A BILL FOR AN ACT

CONCERNING BEST PRACTICES FOR RESPONDING TO DISCRIMINATORY
CONDUCT IN SCHOOLS, AND, IN CONNECTION THEREWITH,
DEVELOPING TRAINING CONSISTENT WITH THE BEST PRACTICES
AND MAKING AN APPROPRIATION.

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 enter into an agreement with an organization (selected organization) to develop best practices for local education providers, and specifically public
schools, to effectively respond to reports of harassment or discrimination. The selected organization shall submit a report to the department, the office of school safety, and the general assembly's education committees that includes an explanation of the best practices developed by the selected organization.

Current law requires public schools to provide training to all employees about harassment and discrimination, beginning no later than July 1, 2024. The bill repeals that deadline and instead requires harassment and discrimination training beginning with employee training for the 2025-26 school year, with the training beginning no later than December 31, 2025. The bill requires that harassment and discrimination training that occurs after August 1, 2025, be consistent with the best practices developed by the selected organization.

The bill requires the selected organization to develop a harassment or discrimination training program curriculum for use by schools that is consistent with the best practices developed by the selected organization and that complies with the requirements for public schools' harassment and discrimination training. The department shall make the training program curriculum available to public schools at no cost.

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

SECTION 1. In Colorado Revised Statutes, 22-1-143, amend (4) introductory portion and (4)(a); and add (1)(b.5), (1)(e.5), (4.2), and (8) as follows:

22-1-143. Harassment or discrimination - policy required - training and notification - definitions. (1) As used in this section, unless the context otherwise requires:

(b.5) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED IN SECTION 24-1-115.

(e.5) "OFFICE OF SCHOOL SAFETY" MEANS THE OFFICE OF SCHOOL SAFETY CREATED IN SECTION 24-33.5-2702.

(4) Beginning with the training conducted for employees for the 2025-26 school year, but beginning no later than July 1, 2024 December 31, 2025, each public school shall provide training to all...
employees about harassment and discrimination. Each new employee of
da public school must complete training upon hiring and at least
every three years thereafter; except that an employee must complete training when transferring from a position working with
elementary school-aged students to a position working with secondary
school-aged students, or transferring from a position working with
secondary school-aged students to a position working with elementary
school-aged students. The training must be provided during the
employee's normal working hours. Training provided on and after
August 1, 2025, must be consistent with the best practices
developed pursuant to subsection (8) of this section. A public
school may use the training developed and made available to
schools pursuant to subsection (8)(h) of this section. The training
must include, at a minimum, instruction on the following:

(a) Recognizing harassment or discrimination, including
indicators of grooming and child sexual abuse, and distinguishing
harassment and discrimination from bullying;

(4.2) The training for employees who have direct
supervision of students described in subsection (4)(d) of this
section must include instruction that is specific based on
whether the employee is supervising elementary school-aged
students or secondary school-aged students.

(8) (a) The department shall enter into an agreement with
an organization to develop best practices for local education
providers, including public schools, to effectively respond to
reports of harassment or discrimination.

(b) The department shall convene an evaluation
COMMITTEE TO SELECT THE ORGANIZATION. THE COMMISSIONER OF EDUCATION SHALL DETERMINE THE COMPOSITION OF THE COMMITTEE; EXCEPT THAT THE EVALUATION COMMITTEE MUST INCLUDE:

(I) TWO REPRESENTATIVES WHO EACH REPRESENT A SCHOOL DISTRICT, ONE OF WHOM REPRESENTS A RURAL SCHOOL DISTRICT, APPOINTED BY THE COMMISSIONER OF EDUCATION;

(II) TWO PERSONS WHO REPRESENT AN ORGANIZATION THAT ADVOCATES FOR STUDENTS WHO FACE HARASSMENT OR DISCRIMINATION, APPOINTED BY THE COMMISSIONER OF EDUCATION;

(III) TWO PERSONS WITH LIVED EXPERIENCE OF HAVING FACED HARASSMENT OR DISCRIMINATION, APPOINTED BY THE COMMISSIONER OF EDUCATION;

(IV) TWO STUDENTS WHO ARE IN GRADES SEVEN THROUGH TWELVE, ONE OF WHOM ATTENDS SCHOOL IN A RURAL SCHOOL DISTRICT, APPOINTED BY THE COMMISSIONER OF EDUCATION; AND

(V) TWO REPRESENTATIVES FROM THE OFFICE OF SCHOOL SAFETY, APPOINTED BY THE DIRECTOR OF THE OFFICE OF SCHOOL SAFETY.

