

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0200.01 Jacob Baus x2173

HOUSE BILL 24-1167

HOUSE SPONSORSHIP

English,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO PROHIBIT STUDENT SECLUSION.

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>.)

The bill prohibits the use of seclusion on a student of a school district, district charter school, or institute charter school on certain property or while the student is participating in an off-campus, school-sponsored activity or event.

The bill requires the state board of education (state board) to promulgate or amend existing rules to reflect the prohibited use of seclusion.

The bill requires the state board to create and maintain a resource

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

bank of materials regarding alternatives to seclusion and restraints for schools and school personnel to employ.

The bill amends existing reporting requirements to ensure incidents of seclusion are reported.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-20-111, **amend**
3 (1)(a) and (6); **repeal** (5); and **add** (8.5) as follows:

4 **26-20-111. Use of restraints in public schools - certain**
5 **restraints prohibited - seclusion prohibited - repeal.** (1) Except as
6 provided otherwise in this section, and notwithstanding any other
7 provision of this article 20:

8 (a) The use of SECLUSION OR a chemical, mechanical, or prone
9 restraint upon a student of a school of a school district, charter school of
10 a school district, or institute charter school is prohibited when the student
11 is on the property of any agency or is participating in an off-campus,
12 school-sponsored activity or event; and

13 ~~(5) If a school district, charter school of a school district, or~~
14 ~~institute charter school uses a seclusion room, there must be at least one~~
15 ~~window for monitoring when the door is closed. If a window is not~~
16 ~~feasible, monitoring must be possible through a video camera. A student~~
17 ~~placed in a seclusion room must be continually monitored. The room must~~
18 ~~be a safe space free of injurious items. The seclusion room must not be~~
19 ~~a room that is used by school staff for storage, custodial, or office space.~~

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. School personnel

1 shall comply with all documentation and reporting requirements, even in
2 the case of an emergency.

3 (8.5) (a) AS SOON AS PRACTICABLE, BUT NOT LATER THAN
4 NOVEMBER 1, 2024, THE STATE BOARD SHALL PROMULGATE, AMEND, OR
5 REPEAL RULES AS NECESSARY TO REFLECT THE PROHIBITION OF THE USE OF
6 SECLUSION.

7 (b) THIS SUBSECTION (8.5) IS REPEALED, EFFECTIVE JULY 1, 2026.

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

10 **22-1-139. Accessible district profile reports - school climate**
11 **reports and surveys - reporting - definition.** (1) (b) The profile reports
12 must include, but are not limited to:

13 (VIII) The number of students placed in seclusion, EVEN THOUGH
14 SECLUSION IS PROHIBITED PURSUANT TO SECTION 26-20-111.

15 **SECTION 3.** In Colorado Revised Statutes, **add** 22-2-149 as
16 follows:

17 **22-2-149. Seclusion and restraint alternatives - resource bank.**

18 (1) ON OR BEFORE JULY 1, 2025, THE STATE BOARD SHALL CREATE AND
19 MAINTAIN A RESOURCE BANK OF MATERIALS REGARDING APPROPRIATE
20 ALTERNATIVES TO SECLUSION AND RESTRAINTS TO ASSIST SCHOOL
21 PERSONNEL WITH APPROPRIATE RESPONSES TO BEHAVIORS, CONSISTENT
22 WITH THE "PROTECTION OF INDIVIDUALS FROM RESTRAINT AND
23 SECLUSION ACT", ARTICLE 20 OF TITLE 26. THE DEPARTMENT SHALL
24 PUBLISH THE RESOURCE BANK ON ITS WEBSITE AND MAKE IT AVAILABLE
25 TO THE PUBLIC.

26 (2) IN COMPILING MATERIALS FOR THE RESOURCE BANK, THE STATE
27 BOARD AND THE DEPARTMENT SHALL CONSULT WITH STAKEHOLDERS,

1 INCLUDING, BUT NOT LIMITED TO, A REPRESENTATIVE OF SCHOOL DISTRICT
2 ADMINISTRATORS, A REPRESENTATIVE OF A STATEWIDE ORGANIZATION
3 REPRESENTING SPECIAL EDUCATION DIRECTORS, AND A MEMBER OF A
4 DISABILITY RIGHTS ORGANIZATION.

5 **SECTION 4.** In Colorado Revised Statutes, 22-30.5-528, **amend**
6 (2), (3)(a), (3)(b) introductory portion, (3)(c) introductory portion,
7 (3)(c)(IV), (3)(c)(VII), and (3)(d); and **add** (1)(f) and (3)(c)(V.5) as
8 follows:

9 **22-30.5-528. Institute charter schools - use of restraints on**
10 **students - certain restraints prohibited - seclusion prohibited -**
11 **reports and review process - complaints and investigations - rules -**
12 **definitions.** (1) As used in this section, unless the context otherwise
13 requires:

14 (f) "SECLUSION" HAS THE SAME MEANING AS SET FORTH IN
15 SECTION 26-20-102 (7).

16 (2) The "Protection of Individuals from Restraint and Seclusion
17 Act", ~~sections 26-20-101 to 26-20-111~~ ARTICLE 20 OF TITLE 26, sets forth
18 the key definitions and ~~prohibitions~~ PARAMETERS on the use of restraints,
19 including the CRITERIA FOR THE use of restraints AND THE PROHIBITION ON
20 THE USE OF SECLUSION on students, described in section 26-20-111.

21 (3) (a) On and after ~~August 9, 2017~~ JULY 1, 2024, each institute
22 charter school shall require any school employee or volunteer who uses
23 any type of restraint OR SECLUSION on a student of the institute charter
24 school to submit a written report of the incident to the institute charter
25 school's administration not later than one school day after the incident
26 occurred.

