
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2023 - 2024 Regular Session

AB 1466 (Weber) - Pupil discipline: restraint and seclusion: reporting

Version: February 17, 2023

Urgency: No

Hearing Date: July 3, 2023

Policy Vote: ED. 7 - 0

Mandate: Yes

Consultant: Lenin Del Castillo

Bill Summary: This bill requires each local educational agency (LEA) to post specified restraint and seclusion data on their websites.

Fiscal Impact: The bill's requirement for LEAs to post the restraint and seclusion data on their websites could result in a reimbursable state mandate. A precise amount is unknown but could be in the low hundreds of thousands of dollars in Proposition 98 General Fund each year. It could also lead to pressure for the state to increase the K-12 Mandate Block Grant.

Background: Existing law requires LEAs that meet the definition of a "local educational agency" specified in Section 300.28 of Title 34 of the Code of Federal Regulation 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 for all or part of the prior school year.

Existing law permits an educational provider to use seclusion or behavioral restraint only to control behavior that poses a clear and present danger of serious physical harm to the student or others that a less restrictive response cannot immediately prevent.

Existing law requires the information reported to CDE to be disaggregated by race or ethnicity and gender, with separate counts for students with Section 504 plans, Individualized Education Programs (IEPs), and those without IEPs and includes specified information, including the number of students subjected to mechanical restraint, the number of students subjected to physical restraint, and the number of students subjected to seclusion.

Proposed Law: This bill requires each LEA to post the same data that they must currently share with the CDE related to restraint and seclusion, as specified, on their websites.

Staff Comments: AB 2657 (Shirley Weber, Chapter 998, Statutes of 2018) prohibits the use of restraint or seclusion on any student, except in specified circumstances, and establishes parameters and procedures for situations in which restraint or seclusion may be used. AB 2657 also requires LEAs 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. CDE is then required 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. Further, the 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.

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