

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.

HB25-1178 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, 26-20-111, **amend**
4 (5) and (6); and **add** (10) as follows:

5 **26-20-111. Use of restraints in public schools - certain**
6 **restraints prohibited - seclusion prohibited with exceptions - rules -**
7 **definitions - repeal.** (5) (a) If a school district, charter school of a school
8 district, or institute charter school uses a seclusion room, there must be at
9 least one window for monitoring when the door is closed. If a window is
10 not feasible, monitoring must be possible through a video camera. A
11 student placed in a seclusion room must be continually monitored. The
12 room must be a safe space free of injurious items. The seclusion room
13 must not be a room that is used by school staff for storage, custodial, or
14 office space. THE USE OF SECLUSION UPON A STUDENT OF A SCHOOL OF A
15 SCHOOL DISTRICT, CHARTER SCHOOL OF A SCHOOL DISTRICT, OR INSTITUTE
16 CHARTER SCHOOL FOR THE PURPOSE OF DISCIPLINE IS PROHIBITED WHEN
17 THE STUDENT IS ON THE PROPERTY OF A SCHOOL OF A SCHOOL DISTRICT,
18 CHARTER SCHOOL OF A SCHOOL DISTRICT, OR INSTITUTE CHARTER SCHOOL
19 OR IS PARTICIPATING IN AN OFF-CAMPUS SCHOOL-SPONSORED ACTIVITY OR
20 EVENT.

21 (b) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION
22 REGARDING THE PROHIBITED USE OF SECLUSION UPON A STUDENT,
23 MONITORED SECLUSION MAY BE USED IN AN EMERGENCY IF:

24 (I) (A) THE SCHOOL OF A SCHOOL DISTRICT, CHARTER SCHOOL OF
25 A SCHOOL DISTRICT, OR INSTITUTE CHARTER SCHOOL NOTIFIES THE
26 STUDENT'S PARENT OR LEGAL GUARDIAN NO LATER THAN THE END OF THE
27 SCHOOL DAY WHEN THE SECLUSION OCCURRED THAT THE SECLUSION
28 OCCURRED; AND

29 (B) AN EMPLOYEE OF THE SCHOOL OF A SCHOOL DISTRICT,
30 CHARTER SCHOOL OF A SCHOOL DISTRICT, OR INSTITUTE CHARTER SCHOOL
31 ENTERS THE SECLUSION SPACE OR ROOM AT LEAST ONCE EVERY TEN
32 MINUTES DURING THE ENTIRE SECLUSION PERIOD TO VERIFY THE
33 STUDENT'S PHYSICAL SAFETY.

34 (II) IF A STUDENT IS PLACED IN MONITORED SECLUSION PURSUANT
35 TO THIS SUBSECTION (5)(b):

36 (A) AN EMPLOYEE OF THE SCHOOL OF A SCHOOL DISTRICT,
37 CHARTER SCHOOL OF A SCHOOL DISTRICT, OR INSTITUTE CHARTER SCHOOL
38 OBSERVING THE STUDENT IN MONITORED SECLUSION MUST PROVIDE THE
39 STUDENT WITH REASONABLE RELIEF PERIODS DURING THE SECLUSION,
40 INCLUDING OPPORTUNITIES FOR THE STUDENT TO ACCESS WATER, FOOD,
41 AND THE BATHROOM;

7 (C) IF THE MONITORED SECLUSION PERIOD OCCURS IN A SECLUSION
8 SPACE OR ROOM, AN ADULT MUST OBSERVE THE STUDENT IN SECLUSION
9 THROUGH A WINDOW; EXCEPT THAT, IF THE SECLUSION SPACE OR ROOM
10 DOES NOT HAVE A WINDOW, AN EMPLOYEE OF THE SCHOOL OF A SCHOOL
11 DISTRICT, CHARTER SCHOOL OF A SCHOOL DISTRICT, OR INSTITUTE
12 CHARTER SCHOOL MUST OBSERVE THE STUDENT IN SECLUSION VIA LIVE
13 VIDEO; AND

14 (D) AN EMPLOYEE OF THE SCHOOL OF A SCHOOL DISTRICT,
15 CHARTER SCHOOL OF A SCHOOL DISTRICT, OR INSTITUTE CHARTER SCHOOL
16 MUST REINTEGRATE THE STUDENT OR COMMUNICATE TO THE STUDENT
17 THAT THE STUDENT IS FREE TO LEAVE THE SECLUSION SPACE OR ROOM
18 WHEN THERE IS NO LONGER A NEED FOR THE STUDENT TO REMAIN IN
19 SECLUSION.

