

By: González of El Paso

H.B. No. 1163

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the use of certain restraints on students enrolled in public schools who receive special education services.

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

SECTION 1. Section 37.0021(d), Education Code, is amended to read as follows:

(d) The commissioner by rule shall adopt procedures for the use of restraint and time-out by a school district employee or volunteer or an independent contractor of a district in the case of a student with a disability receiving special education services under Subchapter A, Chapter 29. A procedure adopted under this subsection must:

(1) be consistent with:

(A) professionally accepted practices and standards of student discipline and techniques for behavior management; and

(B) relevant health and safety standards; ~~and~~

(2) identify any discipline management practice or behavior management technique that requires a district employee or volunteer or an independent contractor of a district to be trained before using that practice or technique; and

(3) prohibit a district employee or volunteer or an independent contractor of a district from:

(A) using any variation of a floor or ground

1 restraint or other technique that results in immobilization of the
2 student in a prone or supine position; and

3 (B) fully taking a student down to the floor or
4 ground, except when necessary to assist a student with a health
5 emergency.

6 SECTION 2. Section 37.0023(b), Education Code, is amended
7 to read as follows:

8 (b) A school district or school district employee or
9 volunteer or an independent contractor of a school district may not
10 apply an aversive technique, or by authorization, order, or
11 consent, cause an aversive technique to be applied, to a student.
12 Nothing in this section authorizes the use of a restraint
13 prohibited by Section 37.0021(d) by a district employee or
14 volunteer or an independent contractor of a district on a student
15 with a disability receiving special education services under
16 Subchapter A, Chapter 29.

17 SECTION 3. This Act applies beginning with the 2021-2022
18 school year.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2021.