

CHAPTER 173

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 11-1254

BY REPRESENTATIVE(S) Priola and Schafer S., Casso, Court, Ferrandino, Fields, Fischer, Hamner, Kefalas, Kerr J., Labuda, Massey, McCann, Pace, Peniston, Ryden, Solano, Todd, Vigil, Wilson;
also SENATOR(S) Steadman, Aguilar, Bacon, Boyd, Carroll, Foster, Giron, Guzman, Heath, Hodge, Hudak, Jahn, King S., Morse, Newell, Nicholson, Roberts, Schwartz, Spence, Tochtrop, White, Williams S.

AN ACT**CONCERNING MEASURES TO REDUCE THE FREQUENCY OF BULLYING IN SCHOOLS.**

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

SECTION 1. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 93**School Bullying Prevention and Education Grant Program**

22-93-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BULLYING" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 22-32-109.1 (2) (a) (X) (B).

(2) "CASH FUND" MEANS THE SCHOOL BULLYING PREVENTION AND EDUCATION CASH FUND CREATED IN SECTION 22-93-105.

(3) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

(4) "FACILITY SCHOOL" MEANS AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402 (1).

(5) "PROGRAM" MEANS THE SCHOOL BULLYING PREVENTION AND EDUCATION GRANT PROGRAM CREATED IN SECTION 22-93-102.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(6) "PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT, A DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, OR A BOARD OF COOPERATIVE SERVICES, AS DEFINED IN SECTION 22-5-103.

(7) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22-93-102. School bullying prevention and education grant program - created. (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE SCHOOL BULLYING PREVENTION AND EDUCATION GRANT PROGRAM. UNDER THE PROGRAM, ON AND AFTER JULY 1, 2012, OR NOT MORE THAN NINETY DAYS AFTER THE PROMULGATION OF RULES BY THE STATE BOARD PURSUANT TO SECTION 22-93-104, WHICHEVER IS LATER, A PUBLIC SCHOOL, A FACILITY SCHOOL, OR A COLLABORATIVE GROUP OF PUBLIC SCHOOLS OR FACILITY SCHOOLS MAY APPLY FOR A GRANT TO FUND EFFORTS TO REDUCE THE FREQUENCY OF BULLYING INCIDENTS. THE DEPARTMENT SHALL ADMINISTER THE PROGRAM IN CONSULTATION WITH THE SCHOOL SAFETY RESOURCE CENTER CREATED IN SECTION 24-33.5-1803, C.R.S.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE DEPARTMENT SHALL NOT BE REQUIRED TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE UNTIL SUFFICIENT MONEYS HAVE BEEN TRANSFERRED OR APPROPRIATED TO THE CASH FUND.

(3) THE DEPARTMENT IS HEREBY AUTHORIZED TO HIRE ANY EMPLOYEES NECESSARY TO CARRY OUT THE DUTIES ASSOCIATED WITH THE PROVISIONS OF THIS ARTICLE. THE CREATION OF ANY NEW POSITIONS OF EMPLOYMENT WITHIN THE DEPARTMENT PURSUANT TO THIS ARTICLE SHALL BE SUBJECT TO THE AVAILABILITY OF SUFFICIENT MONEYS IN THE CASH FUND AND SHALL BE ELIMINATED WHEN SUFFICIENT MONEYS ARE NO LONGER AVAILABLE IN THE CASH FUND. THE DEPARTMENT SHALL ENSURE THAT ALL POSITION DESCRIPTIONS AND NOTICES TO HIRE FOR POSITIONS CREATED PURSUANT TO THIS ARTICLE CLEARLY STATE THAT SUCH POSITIONS ARE SUBJECT TO THE AVAILABILITY OF SUFFICIENT MONEYS IN THE CASH FUND.

22-93-103. School bullying prevention and education grant program - grant process - reports by grant recipients. (1) THE DEPARTMENT SHALL SOLICIT AND REVIEW APPLICATIONS FROM PUBLIC SCHOOLS AND FACILITY SCHOOLS FOR GRANTS PURSUANT TO THIS SECTION. THE DEPARTMENT MAY AWARD GRANTS TO PUBLIC SCHOOLS, FACILITY SCHOOLS, AND COLLABORATIVE GROUPS OF PUBLIC SCHOOLS AND FACILITY SCHOOLS FOR PERIODS OF ONE TO THREE YEARS.

