

## CHAPTER 200

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**EDUCATION - PUBLIC SCHOOLS**


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**HOUSE BILL 21-1059**

BY REPRESENTATIVE(S) Geitner and Bradfield, Amabile, Baisley, Benavidez, Bernett, Bird, Caraveo, Carver, Catlin, Exum, Gonzales-Gutierrez, Gray, Herod, Hooton, Lontine, Luck, Lynch, McCormick, Ortiz, Pelton, Pico, Ransom, Rich, Ricks, Roberts, Sirota, Soper, Tipper, Titone, Valdez A., Valdez D., Van Winkle, Williams, Young, Bacon, Duran, McCluskie, McKean, Snyder; also SENATOR(S) Lundeen, Gardner, Hisey, Holbert, Kirkmeyer, Priola, Rankin, Scott, Simpson, Sonnenberg.

**AN ACT****CONCERNING PROTECTIONS FOR STUDENTS WHO PARTICIPATE IN ONLINE INSTRUCTION.**

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

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

**22-1-131. Online instruction - student protections - short title - definitions.**

(1) THE SHORT TITLE OF THIS SECTION IS "ISAIAH'S LAW".

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

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

(b) "ONLINE INSTRUCTION" MEANS THE DELIVERY OF EDUCATIONAL PROGRAMMING VIA AN INTERNET FORMAT BY A LOCAL EDUCATION PROVIDER TO A STUDENT WHO IS ENROLLED IN THE LOCAL EDUCATION PROVIDER AND IS RECEIVING THE EDUCATIONAL PROGRAMMING AT A LOCATION THAT IS REMOTE FROM A SCHOOL. "ONLINE INSTRUCTION" INCLUDES, BUT IS NOT LIMITED TO, EDUCATIONAL PROGRAMMING DELIVERED THROUGH AN ONLINE PROGRAM, AS DEFINED IN SECTION 22-30.7-102(9); AN ONLINE SCHOOL, AS DEFINED IN SECTION 22-30.7-102(9.5); AND A SUPPLEMENTAL ONLINE EDUCATION COURSE, AS DEFINED IN SECTION 22-2-130(2)(f).

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

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

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

(a) PROHIBIT OR ATTEMPT TO PROHIBIT THE STUDENT'S PARENT FROM BEING IN THE SAME ROOM AS THE STUDENT WHILE THE STUDENT PARTICIPATES IN ONLINE INSTRUCTION OR OTHERWISE SUGGEST THAT THE PARENT SHOULD NOT BE IN THE SAME ROOM WHILE THE STUDENT PARTICIPATES IN ONLINE INSTRUCTION; EXCEPT THAT THE PERSON LEADING THE ONLINE INSTRUCTION MAY REQUIRE A STUDENT'S PARENT TO LEAVE THE AREA IF THE PARENT CONTINUES TO ACTIVELY ENGAGE IN BEHAVIOR THAT DISRUPTS THE STUDENT OR THE CLASS AFTER THE PERSON LEADING THE ONLINE INSTRUCTION ASKS THE PARENT TO DISCONTINUE THE BEHAVIOR;

(b) REQUIRE A STUDENT TO USE A CAMERA TO PROVIDE A LIVE DIGITAL IMAGE OF THE STUDENT WHILE THE STUDENT PARTICIPATES IN ONLINE INSTRUCTION IF THE STUDENT'S TECHNOLOGY DOES NOT ALLOW FOR SUCH USE OF A CAMERA.

(4) A LOCAL EDUCATION PROVIDER SHALL NOT SUSPEND OR EXPEL A STUDENT BASED ON THE PRESENCE OF AN ITEM THAT AN EMPLOYEE OF THE LOCAL EDUCATION PROVIDER OBSERVES WITHIN THE STUDENT'S PHYSICAL ENVIRONMENT WHILE THE STUDENT IS PARTICIPATING IN ONLINE INSTRUCTION OR BASED ON THE STUDENT'S BEHAVIOR WHILE PARTICIPATING IN ONLINE INSTRUCTION; EXCEPT THAT A LOCAL EDUCATION PROVIDER MAY SUSPEND A STUDENT IN ACCORDANCE WITH SECTIONS 22-33-105 AND 22-33-106.

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

**22-33-106. Grounds for suspension, expulsion, and denial of admission.**

(5) IF A STUDENT WHO IS PARTICIPATING IN ONLINE INSTRUCTION IS SUSPENDED OR EXPELLED ON OR AFTER MARCH 23, 2020, IN VIOLATION OF SECTION 22-1-131 (4), THE SCHOOL DISTRICT OR PUBLIC SCHOOL THAT SUSPENDS OR EXPELS THE STUDENT SHALL REVOKE THE SUSPENSION OR EXPULSION AND EXPUNGE THE SUSPENSION OR EXPULSION FROM THE STUDENT'S RECORD.

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

**18-9-109. Interference with staff, faculty, or students of educational institutions.** (7) FOR PURPOSES OF THIS SECTION, THE PREMISES, FACILITIES, AND BUILDINGS OF AN EDUCATIONAL INSTITUTION DO NOT INCLUDE THE PRIVATE RESIDENCE OF A STUDENT WHO IS PARTICIPATING IN ONLINE INSTRUCTION, AS DEFINED IN SECTION 22-1-131 (2).

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

Approved: May 28, 2021