

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0170.01 Alana Rosen x2606

**SENATE BILL 23-029**

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**SENATE SPONSORSHIP**

**Moreno,**

**HOUSE SPONSORSHIP**

**Lindsay,**

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**Senate Committees**

Education  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING ADDRESSING DISPROPORTIONATE DISCIPLINE IN PUBLIC**  
102              **SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AN**  
103              **APPROPRIATION.**

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**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.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

Each school district, charter school, institute charter school, or BOCES (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.

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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 - task force**  
5 **- report - legislative declaration - definitions - repeal.** (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) "COUNCIL" MEANS THE COLORADO YOUTH ADVISORY COUNCIL  
26 CREATED IN SECTION 2-2-1302.

27 (c) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION

1 CREATED IN SECTION 24-1-115.

2 (d) "GOVERNING BOARD OF A DISTRICT CHARTER SCHOOL" MEANS  
3 THE GOVERNING BOARD OF A DISTRICT CHARTER SCHOOL THAT RECEIVES  
4 DELEGATION POWER TO OVERSEE SCHOOL DISCIPLINE FOR A DISTRICT  
5 CHARTER SCHOOL PURSUANT TO THE TERMS OF THE DISTRICT CHARTER  
6 SCHOOL CONTRACT THAT WOULD HAVE BEEN FILLED BY THE AUTHORIZING  
7 SCHOOL DISTRICT.

8 (e) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A  
9 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART  
10 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY  
11 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE  
12 30.5 OF THIS TITLE 22, OR A BOCES THAT OPERATES A SCHOOL.

13 (f) "LOCAL SCHOOL BOARD" MEANS A SCHOOL DISTRICT BOARD OF  
14 EDUCATION; A GOVERNING BOARD OF A DISTRICT CHARTER SCHOOL; AN  
15 INSTITUTE CHARTER SCHOOL BOARD FOR A CHARTER SCHOOL AUTHORIZED  
16 BY THE STATE CHARTER SCHOOL INSTITUTE; OR THE GOVERNING BOARD OF  
17 A BOCES.

18 (g) "REVIEW COMMITTEE" MEANS THE COLORADO YOUTH  
19 ADVISORY COUNCIL REVIEW COMMITTEE CREATED IN SECTION 2-2-1305.5.

20 (h) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN  
21 COLORADO THAT THE DEPARTMENT DETERMINES IS RURAL BASED ON THE  
22 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE  
23 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THE  
24 TOTAL STUDENT ENROLLMENT OF THE SCHOOL DISTRICT IS SIX THOUSAND  
25 FIVE HUNDRED OR FEWER STUDENTS.

26 (i) "TASK FORCE" MEANS THE SCHOOL DISCIPLINE TASK FORCE  
27 CREATED IN SUBSECTION (3) OF THIS SECTION.

1           (3) THERE IS CREATED IN THE DEPARTMENT THE SCHOOL  
2 DISCIPLINE TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS  
3 REGARDING SCHOOL DISTRICT DISCIPLINE POLICIES AND PRACTICES, STATE  
4 AND LOCAL DISCIPLINE REPORTING REQUIREMENTS, AND LOCAL  
5 ENGAGEMENT.

6           (4) THE TASK FORCE MEMBERS MUST BE APPOINTED ON OR BEFORE  
7 AUGUST 31, 2023. THE TASK FORCE CONSISTS OF SEVENTEEN MEMBERS AS  
8 FOLLOWS:

9           (a) THE LEGISLATIVE MEMBER, WHO IS THE CHAIRPERSON OF THE  
10 REVIEW COMMITTEE, OR THE LEGISLATIVE MEMBER'S DESIGNEE;

11           (b) THE COMMISSIONER OF EDUCATION, OR THE COMMISSIONER'S  
12 DESIGNEE, SHALL SERVE AS THE CHAIR OF THE TASK FORCE AND SHALL  
13 APPOINT THE FOLLOWING MEMBERS:

14           (I) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION FOR  
15 SCHOOL DISTRICT ADMINISTRATORS;

16           (II) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION FOR  
17 SCHOOL DISTRICT BOARDS OF EDUCATION;

18           (III) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION FOR  
19 RURAL SCHOOL DISTRICTS;

20           (IV) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION  
21 REPRESENTING CHARTER SCHOOLS;

22           (V) ONE REPRESENTATIVE OF A STATEWIDE ASSOCIATION FOR  
23 TEACHERS;

24           (VI) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION  
25 REPRESENTING SPECIAL EDUCATION DIRECTORS;

26           (VII) ONE REPRESENTATIVE OF A STATEWIDE DISABILITY  
27 ADVOCACY ORGANIZATION;

1           (VIII) ONE REPRESENTATIVE OF A STATEWIDE MENTAL HEALTH  
2           ADVOCACY ORGANIZATION;

