

Vote YES for Students with Disabilities

Vote YES on HB17-1276

Sponsored by Representative Lontine, Senators Gardner & Field

HB 1276 includes three main components to protect students, parents and school staff:

1. **Ban on Prone Restraints** – Prone (face down) restraints have resulted in deaths of children and adults across the United States. Recognizing the inherent danger in performing prone restraints, the U.S. Department of Education has called for a ban on prone restraints in schools and the Colorado Department of Human Services (CDHS) has banned the use of prone restraints (other than as a transitional position) in all of its facilities, including residential treatment facilities, regional centers and the Division of Youth Corrections. It's time for Colorado schools to make the same commitment to safety.
2. **Data Collection on Restraint & Seclusion** – Currently, school staff are required to collect significant data for each use of restraint and seclusion. Additionally, school districts are currently required to review all of the individual incident data from within their district and make specific findings and recommendations on an annual basis. HB 1276 requires that such data be reported to the Colorado Department of Education (CDE) annually and instructs CDE to make such data available on its website as part of school accountability and transparency.
3. **Complaint Mechanism** – Currently, there is no approved mechanism for parents to complain to CDE if they believe their child has been subjected to unlawful restraint or seclusion in school. Though CDE may handle a few of these cases, HB 1276 authorizes CDE to investigate all meritorious complaints of unlawful restraint or seclusion through a written complaint system, rather than forcing parents to use federal litigation – a costly and time-consuming process for both parents and school districts.

HB 1276 DOES

- Align school districts with CDHS and the U.S. Dept. of Education by restricting the dangerous use of prone restraint
- Clarify the role of CDE in investigating complaints of unlawful restraint & seclusion
- Provide guidance to school districts on what data to report annually regarding restraint & seclusion
- Allow CDE to gather, review and analyze state-wide trends regarding restraint & seclusion in schools
- Provide a cost-effective and efficient way to resolve disputes regarding restraint & seclusion without the need for expensive federal litigation

HB 1276 DOES NOT

- Does *not* change or increase staff training requirements
- Does *not* apply to police or school resource officers
- Does *not* affect properly trained “Armed Security Officers” who have made a referral to law enforcement
- Does *not* restrict the ability of school staff to respond as needed to serious situations in which a student brandishes a deadly weapon
- Does *not* significantly increase the information school districts are required to collect and review on annual basis regarding restraint & seclusion

*For Information Contact: Jon Labadie, Mendez Consulting (248-709-5797) jon@mendezconsultinginc.com
Alison Daniels, Disability Law Colorado (303-722-0300) adaniels@disabilitylawco.org*

Supporters of this Bill include:

ACLU Foundation
Advocacy Denver
The Arc of Colorado
The Arc of Adams County
The Arc Arapahoe & Douglas
The Arc of Aurora
The Arc - Jefferson, Clear Creek & Gilpin Counties
The Arc of Larimer County
The Arc of Mesa
The Arc of the Pikes Peak Region
The Arc of Pueblo
The Arc of Southwest Colorado
The Arc of Weld
The Arc of West Central Colorado
The Association for Community Living (ACL)
Autism Society of Colorado
Colorado Developmental Disabilities Council (CDDC)
CREEC (Civil Rights Education and Enforcement Center)
Disability Law Colorado
JFK Partners
PAD-CO (Parents of Adults with Disabilities in Colorado)
Qualistar
Rocky Mountain Children's Law Center
Thrive Center

