
THIRD READING

Bill No: AB 1466
Author: Weber (D)
Introduced: 2/17/23
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 6/21/23

AYES: Newman, Ochoa Bogh, Cortese, Glazer, McGuire, Smallwood-Cuevas, Wilk

SENATE APPROPRIATIONS COMMITTEE: 7-0, 9/1/23

AYES: Portantino, Jones, Ashby, Bradford, Seyarto, Wahab, Wiener

ASSEMBLY FLOOR: 76-0, 5/25/23 - See last page for vote

SUBJECT: Pupil discipline: restraint and seclusion: reporting

SOURCE: Author

DIGEST: This bill requires each Local Educational Agency (LEA), as specified by federal law, to post the same data that LEAs are currently required to share with the California Department of Education (CDE) on their websites related to restraint and seclusion.

ANALYSIS:

Existing law:

- 1) Defines LEA to mean a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools. (34 Code of Federal Regulation (CFR) 300.28)

- 2) Requires LEAs that meet the definition of a “local educational agency” specified in Section 300.28 of Title 34 of the CFR 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. (Education Code (EC) 49006)
- 3) Permits an educational provider from using 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. (EC 49005.4)
- 4) 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 the following:
 - a) The number of students subjected to mechanical restraint;
 - b) The number of students subjected to physical restraint;
 - c) The number of students subjected to seclusion;
 - d) The number of times mechanical restraint was used on students;
 - e) The number of times physical restraint was used on students; and
 - f) The number of times seclusion was used on students. (EC 49006)
- 5) States that the data collection and reporting is in compliance with federal data reporting requirements and shall not be construed to impose a new program or higher level of service on LEAs or non-public, nonsectarian schools (NPSs) or nonpublic agencies (NPAs). (EC 49006.2)

This bill requires each LEA to post specified restraint and seclusion data on their websites.

Comments

- 1) *Need for the bill.* According to the author, “Current state law requires local educational agencies to submit their restraint and seclusion data to the California Department of Education annually. AB 1466 strengthens that provision by requiring local educational agencies 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) *When Are Restraint and Seclusion of a Student Permissible?* According to the U.S. Department of Education Office (USDOE’s), *Restraint and Seclusion: Resource Document*, “Physical restraint or seclusion should not be used except

in situations where the child's behavior poses an imminent danger of serious physical harm to self or others and restraint and seclusion should be avoided to the greatest extent possible without endangering the safety of students and staff. In addition, schools should never use a drug or medication to control behavior or restrict freedom of movement unless it is (1) prescribed by a licensed physician or other qualified health professional acting under the scope of the professional's authority under State law; and (2) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law."

3) *Current Reporting Requirement to CDE.* AB 2657 (Shirley Weber, Chapter 998, Statutes of 2018) required the CDE to collect and report the data outlined in the statute. This data collection is based, in part, on a similar data collection conducted by the USDOE of Civil Rights (OCR) in which schools are required to report aggregate data to the OCR about the use of restraint and seclusion through the biannual Civil Rights Data Collection (CRDC). The data collection authorized by AB 2657 differs from the federal CRDC in that it is an annual collection of information about the use of restraint and seclusion in both traditional and NPS settings. While the law did not specify the exact collection methodology, the CDE decided to collect these data at the student level through the California Longitudinal Pupil Achievement Data System (CALPADS). The following information is collected:

- a) The number of students subjected to mechanical restraint;
- b) The number of students subjected to physical restraint;
- c) The number of students subjected to seclusion;
- d) The number of times mechanical restraint was used on students;
- e) The number of times physical restraint was used on students; and
- f) The number of times seclusion was used on students.

Restraint and seclusion data are required to be disaggregated with separate counts for pupils with a plan under Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan under Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program. While not required by law, the CDE reports these data separately for English learners, socioeconomically disadvantaged students, and migrant, foster, and homeless students.

This bill requires LEAs to post similar information currently submitted to CDE on their website.

- 4) *Students Restrained or Secluded in California.* In the 2021-22 school year, the data showed 44881 unduplicated students restrained and 5,137 unduplicated students secluded in all educational environments (public school, NPS, etc.). Some data was redacted for several LEAs to comply with privacy protections in state and federal law.

It is important to note that some data may be redacted to comply with existing privacy requirements to prevent individual students from being identifiable.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According the Senate Appropriations Committee, this 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.

SUPPORT: (Verified 9/1/23)

Association of Regional Center Agencies
 California Association for Behavior Analysis
 California Association for Parent-Child Advocacy
 California Health Coalition Advocacy
 California Parents Union
 Disability Rights California
 Educate. Advocate.
 Families for Early Autism Treatment
 Golden Valley Unified School District
 Inland Regional Center
 Kingsburg Joint Union High School District
 Learning Rights Law Center
 Pathpoint
 The Arc and United Cerebral Palsy California Collaboration
 Wayfinder Family Services

OPPOSITION: (Verified 9/1/23)

None received

ARGUMENTS IN SUPPORT: According to the California Health Coalition Advocacy, "When parents and guardians have access to information about the use of restraints and seclusion by schools, they are more readily able to make decisions

in the best interest of their children. Protecting the health and well-being of their children is the greatest responsibility a parent has and it is vital that they have all the facts pertinent to keeping their kids safe. This bill would require local educational agencies to post their annual report to the Department of Education on the use of behavioral restraints and seclusion for pupils on their websites.”

ASSEMBLY FLOOR: 76-0, 5/25/23

AYES: Addis, Alanis, Alvarez, Arambula, Bains, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Rendon

NO VOTE RECORDED: Aguiar-Curry, Bauer-Kahan, Mathis, Papan

Prepared by: Kordell Hampton / ED. / (916) 651-4105
9/4/23 8:53:08

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