



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 49005–49006.4 to California’s *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 reminding LEAs of this reporting requirement.

### **Action Steps**

LEAs should review *Education Code* Section 49005.1, which provides the statutory definitions of what constitutes incidents of mechanical restraint, physical restraint, and seclusion. To facilitate the collection of these data, LEAs should have processes at the school site level for identifying, documenting, and reporting all incidents of restraint and seclusion for *all* students.

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

- 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

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reporting to the CDE through the California Longitudinal Pupil Achievement Data System (CALPADS).

- LEAs are also required to report incidents of restraint and seclusion for students placed by the LEA at an NPS school pursuant to their IEPs, but the master contract between the LEAs and NPS schools may not clearly outline this state reporting requirement, resulting in LEAs not receiving the data from NPS schools to report to the CDE.

For students without IEPs, the lack of reporting may be due to one or more of the following, or other factors:

- School site staff may not be trained on the requirement to report incidents of restraint and seclusion, including what constitutes reportable incidents of restraint and seclusion.
- There may not be a formal process at the school site for staff to document and report incidents of restraint and seclusion that result in the data being input into the student information system.

The CDE recognizes that not all schools may have incidents of restraint and seclusion. However, given that many LEAs, statewide, reported zero incidents of restraint and seclusion for all students, it is likely that these data represent significant underreporting rather than a lack of incidents.

The CDE is currently considering the inclusion of restraint and seclusion data in annual monitoring determinations for the Individual with Disabilities Education Act (IDEA) for the 2024–25 academic year; therefore, it is imperative that this monitoring determination is based on valid and reliable data.

Thank you in advance for your efforts to ensure that incidents of restraint and seclusion are reported for *all* students as required by law. Should you have any questions about this letter, please contact the CALPADS Office by phone at 916-324-6738 or by email at [calpads@cde.ca.gov](mailto:calpads@cde.ca.gov).

Sincerely,

Liberty Van Natten, Director

Education Data Management Division

cc:

CALPADS LEA Administrators

Special Education Local Plan Area Directors