

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
9.9.22

BILL 6

LLS NO. 23-0170.01 Alana Rosen x2606

INTERIM COMMITTEE BILL

Colorado Youth Advisory Council Committee

BILL TOPIC: "Disproportionate Discipline In Public Schools"

DEADLINES: File by: 9/9/2022

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

*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
15 STUDENTS, AND HISPANIC STUDENTS WERE 1.7 TIMES MORE LIKELY TO BE

1 SUSPENDED THAN WHITE STUDENTS; AND

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

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

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

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

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

26 (c) "DISAGGREGATED STUDENT DATA" MEANS STUDENT DATA
27 DISAGGREGATED BY GENDER, GRADE LEVEL, RACE, ETHNICITY,

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

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

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

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

26 (b) AS PART OF THE POLICY TO ADDRESS DISPROPORTIONATE
27 DISCIPLINE, EACH LOCAL EDUCATION PROVIDER IS ENCOURAGED TO

1 PROVIDE TRAINING CONCERNING BEST PRACTICES AND SKILLS TO ADDRESS
2 DISPROPORTIONATE DISCIPLINE AND TO CREATE NEW, INCLUSIONARY
3 APPROACHES TO DISCIPLINE.

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

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

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

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

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

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

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

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

25 **22-33-106. Grounds for suspension, expulsion, and denial of**
26 **admission.** (1.2) (a) Each school district ~~is encouraged to~~ SHALL consider
27 each of the following factors before suspending or expelling a student

1 pursuant to ~~a provision~~ of subsection (1) of this section:

2 ~~(a)~~ (I) The age of the student;

3 ~~(b)~~ (II) The disciplinary history of the student;

4 ~~(c)~~ (III) Whether the student has a disability;

5 ~~(d)~~ (IV) The seriousness of the violation committed by the
6 student;

7 ~~(e)~~ (V) Whether the violation committed by the student threatened
8 the safety of any student or staff member; and

9 ~~(f)~~ (VI) Whether a lesser intervention would properly address the
10 violation committed by the student.

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

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