(2) EACH APPLICATION, AT A MINIMUM, SHALL DESCRIBE HOW THE APPLICANT PUBLIC SCHOOL, FACILITY SCHOOL, OR COLLABORATIVE GROUP OF PUBLIC SCHOOLS OR FACILITY SCHOOLS WILL USE ANY AWARDED GRANT MONEYS TO REDUCE THE FREQUENCY OF BULLYING INCIDENTS. EACH GRANT RECIPIENT SHALL USE ITS GRANT MONEYS TO SUPPLEMENT AND NOT SUPPLANT ANY MONEYS CURRENTLY BEING USED BY THE GRANT RECIPIENT TO REDUCE THE FREQUENCY OF BULLYING INCIDENTS.

(3) THE DEPARTMENT SHALL SELECT THOSE PUBLIC SCHOOLS, FACILITY SCHOOLS, AND COLLABORATIVE GROUPS OF PUBLIC SCHOOLS AND FACILITY SCHOOLS THAT

WILL RECEIVE GRANTS PURSUANT TO THIS SECTION AND THE DURATION AND AMOUNT OF EACH GRANT. IN SELECTING THE GRANT RECIPIENTS, THE DEPARTMENT, AT A MINIMUM, SHALL TAKE INTO ACCOUNT THE CRITERIA ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-93-104 (1) (b).

(4) ON OR BEFORE A DATE SPECIFIED BY RULE OF THE STATE BOARD PURSUANT TO SECTION 22-93-104 (1) (d), THE DEPARTMENT SHALL SUBMIT ANNUALLY TO THE STATE BOARD AND TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE FOLLOWING INFORMATION REGARDING THE ADMINISTRATION OF THE PROGRAM IN THE PRECEDING YEAR:

(a) THE NUMBER OF GRANT RECIPIENTS THAT RECEIVED GRANTS UNDER THE PROGRAM;

(b) THE AMOUNT OF EACH GRANT AWARDED TO EACH GRANT RECIPIENT;

(c) THE AVERAGE AMOUNT OF EACH GRANT AWARDED UNDER THE PROGRAM;

(d) THE NUMBER OF PUPILS WHO ARE EITHER ENROLLED AT EACH PUBLIC SCHOOL OF EACH GRANT RECIPIENT OR RECEIVING SERVICES THROUGH EACH FACILITY SCHOOL OF EACH GRANT RECIPIENT; AND

(e) THE SOURCE AND AMOUNT OF EACH GIFT, GRANT, AND DONATION RECEIVED BY THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS ARTICLE PURSUANT TO SECTION 22-93-105 (3) (b).

(5) IN SELECTING GRANT RECIPIENTS, THE DEPARTMENT, TO THE EXTENT POSSIBLE, SHALL ENSURE THAT GRANTS ARE AWARDED TO PUBLIC SCHOOLS, FACILITY SCHOOLS, AND COLLABORATIVE GROUPS OF PUBLIC SCHOOLS AND FACILITY SCHOOLS IN A VARIETY OF GEOGRAPHIC AREAS OF THE STATE.

(6) EACH GRANT RECIPIENT SHALL SUBMIT A WRITTEN REPORT TO THE DEPARTMENT NOT LATER THAN SIX MONTHS AFTER THE EXPIRATION OF THE TERM OF THE GRANT CONCERNING THE EFFECTIVENESS OR INEFFECTIVENESS OF EACH USE OF GRANT MONEYS BY THE GRANT RECIPIENT IN REDUCING THE FREQUENCY OF BULLYING INCIDENTS.

22-93-104. Rules. (1) ON OR BEFORE APRIL 1, 2012, OR NOT MORE THAN NINETY DAYS AFTER THE DEPARTMENT RECEIVES SUFFICIENT MONEYS TO IMPLEMENT THIS ARTICLE AS DESCRIBED IN SECTION 22-93-102 (2), WHICHEVER IS LATER, THE STATE BOARD SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THIS ARTICLE, INCLUDING BUT NOT LIMITED TO:

(a) APPLICATION PROCEDURES BY WHICH PUBLIC SCHOOLS, FACILITY SCHOOLS, AND COLLABORATIVE GROUPS OF PUBLIC SCHOOLS AND FACILITY SCHOOLS MAY APPLY FOR GRANTS PURSUANT TO THIS ARTICLE;

(b) CRITERIA FOR THE DEPARTMENT TO APPLY IN SELECTING THE PUBLIC SCHOOLS, FACILITY SCHOOLS, AND COLLABORATIVE GROUPS OF PUBLIC SCHOOLS AND FACILITY SCHOOLS THAT SHALL RECEIVE GRANTS AND DETERMINING THE AMOUNT OF GRANT MONEYS TO BE AWARDED TO EACH GRANT RECIPIENT, WHICH CRITERIA, AT A

