

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0777.01 Jacob Baus x2173

HOUSE BILL 25-1248

HOUSE SPONSORSHIP

Stewart K.,

SENATE SPONSORSHIP

Kipp,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ADMINISTRATION OF DISCIPLINARY MEASURES IN**
102 **PUBLIC SCHOOLS.**

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>.)

Under current law, the "Protection of Individuals from Restraint and Seclusion Act" contains parameters concerning exceptions for the use of restraint and seclusion for various agencies, including for public schools.

The bill removes public schools from the "Protection of Individuals from Restraint and Seclusion Act" and creates the "Protection

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.

of Students from Restraint and Seclusion Act" that is specific to local education providers.

The bill:

- Prohibits restraint and seclusion, except as provided;
- Requires a local education provider that uses restraint or seclusion to train its employees and agents; and
- Requires a local education provider to document instances of restraint or seclusion and notify the student's family of certain instances of restraint or seclusion.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 15.5 to
3 title 22 as follows:

4 **ARTICLE 15.5**

5 **Protection of Students from Restraint and Seclusion Act**

6 **22-15.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 15.5
7 IS THE "PROTECTION OF STUDENTS FROM RESTRAINT AND SECLUSION
8 ACT".

9 **22-15.5-102. Definitions.** AS USED IN THIS ARTICLE 15.5, UNLESS
10 THE CONTEXT OTHERWISE REQUIRES:

11 (1) "CHEMICAL RESTRAINT" MEANS INVOLUNTARY
12 ADMINISTRATION OF MEDICATION TO A STUDENT FOR THE PURPOSE OF
13 RESTRAINING THE STUDENT; EXCEPT THAT "CHEMICAL RESTRAINT" DOES
14 NOT INCLUDE ADMINISTERING PRESCRIPTION MEDICATION THAT IS
15 REGULARLY ADMINISTERED TO THE STUDENT FOR MEDICAL TREATMENT
16 OTHER THAN TO RESTRAIN THE STUDENT'S FREEDOM OF MOVEMENT,
17 INCLUDING ASTHMA CORTICOSTEROID, MOOD DISORDER MEDICATION,
18 INSULIN, OR GLUCAGON, OR ADMINISTERING MEDICATION FOR VOLUNTARY
19 OR LIFE-SAVING MEDICAL PROCEDURES, INCLUDING EPINEPHRINE OR
20 DIAZEPAM.

1 (2) "EMERGENCY" MEANS A SERIOUS, PROBABLE, IMMINENT
2 THREAT OF BODILY HARM TO SELF OR OTHERS WHEN THERE IS THE
3 PRESENT ABILITY TO EFFECT SUCH BODILY HARM.

4 (3) "IEP TEAM" HAS THE SAME MEANING AS DESCRIBED IN SECTION
5 22-20-108.

6 (4) "INDIVIDUALIZED EDUCATION PROGRAM" OR "IEP" HAS THE
7 SAME MEANING AS SET FORTH IN SECTION 22-20-103.

8 (5) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
9 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
10 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY
11 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE
12 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED
13 AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT
14 OPERATES ONE OR MORE PUBLIC SCHOOLS.

15 (6) "MECHANICAL RESTRAINT" MEANS A PHYSICAL DEVICE USED
16 TO RESTRICT A STUDENT'S VOLUNTARY FREEDOM OF MOVEMENT OR THE
17 MOVEMENT OR NORMAL FUNCTION OF A PORTION OF THEIR BODY.
18 "MECHANICAL RESTRAINT" DOES NOT INCLUDE:

19 (a) A DEVICE THAT IS RECOMMENDED FOR THE STUDENT BY A
20 PHYSICIAN, OCCUPATIONAL THERAPIST, OR PHYSICAL THERAPIST; IS
21 AGREED TO FOR USE BY THE STUDENT BY THE STUDENT'S IEP TEAM OR
22 SECTION 504 TEAM; AND IS USED IN ACCORDANCE WITH THE STUDENT'S
23 IEP OR SECTION 504 PLAN;

