

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

INTRODUCED

LLS NO. 21-0034.01 Shelby Ross x4510

HOUSE BILL 21-1221

HOUSE SPONSORSHIP

Cutter and Young,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PREVENT BULLYING IN PUBLIC SCHOOLS.**

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 utilize a stakeholder process when updating the model bullying prevention and education policy (model policy), which process must include the parents of students who have been bullied. At a minimum, the model policy must clearly differentiate between a conflict and bullying and differentiate between harassment and bullying and clarify the role of cyberbullying during online instruction, which may occur on or off school property.

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.

Current law requires each school district and charter school to adopt a safe school plan that includes:

- A conduct and discipline code with a specific policy concerning bullying prevention and education (bullying policy). The bill requires the bullying policy to incorporate the approaches, policies, and practices outlined in the model policy.
- Safe school reporting requirements that include the number of conduct and discipline code violations relating to a school activity or sanctioned event that is detrimental to the welfare or safety of other students or of school personnel, including incidents of bullying. The bill requires incidents of bullying be listed as a separate type of violation.

The bill specifies bullying as a behavior that may be grounds for suspension or expulsion of a student from public school.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-2-144, **amend**
3 (2)(a); and **add** (3) as follows:

4 **22-2-144. Bullying prevention and education policies - short**
5 **title - study.** (2) (a) The department shall research approaches, policies,
6 and practices related to bullying prevention and education used by
7 education providers in other states. On or before July 1, 2019, after
8 consideration of the research conducted pursuant to this subsection (2)(a),
9 the department, in consultation with the school safety resource center
10 created in section 24-33.5-1803, shall develop a model bullying
11 prevention and education policy. The research and model policy described
12 in this subsection (2)(a) must be updated every three years. THE
13 DEPARTMENT SHALL UTILIZE A STAKEHOLDER PROCESS WHEN UPDATING
14 THE MODEL BULLYING PREVENTION AND EDUCATION POLICY, WHICH
15 PROCESS MUST INCLUDE PARTICIPATION BY THE PARENTS OF STUDENTS
16 WHO HAVE BEEN BULLIED.

17 (3) AT A MINIMUM, THE MODEL POLICY DEVELOPED PURSUANT TO

1 SUBSECTION (2)(a) OF THIS SECTION MUST:

2 (a) CLEARLY DIFFERENTIATE BETWEEN A CONFLICT AND BULLYING
3 AND BETWEEN HARASSMENT AND BULLYING; AND

4 (b) CLARIFY THE ROLE OF CYBERBULLYING DURING ONLINE
5 INSTRUCTION, WHICH MAY OCCUR ON OR OFF SCHOOL PROPERTY.

6 **SECTION 2.** In Colorado Revised Statutes, 22-32-109.1, **amend**
7 (2)(a)(I)(K) and (2)(b)(IV)(G); and **add** (2)(b)(IV)(G.5) as follows:

8 **22-32-109.1. Board of education - specific powers and duties**
9 **- safe school plan - conduct and discipline code - safe school reporting**
10 **requirements - school response framework - school resource officers**
11 **- definitions.** (2) **Safe school plan.** In order to provide a learning
12 environment that is safe, conducive to the learning process, and free from
13 unnecessary disruption, each school district board of education or institute
14 charter school board for a charter school authorized by the charter school
15 institute shall, following consultation with the school district
16 accountability committee and school accountability committees, parents,
17 teachers, administrators, students, student councils where available, and,
18 where appropriate, the community at large, adopt and implement a safe
19 school plan, or review and revise, as necessary in response to any relevant
20 data collected by the school district, any existing plans or policies already
21 in effect. In addition to the aforementioned parties, each school district
22 board of education, in adopting and implementing its safe school plan,
23 may consult with victims' advocacy organizations, school psychologists,
24 local law enforcement, and community partners. The plan, at a minimum,
25 must include the following:

26 (a) **Conduct and discipline code.** (I) A concisely written conduct
27 and discipline code that shall be enforced uniformly, fairly, and

