



**LEGISLATION & PUBLIC
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April 17, 2018

Honorable Patrick O'Donnell
Chair, Education Committee
California State Assembly
Capitol Building, Room 2196
Sacramento, CA 95814

RE: AB 2657 (WEBER) – SPONSOR AND SUPPORT

Dear Assembly Member O'Donnell:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **sponsors and supports AB 2657**. This bill is scheduled for hearing in the Assembly Education Committee on April 25, 2018.

AB 2657 provides minimum protections on the use of restraints and seclusion in schools. The bill does not eliminate these practices, but limits the use of particularly dangerous practices and provides guidance on when and how seclusion and restraints are permissible. We believe this is critically important at a time when California has fallen behind federal guidelines and practices adopted by other states to reduce the use of these dangerous practices and instead implement positive behavior techniques.

We are increasingly concerned about the use of restraints and seclusion as practices for discipline and control of students. California once led the nation in positive behavior intervention techniques but implementing regulations were scaled back in 2013. At the same time, over the last decade, reports critical of these restraints and seclusions continued to be released.

Less than one month ago, the United States Government Accountability Office (GAO) released a report on the overrepresentation of students with disabilities and African American boys in school discipline. The disparities described in the report make it easier to understand the “school to prison pipeline” because coercive disciplinary practices can lead to suspension and expulsion, with the juvenile criminal justice system entering the picture. AB 2657 is a tool to help move us back in the right direction in taking our children into adulthood.

Described in the GAO report is an Office of Civil Rights investigation from Oakland California that found the use of prone restraint on one pupil with disabilities “severe, persistent, and pervasive: staff held the student face-down 92 times over a period of 11 months, with the longest duration of a single face-down restraint being 93 minutes.” This is wrong. More importantly, it is dangerous.

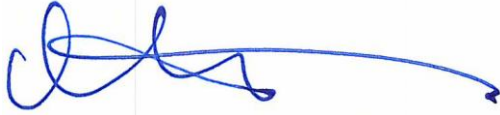
AB 2657 provides common-sense direction. It provides the same protections afforded in every other setting where restraint or seclusion are used. For example, although prone restraint, where a student is held face-down, is not absolutely prohibited, there are circumstances under which this type of restraint should never be used. Under AB 2657, if the person performing the restraint ***knows*** the student has heart disease or respiratory conditions such as asthma, which puts the student at risk of sudden death, then under those circumstances, prone restraint is prohibited.

We are not asking teachers or aides to be physicians who must diagnose before a restraint. We are asking for good judgment.

The U.S. Department of Education (USDOE) discourages the use of restraints and seclusions and issued a resource document containing fifteen core principles for consideration in developing related policies. At the press release link (<https://www.ed.gov/news/press-releases/us-department-education-issues-resource-document-discourages-restraint-and-seclu>) is quick information with a further link to download the full resource document. Summary information and detailed information on the principles can be found beginning on page 11 of the full document. Further guidance about positive behavior intervention can be found on California’s Department of Education website.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Deb Roth', with a long horizontal flourish extending to the right.

Deb Roth
Senior Legislative Advocate
Disability Rights California

cc: Honorable Shirley Weber, California State Assembly
Sawait Seyoum, Office of Assembly Member Arambula
Honorable Members, Assembly Education Committee
Naomi Ondrasek, Consultant, Assembly Education Committee
Robert Becker, Consultant, Assembly Republican Caucus Committee
Nicole Restmeyer, Speaker's Office