27 (b) On and after ~~August 9, 2017~~ JULY 1, 2024, each institute

1 charter school shall establish a review process, conduct the review
2 process at least annually, and document the results of each review process
3 in writing. Each annual review process must include a review of each
4 incident in which restraint OR SECLUSION was used on a student during the
5 preceding year. The purpose of each annual review process is to ensure
6 that the institute charter school is properly administering restraint,
7 identifying additional training needs, minimizing and preventing the use
8 of restraint by increasing the use of positive behavior interventions,
9 PROHIBITING THE USE OF SECLUSION, and reducing the incidence of injury
10 to students and staff. Each annual review process must include but is not
11 limited to:

12 (c) Not more than five calendar days after the use of restraint OR
13 SECLUSION on a student, the school administration shall mail, fax, or
14 e-mail a written report of the incident to the parent or legal guardian of
15 the student. The written report must be placed in the student's confidential
16 file and include:

17 (IV) Any alternatives to the use of restraints OR SECLUSION that
18 were attempted;

19 (V.5) THE DURATION OF THE SECLUSION;

20 (VII) The staff members who were present and staff members
21 who were involved in administering the restraint OR SECLUSION.

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

1 **SECTION 5.** In Colorado Revised Statutes, 22-32-109.1, **amend**
2 (2)(a)(I) introductory portion and (2)(a)(I)(L) as follows:

3 **22-32-109.1. Board of education - specific powers and duties**
4 **- safe school plan - conduct and discipline code - safe school reporting**
5 **requirements - school response framework - school resource officers**
6 **- definitions. (2) Safe school plan.** To provide a learning environment
7 that is safe, conducive to the learning process, and free from unnecessary
8 disruption, each school district board of education or institute charter
9 school board for a charter school authorized by the charter school institute
10 shall, following consultation with the school district accountability
11 committee and school accountability committees, parents, teachers,
12 administrators, students, student councils where available, and, where
13 appropriate, the community at large, adopt and implement a safe school
14 plan, or review and revise, as necessary in response to any relevant data
15 collected by the school district, any existing plans or policies already in
16 effect. In addition to the aforementioned parties, each school district
17 board of education, in adopting and implementing its safe school plan,
18 may consult with victims' advocacy organizations, school psychologists,
19 local law enforcement, and community partners. The plan, at a minimum,
20 must include the following:

21 (a) **Conduct and discipline code.** (I) A concisely written conduct
22 and discipline code that must be enforced uniformly, fairly, and
23 consistently for all students. Copies of the code ~~shall~~ **MUST** be provided
24 to each student upon enrollment at the preschool, elementary, middle, and
25 high school levels and be posted or kept on file at each public school in
26 the school district. The school district shall take reasonable measures to
27 ensure that each student of each public school in the school district is

1 familiar with the code. The code must include, but need not be limited to:

2 (L) Information concerning the school district's policies for the
3 use of restraint and PROHIBITED USE OF seclusion on students, including
4 a reference to section 26-20-111 and information concerning the process
5 for filing a complaint regarding the use of restraint or PROHIBITED USE OF
6 seclusion, as such process is set forth by rule of the state board pursuant
7 to section 22-32-147.

8 **SECTION 6.** In Colorado Revised Statutes, 22-32-147, **amend**
9 (2), (3)(a), (3)(b) introductory portion, (3)(c) introductory portion,
10 (3)(c)(IV), (3)(c)(VII), and (6); and **add** (1)(f) and (3)(c)(V.5) as follows:

11 **22-32-147. Use of restraints on students - certain restraints**
12 **prohibited - reports and review process - rules - definitions.** (1) As
13 used in this section, unless the context otherwise requires:

14 (f) "SECLUSION" HAS THE SAME MEANING AS SET FORTH IN
15 SECTION 26-20-102 (7).

16 (2) Pursuant to section 26-20-111, the use of SECLUSION OR a
17 chemical, mechanical, or prone restraint upon a student in a school or
18 charter school of a school district or board of cooperative services is
19 prohibited.

20 (3) (a) On and after ~~August 9, 2017~~ JULY 1, 2024, each school
21 district shall require any school employee or volunteer who uses any type
22 of restraint OR SECLUSION on a student of the school district to submit a
23 written report of the incident to the administration of the school not later
24 than one school day after the incident occurred.

25 (b) On and after ~~August 9, 2017~~ JULY 1, 2024, each school district
26 shall establish a review process, conduct the review process at least
27 annually, and document the results of each review process in writing.

1 Each annual review process must include a review of each incident in
2 which restraint OR SECLUSION was used on a student during the preceding
3 year. The purpose of each annual review process is to ensure that the
4 school district is properly administering restraint, identifying additional
5 training needs, minimizing and preventing the use of restraint by
6 increasing the use of positive behavior interventions, PROHIBITING THE
7 USE OF SECLUSION, and reducing the incidence of injury to students and
8 staff. Each annual review process must include but is not limited to:

9 (c) If a physical restraint is five minutes or more, OR IF SECLUSION
10 OF ANY DURATION IS USED, the school administration shall mail, fax, or
11 e-mail a written report of the incident to the parent or legal guardian of
12 the student not more than five calendar days after the ~~use of the restraint~~
13 ~~on the student~~ INCIDENT. The written report must be placed in the
14 student's confidential file and include:

15 (IV) Any alternatives to the use of restraints OR SECLUSION that
16 were attempted;

17 (V.5) THE DURATION OF THE SECLUSION;

18 (VII) The staff members who were present and staff members
19 who were involved in administering the restraint OR SECLUSION.

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

26 **SECTION 7. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

1 preservation of the public peace, health, or safety or for appropriations for
2 the support and maintenance of the departments of the state and state
3 institutions.