3           (IX) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION  
4           REPRESENTING STUDENTS WHO HAVE EXPERIENCED SUSPENSION,  
5           EXPULSION, OR OTHER SCHOOL DISCIPLINE ISSUES;

6           (X) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION  
7           SPECIALIZING IN EQUITY AND INCLUSION;

8           (XI) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT  
9           REPRESENTS THE INTERESTS OF STUDENTS AND FAMILIES;

10          (XII) ONE REPRESENTATIVE OF A STATEWIDE ORGANIZATION THAT  
11          REPRESENTS VICTIMS OF VIOLENT CRIMES OR SEXUAL ASSAULT; AND

12          (XIII) THREE FORMER STUDENTS WHO HAVE LIVED EXPERIENCE  
13          WITH THE SCHOOL DISCIPLINE SYSTEM.

14          (5) (a) ON OR BEFORE SEPTEMBER 15, 2023, THE CHAIR OF THE  
15          TASK FORCE, SHALL CALL THE FIRST MEETING OF THE TASK FORCE. DURING  
16          THE FIRST MEETING, THE TASK FORCE SHALL ESTABLISH PROCEDURES TO  
17          ALLOW MEMBERS OF THE TASK FORCE TO PARTICIPATE IN THE MEETINGS  
18          REMOTELY, DEVELOP BEST PRACTICES FOR THE ADMINISTRATION OF THE  
19          TASK FORCE MEETINGS, AND CREATE A PLAN FOR THE ENGAGEMENT OF  
20          STAKEHOLDERS AND EXPERTS TO SUPPORT AND INFORM THE TASK FORCE'S  
21          WORK.

22          (b) THE TASK FORCE SHALL MEET AT LEAST SIX TIMES BETWEEN  
23          SEPTEMBER 15, 2023 AND THE FIRST REVIEW COMMITTEE MEETING IN  
24          2024.

25          (c) EXCEPT AS OTHERWISE PROVIDED IN SECTION 2-2-326, THE  
26          TASK FORCE MEMBERS SHALL SERVE WITHOUT COMPENSATION BUT MUST  
27          RECEIVE REIMBURSEMENT FOR REASONABLE EXPENSES INCURRED TO

1 PARTICIPATE IN TASK FORCE MEETINGS.

2 (d) IF A VACANCY OCCURS ON THE TASK FORCE FOR ANY REASON,  
3 THE ORIGINAL APPOINTING AUTHORITY SHALL APPOINT A PERSON WHO  
4 MEETS THE REQUIREMENTS OF THE VACANT POSITION TO FILL THE  
5 VACANCY AS SOON AS POSSIBLE AFTER THE VACANCY OCCURS.

6 (e) UPON REQUEST OF THE CHAIR, THE DEPARTMENT SHALL  
7 PROVIDE TO THE TASK FORCE STAFF ASSISTANCE, MEETING SPACE, OR  
8 AUDIO-VISUAL COMMUNICATION TECHNOLOGY RESOURCES, AS  
9 NECESSARY, FOR THE TASK FORCE TO MEET THE DUTIES DESCRIBED IN  
10 SUBSECTION (6)(a) OF THIS SECTION.

11 (6) (a) IN COMPLETING THE STUDY REQUIRED IN THIS SECTION, THE  
12 TASK FORCE SHALL:

13 (I) DEFINE DISPROPORTIONATE DISCIPLINE WITH CONSIDERATIONS  
14 FOR SIZE, LOCATION, AND DEMOGRAPHICS OF A LOCAL EDUCATION  
15 PROVIDER;

16 (II) REVIEW EXISTING DISCIPLINE REPORTING CATEGORIES;

17 (III) RECOMMEND CHANGES TO DISCIPLINE REPORTING  
18 CATEGORIES AS NECESSARY TO STANDARDIZE DATA REPORTING;

19 (IV) RECOMMEND A STANDARDIZED DISCIPLINE REPORTING  
20 SYSTEM;

21 (V) DETERMINE WHETHER THE STANDARDIZED DISCIPLINE  
22 REPORTING SYSTEM DESCRIBED IN SUBSECTION (6)(a)(IV) OF THIS SECTION  
23 MUST INCLUDE REPORTS OF ALTERNATIVE DISCIPLINARY MEASURES TAKEN  
24 PRIOR TO A STUDENT'S SUSPENSION OR EXPULSION;

25 (VI) REVIEW BEST PRACTICES REGARDING ALTERNATIVE  
26 APPROACHES TO DISCIPLINE AND RECOMMEND BEST PRACTICES FOR  
27 INCLUSION IN THE RESOURCE BANK DESCRIBED IN SUBSECTION (6)(a)(X)

