



CDE Overview of Changes to the Rules Implementing the Protection of Students from Restraint and Seclusion Act

Introduction

On April 8, 2026, the Colorado State Board of Education (SBE) adopted changes to the Rules governing the administration of the **Protection of Students from Restraint and Seclusion Act (RSA)**, 1 CCR 3-45 (RSA Rules) to align with House Bill 25-1248. This legislation consolidates all requirements concerning the use of restraint and seclusion in the public-school setting by adding Article 15.5 (RSA) to Title 22 of the Colorado Revised Statutes.

In addition to consolidating requirements that existed in various statutes, **HB25-1248 includes new or expanded substantive requirements that are covered in more detail below**. In sum, this legislation: 1) clarifies that seclusion is a form of restraint and describes specific requirements concerning its use; 2) narrows the use of restraint in response to property destruction; 3) updates training requirements; 4) expands or changes notice, documentation, and reporting requirements; and 5) allows a third party to file a complaint concerning the use of restraint and seclusion.

The Protection of Students from Restraint and Seclusion Act (RSA) applies to all local education providers (LEP).

An LEP means a school district, a charter school authorized by a school district pursuant to Article 30 of Title 22, C.R.S., a charter school authorized by the state Charter School Institute pursuant to Article 30.5 of Title 22, C.R.S., or a Board of Cooperative Services (BOCES) created and operating pursuant to Article 5 of Title 22, C.R.S. that operates one or more public schools. RSA Rule 2.00(5).

Legal Basis for the Use of Restraint and Seclusion in the School Setting

The use of physical restraint and seclusion is only permitted in an emergency after the failure of less restrictive alternatives or after a determination that less restrictive alternative would be inappropriate or ineffective in the emergency. RSA Rule 3.00(3)(d). Emergency means a serious, probable, imminent threat of bodily harm to self or others when there is the present ability to effect such bodily harm. RSA Rule 2.00(2).

The prohibition on the use of prone and mechanical forms of restraint still applies subject to the explicit exception for use by an armed security officer or certified police in an emergency and after the failure of less restrictive alternatives or a determination that less restrictive alternatives would be ineffective. While the previous rules permitted the use of prone and mechanical restraint when there had been a referral to law enforcement, **the new rules clarify that the use of prone or mechanical restraint requires a referral for arrest**. RSA Rule 3.02(b)(3). The use of chemical restraint is prohibited without exception.

The remainder of this document provides an overview of substantive changes to the use of restraint and seclusion in the school setting in five main areas. Specific changes are noted in bold.

Overview of Substantive Changes

1) Clarification and Specific Requirements Concerning the Use of Seclusion

RSA Rule 2.00(8) now clarifies that seclusion is a form of restraint. Seclusion means: 1) the placement of a student, 2) alone in a room or area, 3) from which egress is prevented. All three of these conditions must be met for a situation to constitute seclusion. For example, a student who chooses to enter a room without other students or staff and who can leave the room whenever they choose is not in seclusion. Similarly, time-out, defined as the removal of a student from a potentially rewarding or negatively reinforcing situation, is not seclusion because time-out does not prevent egress. RSA Rule 2.00(8)(a)(ii).

If an LEP uses a room for seclusion, it must have a window for monitoring student safety when the door is closed. If a window is not feasible, monitoring by video camera must occur. RSA Rule 4.00(1). The room must be free of any injurious items and not be a room that is used for custodial or storage purposes or as office space. The student must be continuously monitored for safety and provided with reasonable relief from seclusion to use the bathroom. RSA Rule 4.00(2)-(3).

For any incident of seclusion, the LEP must now document and notify parents as to whether the door was open or closed during the incident of seclusion. RSA Rule 7.00(2)(c)(x). **This is a new reporting requirement.**

2) Use of Restraint in Response to Property Destruction

The use of physical restraint and seclusion is only permitted in an emergency after the failure of less restrictive alternatives or after a determination that less restrictive alternative would be inappropriate or ineffective in the emergency. RSA Rule 3.00(3)(d). Emergency means a serious, probable, imminent threat of bodily harm to self or others when there is the present ability to effect such bodily harm. RSA Rule 2.00(2).

The RSA now explicitly narrows the use of restraint in response to property destruction. If the emergency involves property damage or destruction, the **LEP may use restraint only when the property destruction would result in serious, probably, imminent threat of bodily harm to self or others AND there is the present ability to effect such bodily harm.** RSA Rule 5.00(2).

An LEP must never use restraint as a form of punishment or disciplinary sanction, as a treatment or behavior modification plan, or in retaliation. RSA Rule 5.00(3).

3) Training Requirements

Any LEP using restraint and seclusion must ensure that all employees and agents involved in its use are appropriately trained, with **new requirements in bold**. Training must include:

- A continuum of prevention techniques;
- Environmental management;
- A continuum of de-escalation techniques;
- **An understanding of the impact of adverse childhood events or trauma on students and their behavior and how to respond appropriately to avoid further harm or trauma to students through the use of restraint or seclusion;**
- Nationally recognized physical management and restraint practices, including, but not limited to, techniques that allow restraint in an upright or sitting position and information about the dangers created by prone restraint;
- Methods to explain the use of restraint to a student who is restrained and the student's family; and

- Appropriate documentation and notification procedures, including monitoring and recording the time duration of a restraint or seclusion.