(c) THE ORGANIZATION SELECTED PURSUANT TO THIS SUBSECTION (8) MUST HAVE EXPERIENCE IN K-12 EDUCATION, HAVE EXPERTISE IN TRAUMA-INFORMED RESPONSES TO HARASSMENT OR DISCRIMINATION FOR K-12-AGED STUDENTS, AND HAVE EXPERTISE IN THE MINIMUM TRAINING TOPICS SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(d) THE SELECTED ORGANIZATION SHALL DEVELOP BEST PRACTICES FOR THE FOLLOWING:

(I) NOTIFICATIONS BY SCHOOLS AND LOCAL EDUCATION PROVIDERS TO STUDENTS AND PARENTS OF HARASSMENT OR DISCRIMINATION POLICIES AND PROCEDURES;
(II) How employees accept and respond to reports of harassment or discrimination;

(III) Implementing trauma-informed responses to students; and

(IV) Training for employees about their responsibilities when responding to harassment or discrimination, including distinguishing between bullying and harassment or discrimination, when possible.

(e) The best practices developed pursuant to this subsection (8) must be aligned with the goal of a local education provider or school conducting effective and impartial investigations of reports of harassment or discrimination and comply with the requirements for the training described in subsection (4) of this section.

(f) When developing the best practices described in subsection (8)(d) of this section, the selected organization shall evaluate a sample of school harassment or discrimination policies adopted by various schools nationwide and solicit and consider input from schools and local education providers statewide; the department; and the Office of School Safety. The selected organization shall also consider the resources of rural schools and local education providers. Upon request of the organization, the department shall assist the organization in soliciting feedback from schools and local education providers.

(g) (I) On or before December 31, 2024, the organization shall submit a report to the department, the Office of School
SAFETY, AND THE HOUSE OF REPRESENTATIVES EDUCATION COMMITTEE
AND THE SENATE EDUCATION COMMITTEE, OR THEIR SUCCESSOR
COMMITTEES. THE REPORT MUST INCLUDE AN EXPLANATION OF THE BEST
PRACTICES DEVELOPED PURSUANT TO SUBSECTION (8)(d) OF THIS SECTION
AND ANY OTHER RELEVANT RECOMMENDATIONS OF THE ORGANIZATION.
The department shall post the report on its website and provide
the report to each local education provider.

(II) THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS
PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
SECTION 2-7-203 THAT OCCURS DURING THE 2025 REGULAR LEGISLATIVE
SESSION, INFORMATION CONCERNING THE ORGANIZATION'S REPORT.

(h) THE ORGANIZATION SHALL DEVELOP A HARASSMENT OR
DISCRIMINATION TRAINING PROGRAM FOR USE BY SCHOOLS. THE
TRAINING PROGRAM MUST BE CONSISTENT WITH THE BEST PRACTICES
DEVELOPED BY THE ORGANIZATION PURSUANT TO THIS SUBSECTION (8)
AND COMPLY WITH THE REQUIREMENTS FOR THE TRAINING DESCRIBED IN
SUBSECTION (4) OF THIS SECTION. ON OR BEFORE APRIL 1, 2025, THE
ORGANIZATION SHALL PROVIDE THE TRAINING PROGRAM MATERIALS TO
THE DEPARTMENT. THE DEPARTMENT SHALL MAKE THE TRAINING
PROGRAM MATERIALS AVAILABLE TO PUBLIC SCHOOLS AT NO COST TO THE
SCHOOL.

(i) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE
PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,
DEVELOPING BEST PRACTICES TO EFFECTIVELY RESPOND TO REPORTS OF
HARASSMENT OR DISCRIMINATION, AS DESCRIBED IN THIS SUBSECTION (8),
IMPROVES STUDENT SAFETY AND MAY THEREFORE RECEIVE FUNDING FROM
THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX
OF THE STATE CONSTITUTION.

(j) THE DEPARTMENT SHALL NOT USE MORE THAN TEN PERCENT OF
THE MONEY APPROPRIATED TO DEVELOP BEST PRACTICES TO EFFECTIVELY
RESPOND TO REPORTS OF HARASSMENT OR DISCRIMINATION, AS DESCRIBED
IN THIS SUBSECTION (8), FOR THE ADMINISTRATIVE COSTS INCURRED
RELATED TO DEVELOPING THE BEST PRACTICES.

SECTION 2. Appropriation. For the 2024-25 state fiscal year,
$111,111 is appropriated to the department of education for use by
management and administration. This appropriation is from the state
education fund created in section 17 (4) of article IX of the state
constitution. To implement this act, the department may use this
appropriation for training for local education providers on responding to
harassment and discrimination reports.

SECTION 3. Safety clause. The general assembly finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, or safety or for appropriations for
the support and maintenance of the departments of the state and state
institutions.