1 OF THIS SUBSECTION;

2 (VII) RECOMMEND PROCESSES AND PROVIDE RESOURCES FOR  
3 PUBLIC ENGAGEMENT IN A LOCAL SCHOOL BOARD'S DISCUSSIONS OF  
4 DISCIPLINE DATA AND DEVELOPMENT OF IMPROVEMENT PLANS TO  
5 ADDRESSEVIDENCE OF DISPROPORTIONALITY IN DISCIPLINARY PRACTICES;

6 (VIII) REVIEW EXISTING PUBLIC ENGAGEMENT PROCESSES  
7 IMPLEMENTED WITHIN THE FRAMEWORK OF SCHOOL ACCOUNTABILITY  
8 PLANS PURSUANT TO ARTICLE 11 OF THIS TITLE 22 AND THE SAFE SCHOOL  
9 REPORTING REQUIREMENTS PURSUANT TO SECTION 22-32-109.1 (2) AND  
10 DETERMINE WHETHER TO ESTABLISH A NEW PUBLIC ENGAGEMENT PROCESS  
11 FOR DISCIPLINE DATA REVIEW AND RESPONSE;

12 (IX) ANALYZE THE COSTS AND TIME FRAMES REQUIRED TO  
13 IMPLEMENT ANY OF THE RECOMMENDED CHANGES TO THE DISCIPLINE  
14 REPORTING SYSTEM;

15 (X) RECOMMEND SPECIFIC MATERIALS TO BE INCLUDED IN A  
16 RESOURCE BANK THAT THE DEPARTMENT SHALL DEVELOP AND MAINTAIN,  
17 INCLUDING TRAINING MATERIALS AND RESOURCES FOR LOCAL EDUCATION  
18 PROVIDERS TO USE TO IDENTIFY AND ADDRESS DISPROPORTIONATE  
19 DISCIPLINARY PRACTICES THAT ARE TAILORED FOR USE IN SCHOOL  
20 DISTRICTS OF VARYING SIZE AND STUDENT DEMOGRAPHICS;

21 (XI) DEVELOP AND EXPAND ALTERNATIVE APPROACHES TO  
22 DISCIPLINE AND ADDRESS CONCERNS AROUND WORKFORCE AND OTHER  
23 RESOURCE SHORTAGES IN SCHOOL DISTRICTS; AND

24 (XII) RECOMMEND LEGISLATION, AS NECESSARY.

25 (b) THE TASK FORCE SHALL CONSULT WITH ADDITIONAL  
26 STAKEHOLDERS AND EXPERTS AS NEEDED TO INFORM DISCUSSIONS AND TO  
27 ADDRESS QUESTIONS NECESSARY TO FINALIZE ITS FINDINGS AND



1 RECOMMENDATIONS.

2 (7) (a) ON OR BEFORE AUGUST 1, 2024, THE TASK FORCE SHALL  
3 SUBMIT A FINAL REPORT, INCLUDING ITS FINDINGS AND  
4 RECOMMENDATIONS ON ISSUES IDENTIFIED IN SUBSECTION (6) OF THIS  
5 SECTION TO THE REVIEW COMMITTEE; THE EDUCATION COMMITTEES OF  
6 THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR  
7 COMMITTEES; THE GOVERNOR; THE STATE BOARD; AND THE DEPARTMENT.

8 (b) THE TASK FORCE SHALL PRESENT ITS FINDINGS AND  
9 RECOMMENDATIONS TO THE REVIEW COMMITTEE DURING THE FIRST  
10 MEETING OF THE REVIEW COMMITTEE IN 2024.

11 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

12 =====

13 **SECTION 2.** In Colorado Revised Statutes, 22-33-106, **amend**  
14 (1.2) as follows:

15 **22-33-106. Grounds for suspension, expulsion, and denial of**  
16 **admission.** (1.2) ~~Each school district is encouraged to~~ **SHALL** consider  
17 each of the following factors before suspending or expelling a student  
18 pursuant to a ~~provision of~~ subsection (1) of this section:

19 **SECTION 3. Appropriation.** (1) For the 2023-24 state fiscal  
20 year, \$163,880 is appropriated to the department of education. This  
21 appropriation is from the general fund and is based on an assumption that  
22 the department will require an additional 0.5 FTE. To implement this act,  
23 the department may use this appropriation for a school discipline task  
24 force.

25 (2) For the 2023-24 state fiscal year, \$1,415 is appropriated to the  
26 legislative department for use by the general assembly. This appropriation  
27 is from the general fund. To implement this act, the general assembly may

1 use this appropriation for legislator per diem and travel reimbursement.

2           **SECTION 4. Act subject to petition - effective date.** This act  
3 takes effect at 12:01 a.m. on the day following the expiration of the  
4 ninety-day period after final adjournment of the general assembly; except  
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
6 of the state constitution against this act or an item, section, or part of this  
7 act within such period, then the act, item, section, or part will not take  
8 effect unless approved by the people at the general election to be held in  
9 November 2024 and, in such case, will take effect on the date of the  
10 official declaration of the vote thereon by the governor.