Staff must receive training at least every two years.

The CDE will make training available to LEPs, and their employees and agents, on the requirements of the statute and these rules. This training will include information regarding the differences between state law and current federal guidance on restraint and seclusion.

4) Notice, Documentation, and Reporting requirements

Notice and Documentation Requirements

If there is a reasonable possibility that a specific student may be physically restrained or secluded, the LEP must notify the student's parents in writing about the physical restraint and seclusion procedures that may be used, the specific circumstances for which physical restraint and seclusion may be used, and which staff may be involved in these procedures. If appropriate, this written notice should also be provided to the student. The LEP must meet with any parent who received this written notice and requested a meeting to discuss it. RSA Rule 7.01.

For all restraints, the LEP must require that any of its staff or agents submit a written report to the LEP no later than one school day after any incident of restraint involving a student occurs. RSA Rule 7.00(2)(a).

For physical restraints lasting more than one minute and less than five minutes, the LEP must provide written notice to the student's parent on the day the restraint occurred. This notice must include the date, the student's name, and the number of restraints occurring that day which lasted between one and five minutes. RSA Rule 7.00(2)(b).

For physical restraints lasting more than five minutes and seclusion for any length of time, the LEP must provide the parent with verbal or written notice to the parent on the same day that the restraint or seclusion occurred. The LEP must also submit a written report to the student's parent no more than five calendar days after the restraint or seclusion occurred. **This written report must include:**

- The antecedent of the student's behavior, if known;
- A description of the incident;
- Any efforts made to deescalate the student;
- Any alternatives to the use of restraint or seclusion that were attempted;
- The type of restraint or seclusion used and its duration;
- The start and end time of the restraint or seclusion;
- Any injuries that occurred;
- The names of LEP staff who were present during the restraint or seclusion and the names of any LEP staff who were involved in administering the restraint or seclusion;
- Details concerning notification to the student's parent; and
- **For seclusion only, whether the door was open or closed.**

This written report must be placed in the student's confidential file. RSA Rule 7.00(2).

Following the completion of a written report regarding the use of restraint or seclusion, administrative staff or their designee should also review to ensure that appropriate procedures were followed and to minimize future use of restraint when possible. At a minimum, this review should be conducted to ensure follow-up

communication with the parent and student, to consider whether alternative strategies could have been used, and to adjust procedures when appropriate.

At the request of the parent or LEP, the LEP must convene a meeting to review the incident. For students with IEPs or Section 504 Plans, this review may be conducted through the IEP or Section 504 process. RSA Rule 7.00(3).

Annual Review Requirement

Each LEP must establish an annual review process and document the results of its review. RSA Rule 8.00.

The purpose of this review is to ensure that the LEP is properly administering restraint procedures, increasing the use of positive behavioral supports and interventions to minimize and prevent the use of restraint, and reducing the incidence of injury to students and staff. To that end, the annual restraint review process must include:

- An analysis of incident reports which considers the restraint procedures, alternatives or preventative strategies attempted, documentation submitted, and follow-up with parents and staff;
- Training needs identified through the analysis;
- Staff to student ratios; and
- Environmental considerations such as physical space, student seating arrangements, and noise levels.

For a charter school authorized by a school district, the data and the written review must be integrated into the annual review of the authorizing school district.

For an institute charter school, the charter school must conduct its own review.

For a BOCES that operates one or more public schools, the BOCES must conduct its own review.

Data Reporting Requirements:

By June 30, 2026, and every June 30 after, each school district, each BOCES operating one or more public schools, and each institute charter school must submit a written report to the CDE that includes the annual review described above and the following data:

- Total number of physical restraints which lasted more than one minute but less than five minutes;
- Total number of physical restraints which lasted five minutes or longer;
- Total number of students who experienced a physical restraint which lasted more than one minute but less than five minutes;
- Total number of students who experienced a physical restraint which lasted five minutes or longer;
- Total number of seclusions;
- Total number of students who experienced at least one seclusion;
- Total number of mechanical restraints;
- Within the total number of mechanical restraints, how many involved the use of handcuffs; and
- Total number of prone restraints.

To ensure the submission of accurate and reliable data consistent with these reporting requirements, each school district must track restraints in their district schools, charter schools authorized by the district, and any separate school operated by the school district for students with disabilities. Each institute charter school must track its own restraints. Each BOCES that operates one or more public schools must track all restraints

used in the BOCES schools and those students must be reported through the BOCES code rather than the school district code. RSA Rule 9.00.

For purposes of this data collection, LEPs are not required to report restraint and seclusion data for students who are placed outside of the LEP, such as a facility school. In this situation, however, the LEP may have additional reporting requirements under state law or contract.

[Student Restraint and Seclusion - Colorado Department of Education](#) provides more information about data reporting and submission requirements.

5) Third-Party Complainants

HB25-1248 expanded who could file a complaint concerning the use of restraint and seclusion in a public-school setting to include a third party. Prior to this legislation, a complaint could only be filed by the student or the student's parent or legal guardian. Under RSA Rule 10.00(1), a third party may file a complaint concerning the use of restraint and seclusion on behalf of a student.