MINIMUM, SHALL REQUIRE EACH GRANT RECIPIENT TO:

(I) USE AWARDED GRANT MONEYS FOR PURPOSES THAT ARE BASED UPON EVIDENCE-BASED BEST PRACTICES FOR PREVENTING BULLYING;

(II) USE AT LEAST A PORTION OF AWARDED GRANT MONEYS FOR THE PURPOSE OF EDUCATING STUDENTS' PARENTS AND LEGAL GUARDIANS REGARDING THE GRANT RECIPIENT'S POLICIES CONCERNING BULLYING PREVENTION AND EDUCATION AND THE GRANT RECIPIENT'S ONGOING EFFORTS TO REDUCE THE FREQUENCY OF BULLYING INCIDENTS; AND

(III) ADOPT A SPECIFIC POLICY CONCERNING BULLYING EDUCATION AND PREVENTION THAT INCLUDES:

(A) PROVISIONS FOR THE BIENNIAL ADMINISTRATION OF SURVEYS OF STUDENTS' IMPRESSIONS OF THE SEVERITY OF BULLYING IN THEIR SCHOOLS, THE ADMINISTRATION OF WHICH SURVEYS, AT A MINIMUM, SHALL SATISFY THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (1); AND

(B) THE DESIGNATION OF A TEAM OF PERSONS AT EACH SCHOOL OF THE SCHOOL DISTRICT WHO ADVISE THE SCHOOL ADMINISTRATION CONCERNING THE SEVERITY AND FREQUENCY OF BULLYING INCIDENTS THAT OCCUR IN THE SCHOOL, WHICH TEAM MAY INCLUDE, BUT NEED NOT BE LIMITED TO, LAW ENFORCEMENT OFFICIALS, SOCIAL WORKERS, PROSECUTORS, HEALTH PROFESSIONALS, MENTAL HEALTH PROFESSIONALS, COUNSELORS, TEACHERS, ADMINISTRATORS, PARENTS, AND STUDENTS.

(c) RULES FOR THE ADMINISTRATION OF SURVEYS OF STUDENTS' IMPRESSIONS OF THE SEVERITY OF BULLYING IN THEIR SCHOOLS, WHICH PROCEDURES, AT A MINIMUM, SHALL INCLUDE:

(I) PROCEDURES FOR THE DISTRIBUTION, COLLECTION, STANDARDIZATION, AND ANALYSIS OF DATA COLLECTED IN EACH SURVEY, WHICH PROCEDURES SHALL ENSURE THE CONFIDENTIALITY OF EACH STUDENT'S ANSWERS TO THE SURVEY AND CLARIFY THAT THE COMPLETION OF A SURVEY SHALL BE VOLUNTARY AND SHALL NOT BE REQUIRED OF ANY STUDENT;

(II) CERTAIN QUESTIONS THAT EACH SURVEY SHALL ASK OF EACH STUDENT CONCERNING HOW FREQUENTLY THE STUDENT WITNESSES BULLYING AT HIS OR HER SCHOOL AND HOW FREQUENTLY THE STUDENT PERCEIVES HIMSELF OR HERSELF TO BE A VICTIM OF BULLYING; AND

(III) PROVISIONS TO ENSURE THAT, TO THE EXTENT PRACTICABLE, A SCHOOL DISTRICT OR SCHOOL, INCLUDING A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER SCHOOL, MAY UTILIZE EXISTING FORMS AND PROCEDURES IN ADMINISTERING THE SURVEYS.

(d) THE DESIGNATION OF A DATE BY WHICH THE DEPARTMENT SHALL ANNUALLY SUBMIT TO THE STATE BOARD AND TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE

INFORMATION DESCRIBED IN SECTION 22-93-103 (4).

22-93-105. School bullying prevention and education cash fund - created.

(1) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY THE SCHOOL BULLYING PREVENTION AND EDUCATION CASH FUND. THE CASH FUND SHALL CONSIST OF MONEYS TRANSFERRED THERETO PURSUANT TO SUBSECTION (3) OF THIS SECTION AND ANY OTHER MONEYS THAT MAY BE MADE AVAILABLE BY THE GENERAL ASSEMBLY. THE MONEYS IN THE CASH FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS ARTICLE. ANY MONEYS NOT PROVIDED AS GRANTS MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED IN SECTION 24-36-113, C.R.S. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE CASH FUND SHALL BE CREDITED TO THE CASH FUND. ANY AMOUNT REMAINING IN THE CASH FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE CASH FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR TO ANY OTHER FUND.

