

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;

1 (B) THE MONITORED SECLUSION PERIOD MUST OCCUR IN A SPACE  
2 OR ROOM THAT HAS ADEQUATE LIGHTING, VENTILATION, AND IS AN  
3 ADEQUATE SIZE; IS A SAFE AND CLEAN ENVIRONMENT THAT IS FREE OF ANY  
4 ITEM WITH THE POTENTIAL TO INFLICT INJURY; IS NOT A STORAGE,  
5 CUSTODIAL, OR OFFICE SPACE; AND IS NOT LOCKED FROM THE OUTSIDE OR  
6 OBSTRUCTED BY A PERSON OR OBJECT;

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.

20 (6) Nothing in this section prohibits school personnel from taking  
21 any lawful actions necessary, including ~~seclusion or restraint~~, when and  
22 where necessary to keep students and staff safe from harm during an  
23 emergency, as defined by ~~rule of the state board~~ RULE; EXCEPT THAT  
24 SECLUSION IS PROHIBITED, UNLESS PERMITTED PURSUANT TO THE  
25 CONDITIONS DESCRIBED IN SUBSECTION (5) OF THIS SECTION. School  
26 personnel shall comply with all documentation and reporting  
27 requirements, even in the case of an emergency.

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.

12 (b) On and after ~~August 9, 2017~~ JULY 1, 2025, each institute  
13 charter school shall establish a review process, conduct the review  
14 process at least annually, and document the results of each review process  
15 in writing. Each annual review process must include a review of each  
16 incident in which restraint OR SECLUSION was used on a student during the  
17 preceding year. The purpose of each annual review process is to ensure  
18 that the institute charter school is properly administering restraint,  
19 identifying additional training needs, minimizing and preventing the use  
20 of restraint by increasing the use of positive behavior interventions,  
21 PROHIBITING OR MINIMIZING THE USE OF SECLUSION, and reducing the  
22 incidence of injury to students and staff. Each annual review process must  
23 include, but is not limited to:

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;

- 1 (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.
- 16 (b) On and after ~~August 9, 2017~~ JULY 1, 2025, each school district  
17 shall establish a review process, conduct the review process at least  
18 annually, and document the results of each review process in writing.  
19 Each annual review process must include a review of each incident in  
20 which restraint OR SECLUSION was used on a student during the preceding  
21 year. The purpose of each annual review process is to ensure that the  
22 school district is properly administering restraint, identifying additional  
23 training needs, minimizing and preventing the use of restraint by  
24 increasing the use of positive behavior interventions, PROHIBITING OR  
25 MINIMIZING THE USE OF SECLUSION, and reducing the incidence of injury  
26 to students and staff. Each annual review process must include, but is not  
27 limited to:
- 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."

\*\* \*\*\* \*\* \*\*\* \*\*