

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

INTRODUCED

LLS NO. 21-0264.01 Julie Pelegrin x2700

HOUSE BILL 21-1059

HOUSE SPONSORSHIP

Geitner and Bradfield,

SENATE SPONSORSHIP

Lundeen,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS FOR STUDENTS WHO PARTICIPATE IN**
102 **ONLINE INSTRUCTION.**

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>.)

If a school district, board of cooperative services, or charter school (local education provider) provides educational programming via online instruction to a student (online student), the bill prohibits the local education provider from:

- Prohibiting the online student's parent from being present while the student participates in online instruction;

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.

- Recording the online student without prior written approval from the student's parent;
- Imposing requirements concerning the online student's physical environment except to directly assist the student in focusing on instruction; and
- Suspending or expelling an online student based on an item observed in the student's physical environment or the student's behavior while participating in online instruction, unless the behavior constitutes repeated interference with the local education provider's ability to provide online instruction to other students.

The bill specifies that the limitation on suspending or expelling an online student applies to suspensions and expulsions that occur on or after March 23, 2020.

The bill specifies that the premises, facilities, and buildings of an educational institution do not include the private residence of an online student for purposes of the crime of interference with staff, faculty, or students of educational institutions.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-1-131 as
 3 follows:

4 **22-1-131. Online instruction - student protections - definitions.**

5 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
 6 REQUIRES:

7 (a) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT
 8 CREATED PURSUANT TO ARTICLE 30 OF THIS TITLE 22, A BOARD OF
 9 COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE
 10 22, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO
 11 PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, OR AN INSTITUTE CHARTER
 12 SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE
 13 PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22.

14 (b) "ONLINE INSTRUCTION" MEANS THE DELIVERY OF
 15 EDUCATIONAL PROGRAMMING VIA AN INTERNET FORMAT BY A LOCAL

1 EDUCATION PROVIDER TO A STUDENT WHO IS ENROLLED IN THE LOCAL
2 EDUCATION PROVIDER AND IS RECEIVING THE EDUCATIONAL
3 PROGRAMMING AT A LOCATION THAT IS REMOTE FROM A SCHOOL. "ONLINE
4 INSTRUCTION" INCLUDES, BUT IS NOT LIMITED TO, EDUCATIONAL
5 PROGRAMMING DELIVERED THROUGH AN ONLINE PROGRAM, AS DEFINED
6 IN SECTION 22-30.7-102 (9); AN ONLINE SCHOOL, AS DEFINED IN SECTION
7 22-30.7-102 (9.5); AND A SUPPLEMENTAL ONLINE EDUCATION COURSE, AS
8 DEFINED IN SECTION 22-2-130 (2)(f).

9 (c) "PARENT" MEANS A BIOLOGICAL PARENT, ADOPTIVE PARENT,
10 LEGAL GUARDIAN, OR ANY OTHER PERSON HAVING LEGAL CUSTODY OF A
11 CHILD.

12 (2) A LOCAL EDUCATION PROVIDER THAT DELIVERS EDUCATIONAL
13 PROGRAMMING TO A STUDENT USING ONLINE INSTRUCTION SHALL NOT:

14 (a) PROHIBIT OR ATTEMPT TO PROHIBIT THE STUDENT'S PARENT
15 FROM BEING IN THE SAME ROOM OR AREA AS THE STUDENT WHILE THE
16 STUDENT PARTICIPATES IN ONLINE INSTRUCTION OR OTHERWISE SUGGEST
17 THAT THE PARENT SHOULD NOT BE IN THE SAME ROOM OR AREA WHILE THE
18 STUDENT PARTICIPATES IN ONLINE INSTRUCTION;

19 (b) RECORD A STUDENT USING ANY DIGITAL OR ELECTRONIC
20 MEANS, INCLUDING VIDEO, AUDIO, OR STILL IMAGES, WHILE THE STUDENT
21 IS PARTICIPATING IN ONLINE INSTRUCTION, UNLESS THE STUDENT'S PARENT
22 SUBMITS TO THE LOCAL EDUCATION PROVIDER WRITTEN CONSENT TO
23 RECORD THE STUDENT BEFORE THE RECORDING OCCURS;

