

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 11-0238.01 Richard Sweetman

HOUSE BILL 11-1254

HOUSE SPONSORSHIP

Priola and Schafer S.,

SENATE SPONSORSHIP

Steadman,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO REDUCE THE FREQUENCY OF BULLYING IN**
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://www.leg.state.co.us/billsummaries>.)

The bill creates a legislative interim committee during the 2013 interim to study issues related to bullying in public schools. The interim committee shall report its findings and recommendations to the education committees of the senate and house of representatives, or any successor committees, on or before January 1, 2014.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
Am ended 2nd Reading
March 22, 2011

The bill creates the school bullying prevention and education grant program (program) in the department of education (department) to allow eligible applicants to apply for grants to fund programs to reduce the frequency of bullying incidents. The bill creates the school bullying prevention and education board (bullying board) and prescribes its membership and terms of service. The bullying board shall solicit and review applications from eligible applicants for grants. Applying certain minimum criteria, the bullying board may award grants for periods of one to three years. The bullying board shall submit annually to the department a list of grant recipients and the amount to be awarded to each grant recipient. In selecting grant recipients, the bullying board, to the extent possible, shall ensure that grants are awarded to eligible applicants in a variety of geographic areas of the state.

The state board shall promulgate rules for the administration of the program. The bullying board shall report to the governor and to the education committees of the senate and the house of representatives, or any successor committees, concerning the effectiveness of the programs that are funded by grants from the program. The bullying board may recommend statutory changes relating to bullying prevention and education.

The school bullying prevention and education cash fund (cash fund) is established in the state treasury. The department may seek and accept gifts, grants, and donations from public and private sources to fund the program.

The department shall not be required to implement the program until such time as sufficient moneys are transferred or appropriated to the cash fund.

The program is repealed, effective July 1, 2016. Prior to said repeal, the bullying board shall be subjected to the sunset review process.

The bill requires each local school district board of education's (local board's) bullying policy to include a requirement that the administration of each school of the school district shall maintain a record of each confirmed incident of bullying that occurs in the school. District charter schools and institute charter schools are also required to adopt and implement policies concerning bullying prevention and education.

The bill requires the dress code policy of each local board to encourage school pride and unity and promote uniformity of dress.

Each principal of a public school, including a district charter school or institute charter school, shall annually report specific information concerning incidents of bullying that occurred at the school during the preceding school year.

Neither an officer of a board of education nor a teacher or administrator of a school, including a district charter school or institute charter school, shall take any retaliatory action against a student who reports in good faith an incident of bullying.

Each board of education and each district charter school and institute charter school shall ensure that each teacher receives professional development training at least every two years concerning how to prevent and address instances of bullying.

Except as prohibited by state or federal law, a school district, public school, district charter school, institute charter school, or board of cooperative services (BOCES), or a threat assessment team of a school district, public school, district charter school, institute charter school, or BOCES, may share information about a student's disciplinary history or other personal information with a school district, public school, district charter school, institute charter school, or BOCES, or with a threat assessment team of a school district, public school, district charter school, institute charter school, or BOCES, for the purpose of assessing the risk of bullying that the student may pose.

Each school, including a district charter school or an institute charter school, shall annually survey each student enrolled in the school concerning the student's impressions of the severity of bullying in the school. The administration of the student surveys shall comply with rules promulgated by the state board. The principal of each school shall report annually, in a manner and by a date specified by rule of the state board of education, summary information concerning the surveys.

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

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

4 **ARTICLE 93**

5 **School Bullying Prevention and Education Grant Program**

6 **22-93-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

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

11 (2) AS USED IN THIS SECTION, "EVIDENCE-BASED BEST PRACTICES"
12 MEANS PRACTICES THAT INCORPORATE THE PREPONDERANCE OF
13 RESEARCH-BASED, SCIENTIFIC, PEER-REVIEW PUBLISHED EVIDENCE ON A
14 PARTICULAR SUBJECT.

