

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

INTRODUCED

LLS NO. 23-0170.01 Alana Rosen x2606

SENATE BILL 23-029

SENATE SPONSORSHIP

Moreno,

HOUSE SPONSORSHIP

Lindsay,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING ADDRESSING DISPROPORTIONATE DISCIPLINE IN PUBLIC**
102 **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/>.)

Colorado Youth Advisory Council Committee. The bill requires each school district board of education, institute charter school board for a charter school authorized by the state charter school institute, or governing board of a board of cooperative services (BOCES) to adopt a policy to address disproportionate disciplinary practices in public schools. Each school district, charter school, institute charter school, or BOCES

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.

(local education provider) shall develop, implement, and annually review improvement plans if the data reported to the department of education pursuant to the safe school reporting requirements shows disproportionate discipline practices at the local education provider. In implementing an improvement plan to address disproportionate discipline practices, each local education provider shall provide to the parents of the students enrolled in the school written notice of the improvement plan and issues identified by the local education provider as giving rise to the need for the plan. The written notice must include the timeline for developing and adopting the improvement plan and the dates, times, and locations of the public meeting to solicit input from parents concerning disproportionate discipline and the contents of the plan before the plan is written and a public hearing to review the plan prior to final adoption.

Current law encourages school districts to consider certain factors before suspending or expelling a student. The bill requires school districts to consider those factors before suspending or expelling a student.

The bill requires school districts to document in a student's record and compile in the safe school report any alternative disciplinary attempts before suspending or expelling a student.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-33-112 as
3 follows:

4 **22-33-112. Addressing disproportionate discipline - policy -**
5 **communications - legislative declaration - definitions.** (1) (a) THE
6 GENERAL ASSEMBLY FINDS AND DECLARES THAT:

7 (I) STUDENTS WHO ARE SUSPENDED AND EXPELLED ARE MORE
8 LIKELY TO BE WITHOUT SUPERVISION DURING THE SUSPENSION OR
9 EXPULSION PERIOD, CAUSING STUDENTS TO FALL BEHIND IN COURSE WORK;

10 (II) SUSPENDED AND EXPELLED STUDENTS ARE FIFTY-ONE PERCENT
11 MORE LIKELY TO BE ARRESTED TWO OR MORE TIMES THAN THEIR PEERS
12 WHO ARE NOT SUSPENDED OR EXPELLED FROM SCHOOL;

13 (III) FOR THE 2018-19 SCHOOL YEAR IN COLORADO, BLACK
14 STUDENTS WERE 3.2 TIMES MORE LIKELY TO BE SUSPENDED THAN WHITE

1 STUDENTS, AND HISPANIC STUDENTS WERE 1.7 TIMES MORE LIKELY TO BE
2 SUSPENDED THAN WHITE STUDENTS; AND

3 (IV) LONGITUDINAL RESEARCH SHOWS THAT TWELVE YEARS
4 AFTER A SUSPENSION, SUSPENDED YOUTH ARE LESS LIKELY THAN
5 NONSUSPENDED YOUTH TO HAVE EARNED A HIGH SCHOOL DIPLOMA OR A
6 BACHELOR'S DEGREE. SUSPENDED YOUTH ARE MORE LIKELY TO HAVE BEEN
7 ARRESTED AND ON PROBATION, WHICH SUGGESTS THAT SUSPENSION,
8 RATHER THAN SELECTION BIAS, EXPLAINS NEGATIVE OUTCOMES.

9 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT
10 DISCRIMINATION PLAYS A SIGNIFICANT ROLE IN PERPETUATING SCHOOL
11 SAFETY POLICIES THAT PUSH STUDENTS INTO THE CRIMINAL JUSTICE
12 SYSTEM. RESEARCH DEMONSTRATES THAT BLACK AND HISPANIC
13 STUDENTS ARE OFTEN PUNISHED MORE HARSHLY FOR THE SAME
14 INFRACTIONS THAN WHITE STUDENTS, WHICH REINFORCES THE ROLE OF
15 RACIAL BIAS IN THE SCHOOL DISCIPLINE SYSTEM. IT IS CRITICAL TO
16 UNDERSTAND DISPROPORTIONATE DISCIPLINE POLICIES AND TAKE STEPS TO
17 ADDRESS AND PREVENT THE PROGRESSION FROM SCHOOL TO THE CRIMINAL
18 JUSTICE SYSTEM FROM OCCURRING.

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

21 (a) "BOARD OF COOPERATIVE SERVICES" OR "BOCES" MEANS A
22 BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT
23 TO ARTICLE 5 OF THIS TITLE 22 THAT OPERATES ONE OR MORE PUBLIC
24 SCHOOLS.

