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

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

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

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

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

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

(6) Nothing in this section prohibits school personnel from taking any lawful actions necessary, including seclusion or restraint, when and where necessary to keep students and staff safe from harm during an emergency, as defined by rule of the state board RULE. School personnel
shall comply with all documentation and reporting requirements, even in the case of an emergency.

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

(b) THIS SUBSECTION (8.5) IS REPEALED, EFFECTIVE JULY 1, 2026.

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

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

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

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

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

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

(2) IN COMPILING MATERIALS FOR THE RESOURCE BANK, THE STATE BOARD AND THE DEPARTMENT SHALL CONSULT WITH STAKEHOLDERS,
INCLUDING, BUT NOT LIMITED TO, A REPRESENTATIVE OF SCHOOL DISTRICT
ADMINISTRATORS, A REPRESENTATIVE OF A STATEWIDE ORGANIZATION
REPRESENTING SPECIAL EDUCATION DIRECTORS, AND A MEMBER OF A
DISABILITY RIGHTS ORGANIZATION.

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

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

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

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

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

(b) On and after August 9, 2017 JULY 1, 2024, each institute
charter school shall establish a review process, conduct the review process at least annually, and document the results of each review process in writing. Each annual review process must include a review of each incident in which restraint or seclusion was used on a student during the preceding year. The purpose of each annual review process is to ensure that the institute charter school is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, prohibiting the use of seclusion, and reducing the incidence of injury to students and staff. Each annual review process must include but is not limited to:

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

(IV) Any alternatives to the use of restraints or seclusion that were attempted;

(V.5) The duration of the seclusion;

(VII) The staff members who were present and staff members who were involved in administering the restraint or seclusion.

(d) The department of education has enforcement authority over the restraint investigation decisions and seclusion investigation decisions. This enforcement authority must follow the same procedures outlined for state complaints under the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended, and the department's state-level complaint procedures.
SECTION 5. In Colorado Revised Statutes, 22-32-109.1, amend (2)(a)(I) introductory portion and (2)(a)(I)(L) as follows:

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions. (2) Safe school plan. To provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, 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, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims' advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:

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

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

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

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

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

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

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

(b) On and after August 9, 2017 J ULY 1, 2024, each school district
shall establish a review process, conduct the review process at least
annually, and document the results of each review process in writing.
Each annual review process must include a review of each incident in which restraint OR SECLUSION was used on a student during the preceding year. The purpose of each annual review process is to ensure that the school district is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, PROHIBITING THE USE OF SECLUSION, and reducing the incidence of injury to students and staff. Each annual review process must include but is not limited to:

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

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

(V.5) THE DURATION OF THE SECLUSION;

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

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

SECTION 7. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, or safety or for appropriations for
the support and maintenance of the departments of the state and state
institutions.