15 **22-93-102. School bullying prevention and education grant**
16 **program - created.** (1) THERE IS HEREBY CREATED IN THE DEPARTMENT
17 THE SCHOOL BULLYING PREVENTION AND EDUCATION GRANT PROGRAM.
18 UNDER THE PROGRAM, ON AND AFTER JULY 1, 2012, OR NOT MORE THAN
19 NINETY DAYS AFTER THE PROMULGATION OF RULES BY THE STATE BOARD
20 PURSUANT TO SECTION 22-93-104, WHICHEVER IS LATER, A PUBLIC
21 SCHOOL, A FACILITY SCHOOL, OR A COLLABORATIVE GROUP OF PUBLIC
22 SCHOOLS OR FACILITY SCHOOLS MAY APPLY FOR A GRANT TO FUND
23 EFFORTS TO REDUCE THE FREQUENCY OF BULLYING INCIDENTS. THE
24 DEPARTMENT SHALL ADMINISTER THE PROGRAM IN CONSULTATION WITH
25 THE SCHOOL SAFETY RESOURCE CENTER CREATED IN SECTION
26 24-33.5-1803, C.R.S.

27 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,

1 THE DEPARTMENT SHALL NOT BE REQUIRED TO IMPLEMENT THE
2 PROVISIONS OF THIS ARTICLE UNTIL SUFFICIENT MONEYS HAVE BEEN
3 TRANSFERRED OR APPROPRIATED TO THE CASH FUND.

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

15 **22-93-103. School bullying prevention and education grant**
16 **program - grant process - reports by grant recipients.** (1) THE
17 DEPARTMENT SHALL SOLICIT AND REVIEW APPLICATIONS FROM PUBLIC
18 SCHOOLS AND FACILITY SCHOOLS FOR GRANTS PURSUANT TO THIS
19 SECTION. THE DEPARTMENT MAY AWARD GRANTS TO PUBLIC SCHOOLS,
20 FACILITY SCHOOLS, AND COLLABORATIVE GROUPS OF PUBLIC SCHOOLS
21 AND FACILITY SCHOOLS FOR PERIODS OF ONE TO THREE YEARS.

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

1 RECIPIENT TO REDUCE THE FREQUENCY OF BULLYING INCIDENTS.

2 (3) THE DEPARTMENT SHALL SELECT THOSE PUBLIC SCHOOLS,
3 FACILITY SCHOOLS, AND COLLABORATIVE GROUPS OF PUBLIC SCHOOLS
4 AND FACILITY SCHOOLS THAT WILL RECEIVE GRANTS PURSUANT TO THIS
5 SECTION AND THE DURATION AND AMOUNT OF EACH GRANT. IN SELECTING
6 THE GRANT RECIPIENTS, THE DEPARTMENT, AT A MINIMUM, SHALL TAKE
7 INTO ACCOUNT THE CRITERIA ESTABLISHED BY RULES PROMULGATED BY
8 THE STATE BOARD PURSUANT TO SECTION 22-93-104 (1) (b).

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

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

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

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

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

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

27 (5) IN SELECTING GRANT RECIPIENTS, THE DEPARTMENT, TO THE

1 EXTENT POSSIBLE, SHALL ENSURE THAT GRANTS ARE AWARDED TO PUBLIC
2 SCHOOLS, FACILITY SCHOOLS, AND COLLABORATIVE GROUPS OF PUBLIC
3 SCHOOLS AND FACILITY SCHOOLS IN A VARIETY OF GEOGRAPHIC AREAS OF
4 THE STATE.

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

10 **22-93-104. Rules.** (1) ON OR BEFORE APRIL 1, 2012, OR NOT
11 MORE THAN NINETY DAYS AFTER THE DEPARTMENT RECEIVES SUFFICIENT
12 MONEYS TO IMPLEMENT THIS ARTICLE AS DESCRIBED IN SECTION
13 22-93-102 (2), WHICHEVER IS LATER, THE STATE BOARD SHALL
14 PROMULGATE RULES FOR THE ADMINISTRATION OF THIS ARTICLE,
15 INCLUDING BUT NOT LIMITED TO:

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

20 (b) CRITERIA FOR THE DEPARTMENT TO APPLY IN SELECTING THE
21 PUBLIC SCHOOLS, FACILITY SCHOOLS, AND COLLABORATIVE GROUPS OF
22 PUBLIC SCHOOLS AND FACILITY SCHOOLS THAT SHALL RECEIVE GRANTS
23 AND DETERMINING THE AMOUNT OF GRANT MONEYS TO BE AWARDED TO
24 EACH GRANT RECIPIENT, WHICH CRITERIA, AT A MINIMUM, SHALL REQUIRE
25 EACH GRANT RECIPIENT TO:

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

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

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

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

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

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

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

1 STUDENT;

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

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

10 (d) THE DESIGNATION OF A DATE BY WHICH THE DEPARTMENT
11 SHALL ANNUALLY SUBMIT TO THE STATE BOARD AND TO THE EDUCATION
12 COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY
13 SUCCESSOR COMMITTEES, THE INFORMATION DESCRIBED IN SECTION
14 22-93-103 (4).

