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et al.

H.B. No. 2975

A BILL TO BE ENTITLED

1 AN ACT
2 relating to prohibiting the physical restraint of or use of
3 chemical irritants on certain public school students by peace
4 officers and school security personnel under certain
5 circumstances.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 37.0021, Education Code, is amended by
8 amending Subsection (d) and adding Subsection (j) to read as
9 follows:

10 (d) Subject to Subsection (j), the ~~[The]~~ commissioner by
11 rule shall adopt procedures for the use of restraint and time-out by
12 a school district employee or volunteer or an independent
13 contractor of a district in the case of a student with a disability
14 receiving special education services under Subchapter A, Chapter
15 29. A procedure adopted under this subsection must:

16 (1) be consistent with:

17 (A) professionally accepted practices and
18 standards of student discipline and techniques for behavior
19 management; and

20 (B) relevant health and safety standards; and

21 (2) identify any discipline management practice or
22 behavior management technique that requires a district employee or
23 volunteer or an independent contractor of a district to be trained
24 before using that practice or technique.

1 (j) A peace officer performing law enforcement duties or
2 school security personnel performing security-related duties on
3 school property or at a school-sponsored or school-related activity
4 may not restrain or use a chemical irritant spray on a student 10
5 years of age or younger unless the student poses a serious risk of
6 harm to the student or another person.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2021.