

By: Bucy

H.B. No. 409

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to requirements regarding certain behavior management for  
3 a student enrolled in a special education program of a public  
4 school.

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

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

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

15 (1) be consistent with:

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

19 (B) relevant health and safety standards;

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

24 (3) require a school district to:

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

4 (i) the name of the student;

5 (ii) the name of the district employee or  
6 volunteer or independent contractor of the district who  
7 administered the restraint;

8 (iii) the date of the restraint;

9 (iv) the time that the restraint started  
10 and ended;

11 (v) the location of the restraint;

12 (vi) the nature of the restraint;

13 (vii) a description of the activity in  
14 which the student was engaged immediately preceding the use of the  
15 restraint;

16 (viii) the behavior of the student that  
17 prompted the restraint;

18 (ix) any efforts made to de-escalate the  
19 situation and any alternatives to restraint that were attempted;

20 (x) if the student has a behavior  
21 improvement plan or a behavioral intervention plan, whether the  
22 plan may need to be revised as a result of the behavior that led to  
23 the restraint; ~~and~~

24 (xi) if the student does not have a behavior  
25 improvement plan or a behavioral intervention plan, information on  
26 the procedure for the student's parent or person standing in  
27 parental relation to the student to request an admission, review,

1 and dismissal committee meeting to discuss the possibility of  
2 conducting a functional behavioral assessment of the student and  
3 developing a plan for the student; and

4 (xii) whether a mental and physical health  
5 screening described by Subsection (d-1) was conducted within a  
6 reasonable amount of time after the incident by appropriate school  
7 officials, including a nurse or school counselor, and the results  
8 of the screening;

9 (B) include in a student's special education  
10 eligibility school records:

11 (i) a copy of the written notification  
12 provided to the student's parent or person standing in parental  
13 relation to the student under Paragraph (A);

14 (ii) information on the method by which the  
15 written notification was sent to the parent or person; ~~and~~

16 (iii) the contact information for the  
17 parent or person to whom the district sent the notification; and

18 (iv) a copy of the mental and physical  
19 health screening described by Subsection (d-1) and the results of  
20 the screening; and

21 (C) if the student has a behavior improvement  
22 plan or behavioral intervention plan, document each use of time-out  
23 prompted by a behavior of the student specified in the student's  
24 plan, including a description of the behavior that prompted the  
25 time-out.

26 (d-1) A procedure adopted by the commissioner under  
27 Subsection (d) must require a school district after an incident of

1 the use of restraint to conduct an overall health assessment for the  
2 purpose of assessing the student's holistic well-being that:

3 (1) includes evidence-based assessments, as  
4 determined by the commissioner, for a:

5 (A) mental health screening performed by a school  
6 counselor, school psychologist, or similarly qualified district  
7 professional; and

8 (B) physical health screening performed by a  
9 school nurse or similarly qualified district professional; and

10 (2) is performed within a reasonable amount of time  
11 after the incident, as determined by the commissioner.

12 SECTION 2. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2025.