

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 3, 2022

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB22-1376 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend reengrossed bill, page 13, line 21, strike "**add**" and substitute
2 "**amend** (3)(c); and **add** (1)(b.7), (3)(b.5),".

3 Page 13, line 24, after "**definitions.**" insert: "(1) As used in this section,
4 unless the context otherwise requires:

5 (b.7) "PHYSICAL RESTRAINT" HAS THE SAME MEANING AS SET
6 FORTH IN SECTION 26-20-102 (5).

7 (3) (b.5) IF A PHYSICAL RESTRAINT IS MORE THAN ONE MINUTE BUT
8 LESS THAN FIVE MINUTES, THE NOTIFICATION REQUIREMENT IS A WRITTEN
9 NOTICE TO THE PARENT ON THE DAY OF THE RESTRAINT. THE WRITTEN
10 NOTICE MUST INCLUDE THE DATE, THE NAME OF THE STUDENT, AND THE
11 NUMBER OF RESTRAINTS THAT DAY THAT LASTED BETWEEN ONE AND FIVE
12 MINUTES.

13 (c) ~~Not more than five calendar days after the use of restraint on~~
14 ~~a student~~ IF A PHYSICAL RESTRAINT IS FIVE MINUTES OR MORE, the school
15 administration shall mail, fax, or email a written report of the incident to
16 the parent or legal guardian of the student NOT MORE THAN FIVE
17 CALENDAR DAYS AFTER THE USE OF THE RESTRAINT ON THE STUDENT. The
18 written report must be placed in the student's confidential file and include:

19 (d) NO LATER THAN JUNE 30, 2023, AND EVERY JUNE 30
20 THEREAFTER,".

21 Page 13, strike line 25.

22 Page 19, strike lines 12 through 21 and substitute:

23 "(8) ON OR BEFORE JULY 1, 2023, THE STATE BOARD SHALL
24 INITIATE RULE MAKING FOR THE PROCESS OF DETERMINING WHETHER TO
25 REQUIRE THE REPORTING OF RESTRAINTS FROM ONE TO FIVE MINUTES AND

1 WHAT DATA, IF ANY, WILL BE COLLECTED. AS A PART OF THE PUBLIC INPUT
2 PROCESS REQUIRED PURSUANT TO SECTION 24-4-104, THE STATE BOARD
3 AND THE DEPARTMENT OF EDUCATION SHALL ENGAGE WITH
4 STAKEHOLDERS, INCLUDING, BUT NOT LIMITED TO, A REPRESENTATIVE OF
5 SCHOOL DISTRICT ADMINISTRATORS, A STATEWIDE ORGANIZATION
6 REPRESENTING SPECIAL EDUCATION DIRECTORS, AND A MEMBER OF A
7 DISABILITY RIGHTS ORGANIZATION."

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