

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3630
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Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas educators are trained to employ a variety of techniques to redirect student behavior, including in situations where a student's safety is threatened. While certain emergency interventions have their place in protecting the safety of students, extreme aversives—behavioral interventions that aim to use negative stimuli to stop or deter a behavior—can cause severe physical, mental, and emotional harm to students and should never be used. Unfortunately, although the vast majority of educators never use such techniques, interested parties have reported instances where extreme interventions such as such as electric shock, noxious sprays or gases, or interventions that impair a student's breathing or circulation have been used due to the lack of guidance on prohibited aversives in current law.

H.B. 3630 provides this guidance by listing extreme aversive interventions that may not be used on any student, under any circumstances. Importantly, the bill also directs the Commissioner of Education to develop guidance that will help educators to avoid the use of these dangerous interventions, and develop in their stead positive interventions that will help redirect behavior without causing unnecessary and harmful trauma to students. By clarifying what behavior modification techniques are prohibited and providing direction on positive alternatives, H.B. 3630 will improve the safety and wellbeing of students, especially those with special needs. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3630 amends current law relating to prohibiting the use of aversive techniques on students enrolled in public schools.

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 Subchapter A, Chapter 37, Education Code, by adding Section 37.0023, as follows:

Sec. 37.0023. PROHIBITED AVERSIVE TECHNIQUES. (a) Defines "aversive technique" for purposes of this section.

(b) Prohibits a school district or school district employee or volunteer or an independent contractor of a school district from applying an aversive technique, or by authorization, order, or consent causing an aversive technique to be applied, to a student.

(c) Authorizes an aversive technique described by Subsection (a)(13) (relating to including depriving the student of the use of one or more of the student's senses in the definition of "aversive technique"), notwithstanding Subsection (a)(13), to be used if the technique is executed in a manner that:

(1) does not cause the student pain or discomfort; or

(2) complies with the student's individualized education program or behavior intervention plan.

(d) Establishes that nothing in this section may be construed to prohibit a teacher from removing a student from class under Section 37.002 (Removal By Teacher).

(e) Requires the commissioner of education, in adopting provisions under this section, to provide guidance to school district employees, volunteers, and independent contractors of school districts in avoiding a violation of Subsection (b).

SECTION 2. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 3. Effective date: upon passage or September 1, 2019.