

ASSEMBLY THIRD READING
AB 1466 (Weber)
As Introduced February 17, 2023
Majority vote

SUMMARY

Requires local educational agencies (LEAs) and 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).

Major Provisions

Requires that an LEA that meets the definition of a "local educational agency" specified in Section 300.28 of Title 34 of the Code of Federal Regulations annually post data about the seclusion and restraint of students on its website.

COMMENTS

Current law requires LEA data on seclusion and restraint to be collected and posted on CDE website. This bill would require that LEAs post data on seclusion and restraint of their students on their websites. This data is currently collected and reported pursuant to state and federal law. Current law also requires LEAs to collect and, no later than three months after the end of a school year, report to the CDE annually on the use of behavioral restraints and seclusion for students enrolled in or served by the LEA. Current law requires that, no later than three months after the report is due to the CDE, the CDE post the data from the report annually on its website. This data must include the following, disaggregated by race or ethnicity, and gender, with separate counts for students with Section 504 plans, IEPs, and those without IEPs:

- 1) The number of students subjected to mechanical restraint;
- 2) The number of students subjected to physical restraint;
- 3) The number of students subjected to seclusion;
- 4) The number of times mechanical restraint was used on students;
- 5) The number of times physical restraint was used on students; and
- 6) The number of times seclusion was used on students.

The CDE collected restraint and seclusion data for the first time from LEAs as part of the 2019–20 CALPADS annual data submission. The CDE provided extensive technical assistance to LEAs regarding this new data collection and the submission of these data, including notices to the field, meetings with stakeholders, and numerous data collection trainings and webinars. To certify the accuracy of the data, LEAs were required to review and approve the information displayed in the CALPADS incident and incident results reports. While not required to by law, the CDE reported these data separately for students attending non-public schools (NPSs) and is also reporting these data separately for students who are English learners, socioeconomically disadvantaged, and for migrant, foster, and homeless students.

Number of students restrained or secluded in California. Data posted on CDE's website for 2020-21 shows an unduplicated count of 325 students restrained and 1,299 students secluded in all educational environments (public school, NPS, etc.). Data were redacted for a number of LEAs to comply with privacy protections in state and federal law. If this bill is enacted, some LEAs will not be able to post data on their websites due to these privacy requirements.

According to the Author

"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."

Arguments in Support

The California Association for Parent-Child Advocacy writes, "We support AB 1466 for the reasons below and ask this committee to support the bill as well [excerpted below]:

- 1) The CDE website is difficult to search even for experienced attorneys and advocates;
- 2) Knowing this information is important for evaluating the effectiveness of existing training and determining whether research-based, positive alternatives to restraint and seclusion are being used sufficiently;
- 3) Posting information could potentially allow parents and advocates to correct incorrect information reported by districts;
- 4) Parents are sometimes under the mistaken impression that restraint and/or seclusion are always illegal, or see these practices as affecting only their children and a handful of others, for discriminatory or retaliatory reasons; and
- 5) It is critical to have information at the local level, where effective action is most likely to occur."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) 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.
- 2) 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.

VOTES

ASM EDUCATION: 7-0-0

YES: Muratsuchi, Megan Dahle, Juan Carrillo, Hoover, Lee, McCarty, Quirk-Silva

ASM APPROPRIATIONS: 15-0-1

YES: Holden, Megan Dahle, Bryan, Calderon, Wendy Carrillo, Dixon, Mike Fong, Hart, Lowenthal, Mathis, Papan, Pellerin, Sanchez, Weber, Ortega

ABS, ABST OR NV: Robert Rivas

UPDATED

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