(2) NO MORE THAN FIVE PERCENT OF THE MONEYS ANNUALLY EXPENDED FROM THE CASH FUND MAY BE USED FOR THE EXPENSES INCURRED BY THE DEPARTMENT IN ADMINISTERING THIS ARTICLE.

(3) (a) NO GENERAL FUND MONEYS SHALL BE APPROPRIATED TO THE CASH FUND FOR THE IMPLEMENTATION OF THIS ARTICLE.

(b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND PUBLIC OR PRIVATE GIFTS, GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE SOURCES TO IMPLEMENT THIS ARTICLE; EXCEPT THAT THE DEPARTMENT SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE OR ANY OTHER LAW OF THE STATE. THE DEPARTMENT SHALL TRANSFER ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, AND DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CASH FUND.

(4) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE THE DEPARTMENT TO SOLICIT MONEYS FOR THE PURPOSES OF THIS ARTICLE.

22-93-106. School bullying prevention and education - availability of best practices and other resources.

(1) ON OR BEFORE NOVEMBER 1, 2011, THE DEPARTMENT SHALL CREATE A PAGE ON ITS PUBLIC WEB SITE AT WHICH THE DEPARTMENT SHALL CONTINUOUSLY MAKE PUBLICLY AVAILABLE EVIDENCE-BASED BEST PRACTICES AND OTHER RESOURCES FOR EDUCATORS AND OTHER PROFESSIONALS ENGAGED IN BULLYING PREVENTION AND EDUCATION.

(2) THE DEPARTMENT SHALL SOLICIT EVIDENCE-BASED BEST PRACTICES AND OTHER RESOURCES FROM THE SCHOOL SAFETY RESOURCE CENTER CREATED IN SECTION 24-33.5-1803, C.R.S.; FROM SCHOOL DISTRICTS; FROM THE STATE CHARTER SCHOOL INSTITUTE ESTABLISHED IN SECTION 22-30.5-503; AND FROM OTHER STATE AND FEDERAL AGENCIES THAT ARE CONCERNED WITH SCHOOL BULLYING PREVENTION AND EDUCATION. THE DEPARTMENT SHALL REVIEW MATERIALS THAT IT RECEIVES AND, AS MAY BE APPROPRIATE, MAKE SUCH MATERIALS AVAILABLE TO THE PUBLIC ON THE WEB SITE DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

SECTION 2. 22-32-109.1 (2) (a) (IX), (2) (a) (X), and (2) (b) (IV) (G), Colorado Revised Statutes, are amended to read:

22-32-109.1. Board of education - specific powers and duties - safe schools.

(2) **Safe school plan.** In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, if necessary, any existing plans or policies already in effect, which shall include, but not be limited to, the following:

(a) **Conduct and discipline code.** A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The code shall include, but shall not be limited to:

(IX) A dress code policy that ENCOURAGES SCHOOL PRIDE AND UNITY, PROMOTES UNIFORMITY OF DRESS, AND defines and prohibits students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school. The dress code policy may require students to wear a school uniform or may establish minimum standards of dress; and

(X) (A) On and after August 8, 2001, a specific policy concerning bullying prevention and education. ~~For purposes of this subparagraph (X), "bullying" means any written or verbal expression, or physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated school vehicle stop, or at school activities or sanctioned events. The school district's policy shall, include a reasonable balance between the pattern and the severity of such bullying behavior~~ EACH SCHOOL DISTRICT IS ENCOURAGED TO ENSURE THAT ITS POLICY, AT A MINIMUM, INCORPORATES THE BIENNIAL ADMINISTRATION OF SURVEYS OF STUDENTS' IMPRESSIONS OF THE SEVERITY OF BULLYING IN THEIR SCHOOLS, AS DESCRIBED IN SECTION 22-93-104 (1) (c); CHARACTER BUILDING; AND THE DESIGNATION OF A TEAM OF PERSONS AT EACH SCHOOL OF THE SCHOOL DISTRICT WHO ADVISE THE SCHOOL ADMINISTRATION CONCERNING THE SEVERITY AND FREQUENCY OF BULLYING INCIDENTS THAT OCCUR IN THE SCHOOL, WHICH TEAM MAY INCLUDE, BUT NEED NOT BE LIMITED TO, LAW ENFORCEMENT OFFICIALS, SOCIAL WORKERS, PROSECUTORS, HEALTH PROFESSIONALS, MENTAL HEALTH PROFESSIONALS, COUNSELORS, TEACHERS, ADMINISTRATORS, PARENTS, AND STUDENTS. EACH SCHOOL DISTRICT'S POLICY SHALL SET FORTH APPROPRIATE DISCIPLINARY CONSEQUENCES FOR STUDENTS WHO BULLY OTHER STUDENTS AND FOR ANY PERSON WHO TAKES ANY RETALIATORY ACTION AGAINST A STUDENT WHO REPORTS IN GOOD FAITH AN INCIDENT OF BULLYING, WHICH CONSEQUENCES SHALL COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS.

