



**LEGISLATION AND
COMMUNICATIONS UNIT**

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September 11, 2019

Honorable Gavin Newsom
Governor of California
Capitol Building, 1st Floor
Sacramento, CA 95814

RE: AB 1172 (Frazier) – REQUEST FOR SIGNATURE

Dear Governor Newsom:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **supports AB 1172 and requests your signature.**

AB 1172 appropriately increases regulatory oversight of nonpublic schools (NPS) by requiring that they: 1) have experienced and credentialed administrators; 2) are subject to onsite visits and monitoring by Local Educational Agencies (LEA); 3) notify the State Department of Education (DOE) and LEAs of any pupil-involved incident at the NPS in which law enforcement was involved; 4) be subject to a certification suspension or revocation where DOE has found that pupil health or safety has been compromised or is in danger of being compromised; 5) have a person onsite during school hours qualified to implement behavior interventions if they serve pupils with significant behavioral needs or who are on behavioral intervention plans; and, 6) provide annual training to all staff who have any contact or interaction with pupils during the school day which must be conducted by licensed trainers using evidence-based practices, including interventions for reducing and replacing challenging behaviors and de-escalation techniques, beginning in the 2020-21 school year.

Last year, DRC sponsored AB 2657 (Weber), Chapter 998, Statutes of 2018, which placed significant limits on the use of restraint or seclusion in public schools and NPSs. Unfortunately, before it was even effective, a thirteen year-old youth in a NPS who reportedly stopped breathing after being placed in a prone restraint for over an hour and a half died at the hospital. It is clear to us that California must do more to protect children's safety and their right to be treated with dignity.

While AB 1172 does not directly further limit the use of mechanical restraints, including the use of dangerous prone restraints, it does make significant progress in protecting children in NPSs. DRC supports the increased oversight of NPSs by LEAs and DOE and giving DOE the authority for prompt revocation of a NPS certification where pupil health or safety has been compromised or is in danger of being compromised. We are particularly supportive of the provision that requires a NPS serving pupils with significant behavioral needs, or who are on behavioral intervention plans, have a qualified individual onsite during school hours trained on the implementation of behavioral interventions. Likewise, we strongly support the requirement that all staff who have contact or interaction with pupils during the school day receive annual training on positive behavioral and evidence-based interventions for reducing and replacing challenging behaviors, including the use of de-escalation techniques.

Those provisions are consistent with the U.S. Department of Education's declaration that in order to be effective, behavioral strategies must include strategies for identifying and addressing the setting, events, antecedents, triggers and consequences that result in problem behaviors, and teaching appropriated replacement behaviors. Positive behavioral interventions and services are school-wide systemic initiatives based on evidence-based practices and data-driven decision-making to improve school climate and culture and protect children. This bill makes inroads on applying these interventions.

California must meet the behavioral needs of students using proven best practices and appropriate behavioral supports. We have a duty to our children to ensure that they are protected from abuse, treated with dignity, and attend schools that are safe. Eliminating restraints and seclusion as tools in both public and private schools as a behavioral strategy must remain a primary goal. Meanwhile, AB 1172 moves in the direction of

promoting alternatives and addressing underlying causes of problem behaviors, at least in NPSs.

For these reasons, DRC supports this bill and requests your signature. Please contact me if you have any questions about our position or if I can provide any further information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Curtis Child". The signature is fluid and cursive, with the first name "Curtis" and last name "Child" clearly distinguishable.

Curtis Child
Legislative Director
Disability Rights California

cc: Honorable Jim Frazier, California State Assembly
Marc Engstrom, Legislative Director, Office of Assembly Member
Frazier
Jennifer Johnson, Deputy Legislative Secretary, Office of Legislative
Affairs
Sam Miller, Assistant Legislative Deputy, Office of Legislative Affairs