24 (b) A PROTECTIVE DEVICE THAT IS USED TO PREVENT A STUDENT
25 FROM SELF-HARM, IS AGREED TO FOR USE BY THE STUDENT BY THE
26 STUDENT'S IEP TEAM OR SECTION 504 TEAM, AND IS USED IN ACCORDANCE
27 WITH THE STUDENT'S IEP OR SECTION 504 PLAN. THE PROTECTIVE DEVICE

1 MAY INCLUDE A HELMET OR MITTS.

2 (c) AN ADAPTIVE DEVICE THAT IS USED TO FACILITATE
3 INSTRUCTION OR THERAPY FOR THE STUDENT THAT IS RECOMMENDED FOR
4 THE STUDENT BY A PHYSICIAN, OCCUPATIONAL THERAPIST, OR PHYSICAL
5 THERAPIST; IS AGREED TO FOR USE BY THE STUDENT BY THE STUDENT'S
6 IEP TEAM OR SECTION 504 TEAM; AND IS USED IN ACCORDANCE WITH THE
7 STUDENT'S IEP OR SECTION 504 PLAN; OR

8 (d) A POSITIONING OR SECURING DEVICE THAT IS USED TO
9 FACILITATE THE STUDENT'S MEDICAL TREATMENT THAT IS RECOMMENDED
10 FOR THE STUDENT BY A PHYSICIAN, OCCUPATIONAL THERAPIST, OR
11 PHYSICAL THERAPIST; IS AGREED TO FOR USE BY THE STUDENT BY THE
12 STUDENT'S IEP TEAM OR SECTION 504 TEAM; AND IS USED IN ACCORDANCE
13 WITH THE STUDENT'S IEP OR SECTION 504 PLAN.

14 (7) "PHYSICAL RESTRAINT" MEANS THE USE OF BODILY, PHYSICAL
15 FORCE TO LIMIT A STUDENT'S VOLUNTARY FREEDOM OF MOVEMENT FOR
16 MORE THAN ONE MINUTE; EXCEPT THAT "PHYSICAL RESTRAINT" DOES NOT
17 INCLUDE:

18 (a) A PHYSICAL INTERVENTION OF A STUDENT ADMINISTERED BY
19 A LOCAL EDUCATION PROVIDER'S EMPLOYEE FOR ONE MINUTE OR LESS FOR
20 THE PROTECTION OF A STUDENT, OTHERS, OR PROPERTY;

21 (b) THE HOLDING OF A STUDENT BY AN ADULT FOR THE PURPOSE
22 OF CALMING OR COMFORTING THE STUDENT;

23 (c) MINIMAL PHYSICAL CONTACT FOR THE PURPOSE OF SAFELY
24 ESCORTING A STUDENT FROM ONE PLACE TO ANOTHER; OR

25 (d) MINIMAL PHYSICAL CONTACT FOR THE PURPOSE OF ASSISTING
26 A STUDENT WITH A TASK OR RESPONSE.

27 (8) "PRONE RESTRAINT" MEANS A RESTRAINT IN WHICH THE

1 STUDENT WHO IS BEING RESTRAINED IS SECURED IN A FACE-DOWN
2 POSITION.

3 (9) "RESTRAINT" MEANS A METHOD OR DEVICE THAT IS USED TO
4 LIMIT A STUDENT'S VOLUNTARY FREEDOM OF MOVEMENT. "RESTRAINT"
5 INCLUDES SECLUSION, CHEMICAL RESTRAINT, MECHANICAL RESTRAINT,
6 AND PHYSICAL RESTRAINT. "RESTRAINT" DOES NOT INCLUDE THE HOLDING
7 OF AN INDIVIDUAL FOR LESS THAN ONE MINUTE BY AN ADULT FOR
8 PROTECTION OF THE INDIVIDUAL OR OTHER PERSONS.

