

By: Meyer, González of El Paso, Shaheen

H.B. No. 3630

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

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

23 (5) a restrictive intervention that employs a device,
24 material, or object that simultaneously immobilizes all four

1 extremities, including any procedure that results in such
2 immobilization known as prone or supine floor restraint;

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

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

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

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

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

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

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

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

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

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

1 supervision.

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

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

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