28 (10) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
29 OTHERWISE REQUIRES:

30 (a) "DE-ESCALATION" MEANS A MANNER OF LIMITING A STUDENT'S
31 ACCESSIBILITY TO REINFORCEMENT BUT DOES NOT PREVENT THE
32 STUDENT'S VOLUNTARY EGRESS.

33 (b) "DISCIPLINE" MEANS A MEASURE OR STRATEGY TAKEN TO
34 ADDRESS A STUDENT'S BEHAVIOR THAT IS DEEMED INAPPROPRIATE OR
35 DISRUPTIVE.

36 (c) "EMERGENCY" MEANS A SERIOUS, PROBABLE, AND IMMINENT
37 THREAT OF BODILY INJURY TO SELF OR OTHERS THAT PERSISTS AFTER ALL
38 LESS-RESTRICTIVE MENTAL-HEALTH-BASED AND BEHAVIORAL
39 DE-ESCALATION STRATEGIES ARE EXHAUSTED.

40 (d) "MONITORED SECLUSION" MEANS THE SECLUSION DESCRIBED
41 IN SUBSECTION (5)(b) OF THIS SECTION.

42 (e) "SECLUSION" MEANS THE PLACEMENT OF A STUDENT ALONE IN
43 A ROOM OR AREA FROM WHICH THE STUDENT'S VOLUNTARY EGRESS IS

1 PREVENTED.

2 **SECTION 2.** In Colorado Revised Statutes, 22-1-139, **amend**
3 (1)(b)(VIII) as follows:

4 **22-1-139. Accessible district profile reports - school climate**
5 **reports and surveys - reporting - definition.** (1)(b) The profile reports
6 must include, but are not limited to:

7 (VIII) The number of students placed in seclusion, REGARDLESS
8 OF WHETHER THE SECLUSION WAS PROHIBITED OR PERMITTED PURSUANT
9 TO SECTION 26-20-111.

10 **SECTION 3.** In Colorado Revised Statutes, 22-30.5-528, **amend**
11 (3)(a), (3)(b) introductory portion, (3)(d), and (4); and **add** (1)(a.5),
12 (1)(b.5), (1)(f), (2.5), (3)(c.5), and (6) as follows:

13 **22-30.5-528. Institute charter schools - use of restraints on**
14 **students - certain restraints prohibited - seclusion prohibited -**
15 **reports and review process - complaints and investigations - rules -**
16 **definitions.** (1) As used in this section, unless the context otherwise
17 requires:

18 (a.5) "DE-ESCALATION" HAS THE SAME MEANING AS SET FORTH IN
19 SECTION 26-20-111 (10).

20 (b.5) "MONITORED SECLUSION" HAS THE SAME MEANING AS SET
21 FORTH IN SECTION 26-20-111 (10).

22 (f) "SECLUSION" HAS THE SAME MEANING AS SET FORTH IN
23 SECTION 26-20-111 (10).

24 (2.5) PURSUANT TO SECTION 26-20-111 (1)(a), THE USE OF
25 SECLUSION UPON A STUDENT IS PROHIBITED, EXCEPT AS PERMITTED
26 PURSUANT TO SECTION 26-20-111 (5).

27 (3) (a) On and after ~~August 9, 2017~~ JULY 1, 2025, each institute
28 charter school shall require ~~any~~ A school employee or volunteer who uses
29 any type of restraint OR SECLUSION on a student of the institute charter
30 school to submit a written report of the incident to the institute charter
31 school's administration not later than one school day after the incident
32 occurred. THE WRITTEN REPORT RELATED TO THE USE OF SECLUSION MUST
33 INCLUDE, AT A MINIMUM:

34 (I) THE TIME AND DURATION OF THE SECLUSION OR MONITORED
35 SECLUSION;

36 (II) ATTESTATION THAT THE DOOR WAS NOT LOCKED OR
37 OBSTRUCTED;

38 (III) THE NAME OF EACH EMPLOYEE WHO WAS PRESENT DURING
39 THE SECLUSION;

40 (IV) A DESCRIPTION OF THE EMERGENCY;

41 (V) A DESCRIPTION OF ALL OF THE LESS-RESTRICTIVE
42 MENTAL-HEALTH-BASED AND BEHAVIORAL DE-ESCALATION STRATEGIES
43 THAT WERE EXHAUSTED PRIOR TO SECLUSION;

1 (VI) ATTESTATION THAT THE STUDENT WAS OFFERED REASONABLE
2 RELIEF PERIODS;

3 (VII) IF THE SECLUSION WAS NOT MONITORED SECLUSION,
4 ATTESTATION THAT AN EMPLOYEE OF THE INSTITUTE CHARTER SCHOOL
5 ENTERED THE SECLUSION SPACE OR ROOM AT LEAST ONCE EVERY TEN
6 MINUTES DURING THE ENTIRE SECLUSION PERIOD TO VERIFY THE
7 STUDENT'S PHYSICAL SAFETY; AND

8 (VIII) ATTESTATION THAT THE INSTITUTE CHARTER SCHOOL
9 NOTIFIED THE STUDENT'S PARENT OR LEGAL GUARDIAN NO LATER THAN
10 THE END OF THE SCHOOL DAY WHEN THE SECLUSION OCCURRED THAT THE
11 SECLUSION OCCURRED.