9 (10) (a) "SECLUSION" MEANS THE PLACEMENT OF AN INDIVIDUAL
10 ALONE IN A ROOM OR AREA FROM WHICH EGRESS IS PREVENTED.
11 "SECLUSION" IS A FORM OF RESTRAINT.

12 (b) "SECLUSION" DOES NOT INCLUDE A TIME-OUT, WHICH IS THE
13 REMOVAL OF A STUDENT FROM A POTENTIALLY REWARDING SITUATION, OR
14 FROM A SITUATION THAT WOULD OTHERWISE PRODUCE NEGATIVE
15 REINFORCEMENT. A TIME-OUT DOES NOT PREVENT A STUDENT'S EGRESS.

16 (11) "SECTION 504 PLAN" HAS THE SAME MEANING AS SET FORTH
17 IN SECTION 22-20-123 (2).

18 (12) "SECTION 504 TEAM" HAS THE SAME MEANING AS SET FORTH
19 IN SECTION 22-20-123 (2).

20 **22-15.5-103. Prohibit restraint - exceptions.** (1) EXCEPT AS
21 PROVIDED PURSUANT TO THIS ARTICLE 15.5, THE USE OF A RESTRAINT ON
22 A STUDENT OF A LOCAL EDUCATION PROVIDER IS PROHIBITED WHEN THE
23 STUDENT IS ON THE PROPERTY OF THE LOCAL EDUCATION PROVIDER OR IS
24 PARTICIPATING IN AN OFF-CAMPUS ACTIVITY OR EVENT SPONSORED BY THE
25 LOCAL EDUCATION PROVIDER.

26 (2) THE PROHIBITION DESCRIBED IN SUBSECTION (1) OF THIS
27 SECTION DOES NOT APPLY TO:

1 (a) THE USE OF MECHANICAL, PHYSICAL, OR PRONE RESTRAINTS ON
2 A STUDENT ENROLLED IN A LOCAL EDUCATION PROVIDER WHO OPENLY
3 DISPLAYS A DEADLY WEAPON, AS DEFINED IN SECTION 18-1-901;

4 (b) THE USE OF MECHANICAL OR PRONE RESTRAINTS BY AN ARMED
5 SECURITY OFFICER OR A CERTIFIED PEACE OFFICER WORKING IN A LOCAL
6 EDUCATION PROVIDER'S FACILITIES WHEN THE OFFICER:

7 (I) HAS RECEIVED DOCUMENTED TRAINING IN DEFENSIVE TACTICS
8 UTILIZING HANDCUFFING PROCEDURES;

9 (II) HAS RECEIVED DOCUMENTED TRAINING IN RESTRAINT TACTICS
10 UTILIZING PRONE RESTRAINT; AND

11 (III) HAS MADE A REFERRAL TO A LAW ENFORCEMENT AGENCY
12 AND IS MAKING AN ARREST;

13 (c) THE USE OF MECHANICAL, PHYSICAL, OR PRONE RESTRAINTS BY
14 A SCHOOL RESOURCE OFFICER OR A LAW ENFORCEMENT OFFICER ACTING
15 IN THE OFFICER'S OFFICIAL CAPACITY ON THE LOCAL EDUCATION
16 PROVIDER'S PROPERTY, IN A LOCAL EDUCATION PROVIDER'S VEHICLE, OR
17 AT AN ACTIVITY OR EVENT SPONSORED BY THE LOCAL EDUCATION
18 PROVIDER IF THERE IS A DANGER TO THE STUDENT OR OTHERS OR DURING
19 A CUSTODIAL ARREST THAT REQUIRES TRANSPORT; AND

20 (d) (I) THE USE OF A PHYSICAL RESTRAINT OR SECLUSION IN AN
21 EMERGENCY AFTER THE FAILURE OF LESS RESTRICTIVE ALTERNATIVES; OR

22 (II) THE USE OF A PHYSICAL RESTRAINT OR SECLUSION IN AN
23 EMERGENCY AFTER A DETERMINATION THAT LESS RESTRICTIVE
24 ALTERNATIVES WOULD BE INAPPROPRIATE OR INEFFECTIVE DURING THE
25 EMERGENCY.

