

## **HB25-1178 - Ban Student Seclusion**

Dear Madam Chair and Committee Members,

My name is Kristina Ericson. I am the Director of Policy and Outreach for the Colorado Developmental Disabilities Council. I am writing today in support of HB25-1178.

The Colorado Developmental Disabilities Council is a 24 member, governor appointed, state council that advocates for systems change for Coloradans with intellectual and developmental disabilities (I/DD). We are mandated by federal law to advise the Governor, General Assembly, and State Agencies on matters impacting people with developmental disabilities - which includes thousands of Colorado's students. Advocating for safe, inclusive, and equitable educational spaces for Colorado students is a key component of our work.

This bill would help ensure consistency, safety and dignity in addressing the behavior needs of students. This is critical to our work, as restraining and secluding students during school hours and activities is a practice that impacts students with disabilities at far higher rates than their non-disabled peers. Nationwide data shows that when schools enact alternatives to restraint and seclusion they maintain safety, reduce trauma, and increase educational outcomes for students. The Council believes that the use of seclusion in school settings is unsafe, traumatizing, and of questionable value in emergency situations. The use of seclusion is unjust and unnecessary, and it is time we enact change to better protect students and inform their families in Colorado.

The Council also believes that this bill will lead to further efforts to increase inclusive and equitable data collection on student seclusion in Colorado, as there are major gaps in statewide data. In 2013, our Council published a report on the use of seclusion and restraints based on a grant-funded project with Disability Law Colorado. This project collected voluntary data, submitted by 120 of 183 school districts in Colorado - representing 57% of the total student population. Although more than a decade old, this report is some of the most recent data we have on this issue. We believe that if students are being harmed or isolated at school their loved ones, communities, and advocates deserve to know. We have heard horror stories from parents and community members throughout the decades about students with disabilities being harmed, left behind, and traumatized without their parents' knowledge. It is time to change this.

Colorado is a national leader in disability rights. When we advance protections for people with disabilities here there is a ripple effect throughout the nation. On behalf of our Council members, the communities we serve, and disabled students across the United States, thank you for considering a yes vote.

**Kristina Ericson**

Director of Policy and Outreach

Colorado Developmental Disabilities Council

Good afternoon Madam Chair and Committee members.

My name is Sarah Grazier and I am the executive director of the Colorado Developmental Disabilities Council. We support this bill.

Personally, I have a 12 year old nonverbal daughter with epilepsy and an intellectual disability in the public school system. We moved out of our previous district for better support. The price tag was a new house, a privilege that the majority of families may not have, which may also include the ability to be present today.

In 2013, The Council published its initial [policy statement](#) on the use of seclusion and restraints based on a grant-funded project with Disability Law Colorado that collected voluntary data from schools across Colorado. Comprehensive seclusion data is still not publicly available - although we are working on that too.

In the past decade, we have made progress on this issue in Colorado, banning restraints and providing standard PBIS training for educators. The field of research and practice has evolved and demonstrates far better alternatives to seclusion that maintain safety, reduce trauma, and increase educational outcomes for students. The use of seclusion is unnecessary. It creates health and safety risks for students ranging from incontinence to seizures to an increase in self harm while in seclusion. This bill would help ensure consistency, safety and dignity in addressing the behavioral needs of students with developmental disabilities.

Given all the qualitative data and evidence based research, I wonder why our educational systems think seclusion protects kids, and from whom. In our state, there are many documented cases of abuse against kids with disabilities by school system employees, who often lack the resources, training, supports and staffing to identify antecedents to behaviors and prevent them before there are consequences to the child or others in the environment.

Please help us solve the real problems in our school systems - lack of funding, training, and adequate classroom support - and stop using seclusion of kids when our system falls short of meeting their needs.

Thank you.