24 (c.5) IF SECLUSION OR MONITORED SECLUSION IS USED, THE
25 SCHOOL ADMINISTRATION SHALL NOTIFY THE STUDENT'S PARENT OR LEGAL
26 GUARDIAN NO LATER THAN THE END OF THE SCHOOL DAY WHEN THE
27 SECLUSION OCCURRED. FURTHERMORE, THE SCHOOL ADMINISTRATION
28 SHALL MAIL OR EMAIL A WRITTEN REPORT OF THE INCIDENT TO THE
29 PARENT OR LEGAL GUARDIAN OF THE STUDENT NOT MORE THAN FIVE
30 CALENDAR DAYS AFTER THE USE OF THE SECLUSION UPON THE STUDENT.
31 THE WRITTEN REPORT MUST BE PLACED IN THE STUDENT'S CONFIDENTIAL
32 FILE AND INCLUDE:

33 (I) THE ANTECEDENT OF THE STUDENT'S BEHAVIOR, IF KNOWN;
34 (II) A DESCRIPTION OF THE INCIDENT;
35 (III) ANY EFFORTS MADE TO DE-ESCALATE THE SITUATION;
36 (IV) ANY ALTERNATIVES TO SECLUSION THAT WERE ATTEMPTED;
37 (V) THE TYPE AND DURATION OF THE SECLUSION USED;
38 (VI) ANY INJURIES THAT OCCURRED; AND
39 (VII) THE STAFF MEMBERS WHO WERE PRESENT AND STAFF
40 MEMBERS WHO WERE INVOLVED IN ADMINISTERING THE SECLUSION.

41 (d) The department of education has enforcement authority over
42 the restraint investigation decisions AND SECLUSION INVESTIGATION
43 DECISIONS. This enforcement authority must follow the same procedures

1 outlined for state complaints under the federal "Individuals with
2 Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., ~~as amended~~; and
3 the department's state-level complaint procedures.

4 (4) (a) ~~On or before November 1, 2017~~; The state board shall
5 ~~promulgate~~ ADOPT rules establishing a process by which a student or a
6 parent or legal guardian of a student may formally complain about the use
7 of restraint or seclusion by any employee or volunteer of ~~any~~ AN institute
8 charter school. To the extent practicable, the process must reflect the
9 complaint process for filing a state complaint under the federal
10 "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq.
11 ~~as amended~~.

12 (b) THE COMPLAINT PROCESS DESCRIBED IN THIS SUBSECTION (4)
13 MUST INCLUDE THE OPPORTUNITY FOR THE COMPLAINANT TO:

14 (I) DESCRIBE THE INCIDENT OF THE ALLEGED VIOLATION;
15 (II) PROVIDE CONTACT INFORMATION FOR ANY INVOLVED PARTY;
16 (III) PROVIDE SUPPORTING DOCUMENTATION; AND
17 (IV) CONTEST THAT A LOCAL EDUCATION PROVIDER'S EMPLOYEE
18 WAS PRESENT DURING THE MONITORED SECLUSION.

19 (6) THE INSTITUTE CHARTER SCHOOL SHALL RETAIN THE WRITTEN
20 REPORT DESCRIBED IN SUBSECTION (3) OF THIS SECTION FOR NOT LESS
21 THAN FIVE YEARS AFTER THE DATE OF THE REPORT. THE DEPARTMENT OF
22 EDUCATION SHALL RETAIN ALL INFORMATION AND DOCUMENTS RELATED
23 TO A COMPLAINT OR INVESTIGATION FOR NOT LESS THAN FIVE YEARS
24 AFTER THE CONCLUSION OF THE COMPLAINT OR INVESTIGATION.