25 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
26 CREATED IN SECTION 24-1-115.

27 (c) "DISAGGREGATED STUDENT DATA" MEANS STUDENT DATA

1 DISAGGREGATED BY GENDER, GRADE LEVEL, RACE, ETHNICITY,
2 DISABILITY, WHETHER THE STUDENT HAS FEDERAL SECTION 504
3 ACCOMMODATIONS OR AN INDIVIDUALIZED EDUCATION PLAN, ENGLISH
4 LANGUAGE LEARNER STATUS, FREE AND REDUCED-PRICE LUNCH STATUS,
5 AND HOMELESS STATUS, COLLECTED PURSUANT TO SECTION 22-32-109.1
6 (2)(b.5).

7 (d) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
8 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
9 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY
10 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE
11 30.5 OF THIS TITLE 22, OR A BOCES THAT OPERATES A SCHOOL.

12 (e) "LOCAL SCHOOL BOARD" MEANS A SCHOOL DISTRICT BOARD OF
13 EDUCATION, AN INSTITUTE CHARTER SCHOOL BOARD FOR A CHARTER
14 SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE, OR THE
15 GOVERNING BOARD OF A BOCES.

16 (3)(a) EACH LOCAL SCHOOL BOARD SHALL ADOPT, AND THE LOCAL
17 EDUCATION PROVIDER SHALL IMPLEMENT, A POLICY TO ADDRESS
18 DISPROPORTIONATE DISCIPLINARY PRACTICES IN SCHOOLS BASED ON THE
19 DATA CONCERNING THE NUMBER AND TYPES OF DISCIPLINARY INCIDENTS,
20 THE DISCIPLINARY ACTIONS TAKEN IN RESPONSE TO SUCH INCIDENTS, AND
21 DISAGGREGATED STUDENT DATA COLLECTED PURSUANT TO SECTION
22 22-32-109.1 (2)(b.5). IN ADOPTING THE POLICY, THE LOCAL SCHOOL
23 BOARD MAY TAKE INTO ACCOUNT, BUT NEED NOT BE LIMITED TO, THE
24 PRACTICES AND STRATEGIES IDENTIFIED IN THE CONDUCT AND DISCIPLINE
25 CODE AND THE SAFE SCHOOL REPORTING REQUIREMENTS DESCRIBED IN
26 SECTION 22-32-109.1.

27 (b) AS PART OF THE POLICY TO ADDRESS DISPROPORTIONATE

1 DISCIPLINE, EACH LOCAL EDUCATION PROVIDER IS ENCOURAGED TO
2 PROVIDE TRAINING CONCERNING BEST PRACTICES AND SKILLS TO ADDRESS
3 DISPROPORTIONATE DISCIPLINE AND TO CREATE NEW, INCLUSIONARY
4 APPROACHES TO DISCIPLINE.

5 (c) EACH LOCAL EDUCATION PROVIDER SHALL IDENTIFY AN
6 EMPLOYEE OF THE LOCAL EDUCATION PROVIDER TO ACT AS THE POINT OF
7 CONTACT FOR DISCIPLINE TRAINING AND RESOURCES. THE IDENTIFIED
8 PERSON SHALL ALSO SERVE AS THE LIAISON BETWEEN THE LOCAL
9 EDUCATION PROVIDER AND THE DEPARTMENT AND SHALL FACILITATE THE
10 EFFORTS OF THE LOCAL EDUCATION PROVIDER TO ADDRESS
11 DISPROPORTIONATE DISCIPLINE. THE LOCAL EDUCATION PROVIDER SHALL
12 SUBMIT TO THE DEPARTMENT THE NAME OF THE IDENTIFIED EMPLOYEE.

13 (4) (a) EACH LOCAL EDUCATION PROVIDER SHALL ANNUALLY
14 REVIEW THE DATA CONCERNING THE NUMBER AND TYPES OF DISCIPLINARY
15 INCIDENTS, THE DISCIPLINARY ACTIONS TAKEN IN RESPONSE TO SUCH
16 INCIDENTS, AND DISAGGREGATED STUDENT DATA COLLECTED PURSUANT
17 TO SECTION 22-32-109.1 (2)(b.5).