**House Education**

**03/20/2025 01:30 PM**

**HB25-1178 Ban Student Seclusion**

**Typed Text of Testimony Submitted**

<b>Name, Position, Representing</b>	<b>Typed Text of Testimony</b>
Jess Vestal For themselves	<p>Hello, and thank you for the opportunity to share my sentiments. The issue of seclusion and restraint is deeply personal to me. My son was subjected to illegal restraint on his school bus, where he endured unimaginable mistreatment. It is frankly embarrassing that Florida and Georgia are progressing ahead of us in this matter. I relocated my family to Colorado in search of better support and understanding for disabilities. By isolating and restraining children, we are subjecting them to trauma. A child in a fight or flight response is not in a mental state conducive to learning and growth. I urge you to consider not only my testimony on behalf of my son but also the voices of countless parents who oppose seclusion and restraint. It is evident that we do not endorse such practices. The insistence of members of CASE and CASB to maintain seclusion and restraint highlights the need for more training and support for school leadership regarding disabled children. Confined and restrained, these children are not receiving the help they need, and this approach has never been, is not, and will never be the solution.</p> <p>Please let your vote reflect that of someone who cares about all children in all areas of support needs.</p> <p>Respectfully, Jess Vestal</p>
Evie Hudak For Colorado PTA	<p>Colorado PTA supports House Bill 1178. PTA believes that every child must be provided with a well-rounded, high-quality education, which will ensure that all children have the opportunity to reach their full potential. Further, we believe all students are entitled to supportive educational environments that are free from trauma and injury.</p> <p>Colorado PTA supports a ban on the use of seclusion in public schools because the use of seclusion often causes trauma and injury</p>

	<p>to our students. Further, seclusion is often disproportionately used against students with disabilities and is ineffective at curbing negative behavior.</p> <p>Instead of seclusion, PTA supports positive school discipline policies that keep children in class learning. We support positive school discipline practices that are timely, appropriate, and fair for each student based on their violation of school rules. School discipline practices need to do more than react to behavioral symptoms, but instead address a student’s situational and behavioral motivation, and seek to prevent future disciplinary incidents.</p> <p>We oppose secluding children in our schools because there are more effective discipline practices that do not pose the risk of trauma or injury.</p>
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Representative Meghan Lukens, Chair  
Representative Matthew Martinez, Vice Chair  
House Committee on Education

Ben Jones, J.D., Director of Legal and Policy Initiatives  
Lives in the Balance  
ben@livesinthebalance.org

Hearing Date: Thursday, March 20, 2025

***Re: Support for HB25-1178, Prohibit Student Seclusion***

My name is Ben Jones and I am the Director of Legal and Policy Initiatives at Lives in the Balance, a national non-profit organization that advocates for our most vulnerable kids, and helps caregivers intervene in evidence-based ways that are collaborative, proactive, non-punitive, non-exclusionary, and effective.

With 28% of Colorado students chronically absent, it is crucial for kids to feel safe and welcomed in school.<sup>1</sup> Placing students in solitary confinement (seclusion) is not only dangerous and ineffective... it is simply unnecessary. HB25-1178 bans the use of seclusion in school.

**I. Seclusion is used disproportionately on students with disabilities and Black students**

The most recent data from the U.S. Dept. of Education lays bare the civil rights issues:<sup>2</sup>

- 126 Colorado schools used seclusion;
- 427 students were secluded 1,366 times;
- **76% of the students secluded had disabilities, though they were just 13% of the student population; and**
- **7.5% of the students secluded were Black or African American though just 4.5% of the student population.**

Since school districts fail to report reliable numbers to the state, it is highly likely that the use of seclusion is underreported.<sup>3</sup>

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<sup>1</sup> Colorado Dept. of Education. (Aug. 22, 2024). *News Release: Colorado student attendance data from 2023-24 shows continued improvement.*

<https://www.cde.state.co.us/communications/newsrelease082224-attendance>

<sup>2</sup> U.S. Dept. of Education, Office for Civil Rights. Civil Rights Data Collection, school year 2021-2022.

Available at: <https://civilrightsdata.ed.gov/data>

<sup>3</sup> Asmar, M. (2025, March 10). *Lawmakers ordered schools to report data on seclusion. For the most part, it hasn't happened.* Chalkbeat;

<https://www.chalkbeat.org/colorado/2025/03/10/seclusion-in-schools-remains-unknown-problem-without-data/>



## II. Seclusion is unnecessary - there are alternatives

Lives in the Balance has worked with countless schools to help them dramatically reduce or completely eliminate their use of seclusion (and restraint) through implementation of the evidence-based *Collaborative & Proactive Solutions* model. So we've been in the trenches, know the tremendous challenges being placed on educators in special education classrooms, and are all-too-aware of the training they've received previously that causes them to intervene in ways that are reactive instead of proactive.

**Although restraint and seclusion are often referred to as crisis prevention strategies, they are not.** They occur very late in a sequence of events that begins with an expectation a student is having difficulty meeting, usually an expectation that caregivers already know the student can't reliably meet. When caregivers are focused on proactively identifying those expectations (we call them unsolved problems) and help kids solve those problems – collaboratively and proactively -- that's true crisis prevention and the need for crisis management is dramatically reduced. As one example, we worked extensively with the Fairfax County Public Schools (FCPS), the largest school system in Virginia. Three years ago, FCPS used thousands of restraints and seclusions per year - that number is now below 100.

