

Date of Hearing: January 23, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 216 (Weber) – As Amended January 7, 2020

Policy Committee: Education

Vote: 6 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill creates, contingent on a one-time appropriation, a pilot grant program to train school staff on (a) alternatives to the restraint and seclusion of students and (b) de-escalation techniques. The pilot is to be administered through an existing state-level project focused on enhancing positive interventions and supports at schools, in consultation with the California Department of Education (CDE). Grant funds are to be prioritized for local education agencies (LEAs) with high rates of seclusion or restraint of pupils or a significant disproportionality in pupil discipline. The bill requires local education agencies participating in the pilot to report program information to the CDE and requires CDE to report program information to the Legislature and Governor once all funds are expended.

FISCAL EFFECT:

- 1) Unknown Proposition 98 General Fund costs to fund the pilot program. Costs would depend on the number of LEAs voluntarily participating in the pilot and the cost of providing training to school staff, but likely would be in the low millions of dollars, assuming several regions of the state participate.
- 2) One-time General Fund costs of about \$100,000 for CDE to oversee the pilot program.

COMMENTS:

- 1) **Purpose.** According the author:

AB 216 is a follow-up to my prior bill to stop restraint and seclusion in schools. Tragically, a student died a few months after my bill was signed into law. My new bill supplements AB 2657 from last year by adding training in de-escalation techniques to recognize challenging behaviors and avoid restraining or secluding a child.

- 2) **Background.** Data clearly indicates students with disabilities and African American students are more likely than other students to be restrained and secluded at school. In California, 81% of students exposed to physical restraint are students in special education.

AB 2657 (Weber), Chapter 998, Statutes of 2018, prohibits the use of restraint or seclusion on any student, except under specified circumstances; establishes parameters and procedures for situations in which restraint or seclusion may be used; and requires data collection and reporting to the CDE.

- 3) **Multi-Tiered Systems of Support.** The 2015-16 budget act provided \$10 million to CDE to allocate to a county office of education (COE) for the purpose of developing and disseminating statewide resources encouraging and assisting LEAs in establishing a comprehensive approach to education known as Multi-Tiered Systems of Support (MTSS), an approach that emphasizes positive interventions and supports for students. The CDE selected Orange County's COE as the grant lead. The subsequent budget act provided \$20 million to Orange County's COE to fund these types of activities at participating LEAs. Orange County's COE named the effort the "Scaling Up MTSS (SUMS) Initiative." According to Orange County's COE, the initiative aims to "re-engage marginalized students, reduce disproportionality of discipline referrals for minority and special education students, and address the unique needs of underserved populations." One of the stated goals of the initiative is to include training services to help reduce the need for student placement in more restrictive, isolated settings. The initiative is in its fifth year and, among other efforts, has funded training on positive supports and interventions to county, district and school-level staff.

This bill proposes to create the pilot grant program to train school staff on (a) alternatives to the restraint and seclusion of students and (b) de-escalation techniques through the SUMS initiative. The bill states pilot implementation is contingent on federal or state funding. CDE indicates state funds for SUMS are fully expended and federal funding for a program such as this is fully subscribed.

The bill's sponsor, Disability Rights California, indicates several lawsuits have been filed against California LEAs due to their staff's use of seclusion and restraint of students. To the extent additional staff training in alternatives to seclusion and restraint of students mitigates the use of these tactics, associated legal costs to LEAs could be less.

- 4) **Prior Legislation.** AB 1172 (Frazier), Chapter 454, Statutes of 2019, amongst other things, requires certain nonpublic schools to train certain staff in evidence-based practices and interventions specific to students' behavioral needs. This training could include alternatives to restraint and seclusion and de-escalation techniques.

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