

By: West, et. al.

S.B. No. 133

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to prohibiting the physical restraint of or use of  
3 chemical irritants or Tasers on certain public school students by  
4 peace 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(b), Education Code, is amended  
8 by adding Subdivision (5) to read as follows:

9 (5) "Taser" means a device manufactured, sold, or  
10 distributed by Taser International, Incorporated, that is  
11 intended, designed, made, or adapted to incapacitate a person by  
12 inflicting an electrical charge through the emission of a  
13 projectile or conductive stream. The term, for purposes of this  
14 section, includes a similar device manufactured, sold, or  
15 distributed by another person.

16 SECTION 2. Section 37.0021, Education Code, is amended by  
17 amending Subsection (d) and adding Subsection (j) to read as  
18 follows:

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

- 1           (1) be consistent with:
- 2                 (A) professionally accepted practices and  
3 standards of student discipline and techniques for behavior  
4 management; and
- 5                 (B) relevant health and safety standards;
- 6           (2) identify any discipline management practice or  
7 behavior management technique that requires a district employee or  
8 volunteer or an independent contractor of a district to be trained  
9 before using that practice or technique; and
- 10          (3) require a school district to:
- 11                 (A) provide written notification to the  
12 student's parent or person standing in parental relation to the  
13 student for each use of restraint that includes:
- 14                         (i) the name of the student;
- 15                         (ii) the name of the district employee or  
16 volunteer or independent contractor of the district who  
17 administered the restraint;
- 18                         (iii) the date of the restraint;
- 19                         (iv) the time that the restraint started  
20 and ended;
- 21                         (v) the location of the restraint;
- 22                         (vi) the nature of the restraint;
- 23                         (vii) a description of the activity in  
24 which the student was engaged immediately preceding the use of the  
25 restraint;
- 26                         (viii) the behavior of the student that  
27 prompted the restraint;

1 (ix) any efforts made to de-escalate the  
2 situation and any alternatives to restraint that were attempted;

3 (x) if the student has a behavior  
4 improvement plan or a behavioral intervention plan, whether the  
5 plan may need to be revised as a result of the behavior that led to  
6 the restraint; and

7 (xi) if the student does not have a behavior  
8 improvement plan or a behavioral intervention plan, information on  
9 the procedure for the student's parent or person standing in  
10 parental relation to the student to request an admission, review,  
11 and dismissal committee meeting to discuss the possibility of  
12 conducting a functional behavioral assessment of the student and  
13 developing a plan for the student;

14 (B) include in a student's special education  
15 eligibility school records:

16 (i) a copy of the written notification  
17 provided to the student's parent or person standing in parental  
18 relation to the student under Paragraph (A);

19 (ii) information on the method by which the  
20 written notification was sent to the parent or person; and

21 (iii) the contact information for the  
22 parent or person to whom the district sent the notification; and

23 (C) if the student has a behavior improvement  
24 plan or behavioral intervention plan, document each use of time-out  
25 prompted by a behavior of the student specified in the student's  
26 plan, including a description of the behavior that prompted the  
27 time-out.

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 or Taser on a  
5 student enrolled in fifth grade or below unless the student poses a  
6 serious risk of harm to the student or another person.

7        SECTION 3. 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, 2023.