26 (3) IF A LOCAL EDUCATION PROVIDER USES A ROOM FOR SECLUSION
27 AS A TYPE OF RESTRAINT, THERE MUST BE AT LEAST ONE WINDOW TO

1 MONITOR THE STUDENT WHEN THE DOOR IS CLOSED. IF A WINDOW IS NOT
2 FEASIBLE, MONITORING MUST BE WITH A VIDEO CAMERA. A STUDENT
3 PLACED IN SECLUSION MUST BE CONTINUALLY MONITORED. THE ROOM
4 MUST BE A SAFE SPACE FREE OF INJURIOUS ITEMS. THE ROOM USED FOR
5 SECLUSION MUST NOT BE A ROOM THAT IS USED BY SCHOOL STAFF FOR
6 STORAGE, CUSTODIAL PURPOSES, OR OFFICE SPACE.

7 (4) (a) A LOCAL EDUCATION PROVIDER THAT, OR LOCAL
8 EDUCATION PROVIDER'S EMPLOYEE OR AGENT WHO, USES RESTRAINT
9 SHALL USE THE RESTRAINT:

10 (I) ONLY FOR THE PURPOSE OF PREVENTING THE CONTINUATION OR
11 RENEWAL OF THE APPROPRIATE CIRCUMSTANCES DESCRIBED IN
12 SUBSECTION (2) OF THIS SECTION FOR THE INCIDENT;

13 (II) ONLY FOR THE PERIOD OF TIME NECESSARY TO ACCOMPLISH ITS
14 PURPOSE; AND

15 (III) IN THE CASE OF PHYSICAL RESTRAINT, ONLY IF NO MORE
16 FORCE THAN IS NECESSARY TO LIMIT THE INDIVIDUAL'S FREEDOM OF
17 MOVEMENT IS USED.

18 (b) IF PROPERTY DAMAGE MAY BE INVOLVED, RESTRAINT MAY
19 ONLY BE USED WHEN THE DESTRUCTION OF PROPERTY WOULD RESULT IN
20 A SERIOUS, PROBABLE, IMMINENT THREAT OF BODILY HARM TO SELF OR
21 OTHERS AND WHEN THERE IS THE PRESENT ABILITY TO EFFECT SUCH
22 BODILY HARM.

23 (5) A LOCAL EDUCATION PROVIDER, OR LOCAL EDUCATION
24 PROVIDER'S EMPLOYEE OR AGENT, SHALL NOT USE A RESTRAINT AS A:

25 (a) FORM OF PUNISHMENT OR DISCIPLINARY SANCTION;

26 (b) PART OF A TREATMENT PLAN OR BEHAVIOR MODIFICATION
27 PLAN; OR

1 (c) FORM OF RETALIATION.

2 **22-15.5-104. General duties relating to use of restraint.** (1) A
3 LOCAL EDUCATION PROVIDER THAT, OR A LOCAL EDUCATION PROVIDER'S
4 EMPLOYEE OR AGENT WHO, USES A RESTRAINT SHALL ENSURE THAT:

5 (a) A PHYSICAL RESTRAINT OF A STUDENT DOES NOT PLACE EXCESS
6 PRESSURE ON THE CHEST OR BACK OF THE STUDENT OR INHIBIT OR IMPEDE
7 THE STUDENT'S ABILITY TO BREATHE; AND

8 (b) DURING THE PHYSICAL RESTRAINT OF A STUDENT, THE
9 STUDENT'S BREATHING IS NOT COMPROMISED.

