

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0238.03 Jacob Baus x2173

HOUSE BILL 25-1178

HOUSE SPONSORSHIP

English,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE BANNING OF 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 amends existing reporting requirements to ensure that

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.

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 - rules - definitions -**
6 **repeal.** (1) Except as provided otherwise in this section, and
7 notwithstanding any other 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
24 shall comply with all documentation and reporting requirements, even in
25 the case of an emergency.

1 (8.5) (a) AS SOON AS PRACTICABLE, BUT NO LATER THAN
2 NOVEMBER 1, 2025, THE STATE BOARD SHALL PROMULGATE, AMEND, OR
3 REPEAL RULES AS NECESSARY TO REFLECT THE PROVISIONS OF SUBSECTION
4 (5) OF THIS SECTION.

5 (b) THIS SUBSECTION (8.5) IS REPEALED, EFFECTIVE JULY 1, 2027.

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

8 **22-1-139. Accessible district profile reports - school climate**
9 **reports and surveys - reporting - definition.** (1) (b) The profile reports
10 must include, but are not limited to:

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

13 **SECTION 3.** In Colorado Revised Statutes, 22-30.5-528, **amend**
14 (2), (3)(a), (3)(b) introductory portion, (3)(c) introductory portion,
15 (3)(c)(IV), (3)(c)(VII), and (3)(d); and **add** (1)(f) and (3)(c)(V.5) as
16 follows:

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

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

24 (2) ~~The "Protection of Individuals from Restraint and Seclusion~~
25 ~~Act", sections 26-20-101 to 26-20-111, sets forth the key definitions and~~
26 ~~prohibitions on the use of restraints, including the use of restraints on~~
27 ~~students, described in section 26-20-111~~ THE "PROTECTION OF

1 INDIVIDUALS FROM RESTRAINT AND SECLUSION ACT", ARTICLE 20 OF
2 TITLE 26, SETS FORTH THE DEFINITIONS AND PARAMETERS ON THE USE OF
3 RESTRAINTS, INCLUDING THE CRITERIA FOR THE USE OF RESTRAINTS, AND
4 THE PROHIBITED USE OF SECLUSION ON STUDENTS.

5 (3) (a) On and after ~~August 9, 2017~~ JULY 1, 2025, each institute
6 charter school shall require any school employee or volunteer who uses
7 any type of restraint OR SECLUSION, EVEN THOUGH SECLUSION IS
8 PROHIBITED PURSUANT TO SECTION 26-20-111, on a student of the institute
9 charter school to submit a written report of the incident to the institute
10 charter school's administration not later than one school day after the
11 incident 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, EVEN THOUGH SECLUSION IS
17 PROHIBITED PURSUANT TO SECTION 26-20-111, was used on a student
18 during the preceding year. The purpose of each annual review process is
19 to ensure that the institute charter school is properly administering
20 restraint, identifying additional training needs, minimizing and preventing
21 the use of restraint by increasing the use of positive behavior
22 interventions, PROHIBITING THE USE OF SECLUSION, and reducing the
23 incidence of injury to students and staff. Each annual review process must
24 include, but is not limited to:

25 (c) Not more than five calendar days after the use of restraint OR
26 SECLUSION, EVEN THOUGH SECLUSION IS PROHIBITED PURSUANT TO
27 SECTION 26-20-111, on a student, the school administration shall mail,

1 fax, or ~~e-mail~~ EMAIL a written report of the incident to the parent or legal
2 guardian of the student. The written report must be placed in the student's
3 confidential file and include:

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

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

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

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

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

17 **22-32-109.1. Board of education - specific powers and duties**
18 **- safe school plan - conduct and discipline code - safe school reporting**
19 **requirements - school response framework - school resource officers**
20 **- definitions. (2) Safe school plan.** To provide a learning environment
21 that is safe, conducive to the learning process, and free from unnecessary
22 disruption, each school district board of education or institute charter
23 school board for a charter school authorized by the charter school institute
24 shall, following consultation with the school district accountability
25 committee and school accountability committees, parents, teachers,
26 administrators, students, student councils where available, and, where
27 appropriate, the community at large, adopt and implement a safe school

1 plan, or review and revise, as necessary in response to any relevant data
2 collected by the school district, any existing plans or policies already in
3 effect. In addition to the aforementioned parties, each school district
4 board of education, in adopting and implementing its safe school plan,
5 may consult with victims' advocacy organizations, school psychologists,
6 local law enforcement, and community partners. The plan, at a minimum,
7 must include the following:

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

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

22 **SECTION 5.** In Colorado Revised Statutes, 22-32-147, **amend**
23 (2), (3)(a), (3)(b) introductory portion, (3)(c) introductory portion,
24 (3)(c)(IV), (3)(c)(VII), and (6); and **add** (1)(f) and (3)(c)(V.5) as follows:

25 **22-32-147. Use of restraints on students - certain restraints**
26 **prohibited - seclusion prohibited - reports and review process - rules**
27 **- definitions.** (1) As used in this section, unless the context otherwise

1 requires:

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

4 (2) ~~Pursuant to section 26-20-111, the use of a chemical,~~
5 ~~mechanical, or prone restraint upon a student in a school or charter school~~
6 ~~of a school district or board of cooperative services is prohibited.~~ THE
7 "PROTECTION OF INDIVIDUALS FROM RESTRAINT AND SECLUSION ACT",
8 ARTICLE 20 OF TITLE 26, SETS FORTH THE DEFINITIONS AND PARAMETERS
9 ON THE USE OF RESTRAINTS, INCLUDING THE CRITERIA FOR THE USE OF
10 RESTRAINTS, AND THE PROHIBITED USE OF SECLUSION ON STUDENTS.

11 (3) (a) On and after ~~August 9, 2017~~ JULY 1, 2025, each school
12 district shall require any school employee or volunteer who uses any type
13 of restraint OR SECLUSION on a student of the school district to submit a
14 written report of the incident to the administration of the school not later
15 than one school day after the incident 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, EVEN THOUGH SECLUSION IS PROHIBITED
21 PURSUANT TO SECTION 26-20-111, was used on a student during the
22 preceding year. The purpose of each annual review process is to ensure
23 that the school district is properly administering restraint, identifying
24 additional training needs, minimizing and preventing the use of restraint
25 by increasing the use of positive behavior interventions, PROHIBITING THE
26 USE OF SECLUSION, and reducing the incidence of injury to students and
27 staff. Each annual review process must include, but is not limited to:

1 (c) If a physical restraint is five minutes or more, OR IF SECLUSION,
2 EVEN THOUGH SECLUSION IS PROHIBITED PURSUANT TO SECTION 26-20-111
3 OF ANY DURATION IS USED, the school administration shall mail, fax, or
4 ~~e-mail~~ EMAIL a written report of the incident to the parent or legal
5 guardian of the student not more than five calendar days after the ~~use of~~
6 ~~the restraint on the student~~ INCIDENT. The written report must be placed
7 in the student's confidential file and include:

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

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

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

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

19 **SECTION 6. Safety clause.** The general assembly finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety or for appropriations for
22 the support and maintenance of the departments of the state and state
23 institutions.