15 (2) AS USED IN THIS SECTION, "EVIDENCE-BASED BEST PRACTICES"
16 MEANS PRACTICES THAT INCORPORATE THE PREPONDERANCE OF
17 RESEARCH-BASED, SCIENTIFIC, PEER-REVIEW PUBLISHED EVIDENCE ON A
18 PARTICULAR SUBJECT.

19 **22-93-105. School bullying prevention and education cash**
20 **fund - created.** (1) THERE IS HEREBY ESTABLISHED IN THE STATE
21 TREASURY THE SCHOOL BULLYING PREVENTION AND EDUCATION CASH
22 FUND. THE CASH FUND SHALL CONSIST OF MONEYS TRANSFERRED
23 THERETO PURSUANT TO SUBSECTION (3) OF THIS SECTION AND ANY OTHER
24 MONEYS THAT MAY BE MADE AVAILABLE BY THE GENERAL ASSEMBLY.
25 THE MONEYS IN THE CASH FUND ARE CONTINUOUSLY APPROPRIATED TO
26 THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH
27 IMPLEMENTING THIS ARTICLE. ANY MONEYS NOT PROVIDED AS GRANTS

1 MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED IN SECTION
2 24-36-113, C.R.S. ALL INTEREST AND INCOME DERIVED FROM THE
3 INVESTMENT AND DEPOSIT OF MONEYS IN THE CASH FUND SHALL BE
4 CREDITED TO THE CASH FUND. ANY AMOUNT REMAINING IN THE CASH
5 FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE CASH FUND
6 AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
7 TO ANY OTHER FUND.

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

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

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

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

25 **22-93-106. School bullying prevention and education -**
26 **availability of best practices and other resources.** (1) ON OR BEFORE
27 NOVEMBER 1, 2011, THE DEPARTMENT SHALL CREATE A PAGE ON ITS

1 PUBLIC WEB SITE AT WHICH THE DEPARTMENT SHALL CONTINUOUSLY
2 MAKE PUBLICLY AVAILABLE EVIDENCE-BASED BEST PRACTICES AND OTHER
3 RESOURCES FOR EDUCATORS AND OTHER PROFESSIONALS ENGAGED IN
4 BULLYING PREVENTION AND EDUCATION.

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

15 (3) AS USED IN THIS SECTION, "EVIDENCE-BASED BEST PRACTICES"
16 MEANS PRACTICES THAT INCORPORATE THE PREPONDERANCE OF
17 RESEARCH-BASED, SCIENTIFIC, PEER-REVIEW PUBLISHED EVIDENCE ON A
18 PARTICULAR SUBJECT.

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

21 **22-32-109.1. Board of education - specific powers and duties**
22 **- safe schools. (2) Safe school plan.** In order to provide a learning
23 environment that is safe, conducive to the learning process, and free from
24 unnecessary disruption, following consultation with the school district
25 accountability committee and school accountability committees, parents,
26 teachers, administrators, students, student councils where available, and,
27 where appropriate, the community at large, each school district board of

1 education shall adopt and implement a safe school plan, or review and
2 revise, if necessary, any existing plans or policies already in effect, which
3 shall include, but not be limited to, the following:

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

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

16 (X) (A) On and after August 8, 2001, a specific policy concerning
17 bullying prevention and education. ~~For purposes of this subparagraph~~
18 ~~(X), "bullying" means any written or verbal expression, or physical act or~~
19 ~~gesture, or a pattern thereof, that is intended to cause distress upon one or~~
20 ~~more students in the school, on school grounds, in school vehicles, at a~~
21 ~~designated school vehicle stop, or at school activities or sanctioned~~
22 ~~events. The school district's policy shall, include a reasonable balance~~
23 ~~between the pattern and the severity of such bullying behavior~~ EACH
24 SCHOOL DISTRICT IS ENCOURAGED TO ENSURE THAT ITS POLICY, AT A
25 MINIMUM, INCORPORATES THE BIENNIAL ADMINISTRATION OF SURVEYS OF
26 STUDENTS' IMPRESSIONS OF THE SEVERITY OF BULLYING IN THEIR
27 SCHOOLS, AS DESCRIBED IN SECTION 22-93-104(1)(c), AND INCLUDES THE

1 DESIGNATION OF A TEAM OF PERSONS AT EACH SCHOOL OF THE SCHOOL
2 DISTRICT WHO ADVISE THE SCHOOL ADMINISTRATION CONCERNING THE
3 SEVERITY AND FREQUENCY OF BULLYING INCIDENTS THAT OCCUR IN THE
4 SCHOOL, WHICH TEAM MAY INCLUDE, BUT NEED NOT BE LIMITED TO, LAW
5 ENFORCEMENT OFFICIALS, SOCIAL WORKERS, PROSECUTORS, HEALTH
6 PROFESSIONALS, MENTAL HEALTH PROFESSIONALS, COUNSELORS,
7 TEACHERS, ADMINISTRATORS, PARENTS, AND STUDENTS. EACH SCHOOL
8 DISTRICT'S POLICY SHALL SET FORTH APPROPRIATE DISCIPLINARY
9 CONSEQUENCES FOR STUDENTS WHO BULLY OTHER STUDENTS, WHICH
10 CONSEQUENCES SHALL COMPLY WITH ALL APPLICABLE STATE AND
11 FEDERAL LAWS.

12 (B) FOR PURPOSES OF THIS SUBPARAGRAPH (X), "BULLYING"
13 MEANS ANY WRITTEN OR VERBAL EXPRESSION, OR PHYSICAL OR
14 ELECTRONIC ACT OR GESTURE, OR A PATTERN THEREOF, THAT IS INTENDED
15 TO COERCE, REPEATEDLY OR SYSTEMATICALLY INTIMIDATE, OR CAUSE
16 ANY PHYSICAL, MENTAL, OR EMOTIONAL HARM TO ANY STUDENT.
17 BULLYING IS PROHIBITED AGAINST ANY STUDENT FOR ANY REASON,
18 INCLUDING BUT NOT LIMITED TO ANY SUCH BEHAVIOR THAT IS DIRECTED
19 TOWARD A STUDENT AGAINST WHOM FEDERAL AND STATE LAWS PROHIBIT
20 DISCRIMINATION UPON ANY OF THE BASES DESCRIBED IN SECTION
21 22-32-109 (1) (II) (I).

22 (C) NO PERSON SHALL TAKE ANY RETALIATORY ACTION AGAINST
23 A STUDENT WHO REPORTS IN GOOD FAITH AN INCIDENT OF BULLYING.

24 (b) **Safe school reporting requirements.** A policy whereby the
25 principal of each public school in a school district shall submit annually,
26 in a manner and by a date specified by rule of the state board, a written
27 report to the board of education of such school district concerning the

1 learning environment in the school during that school year. The board of
2 education of the school district annually shall compile the reports from
3 every school in the district and shall submit the compiled report to the
4 department of education in a format specified by rule of the state board.
5 The compiled report shall be made available to the general public. Such
6 report shall include, but need not be limited to, the following specific
7 information for the preceding school year:

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

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

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

21 **22-30.5-116. Charter schools - school bullying policies**
22 **required.** (1) ON OR BEFORE OCTOBER 1, 2011, EACH CHARTER SCHOOL
23 SHALL ADOPT AND IMPLEMENT A POLICY CONCERNING BULLYING
24 PREVENTION AND EDUCATION. EACH CHARTER SCHOOL'S POLICY, AT A
25 MINIMUM, SHALL INCLUDE THE ENTIRE BULLYING PREVENTION AND
26 EDUCATION POLICY ADOPTED BY THE SCHOOL DISTRICT THAT APPROVED
27 THE CHARTER SCHOOL'S CHARTER, WHICH POLICY EXISTS AS PART OF THE

1 SCHOOL DISTRICT'S CONDUCT AND DISCIPLINE CODE AS DESCRIBED IN
2 SECTION 22-32-109.1 (2) (a) (X).

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

5 (3) NO PERSON SHALL TAKE ANY RETALIATORY ACTION AGAINST
6 A STUDENT WHO REPORTS IN GOOD FAITH AN INCIDENT OF BULLYING.