1 consistently for all students. Copies of the code shall be provided to each
2 student upon enrollment at the preschool, elementary, middle, and high
3 school levels and shall be posted or kept on file at each public school in
4 the school district. The school district shall take reasonable measures to
5 ensure that each student of each public school in the school district is
6 familiar with the code. The code shall include, but need not be limited to:

7 (K) On and after August 8, 2001, a specific policy concerning
8 bullying prevention and education. Each school district ~~is encouraged to~~
9 SHALL ensure that ~~its~~ THE SCHOOL DISTRICT'S policy, at a minimum,
10 incorporates the ~~biennial administration of surveys of students'~~
11 ~~impressions of the severity of bullying in their schools, as described in~~
12 ~~section 22-93-104 (1)(c); character building; and the designation of a~~
13 ~~team of persons at each school of the school district who advise the~~
14 ~~school administration concerning the severity and frequency of bullying~~
15 ~~incidents that occur in the school, which team may include, but need not~~
16 ~~be limited to, law enforcement officials, social workers, prosecutors,~~
17 ~~health professionals, mental health professionals, school psychologists,~~
18 ~~counselors, teachers, administrators, parents, and students. Each school~~
19 ~~district's policy shall set forth appropriate disciplinary consequences for~~
20 ~~students who bully other students and for any person who takes any~~
21 ~~retaliatory action against a student who reports in good faith an incident~~
22 ~~of bullying, which consequences shall comply with all applicable state~~
23 ~~and federal laws.~~ APPROACHES, POLICIES, AND PRACTICES OUTLINED IN
24 THE MODEL BULLYING PREVENTION AND EDUCATION POLICY DEVELOPED
25 PURSUANT TO SECTION 22-2-144.

26 (b) **Safe school reporting requirements.** A policy whereby the
27 principal of each public school in a school district is required to submit

1 annually, in a manner and by a date specified by rule of the state board,
2 a written report to the board of education of the school district concerning
3 the learning environment in the school during that school year. The board
4 of education of the school district shall annually compile the reports from
5 every school in the district and submit the compiled report to the
6 department of education in a format specified by rule of the state board.
7 The compiled report must be easily accessible by the general public
8 through a link on the department of education's website home page. The
9 report must include, but need not be limited to, the following specific
10 information for the preceding school year:

11 (IV) The number of conduct and discipline code violations. Each
12 violation must be reported only in the most serious category that is
13 applicable to that violation, including but not limited to specific
14 information identifying the number of, and the action taken with respect
15 to, each of the following types of violations:

16 (G) Behavior on school grounds, in a school vehicle, or at a
17 school activity or sanctioned event that is detrimental to the welfare or
18 safety of other students or of school personnel, including but not limited
19 to ~~incidents of bullying and other~~ behavior that creates a threat of physical
20 harm to the student or to other students;

21 (G.5) BULLYING;

22 **SECTION 3.** In Colorado Revised Statutes, 22-33-106, **amend**
23 (1)(d)(II) and (1)(d)(III); and **add** (1)(d)(IV) as follows:

24 **22-33-106. Grounds for suspension, expulsion, and denial of**
25 **admission.** (1) The following may be grounds for suspension or
26 expulsion of a child from a public school during a school year:

27 (d) Committing one of the following offenses on school grounds,

1 in a school vehicle, or at a school activity or sanctioned event:

2 (II) The use, possession, or sale of a drug or controlled substance
3 as defined in section 18-18-102 (5); ~~C.R.S.~~; or

4 (III) The commission of an act that, if committed by an adult,
5 would be robbery pursuant to part 3 of article 4 of title 18 ~~C.R.S.~~, or
6 assault pursuant to part 2 of article 3 of title 18, ~~C.R.S.~~, other than the
7 commission of an act that would be third degree assault under section
8 18-3-204 ~~C.R.S.~~, if committed by an adult; OR

9 (IV) BULLYING, AS DEFINED IN SECTION 22-32-109.1 (1)(b).

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.