25 **SECTION 4.** In Colorado Revised Statutes, 22-32-109.1, **amend**
26 (2)(a)(I) introductory portion and (2)(a)(I)(L) as follows:

27 **22-32-109.1. Board of education - specific powers and duties**
28 **- safe school plan - conduct and discipline code - safe school reporting**
29 **requirements - school response framework - school resource officers**
30 **- definitions.** (2) **Safe school plan.** To provide a learning environment
31 that is safe, conducive to the learning process, and free from unnecessary
32 disruption, each school district board of education or institute charter
33 school board for a charter school authorized by the charter school institute
34 shall, following consultation with the school district accountability
35 committee and school accountability committees, parents, teachers,
36 administrators, students, student councils where available, and, where
37 appropriate, the community at large, adopt and implement a safe school
38 plan, or review and revise, as necessary in response to any relevant data
39 collected by the school district, any existing plans or policies already in
40 effect. In addition to the aforementioned parties, each school district
41 board of education, in adopting and implementing its safe school plan,
42 may consult with victims' advocacy organizations, school psychologists,
43 local law enforcement, and community partners. The plan, at a minimum,

1 must include the following:

2 (a) **Conduct and discipline code.** (I) A concisely written conduct
3 and discipline code that must be enforced uniformly, fairly, and
4 consistently for all students. Copies of the code ~~shall~~ MUST be provided
5 to each student upon enrollment at the preschool, elementary, middle, and
6 high school levels and be posted or kept on file at each public school in
7 the school district. The school district shall take reasonable measures to
8 ensure that each student of each public school in the school district is
9 familiar with the code. The code must include, but need not be limited to:

10 (L) Information concerning the school district's policies for the
11 use of restraint and PROHIBITED OR PERMITTED USE OF seclusion on
12 students, including a reference to section 26-20-111 and information
13 concerning the process for filing a complaint regarding the use of restraint
14 or PROHIBITED OR PERMITTED USE OF seclusion, as ~~such~~ THE process is set
15 forth by rule of the state board pursuant to section 22-32-147.

16 **SECTION 5.** In Colorado Revised Statutes, 22-32-147, **amend**
17 (3)(a), (3)(b) introductory portion, (4), and (6); and **add** (1)(a.5), (1)(b.5),
18 (1)(f), (2.5), (3)(c.5), and (7) as follows:

19 **22-32-147. Use of restraints on students - certain restraints
20 prohibited - reports and review process - rules - definitions.** (1) As
21 used in this section, unless the context otherwise requires:

22 (a.5) "DE-ESCALATION" HAS THE SAME MEANING AS SET FORTH IN
23 SECTION 26-20-111 (10).

24 (b.5) "MONITORED SECLUSION" HAS THE SAME MEANING AS SET
25 FORTH IN SECTION 26-20-111 (10).

26 (f) "SECLUSION" HAS THE SAME MEANING AS SET FORTH IN
27 SECTION 26-20-111 (10).

28 (2.5) PURSUANT TO SECTION 26-20-111 (1)(a), THE USE OF
29 SECLUSION UPON A STUDENT IS PROHIBITED, EXCEPT AS PERMITTED
30 PURSUANT TO SECTION 26-20-111 (5).

31 (3) (a) On and after ~~August 9, 2017~~ JULY 1, 2025, each school
32 district shall require ~~any~~ a school employee or volunteer who uses any
33 type of restraint OR SECLUSION on a student of the school district to
34 submit a written report of the incident to the administration of the school
35 not later than one school day after the incident occurred. THE WRITTEN
36 REPORT RELATED TO THE USE OF SECLUSION MUST INCLUDE, AT A
37 MINIMUM:

38 (I) THE TIME AND DURATION OF THE SECLUSION OR MONITORED
39 SECLUSION;

40 (II) ATTESTATION THAT THE DOOR WAS NOT LOCKED OR
41 OBSTRUCTED;

42 (III) THE NAME OF EACH EMPLOYEE WHO WAS PRESENT DURING
43 THE SECLUSION;

(IV) A DESCRIPTION OF THE EMERGENCY;

2 (V) A DESCRIPTION OF ALL OF THE LESS-RESTRICTIVE
3 MENTAL-HEALTH-BASED AND BEHAVIORAL DE-ESCALATION STRATEGIES
4 THAT WERE EXHAUSTED PRIOR TO SECLUSION;

5 (VI) ATTESTATION THAT THE STUDENT WAS OFFERED REASONABLE
6 RELIEF PERIODS;

7 (VII) IF THE SECLUSION WAS NOT MONITORED SECLUSION,
8 ATTESTATION THAT AN EMPLOYEE OF THE SCHOOL OF A SCHOOL DISTRICT
9 OR CHARTER SCHOOL OF A SCHOOL DISTRICT ENTERED THE SECLUSION
10 SPACE OR ROOM AT LEAST ONCE EVERY TEN MINUTES DURING THE ENTIRE
11 SECLUSION PERIOD TO VERIFY THE STUDENT'S PHYSICAL SAFETY; AND

12 (VIII) ATTESTATION THAT THE SCHOOL OF A SCHOOL DISTRICT OR
13 CHARTER SCHOOL OF A SCHOOL DISTRICT NOTIFIED THE STUDENT'S PARENT
14 OR LEGAL GUARDIAN NO LATER THAN THE END OF THE SCHOOL DAY WHEN
15 THE SECLUSION OCCURRED THAT THE SECLUSION OCCURRED.