**There is a myth that restraint and seclusion procedures are necessary to keep kids and caregivers safe. There is no research – none – indicating that that is the case.** In fact, it is when kids are being restrained and secluded that they and their caregivers are at greatest risk for being hurt. There are many, many schools dealing with equally difficult kids that never use restraint and seclusion.

## III. Many states have already banned seclusion

Eleven states have already implemented seclusion bans. There are seven states (GA, HI, MA, MD, NV, NY, WV) where seclusion is prohibited for all students in public school. In one state, (DE) seclusion is prohibited for all students, but provides for a waiver process for individual children with school and parental consent. And, in three additional states (FL, PA, TX), seclusion is prohibited for students with disabilities in public school.

Colorado now has an opportunity to protect vulnerable kids and support educators on the front line. We urge the Committee to support HB25-1178 to truly prevent crises, improve safety for both students and caregivers, and keep its kids in the classroom and out of seclusion.

Thank you for the opportunity to testify.

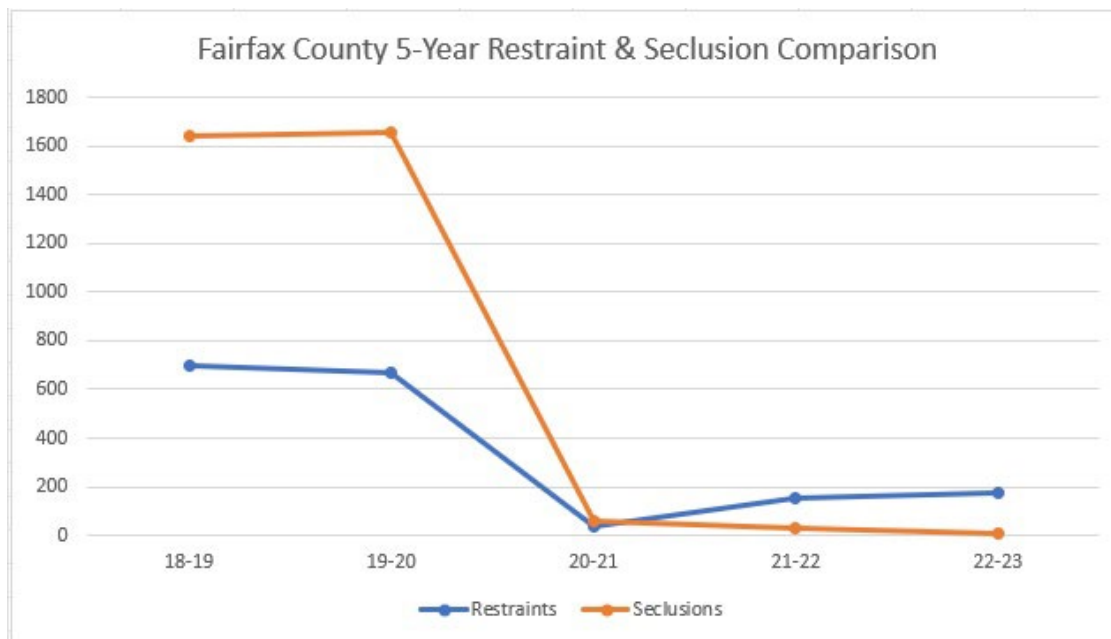
A handwritten signature in black ink, appearing to read "Ben Jones".

Ben Jones, J.D.

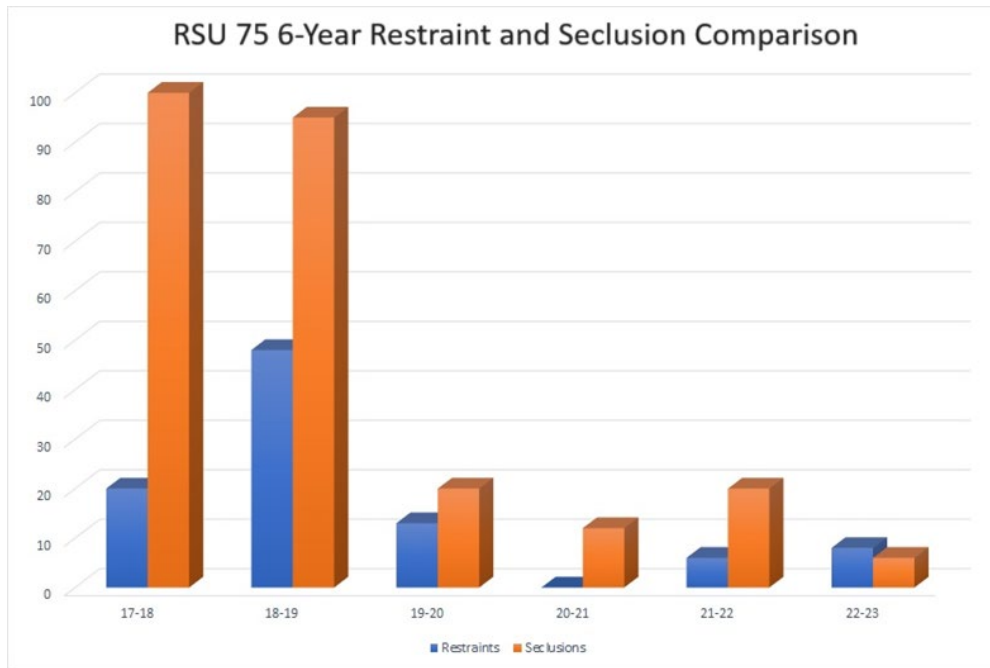
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## The Data Are In: Collaborative & Proactive Solutions (CPS) Dramatically Reduces Restraint and Seclusion in Schools

