

## **BILL ANALYSIS**

Senate Research Center  
82R3307 PAM-D

S.B. 536  
By: Davis  
Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, Section 37.0021 (Use of Confinement, Restraint, Seclusion, and Time-Out), Education Code, provides that it is the policy of the state to treat with dignity and respect all students, including students with disabilities who receive special education services. As a result, any school employee, volunteer, or independent contractor may use restraint only in an emergency and must implement the restraint in a way that ensures the protection and safety of the student and others.

Additionally, rules adopted pursuant to Section 37.0021, Education Code, require training, documentation, and reporting of the use of restraint in schools. Reporting is an essential part of the current rule, because it leads to improved training for school personnel and better supports and services for students and teachers. However, confusion exists as to whether the reporting requirements apply to school peace officers, and the application varies if the school police officer is employed by the school or by the local law enforcement agency.

Section 37.0021(g)(1), Education Code, currently provides that the requirements do not apply to a peace officer performing law enforcement duties. The original intent was to differentiate between a campus-based peace officer who is routinely part of a student's school-based team, and a peace officer acting as a peace officer while on campus. However, current law does not define law enforcement duties.

S.B. 536 clarifies that the requirements regarding the use of restraints in schools and the reporting provisions apply to the use of restraints by school peace officers in most situations; defines law enforcement duties, clarifies that the restraint rules apply to school-based officers when not performing law enforcement duties; and requires school districts to electronically report information regarding the use of restraints by peace officers performing law enforcement duties on school property.

As proposed, S.B. 536 amends current law relating to the use of certain disciplinary management practices or behavior management techniques by peace officers employed or commissioned by school districts.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 37.0021, Education Code, by amending Subsection (g) and adding Subsection (h), as follows:

(g) Deletes existing text providing that this section and any rules or procedures adopted under this section do not apply to a peace officer while performing law enforcement duties. Makes nonsubstantive changes.

(h) Provides that this section and any rules or procedures adopted under this section apply to a peace officer only if the peace officer:

(1) is employed or commissioned by a school district; or

(2) provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the district and a local law enforcement agency.

SECTION 2. Effective date: September 1, 2011.