28 (c.5) IF SECLUSION OR MONITORED SECLUSION IS USED, THE
29 SCHOOL ADMINISTRATION SHALL NOTIFY THE STUDENT'S PARENT OR LEGAL
30 GUARDIAN NO LATER THAN THE END OF THE SCHOOL DAY WHEN THE
31 SECLUSION OCCURRED. FURTHERMORE, THE SCHOOL ADMINISTRATION
32 SHALL MAIL OR EMAIL A WRITTEN REPORT OF THE INCIDENT TO THE
33 PARENT OR LEGAL GUARDIAN OF THE STUDENT NOT MORE THAN FIVE
34 CALENDAR DAYS AFTER THE USE OF THE SECLUSION UPON THE STUDENT.
35 THE WRITTEN REPORT MUST BE PLACED IN THE STUDENT'S CONFIDENTIAL
36 FILE AND INCLUDE:

37 (I) THE ANTECEDENT OF THE STUDENT'S BEHAVIOR, IF KNOWN;
38 (II) A DESCRIPTION OF THE INCIDENT;
39 (III) ANY EFFORTS MADE TO DE-ESCALATE THE SITUATION;
40 (IV) ANY ALTERNATIVES TO SECLUSION THAT WERE ATTEMPTED;
41 (V) THE TYPE AND DURATION OF THE SECLUSION USED;
42 (VI) ANY INJURIES THAT OCCURRED; AND
43 (VII) THE STAFF MEMBERS WHO WERE PRESENT AND STAFF

1 MEMBERS WHO WERE INVOLVED IN ADMINISTERING THE SECLUSION.

2 (4) (a) ~~On or before November 1, 2017~~, The state board shall
3 ~~promulgate~~ ADOPT rules establishing a process by which a student or a
4 parent or legal guardian of a student may formally complain about the use
5 of restraint or seclusion by any employee or volunteer of ~~any~~ A school or
6 charter school of a school district or board of cooperative services. To the
7 extent practicable, the process must reflect the complaint process for
8 filing a state complaint under the federal "Individuals with Disabilities
9 Education Act", 20 U.S.C. sec. 1400 et seq. ~~as amended~~.

10 (b) THE COMPLAINT PROCESS DESCRIBED IN THIS SUBSECTION (4)

11 MUST INCLUDE THE OPPORTUNITY FOR THE COMPLAINANT TO:

12 (I) DESCRIBE THE INCIDENT OF THE ALLEGED VIOLATION;

13 (II) PROVIDE CONTACT INFORMATION FOR ANY INVOLVED PARTY;

14 AND

15 (III) PROVIDE SUPPORTING DOCUMENTATION; AND

16 (IV) CONTEST THAT A LOCAL EDUCATION PROVIDER'S EMPLOYEE
17 WAS PRESENT DURING THE MONITORED SECLUSION.

18 (6) The department of education has enforcement authority over
19 the restraint investigation decisions AND SECLUSION INVESTIGATION
20 DECISIONS. This enforcement authority must follow the same procedures
21 outlined for state complaints under the federal "Individuals with
22 Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., ~~as amended~~; and
23 the department's state-level complaint procedures.

24 (7) THE SCHOOL OF A SCHOOL DISTRICT SHALL RETAIN THE
25 WRITTEN REPORT DESCRIBED IN SUBSECTION (3) OF THIS SECTION FOR NOT
26 LESS THAN FIVE YEARS AFTER THE DATE OF THE REPORT. THE
27 DEPARTMENT OF EDUCATION SHALL RETAIN ALL INFORMATION AND
28 DOCUMENTS RELATED TO A COMPLAINT OR INVESTIGATION FOR NOT LESS
29 THAN FIVE YEARS AFTER THE CONCLUSION OF THE COMPLAINT OR
30 INVESTIGATION.

31 **SECTION 6. Safety clause.** The general assembly finds,
32 determines, and declares that this act is necessary for the immediate
33 preservation of the public peace, health, or safety or for appropriations for
34 the support and maintenance of the departments of the state and state
35 institutions.".

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