

## **BILL ANALYSIS**

H.B. 3450  
By: White  
Public Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Parents, educators, and child welfare advocates have long advocated for the need to codify in statute when, if at all, it is appropriate for school employees to justify the use of force or corporal punishment against a student. There is a fine line between inappropriate force and the need to restrain a student who may cause harm to themselves or others. H.B. 3450 seeks to address this issue by expanding the immunity for justified use of force to all school district employees but specifying when the use of force is permitted.

### **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. 3450 amends the Penal Code to specify that the use of force by an employee, including an independent contractor, or volunteer of a school or educational institution against a student is justified under the following conditions:

- if permitted as a form of punishment under Education Code provisions relating to alternative settings for behavior management; or
- when and to the degree the actor reasonably believes the force is necessary to:
  - protect the safety of students or staff;
  - control, train, or educate the student; or
  - maintain discipline in a group.

The bill establishes that the use of a prohibited aversive technique is not a justified use of force.

H.B. 3450 amends the Education Code to make conforming changes.

### **EFFECTIVE DATE**

September 1, 2021.