(B) FOR PURPOSES OF THIS SUBPARAGRAPH (X), "BULLYING" MEANS ANY WRITTEN OR VERBAL EXPRESSION, OR PHYSICAL OR ELECTRONIC ACT OR GESTURE,

OR A PATTERN THEREOF, THAT IS INTENDED TO COERCE, INTIMIDATE, OR CAUSE ANY PHYSICAL, MENTAL, OR EMOTIONAL HARM TO ANY STUDENT. BULLYING IS PROHIBITED AGAINST ANY STUDENT FOR ANY REASON, INCLUDING BUT NOT LIMITED TO ANY SUCH BEHAVIOR THAT IS DIRECTED TOWARD A STUDENT ON THE BASIS OF HIS OR HER ACADEMIC PERFORMANCE; OR AGAINST WHOM FEDERAL AND STATE LAWS PROHIBIT DISCRIMINATION UPON ANY OF THE BASES DESCRIBED IN SECTION 22-32-109 (1) (II) (I). THIS DEFINITION IS NOT INTENDED TO INFRINGE UPON ANY RIGHT GUARANTEED TO ANY PERSON BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION OR TO PREVENT THE EXPRESSION OF ANY RELIGIOUS, POLITICAL, OR PHILOSOPHICAL VIEWS.

(b) **Safe school reporting requirements.** A policy whereby the principal of each public school in a school district shall submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of such school district concerning the learning environment in the school during that school year. The board of education of the school district annually shall compile the reports from every school in the district and shall submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report shall be made available to the general public. Such report shall include, but need not be limited to, the following specific information for the preceding school year:

(IV) The number of conduct and discipline code violations, each of which violations shall be reported only in the most serious category that is applicable to that violation, including but not limited to specific information on the number of and the action taken with respect to each of the following types of violations:

(G) Behavior on school property that is detrimental to the welfare or safety of other students or of school personnel, including BUT NOT LIMITED TO INCIDENTS OF BULLYING, AS DESCRIBED BY SUBPARAGRAPH (X) OF PARAGRAPH (a) OF THIS SUBSECTION (2), AND OTHER behavior that creates a threat of physical harm to the student or to other students;

SECTION 3. Part 1 of article 30.5 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-30.5-116. Charter schools - school bullying policies required. (1) ON OR BEFORE OCTOBER 1, 2011, EACH CHARTER SCHOOL SHALL ADOPT AND IMPLEMENT A POLICY CONCERNING BULLYING PREVENTION AND EDUCATION. EACH CHARTER SCHOOL'S POLICY, AT A MINIMUM, SHALL SET FORTH APPROPRIATE DISCIPLINARY CONSEQUENCES FOR STUDENTS WHO BULLY OTHER STUDENTS AND FOR ANY PERSON WHO TAKES ANY RETALIATORY ACTION AGAINST A STUDENT WHO REPORTS IN GOOD FAITH AN INCIDENT OF BULLYING, WHICH CONSEQUENCES SHALL COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS.

(2) FOR THE PURPOSES OF THIS SECTION, "BULLYING" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 22-32-109.1 (2) (a) (X) (B).

