

## ASSEMBLY THIRD READING

AB 216 (Weber)

As Amended January 7, 2020

Majority vote

**SUMMARY:**

Establishes the Pupil and Staff Safety Pilot Program, to be administered by the Scale Up MTSS Statewide (SUMS) project, for the purpose of training school staff de-escalation techniques and alternatives to physical restraint and seclusion of students.

**Major Provisions**

- 1) Establishes the Pupil and Staff Safety Pilot Program, to be administered through the SUMS project, and authorizes local educational agencies (LEAs) to apply for funds through this program to train staff who have contact or interaction with students on de-escalation techniques and alternatives to physical restraint and seclusion of students.
- 2) Requires that priority be given in awarding grants to LEAs with higher rates of seclusion or restraint of pupils or significant disproportionality in pupil discipline, as demonstrated by data submitted to the department as required by state or federal law.
- 3) Requires that the training:
  - a) Be conducted by persons licensed or certified in fields related to the evidence-based practices and interventions being taught.
  - b) Be taught in a manner consistent with the development and implementation of individualized education programs (IEPs).
  - c) Be consistent with the requirements of existing law relative to the restraint and seclusion of students.
- 4) Requires that the content of the training include:
  - a) Positive behavioral intervention and supports, including collection, analysis, and use of data to inform, plan, and implement behavioral supports.
  - b) How to understand and address challenging behaviors, including evidence-based strategies for preventing those behaviors.
  - c) Evidence-based interventions for reducing and replacing challenging behaviors, including de-escalation techniques.
- 5) Requires a LEA, once its grant funds have been exhausted, to report to the administrator of the SUMS project on its implementation of the training and any available outcome data.
- 6) Requires, by September 30 of each fiscal year until a LEA has fully expended its pilot program funds, the LEA to submit a report to the Superintendent of Public Instruction (SPI) summarizing how the LEA used the pilot program funds in the prior fiscal year.

- 7) Requires that, once all pilot program funds are fully expended, the SPI submit a summary of the annual reports to the appropriate fiscal and policy committees of the Legislature, the Department of Finance, the State Board of Education, and the Legislative Analyst's Office.
- 8) Makes implementation of the program contingent upon funds being provided for this purpose.

**COMMENTS:**

*Need for training on alternatives to physical restraint and seclusion of students.* 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.

The CDE is in the process of establishing an ad hoc advisory group to solicit input on the implementation of AB 2657. This ad hoc group will provide 1) feedback to the CDE in the development of guidance to LEAs on identifying and implementing best practices related to pupil discipline resulting in restraint and seclusion, including preventative practices and positive behavioral interventions, and 2) feedback to the CDE in the development of a plan for disseminating the guidance and providing professional development on its content. The CDE is also planning to sponsor webinars and in-person training on this topic. According to the author, training in evidence-based practices to de-escalate challenging behaviors will enable educators to avoid the use of restraint and seclusion, in accordance with the law.

**According to 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."

**Arguments in Support:**

Disability Rights California writes, "Despite the dangers to pupils and school staff when physical restraints are used, there is currently no program or funding to offer K-12 staff evidence-based training on alternatives to using seclusion and restraint. AB 216 is critically important to ensure school staff are properly trained on de-escalation techniques and alternatives to physically restraining or secluding pupils. California has fallen behind federal guidelines and practices adopted by other states to reduce the use of these dangerous practices and instead implement positive behavior techniques."

**Arguments in Opposition:**

The California Teachers Association writes, "CTA's concerns regarding the most recent amendments include a lack of definition for those "persons licensed or certified in fields related to the evidence-based practices and interventions being taught" and a definition of "positive behavioral intervention and supports."

**FISCAL COMMENTS:**

According to the Assembly Appropriations Committee:

- 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.

**VOTES:**

**ASM EDUCATION: 6-0-1**

**YES:** O'Donnell, Kiley, Megan Dahle, McCarty, Smith, Weber

**ABS, ABST OR NV:** Kalra

**ASM APPROPRIATIONS: 18-0-0**

**YES:** Gonzalez, Bigelow, Bloom, Bonta, Brough, Calderon, Carrillo, Chau, Megan Dahle, Diep, Eggman, Fong, Gabriel, Eduardo Garcia, Maienschein, Petrie-Norris, Quirk, Robert Rivas

**UPDATED:**

VERSION: January 7, 2020

CONSULTANT: Tanya Lieberman / ED. / (916) 319-2087

FN: 0002645