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

9 **22-30.5-502. Definitions.** As used in this part 5, unless the
10 context otherwise requires:

11 (2.5) "BULLYING" SHALL HAVE THE SAME MEANING AS SET FORTH
12 IN SECTION 22-32-109.1 (2) (a) (X) (B).

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

15 **22-30.5-505. State charter school institute - institute board -**
16 **appointment - powers and duties - rules - repeal.** (18) (a) PURSUANT
17 TO SECTION 22-30.5-520, ON OR BEFORE OCTOBER 1, 2011, THE INSTITUTE
18 SHALL ADOPT AND IMPLEMENT A POLICY CONCERNING BULLYING
19 PREVENTION AND EDUCATION. THE POLICY, AT A MINIMUM, SHALL SET
20 FORTH APPROPRIATE DISCIPLINARY CONSEQUENCES FOR STUDENTS WHO
21 BULLY OTHER STUDENTS, WHICH CONSEQUENCES SHALL COMPLY WITH ALL
22 APPLICABLE STATE AND FEDERAL LAWS.

23 (b) THE INSTITUTE IS ENCOURAGED TO ENSURE THAT THE POLICY
24 IT ADOPTS AND IMPLEMENTS PURSUANT TO PARAGRAPH (a) OF THIS
25 SUBSECTION (18), AT A MINIMUM, INCORPORATES THE BIENNIAL
26 ADMINISTRATION OF SURVEYS OF STUDENTS' IMPRESSIONS OF THE
27 SEVERITY OF BULLYING IN THEIR SCHOOLS, AS DESCRIBED IN SECTION

1 22-93-104 (1) (c), AND INCLUDES THE DESIGNATION OF A TEAM OF
2 PERSONS AT EACH INSTITUTE CHARTER SCHOOL WHO ADVISE THE SCHOOL
3 ADMINISTRATION CONCERNING THE SEVERITY AND FREQUENCY OF
4 BULLYING INCIDENTS THAT OCCUR IN THE SCHOOL, WHICH TEAM MAY
5 INCLUDE, BUT NEED NOT BE LIMITED TO, LAW ENFORCEMENT OFFICIALS,
6 SOCIAL WORKERS, PROSECUTORS, HEALTH PROFESSIONALS, MENTAL
7 HEALTH PROFESSIONALS, COUNSELORS, TEACHERS, ADMINISTRATORS,
8 PARENTS, AND STUDENTS.

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

12 **22-30.5-520. Institute charter schools - school bullying policies**
13 **required.** (1) ON OR BEFORE OCTOBER 1, 2011, EACH INSTITUTE
14 CHARTER SCHOOL SHALL IMPLEMENT THE POLICY OF THE INSTITUTE
15 CONCERNING BULLYING PREVENTION AND EDUCATION, WHICH POLICY IS
16 ADOPTED BY THE INSTITUTE PURSUANT TO SECTION 22-30.5-505 (18).

17 (2) NO PERSON SHALL TAKE ANY RETALIATORY ACTION AGAINST
18 A STUDENT WHO REPORTS IN GOOD FAITH AN INCIDENT OF BULLYING.

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

22 **24-33.5-1803. School safety resource center - created - duties.**

23 (3) The center has the following duties:

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

26 (g) (I) (A) TO CONSULT WITH SCHOOL DISTRICTS, SCHOOLS, AND
27 CHARTER SCHOOLS CONCERNING EVIDENCE-BASED BEST PRACTICES FOR

1 BULLYING PREVENTION AND EDUCATION;

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

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

9 (II) AS USED IN THIS PARAGRAPH (g), "EVIDENCE-BASED BEST
10 PRACTICES" MEANS PRACTICES THAT INCORPORATE THE PREPONDERANCE
11 OF RESEARCH-BASED, SCIENTIFIC, PEER-REVIEW PUBLISHED EVIDENCE ON
12 A PARTICULAR SUBJECT.

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