86R1844 MEW-D

By:  Meyer, González of El Paso, Shaheen H.B. No. 3630

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the use of certain behavioral interventions on students enrolled in public school who receive special education services.

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

SECTION 1.  Section 37.0021, Education Code, is amended by adding Subsections (d-1), (d-2), and (d-3) to read as follows:

(d-1)  A school district or a school district employee or volunteer or an independent contractor of a school district may not authorize, order, consent to, or pay for any of the following:

(1)  an intervention that is designed to or likely to cause physical pain, including electric shock or any procedure that involves the use of pressure points or joint locks;

(2)  an intervention that involves the directed release of a noxious, toxic, or otherwise unpleasant spray, mist, or substance near the student's face;

(3)  an intervention that denies adequate sleep, air, food, water, shelter, bedding, physical comfort, or access to a restroom facility;

(4)  an intervention that involves subjecting the student to verbal abuse, ridicule, or humiliation or that can be expected to cause the student emotional trauma;

(5)  a restrictive intervention that employs a device, material, or object that simultaneously immobilizes all four extremities, including any procedure that results in such immobilization known as prone or supine floor restraint;

(6)  an intervention that impairs the student's breathing, including any procedure that involves:

(A)  applying pressure to the student's torso or neck; or

(B)  obstructing the student's airway, including placing an object in, on, or over the student's mouth or nose or placing a bag, cover, or mask over the student's face;

(7)  an intervention that restricts the student's circulation;

(8)  an intervention that secures the student to a stationary object while the student is in a sitting or standing position;

(9)  an intervention that inhibits, reduces, or hinders the student's ability to communicate;

(10)  an intervention that involves the use of a chemical restraint;

(11)  an intervention that prevents observation by a direct line of sight or otherwise precludes adequate supervision of the student, including isolating the student in a classroom by the use of physical barriers; or

(12)  an intervention that deprives the student of the use of one or more of the student's senses.

(d-2)  For purposes of Subsection (d-1)(11), an intervention that denies the student academic instruction by a certified educator constitutes an intervention that precludes adequate supervision.

(d-3)  In adopting procedures under this section, the commissioner shall provide guidance to school district employees, volunteers, and independent contractors of school districts in avoiding a violation of Subsection (d-1).

SECTION 2.  This Act applies beginning with the 2019-2020 school year.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.