BUDGET YEAR IF THE DEPARTMENT DOES NOT RECEIVE AT LEAST THREE HUNDRED THOUSAND DOLLARS IN GIFTS, GRANTS, OR DONATIONS FOR THE PILOT PROGRAM FOR THAT BUDGET YEAR.

(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 18, 2017