10 (2) A LOCAL EDUCATION PROVIDER'S EMPLOYEE OR AGENT SHALL
11 PROVIDE THE STUDENT RELIEF PERIODS FROM SECLUSION FOR REASONABLE
12 ACCESS TO TOILET FACILITIES.

13 (3) A LOCAL EDUCATION PROVIDER'S EMPLOYEE OR AGENT SHALL
14 RELEASE THE STUDENT IN PHYSICAL RESTRAINT WITHIN FIFTEEN MINUTES
15 AFTER THE INITIATION OF THE PHYSICAL RESTRAINT, EXCEPT WHEN IT
16 WOULD BE UNSAFE TO DO SO.

17 **22-15.5-105. Training concerning the use of restraint.** (1) A
18 LOCAL EDUCATION PROVIDER THAT USES RESTRAINT SHALL ENSURE THAT
19 EMPLOYEES AND AGENTS WHO ARE INVOLVED IN USING RESTRAINT IN ITS
20 FACILITIES OR PROGRAMS ARE TRAINED IN THE APPROPRIATE USE OF
21 RESTRAINT.

22 (2) A LOCAL EDUCATION PROVIDER THAT USES RESTRAINT SHALL
23 ENSURE THAT ALL EMPLOYEES AND AGENTS WHO ARE INVOLVED IN USING
24 RESTRAINT IN ITS FACILITIES OR PROGRAMS ARE TRAINED TO EXPLAIN THE
25 USE OF RESTRAINT TO THE STUDENT WHO IS TO BE RESTRAINED AND TO
26 THE STUDENT'S FAMILY.

27 **22-15.5-106. Documentation requirements for restraint.** (1) A

1 LOCAL EDUCATION PROVIDER SHALL REQUIRE ITS EMPLOYEE OR AGENT
2 WHO USES A RESTRAINT ON A STUDENT TO SUBMIT A WRITTEN REPORT OF
3 THE INCIDENT TO THE LOCAL EDUCATION PROVIDER NO LATER THAN ONE
4 SCHOOL DAY AFTER THE INCIDENT OCCURRED.

5 (2) NO LATER THAN JULY 1, 2025, EACH LOCAL EDUCATION
6 PROVIDER SHALL ESTABLISH A REVIEW PROCESS, AT LEAST ANNUALLY,
7 AND DOCUMENT THE RESULTS OF EACH REVIEW PROCESS IN WRITING. THE
8 PURPOSE OF EACH ANNUAL REVIEW PROCESS IS TO ENSURE THAT THE
9 LOCAL EDUCATION PROVIDER IS PROPERLY ADMINISTERING RESTRAINT,
10 MINIMIZING AND PREVENTING THE USE OF RESTRAINT BY INCREASING THE
11 USE OF POSITIVE BEHAVIOR INTERVENTIONS, AND REDUCING THE
12 INCIDENCE OF INJURY TO STUDENTS, EMPLOYEES, AND AGENTS. EACH
13 ANNUAL REVIEW PROCESS MUST INCLUDE, BUT IS NOT LIMITED TO:

14 (a) ANALYSIS OF INCIDENT REPORTS, INCLUDING CONSIDERATION
15 OF PROCEDURES USED DURING THE RESTRAINT, PREVENTIVE OR
16 ALTERNATIVE TECHNIQUES ATTEMPTED, DOCUMENTATION, AND
17 FOLLOW-UP;

18 (b) TRAINING NEEDS OF STAFF;

19 (c) STAFF-TO-STUDENT RATIOS; ■■■

20 (d) ENVIRONMENTAL CONSIDERATIONS, INCLUDING PHYSICAL
21 SPACE, STUDENT SEATING ARRANGEMENTS, AND NOISE LEVELS.

