



April 12, 2024

Dear County and District Superintendents and Charter School Administrators:

## Requirement to Collect and Report Incidents of the Use of Restraint and Seclusion for All Students

We are reaching out to you to remind you of current law which requires Local Educational Agencies (LEAs) to annually report any incident in which a student was restrained or secluded during the school year to the California Department of Education (CDE). Our goal is to ensure that all LEAs meet this statutory reporting requirement. The data, including zero counts reported, are publicly available by downloading the Restraint and Seclusion files located on the following web page:

<https://www.cde.ca.gov/ds/ad/filesrsd.asp>.

### Background

Assembly Bill (AB) 2657 (Chapter 998, Statutes of 2018) went into effect on January 1, 2019, adding Sections 49005 ± W R & D O Education Code requiring LEAs to collect and report to the CDE all incidents in which a student, with or without an individualized education program (IEP) or 504 plan, is restrained (mechanically or physically) or secluded, as defined in law. This requirement extends to any student placed by the LEA in a Non-Public School (NPS) pursuant to their IEP. The CDE first informed LEAs of this law in December of 2018, with follow-up communications in subsequent years

seclusion for all students.

For students with IEPs, the lack of reporting may be due to one or more the following, or other factors:

- x Staff serving students with IEPs are currently required to complete Behavioral Emergency Reports (BER) for incidents of restraint or seclusion. However, LEAs may not have a process for ensuring that incidents of restraint or seclusion that are documented in the BER are also put into the student information system for

reporting to