(3) EACH CHARTER SCHOOL IS ENCOURAGED TO ENSURE THAT ITS POLICY, AT A MINIMUM, INCORPORATES THE BIENNIAL ADMINISTRATION OF SURVEYS OF STUDENTS' IMPRESSIONS OF THE SEVERITY OF BULLYING IN THEIR SCHOOLS, AS DESCRIBED IN

SECTION 22-93-104 (1) (c); INCLUDES CHARACTER BUILDING; AND INCLUDES THE DESIGNATION OF A TEAM OF PERSONS AT EACH SCHOOL OF THE SCHOOL DISTRICT WHO ADVISE THE SCHOOL ADMINISTRATION CONCERNING THE SEVERITY AND FREQUENCY OF BULLYING INCIDENTS THAT OCCUR IN THE SCHOOL, WHICH TEAM MAY INCLUDE, BUT NEED NOT BE LIMITED TO, LAW ENFORCEMENT OFFICIALS, SOCIAL WORKERS, PROSECUTORS, HEALTH PROFESSIONALS, MENTAL HEALTH PROFESSIONALS, COUNSELORS, TEACHERS, ADMINISTRATORS, PARENTS, AND STUDENTS.

SECTION 4. 22-30.5-502, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-30.5-502. Definitions. As used in this part 5, unless the context otherwise requires:

(2.5) "BULLYING" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 22-32-109.1 (2) (a) (X) (B).

SECTION 5. 22-30.5-505, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules - repeal. (19) (a) PURSUANT TO SECTION 22-30.5-521, ON OR BEFORE OCTOBER 1, 2011, THE INSTITUTE SHALL ADOPT AND IMPLEMENT A POLICY CONCERNING BULLYING PREVENTION AND EDUCATION. THE POLICY, AT A MINIMUM, SHALL SET FORTH APPROPRIATE DISCIPLINARY CONSEQUENCES FOR STUDENTS WHO BULLY OTHER STUDENTS AND FOR ANY PERSON WHO TAKES ANY RETALIATORY ACTION AGAINST A STUDENT WHO REPORTS IN GOOD FAITH AN INCIDENT OF BULLYING, WHICH CONSEQUENCES SHALL COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS.

(b) THE INSTITUTE IS ENCOURAGED TO INCLUDE IN THE POLICY IT ADOPTS AND IMPLEMENTS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (19) THE BIENNIAL ADMINISTRATION OF SURVEYS OF STUDENTS' IMPRESSIONS OF THE SEVERITY OF BULLYING IN THEIR SCHOOLS, AS DESCRIBED IN SECTION 22-93-104 (1) (c); CHARACTER BUILDING; AND THE DESIGNATION OF A TEAM OF PERSONS AT EACH INSTITUTE CHARTER SCHOOL WHO ADVISE THE SCHOOL ADMINISTRATION CONCERNING THE SEVERITY AND FREQUENCY OF BULLYING INCIDENTS THAT OCCUR IN THE SCHOOL, WHICH TEAM MAY INCLUDE, BUT NEED NOT BE LIMITED TO, LAW ENFORCEMENT OFFICIALS, SOCIAL WORKERS, PROSECUTORS, HEALTH PROFESSIONALS, MENTAL HEALTH PROFESSIONALS, COUNSELORS, TEACHERS, ADMINISTRATORS, PARENTS, AND STUDENTS.

SECTION 6. Part 5 of article 30.5 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-30.5-521. Institute charter schools - school bullying policies required. ON OR BEFORE OCTOBER 1, 2011, EACH INSTITUTE CHARTER SCHOOL SHALL IMPLEMENT THE POLICY OF THE INSTITUTE CONCERNING BULLYING PREVENTION AND EDUCATION, WHICH POLICY IS ADOPTED BY THE INSTITUTE PURSUANT TO SECTION 22-30.5-505 (19).

SECTION 7. 24-33.5-1803 (3) (e), Colorado Revised Statutes, is amended, and the said 24-33.5-1803 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-33.5-1803. School safety resource center - created - duties. (3) The center has the following duties:

(e) To make information and other resources available to all schools and school officials; ~~and~~

(h) (I) TO CONSULT WITH SCHOOL DISTRICTS, SCHOOLS, AND CHARTER SCHOOLS CONCERNING EVIDENCE-BASED BEST PRACTICES FOR BULLYING PREVENTION AND EDUCATION;

(II) TO CONSULT WITH THE DEPARTMENT OF EDUCATION CONCERNING ITS ADMINISTRATION OF THE SCHOOL BULLYING PREVENTION AND EDUCATION GRANT PROGRAM CREATED IN SECTION 22-93-102, C.R.S.; AND

(III) TO SUBMIT EVIDENCE-BASED BEST PRACTICES FOR BULLYING PREVENTION AND EDUCATION TO THE DEPARTMENT OF EDUCATION FOR THE PURPOSES OF SECTION 22-93-106, C.R.S.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 13, 2011