

1-1 By: West, Miles S.B. No. 133
 1-2 (In the Senate - Filed November 14, 2022; February 15, 2023,
 1-3 read first time and referred to Committee on Education;
 1-4 March 31, 2023, reported favorably by the following vote: Yeas 12,
 1-5 Nays 0; March 31, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20	X			

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to prohibiting the physical restraint of or use of
 1-24 chemical irritants on certain public school students by peace
 1-25 officers and school security personnel under certain
 1-26 circumstances.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Section 37.0021, Education Code, is amended by
 1-29 amending Subsection (d) and adding Subsection (j) to read as
 1-30 follows:

1-31 (d) Subject to Subsection (j), the [The] commissioner by
 1-32 rule shall adopt procedures for the use of restraint and time-out by
 1-33 a school district employee or volunteer or an independent
 1-34 contractor of a district in the case of a student with a disability
 1-35 receiving special education services under Subchapter A, Chapter
 1-36 29. A procedure adopted under this subsection must:

1-37 (1) be consistent with:

1-38 (A) professionally accepted practices and
 1-39 standards of student discipline and techniques for behavior
 1-40 management; and

1-41 (B) relevant health and safety standards;

1-42 (2) identify any discipline management practice or
 1-43 behavior management technique that requires a district employee or
 1-44 volunteer or an independent contractor of a district to be trained
 1-45 before using that practice or technique; and

1-46 (3) require a school district to:

1-47 (A) provide written notification to the
 1-48 student's parent or person standing in parental relation to the
 1-49 student for each use of restraint that includes:

1-50 (i) the name of the student;

1-51 (ii) the name of the district employee or
 1-52 volunteer or independent contractor of the district who
 1-53 administered the restraint;

1-54 (iii) the date of the restraint;

1-55 (iv) the time that the restraint started
 1-56 and ended;

1-57 (v) the location of the restraint;

1-58 (vi) the nature of the restraint;

1-59 (vii) a description of the activity in
 1-60 which the student was engaged immediately preceding the use of the
 1-61 restraint;

2-1 (viii) the behavior of the student that
2-2 prompted the restraint;
2-3 (ix) any efforts made to de-escalate the
2-4 situation and any alternatives to restraint that were attempted;
2-5 (x) if the student has a behavior
2-6 improvement plan or a behavioral intervention plan, whether the
2-7 plan may need to be revised as a result of the behavior that led to
2-8 the restraint; and
2-9 (xi) if the student does not have a behavior
2-10 improvement plan or a behavioral intervention plan, information on
2-11 the procedure for the student's parent or person standing in
2-12 parental relation to the student to request an admission, review,
2-13 and dismissal committee meeting to discuss the possibility of
2-14 conducting a functional behavioral assessment of the student and
2-15 developing a plan for the student;
2-16 (B) include in a student's special education
2-17 eligibility school records:
2-18 (i) a copy of the written notification
2-19 provided to the student's parent or person standing in parental
2-20 relation to the student under Paragraph (A);
2-21 (ii) information on the method by which the
2-22 written notification was sent to the parent or person; and
2-23 (iii) the contact information for the
2-24 parent or person to whom the district sent the notification; and
2-25 (C) if the student has a behavior improvement
2-26 plan or behavioral intervention plan, document each use of time-out
2-27 prompted by a behavior of the student specified in the student's
2-28 plan, including a description of the behavior that prompted the
2-29 time-out.
2-30 (j) A peace officer performing law enforcement duties or
2-31 school security personnel performing security-related duties on
2-32 school property or at a school-sponsored or school-related activity
2-33 may not restrain or use a chemical irritant spray on a student 10
2-34 years of age or younger unless the student poses a serious risk of
2-35 harm to the student or another person.

2-36 SECTION 2. This Act takes effect immediately if it receives
2-37 a vote of two-thirds of all the members elected to each house, as
2-38 provided by Section 39, Article III, Texas Constitution. If this
2-39 Act does not receive the vote necessary for immediate effect, this
2-40 Act takes effect September 1, 2023.

2-41 * * * * *