VIRGINIA: Fairfax County Public Schools (FCPS) is the largest school system in Virginia, with 220 schools and over 180,000 students. [Three years ago](#), at the urging of their involved parents, they asked [Lives in the Balance](#) to partner with them to dramatically reduce their use of restraint and seclusion. As shown in the graphic below, they've come a long way, thanks to the courage, hard work, and open-mindedness of their staff. They now know that [true crisis prevention](#) begins way before de-escalation, and that proactively solving the problems that are causing a student's concerning behavior is the best way to stay out of crisis management mode. While they're still working on getting those restraint numbers down to zero, they're also extending the work into general education classrooms. They're a great model for school systems throughout the world.



MAINE: Here's an update on a school district we [featured a while back](#), RSU 75 in Maine. After implementing CPS following the 2018-19 school year, the district has experienced a significant decline in their use of restraint and seclusion – graphic below. Good for the kids...good for the adults...good for everyone. A research paper describing these findings has been submitted for publication...but you can read it [here](#) now.



Good Afternoon and thank you for listening to my testimony. My name is Jason McNair and I am an administrator. I have been an administrator for almost 20 years and in that time, we have noticed an increase in mental health issues with our students. Both the frequency and intensity continue to challenge our schools and classrooms. I am in opposition to this bill as it takes another tool away from schools in a time that we need as many resources available to us as possible. In my 13 years at Platte Valley Elementary School we rarely use seclusion, but we have needed it. I have used it for violent students that have tried to gravely harm others, completely destroyed classrooms, or have tried to harm themselves. I have a master's degree in special education and we understand that seclusion should never be used as a consequence and only if there is imminent danger. We have numerous CPI trained staff including myself and to put a student in a hold for longer periods of time increases the chance that both the student and staff members could be hurt or traumatized. When a student in a safety room, there is no lock, a window and the door has to be manually held closed. I check with the student every minute or so to see if they are ready to calm down and come out and as soon as they are no longer in a manic state, we go in and process with them, provide love and care and help them transition. We have not used the room in the past two years, but I am confident we may need it in the future.

Examples of when we have used it:

A student that goes into a blind rage when escalated. That student has tried to bite, stab, hit kick, spit on and do anything else they can to cause harm. If that student had a knife when in that state, he would absolutely stab you. All students and staff anywhere near that student was in danger. He would tell staff and students that he would fucking kill them. He would bite his lip or tongue and spit blood at those around. This student was in kindergarten. I am curious what you would suggest as an alternative.

A student throws furniture and tries to hurt all in his path, I have responded when the class has had to be evacuated and the teacher has been harmed as she has had to stay in and keep him from hurting himself. He took 20-30 minutes to deescalated. What would I do with that child for 30 minutes to keep him and staff safe?

I responded to a student that was lying under a desk and threatening to put the desk leg through his "fucking throat". He would do everything in his power to harm himself when escalated and there could not be any furniture or objects around to keep him safe. Also, in kindergarten.

We have students currently that have extreme behaviors and do destroy items and classrooms. We evacuate and deescalate and do not use seclusion. We have students that threaten to kill teachers or other students and that have explosive, and we handle those situations weekly.

Our school has an excellent reputation for helping students with behaviors and all of the students I mentioned made tremendous progress and are functioning in public education. Seclusion is not a solution to improving behavior, but it does keep students and staff safe in emergencies.

We understand that there are situations where adults have not done the right thing. Hold them accountable, but do not take tools away from educators in a time that education is more challenging than it has ever been. There is already a teacher shortage. If we take away measures to keep kids and staff safe, we will continue to have challenges recruiting qualified experts to take educate and take care of our students.