



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 25-1248: PROTECT STUDENTS FROM RESTRAINT & SECLUSION

**Prime Sponsors:**

Rep. Stewart K.

Sen. Kipp

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**Published for:** House Second Reading

**Drafting number:** LLS 25-0777

**Version:** Second Revised Note

**Date:** March 26, 2025

**Fiscal note status:** The revised fiscal note reflects the introduced bill, as amended by the House Education and House Appropriation Committees.

### Summary Information

**Overview.** The bill creates the Protection of Students from Restraint and Seclusion Act, outlining the conditions and requirements specific to public schools and school districts in the use of seclusion and restraint.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Workload
- School Districts

**Appropriations.** No appropriation is required.

**Table 1**  
**State Fiscal Impacts**

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

## **Summary of Legislation**

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### **Use of Restraint and Seclusion**

Current law describing the acceptable conditions for the use of restraint or seclusion by a state or local government or agency are found in the Protection of Individuals from Restraint and Seclusion Act.<sup>1</sup> The bill removes schools and districts from the requirements of this act, and instead creates a separate article unique to public schools and school districts. Specifically, the bill:

- prohibits the use of restraint on a public school student either at the school or at a school sponsored off-campus activity;
- identifies exceptions to this prohibition, and conditions a local education provider must follow if using seclusion or restraints; and
- requires local education providers that use restraint to ensure proper training, and that all instances are documented in a written report.

### **Review and Reporting**

No later than July 1, 2025, each school district and the Charter School Institute must establish an annual review process to ensure that the use of restraint is being administered properly and is being minimized and prevented by increasing the use of positive interventions. Beginning June 30, 2026, each local education provider must annually report to the CDE certain data on instances of physical restraints and seclusion, the number of students who experienced restraint and seclusion, and how long the instances lasted.

If there is a reasonable probability that a physical restraint or seclusion may be used on a specific student, the local education provider must notify the student's parent or legal guardian, and the student, if appropriate. The local education provider must meet with a notified parent or legal guardian if requested.

### **Rulemaking and Enforcement**

By January 1, 2026, the State Board of Education (SBE) must adopt, amend, or repeal rules as necessary to reflect the bill's requirements, including a process for filing complaints. The Colorado Department of Education (CDE) must make training available to local education providers on relevant state laws, and the rules adopted by the SBE. The CDE also has enforcement authority over any restraint investigation decisions, following the same procedures used for investigations under the federal Individuals with Disabilities Education Act (IDEA).

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<sup>1</sup> Section 26-20-101, et seq., C.R.S

## **State Expenditures**

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The bill minimally increases workload in the CDE. The department must revise information management systems to include the new requirements for district profile reports, and to include additional detail on instances of restraint and seclusion. This effort does not require additional appropriations.

## **School District**

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Public schools and districts will have increased workload to adjust internal policies and rules related to student discipline.

## **Effective Date**

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The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## **State and Local Government Contacts**

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Education

Law

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).