

Date of Hearing: April 19, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 1466 (Weber) – As Introduced February 17, 2023

Policy Committee: Education

Vote: 7 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill requires local educational agencies (LEAs), including charter schools, to annually post on their websites data on seclusions and restraints of students, which is currently reported to the California Department of Education (CDE).

FISCAL EFFECT:

Minor ongoing Proposition 98 General Fund costs to each LEA to post on its website information about its use of seclusion and restraint of students. The state has about 2,300 LEAs to which this bill is applicable. If each LEA's posting took four hours of staff time at \$20 an hour, costs would be \$184,000 statewide annually.

If the Commission on State Mandates determines the bill's requirements to be a reimbursable state mandate, the state would need to reimburse these costs to LEAs or provide funding through the K-12 Mandate Block Grant.

COMMENTS:

1) **Purpose.** The author states:

Current state law requires LEAs to submit their restraint and seclusion data to the CDE annually. AB 1466 strengthens that provision by requiring LEAs to post that same data on their website; increasing transparency and allowing all families to easily access critical data relevant to their children's school environment.

2) **Background.** AB 2657 (Shirley Weber), Chapter 998, Statutes of 2018, prohibits the use of restraint or seclusion on any student, except in specified circumstances; establishes parameters and procedures for situations in which restraint or seclusion may be used; and requires LEAs (including charter schools and non-public schools and agencies) to annually collect and report to CDE data on the use of behavioral restraints and seclusion for students enrolled in or served by the LEA. AB 2657 requires CDE to annually report this data on its website. The data must include the number of students subjected to mechanical restraint, physical restraint, or seclusion, and the number of times mechanical restraint, physical restraint, or seclusion was used on students. This data is to be disaggregated by race or ethnicity, and gender, with separate counts for students with Section 504 plans, and Individualized Education Programs. Data posted on CDE's website for the 2020-21 school

year shows an unduplicated count of 325 students restrained and 1,299 students secluded in all educational environments at about 2,300 LEAs. Data were redacted for a number of LEAs to comply with privacy protections in state and federal law.

This bill requires that an LEA post the data it annually submits to CDE on seclusion and restraint of its students on its website. Some LEAs may need to redact data on their websites to comply with privacy protections in state and federal law.

- 3) **Related Legislation.** AB 611 (Weber) of this session would require that an LEA that contracts with a nonpublic school or agency to inform a parent or guardian of a student who attends the school or agency of the change in certification status within 14 days of becoming aware of any such change and specifies a parent or guardian is to be notified of a change in certification status resulting from a CDE investigation into student restraint or seclusion at a nonpublic school or agency. The bill is pending in this committee.

SB 483 (Cortese) of this session would prohibit the use of prone restraint for any period of time by LEAs, charter schools, the State Special Schools for the Blind and the Deaf, and nonpublic schools or agencies. The bill is pending before the Senate Education Committee.

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