22 (3) IF A PHYSICAL RESTRAINT IS USED FOR MORE THAN ONE
23 MINUTE BUT LESS THAN FIVE MINUTES, THE LOCAL EDUCATION PROVIDER
24 SHALL PROVIDE WRITTEN NOTICE ON THE DAY OF THE RESTRAINT TO THE
25 PARENT OR LEGAL GUARDIAN OF THE STUDENT. THE WRITTEN NOTICE
26 MUST INCLUDE THE DATE, THE NAME OF THE STUDENT, AND THE NUMBER
27 OF RESTRAINTS USED THAT DAY THAT LASTED BETWEEN ONE AND FIVE

1 MINUTES.

2 (4) IF A PHYSICAL RESTRAINT IS USED FOR FIVE MINUTES OR MORE,
3 OR IF THE STUDENT IS PLACED IN SECLUSION FOR ANY LENGTH OF TIME,
4 THE LOCAL EDUCATION PROVIDER SHALL MAIL OR EMAIL A WRITTEN
5 REPORT OF THE INCIDENT TO THE PARENT OR LEGAL GUARDIAN OF THE
6 STUDENT NOT MORE THAN FIVE CALENDAR DAYS AFTER THE USE OF THE
7 RESTRAINT ON THE STUDENT. THE WRITTEN REPORT MUST BE PLACED IN
8 THE STUDENT'S CONFIDENTIAL FILE AND INCLUDE:

- 9 (a) THE ANTECEDENT OF THE STUDENT'S BEHAVIOR, IF KNOWN;
10 (b) A DESCRIPTION OF THE INCIDENT;
11 (c) ANY EFFORTS MADE TO DE-ESCALATE THE SITUATION;
12 (d) ANY ALTERNATIVES TO THE USE OF RESTRAINTS THAT WERE
13 ATTEMPTED;
14 (e) THE TYPE AND DURATION OF THE RESTRAINT USED;
15 (f) ANY INJURIES THAT OCCURRED; AND
16 (g) THE NAMES OF THE LOCAL EDUCATION PROVIDER'S EMPLOYEES
17 OR AGENTS WHO WERE PRESENT AND EMPLOYEES AND AGENTS WHO WERE
18 INVOLVED IN ADMINISTERING THE RESTRAINT.

19 (5) NO LATER THAN JUNE 30, 2026, AND NO LATER THAN EVERY
20 JUNE 30 THEREAFTER, EACH LOCAL EDUCATION PROVIDER SHALL SUBMIT
21 IN A REPORT TO THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION
22 22-1-138, THE INFORMATION FROM THE ANNUAL REVIEW CONDUCTED
23 PURSUANT TO SUBSECTION (2) OF THIS SECTION AND THE FOLLOWING
24 DATA:

- 25 (a) THE TOTAL NUMBER OF PHYSICAL RESTRAINTS LASTING MORE
26 THAN ONE MINUTE BUT LESS THAN FIVE MINUTES;
27 (b) THE TOTAL NUMBER OF PHYSICAL RESTRAINTS LASTING FIVE OR

1 MORE MINUTES;

2 (c) THE TOTAL NUMBER OF SECLUSIONS;