24 (c) IMPOSE OR ATTEMPT TO IMPOSE REQUIREMENTS CONCERNING
25 THE STUDENT'S PHYSICAL ENVIRONMENT WHILE THE STUDENT
26 PARTICIPATES IN ONLINE INSTRUCTION, EXCEPT TO THE EXTENT THAT THE
27 REQUIREMENT IS DIRECTLY RELATED TO ASSISTING THE STUDENT TO FOCUS

1 ON THE ONLINE INSTRUCTION BY REDUCING AUDIO OR VISUAL
2 DISTRACTIONS WITHIN THE IMMEDIATE ENVIRONMENT; OR

3 (d) REQUIRE A STUDENT TO USE A CAMERA TO PROVIDE A LIVE
4 DIGITAL IMAGE OF THE STUDENT WHILE THE STUDENT PARTICIPATES IN
5 ONLINE INSTRUCTION.

6 (3) A LOCAL EDUCATION PROVIDER SHALL NOT SUSPEND OR EXPEL
7 A STUDENT BASED ON THE PRESENCE OF AN ITEM THAT AN EMPLOYEE OF
8 THE LOCAL EDUCATION PROVIDER OBSERVES WITHIN THE STUDENT'S
9 PHYSICAL ENVIRONMENT WHILE THE STUDENT IS PARTICIPATING IN ONLINE
10 INSTRUCTION OR BASED ON THE STUDENT'S BEHAVIOR WHILE
11 PARTICIPATING IN ONLINE INSTRUCTION; EXCEPT THAT A LOCAL
12 EDUCATION PROVIDER MAY SUSPEND A STUDENT IN ACCORDANCE WITH
13 SECTIONS 22-33-105 AND 22-33-106 (1)(e) FOR REPEATED INTERFERENCE
14 WITH THE LOCAL EDUCATION PROVIDER'S ABILITY TO PROVIDE
15 INSTRUCTION TO OTHER STUDENTS.

16 **SECTION 2.** In Colorado Revised Statutes, 22-33-106, **add** (5)
17 as follows:

18 **22-33-106. Grounds for suspension, expulsion, and denial of**
19 **admission.** (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO
20 THE CONTRARY, A STUDENT WHO IS PARTICIPATING IN ONLINE
21 INSTRUCTION, AS DEFINED IN SECTION 22-1-131 (1), MAY BE SUSPENDED
22 ONLY ON THE GROUNDS SPECIFIED IN SECTION 22-1-131 (3). IF A STUDENT
23 WHO IS PARTICIPATING IN ONLINE INSTRUCTION IS SUSPENDED OR
24 EXPELLED ON OR AFTER MARCH 23, 2020, ON GROUNDS OTHER THAN
25 THOSE SPECIFIED IN SECTION 22-1-131 (3), THE SCHOOL DISTRICT OR
26 PUBLIC SCHOOL THAT SUSPENDS OR EXPELS THE STUDENT SHALL REVOKE
27 THE SUSPENSION OR EXPULSION AND EXPUNGE THE SUSPENSION OR

1 EXPULSION FROM THE STUDENT'S RECORD.

2 **SECTION 3.** In Colorado Revised Statutes, 18-9-109, **add** (7) as
3 follows:

4 **18-9-109. Interference with staff, faculty, or students of**
5 **educational institutions.** (7) FOR PURPOSES OF THIS SECTION, THE
6 PREMISES, FACILITIES, AND BUILDINGS OF AN EDUCATIONAL INSTITUTION
7 DO NOT INCLUDE THE PRIVATE RESIDENCE OF A STUDENT WHO IS
8 PARTICIPATING IN ONLINE INSTRUCTION, AS DEFINED IN SECTION 22-1-131
9 (1).

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