

BILL ANALYSIS

H.B. 3630
By: Meyer
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that public schools are not expressly prohibited from using certain potentially dangerous restraint and seclusion techniques on students. H.B. 3630 seeks to address this issue and protect students from dangerous disciplinary procedures by providing for such a prohibition.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3630 amends the Education Code, in provisions relating to the use of confinement, restraint, seclusion, and time-out with respect to alternative settings for behavior management in public schools, to prohibit a public school district or a district employee, volunteer, or an independent contractor from authorizing, ordering, consenting to, or paying for any of the following:

- an intervention that is designed to or likely to cause physical pain;
- an intervention that involves the directed release of a noxious, toxic, or otherwise unpleasant spray, mist, or substance near a student's face;
- an intervention that denies adequate sleep, air, food, water, shelter, bedding, physical comfort, or access to a restroom facility;
- an intervention that involves subjecting a student to verbal abuse, ridicule, or humiliation or that can be expected to cause a student emotional trauma;
- a restrictive intervention that employs a device, material, or object that simultaneously immobilizes all four extremities;
- an intervention that impairs a student's breathing;
- an intervention that restricts a student's circulation;
- an intervention that secures a student to a stationary object while the student is in a sitting or standing position;
- an intervention that inhibits, reduces, or hinders a student's ability to communicate;
- an intervention that involves the use of a chemical restraint;
- an intervention that prevents observation by a direct line of sight or otherwise precludes

adequate supervision of a student; and

- an intervention that deprives a student of the use of one or more of the student's senses.

H.B. 3630 establishes that an intervention that denies the student academic instruction by a certified educator constitutes an intervention that precludes adequate supervision. The bill requires the commissioner of education, in adopting procedures under the bill's provisions, to provide guidance to district employees, volunteers, and independent contractors in avoiding such prohibited conduct. The bill applies beginning with the 2019-2020 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.