3 (d) THE TOTAL NUMBER OF STUDENTS WHO EXPERIENCED AT LEAST

4 ONE PHYSICAL RESTRAINT LASTING MORE THAN ONE MINUTE BUT LESS

5 THAN FIVE MINUTES;

6 (e) THE TOTAL NUMBER OF STUDENTS WHO EXPERIENCED AT LEAST

7 ONE PHYSICAL RESTRAINT LASTING FIVE MINUTES OR MORE; AND

8 (f) THE TOTAL NUMBER OF STUDENTS WHO EXPERIENCED AT LEAST

9 ONE SECLUSION.

10 (6) IF THERE IS A REASONABLE PROBABILITY THAT A PHYSICAL

11 RESTRAINT OR SECLUSION MAY BE USED ON A SPECIFIC STUDENT, THE

12 LOCAL EDUCATION PROVIDER SHALL PROVIDE WRITTEN NOTICE TO THE

13 PARENT OR LEGAL GUARDIAN OF THE STUDENT, AND TO THE STUDENT, IF

14 APPROPRIATE, REGARDING PHYSICAL RESTRAINT OR SECLUSION

15 PROCEDURES THAT MAY BE USED, THE CIRCUMSTANCES IN WHICH

16 PHYSICAL RESTRAINT OR SECLUSION MAY BE USED, AND THE LOCAL

17 EDUCATION PROVIDER'S EMPLOYEES OR AGENTS WHO MAY BE INVOLVED.

18 THE LOCAL EDUCATION PROVIDER SHALL MEET WITH A PARENT OR LEGAL

19 GUARDIAN WHO RECEIVED A WRITTEN NOTICE PURSUANT TO THIS

20 SUBSECTION (6) AND REQUESTS A MEETING TO DISCUSS THE WRITTEN

21 NOTICE.

22 (7) THE DEPARTMENT OF EDUCATION SHALL MAKE TRAINING

23 AVAILABLE TO LOCAL EDUCATION PROVIDERS AND LOCAL EDUCATION

24 PROVIDERS' EMPLOYEES AND AGENTS ON THE REQUIREMENTS OF THIS

25 ARTICLE 15.5 AND ON THE STATE BOARD OF EDUCATION'S CORRESPONDING

26 RULES FOR ADMINISTRATION.

27 (8) THE DEPARTMENT OF EDUCATION HAS ENFORCEMENT

1 AUTHORITY OVER RESTRAINT INVESTIGATION DECISIONS. THIS
2 ENFORCEMENT AUTHORITY MUST FOLLOW THE SAME PROCEDURES
3 OUTLINED FOR STATE COMPLAINTS UNDER THE FEDERAL "INDIVIDUALS
4 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AND
5 THE DEPARTMENT'S STATE-LEVEL COMPLAINT PROCEDURES.

6 **22-15.5-107. Rules.** (1) NO LATER THAN JANUARY 1, 2026, THE
7 STATE BOARD OF EDUCATION SHALL ADOPT, AMEND, OR REPEAL RULES AS
8 NECESSARY TO REFLECT THIS ARTICLE 15.5.

9 (2) THE STATE BOARD OF EDUCATION SHALL ADOPT RULES
10 ESTABLISHING A PROCESS BY WHICH A STUDENT, A STUDENT'S PARENT OR
11 LEGAL GUARDIAN, OR A THIRD PARTY ON BEHALF OF A STUDENT OR
12 STUDENT'S PARENT OR LEGAL GUARDIAN MAY FORMALLY COMPLAIN
13 ABOUT THE USE OF RESTRAINT BY A LOCAL EDUCATION PROVIDER'S
14 EMPLOYEE OR AGENT. TO THE EXTENT PRACTICABLE, THE RULES MUST
15 DETAIL THE PROCESS FOR FILING A STATE COMPLAINT UNDER THE FEDERAL
16 "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400
17 ET SEQ.

18 (3) THE STATE BOARD OF EDUCATION MAY ADOPT RULES
19 REGARDING THE USE OF RESTRAINT AND SECLUSION CONSISTENT WITH THE
20 PROVISIONS OF THIS ARTICLE 15.5.

21 **22-15.5-108. Limitations.** (1) NOTHING IN THIS ARTICLE 15.5
22 FORMS AN INDEPENDENT BASIS OF STATUTORY AUTHORITY FOR USING
23 RESTRAINT.

24 (2) NOTHING IN THIS ARTICLE 15.5 AUTHORIZES A LOCAL
25 EDUCATION PROVIDER TO IMPLEMENT POLICIES, PROCEDURES, OR
26 STANDARDS, OR AUTHORIZES THE DEPARTMENT OF EDUCATION TO ADOPT
27 RULES THAT WOULD LIMIT, DECREASE, OR ADVERSELY IMPACT ANY

1 POLICIES, PROCEDURES, STANDARDS, RULES, OR ORDINANCES THAT
2 PROVIDE GREATER PROTECTION CONCERNING THE USE OF RESTRAINT THAN
3 IS DESCRIBED IN THIS ARTICLE 15.5.