18 (b) IF THE DATA DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION
19 REFLECTS DISPROPORTIONATE DISCIPLINE, THE LOCAL EDUCATION
20 PROVIDER SHALL DEVELOP, IMPLEMENT, AND ANNUALLY REVIEW AN
21 IMPROVEMENT PLAN TO ADDRESS DISPROPORTIONATE DISCIPLINE
22 PRACTICES BASED ON THE DATA COLLECTED PURSUANT TO SECTION
23 22-32-109.1 (2)(b.5). IN IMPLEMENTING AN IMPROVEMENT PLAN TO
24 ADDRESS DISPROPORTIONATE DISCIPLINE PRACTICES, THE LOCAL
25 EDUCATION PROVIDER SHALL PROVIDE WRITTEN NOTICE TO THE PARENTS
26 OF THE STUDENTS ENROLLED IN THE LOCAL EDUCATION PROVIDER OF THE
27 IMPROVEMENT PLAN AND ISSUES IDENTIFIED BY THE LOCAL EDUCATION

1 PROVIDER AS GIVING RISE TO THE NEED FOR THE PLAN. THE WRITTEN
2 NOTICE MUST INCLUDE THE TIMELINE FOR DEVELOPING AND ADOPTING THE
3 IMPROVEMENT PLAN AND THE DATES, TIMES, AND LOCATIONS OF THE
4 PUBLIC MEETING DESCRIBED IN SUBSECTION (4)(c) OF THIS SECTION AND
5 THE PUBLIC HEARING DESCRIBED IN SUBSECTION (4)(d) OF THIS SECTION.

6 (c) THE LOCAL EDUCATION PROVIDER SHALL HOLD A PUBLIC
7 MEETING TO SOLICIT INPUT FROM PARENTS CONCERNING
8 DISPROPORTIONATE DISCIPLINE AND THE CONTENTS OF THE IMPROVEMENT
9 PLAN BEFORE THE PLAN IS WRITTEN. AT THE PUBLIC MEETING, THE
10 SUPERINTENDENT OF THE LOCAL EDUCATION PROVIDER SHALL REVIEW THE
11 PROGRESS OF THE LOCAL EDUCATION PROVIDER IN ITS APPROACH TO
12 DISCIPLINE FOR THE PRECEDING YEAR.

13 (d) THE LOCAL SCHOOL BOARD SHALL HOLD A PUBLIC HEARING
14 AFTER THE PLAN IS WRITTEN TO REVIEW THE PLAN PRIOR TO FINAL
15 ADOPTION. THE DATE OF THE PUBLIC HEARING MUST BE AT LEAST THIRTY
16 DAYS AFTER THE DATE ON WHICH THE LOCAL EDUCATION PROVIDER
17 PROVIDES THE WRITTEN NOTICE OF THE PUBLIC HEARING.

18 (5) FOR THE 2023-24 BUDGET YEAR, THE GENERAL ASSEMBLY
19 SHALL APPROPRIATE TO THE DEPARTMENT THREE HUNDRED THOUSAND
20 DOLLARS FOR DISTRIBUTION TO LOCAL EDUCATION PROVIDERS TO OFFSET
21 THE COSTS INCURRED IN IMPLEMENTING THIS SECTION. THE DEPARTMENT
22 SHALL DETERMINE THE AMOUNT TO DISTRIBUTE TO EACH LOCAL
23 EDUCATION PROVIDER.

24 **SECTION 2.** In Colorado Revised Statutes, 22-33-106, **amend**
25 (1.2) as follows:

26 **22-33-106. Grounds for suspension, expulsion, and denial of**
27 **admission.** (1.2) (a) Each school district ~~is encouraged to~~ SHALL consider

1 each of the following factors before suspending or expelling a student
2 pursuant to ~~a provision of~~ subsection (1) of this section:

- 3 ~~(a)~~ (I) The age of the student;
- 4 ~~(b)~~ (II) The disciplinary history of the student;
- 5 ~~(c)~~ (III) Whether the student has a disability;
- 6 ~~(d)~~ (IV) The seriousness of the violation committed by the
7 student;
- 8 ~~(e)~~ (V) Whether the violation committed by the student threatened
9 the safety of any student or staff member; and
- 10 ~~(f)~~ (VI) Whether a lesser intervention would properly address the
11 violation committed by the student.

12 (b) IN ADDITION TO SUBSECTION (1.2)(a) OF THIS SECTION, EACH
13 SCHOOL DISTRICT SHALL DOCUMENT IN A STUDENT'S RECORD AND COMPILE
14 IN THE SAFE SCHOOL REPORT PURSUANT TO SECTION 22-32-109.1
15 (2)(b)(IV) ANY ALTERNATIVE DISCIPLINARY MEASURES USED BEFORE
16 SUSPENDING OR EXPELLING THE STUDENT PURSUANT TO SUBSECTION (1)
17 OF THIS SECTION.

18 **SECTION 3. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within such period, then the act, item, section, or part will not take
24 effect unless approved by the people at the general election to be held in
25 November 2024 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.