

BILL ANALYSIS

Senate Research Center
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S.B. 712
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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.

S.B. 712 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, S.B. 712 will improve the safety and wellbeing of students, especially those with special needs.

As proposed, S.B. 712 amends current law relating to prohibiting the use of certain behavioral interventions on students enrolled in public school who receive special education services.

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 adding Subsections (d-1), (d-2), and (d-3), as follows:

(d-1) Prohibits a school district or a school district employee or volunteer or an independent contractor of a school district from authorizing, ordering, consenting to, or paying for any of the following:

- (1) an intervention that is designed to or likely to cause physical pain, including electric shock or any procedure that involves the use of pressure points or joint locks;
- (2) an intervention that involves the directed release of a noxious, toxic, or otherwise unpleasant spray, mist, or substance near the student's face;
- (3) an intervention that denies adequate sleep, air, food, water, shelter, bedding, physical comfort, or access to a restroom facility;
- (4) an intervention that involves subjecting the student to verbal abuse, ridicule, or humiliation or that can be expected to cause the student emotional trauma;

(5) a restrictive intervention that employs a device, material, or object that simultaneously immobilizes all four extremities, including any procedure that results in such immobilization known as prone or supine floor restraint;

(6) an intervention that impairs the student's breathing, including any procedure that involves:

(A) applying pressure to the student's torso or neck; or

(B) obstructing the student's airway, including placing an object in, on, or over the student's mouth or nose or placing a bag, cover, or mask over the student's face;

(7) an intervention that restricts the student's circulation;

(8) an intervention that secures the student to a stationary object while the student is in a sitting or standing position;

(9) an intervention that inhibits, reduces, or hinders the student's ability to communicate;

(10) an intervention that involves the use of a chemical restraint;

(11) an intervention that prevents observation by a direct line of sight or otherwise precludes adequate supervision of the student, including isolating the student in a classroom by the use of physical barriers; or

(12) an intervention that deprives the student of the use of one or more of the student's senses.

(d-2) Provides that, for purposes of Subsection (d-1)(11), an intervention that denies the student academic instruction by a certified educator constitutes an intervention that precludes adequate supervision.

(d-3) Requires the commissioner of education, in adopting procedures under this section, to provide guidance to school district employees, volunteers, and independent contractors of school districts in avoiding a violation of Subsection (d-1).

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

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