4 (3) THIS ARTICLE 15.5 DOES NOT PROHIBIT TRANSPORTATION
5 PROVIDED BY THE LOCAL EDUCATION PROVIDER FROM HAVING SEAT
6 BELTS, HARNESES, CAR SEATS, OR OTHER DEVICES FOR PASSENGER
7 SAFETY.

8 SECTION 2. In Colorado Revised Statutes, 22-1-139, **amend**
9 (1)(b)(VII) 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 (VII) The number of students physically restrained; and

14 SECTION 3. In Colorado Revised Statutes, 22-32-109.1, **amend**
15 (2)(a)(I) introductory portion and (2)(a)(I)(L) as follows:

16 22-32-109.1. Board of education - specific powers and duties
17 - safe school plan - conduct and discipline code - safe school reporting
18 requirements - school response framework - school resource officers
19 - definitions. (2) **Safe school plan.** To provide a learning environment
20 that is safe, conducive to the learning process, and free from unnecessary
21 disruption, each school district board of education or institute charter
22 school board for a charter school authorized by the charter school institute
23 shall, following consultation with the school district accountability
24 committee and school accountability committees, parents, teachers,
25 administrators, students, student councils where available, and, where
26 appropriate, the community at large, adopt and implement a safe school
27 plan, or review and revise, as necessary in response to any relevant data

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

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

15 (L) Information concerning the school district's policies for the
16 use of restraint and seclusion on students, including a reference to ~~section~~
17 ~~26-20-111~~ THE "PROTECTION OF STUDENTS FROM RESTRAINT AND
18 SECLUSION ACT", ARTICLE 15.5 OF THIS TITLE 22, and information
19 concerning the process for filing a complaint regarding the use of restraint
20 or seclusion, as such process is set forth by rule of the state board
21 pursuant to ~~section 22-32-147~~ SECTION 22-15.5-107.

22

23 **SECTION 4.** In Colorado Revised Statutes, 26-20-102, **amend**
24 (1)(a)(III), (6) introductory portion, and (6)(c); **repeal** (1)(a)(VI); and **add**
25 (1)(b)(V) as follows:

26 **26-20-102. Definitions.** As used in this article 20, unless the
27 context otherwise requires:

1 (1) (a) "Agency" means:

2 (III) Any public or private entity that has entered into a contract
3 for services with an entity described in subsection (1)(a)(I) OR (1)(a)(II)
4 ~~or (1)(a)(VI)~~ of this section;

5 (VI) ~~Any school district, including any school or charter school of~~
6 ~~a school district, and the state charter school institute established in~~
7 ~~section 22-30.5-503, including any institute charter school.~~

8 (b) "Agency" does not include:

9 (V) A LOCAL EDUCATION PROVIDER, AS DEFINED PURSUANT TO
10 SECTION 22-15.5-102.

11 (6) "Restraint" means any method or device used to involuntarily
12 limit freedom of movement, including bodily physical force, mechanical
13 devices, or chemicals. Restraint must not be used as a form of discipline
14 or to gain compliance. ~~from a student~~ If property damage might be
15 involved, restraint may only be used when the destruction of property
16 could possibly result in bodily harm to the individual or another person.
17 "Restraint" includes chemical restraint, mechanical restraint, and physical
18 restraint. "Restraint" does not include:

19 (c) The holding of an individual for less than one minute by a staff
20 person for protection of the individual or other persons; ~~except that~~
21 ~~nothing in this subsection (6)(c) may be interpreted to permit the holding~~
22 ~~of a public school student in a prone position, except as described in~~
23 ~~section 26-20-111 (2), (3), or (4); or~~

24 **SECTION 5.** In Colorado Revised Statutes, **repeal** 22-30.5-528,
25 22-32-147, and 26-20-111.

26 **SECTION 6. 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.