

SUBJECT: Prohibiting the use of certain student behavioral interventions

COMMITTEE: Public Education — favorable, without amendment

VOTE: 12 ayes — Huberty, Bernal, Allen, Allison, K. Bell, Dutton, M. González,
K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

1 absent — Ashby

WITNESSES: For — Jolene Sanders, Easterseals Central Texas; Breggett Rideau, Not On Lil’T’s Watch; Christine Broughal, Texans for Special Education Reform; Kyle Piccola, The Arc of Texas; Mara LaViola; Julie Ross; (*Registered, but did not testify*: Jacquie Benestante, Autism Society of Texas; Anne Dunkelberg, Center for Public Policy Priorities; Chris Masey, Coalition of Texans with Disabilities; Steven Aleman, Disability Rights Texas; Josette Saxton, Texans Care for Children; Amanda List, Texas Appleseed; Lonnie Hollingsworth, Texas Classroom Teachers Association; Shannon Noble, Texas Counseling Association; Lindsey Linder, Texas Criminal Justice Coalition; Joey Gidseg, Texas Democrats with Disabilities; Mark Terry, Texas Elementary Principals and Supervisors Association; Alejandra Avila, Texas Latino Education Coalition; Linda Litzinger, Texas Parent to Parent; Lindsey Fenton, We the Parents Coalition; Lisa Flores; Traci Grossfeld; Jennifer McPhail; Elisa Saslavsky; Arthur Simon)

Against — (*Registered, but did not testify*: Bill Kelberlau)

On — (*Registered, but did not testify*: Eric Marin and Matt Montano, Texas Education Agency; Linda Logan, Texas Council for Developmental Disabilities)

BACKGROUND: Education Code sec. 37.021(d) requires the commissioner of education by rule to adopt procedures for the use of restraint and time-out by a school district employee, volunteer, or independent contactor in the case of a

student with a disability who receives special education services.

Some have noted that schools are not expressly prohibited from using potentially dangerous restraint and seclusion techniques on such students.

DIGEST: HB 3630 would prohibit a school district, a district employee or volunteer, or an independent contractor of a district from authorizing, ordering, consenting to, or paying for any of the following:

- an intervention that was designed to or likely to cause physical pain, including electric shock or any procedure that involved the use of pressure points or joint locks;
- an intervention that involved the directed release of a noxious, toxic, or otherwise unpleasant spray, mist, or substance near the student's face;
- an intervention that denied adequate sleep, air, food, water, shelter, bedding, physical comfort, or access to a restroom;
- an intervention that involved subjecting a student to verbal abuse, ridicule, or humiliation or that could be expected to cause the student emotional trauma;
- a restrictive intervention that employed a device, material, or object that simultaneously immobilized all four extremities, including any procedure that resulted in such immobilization known as prone or supine floor restraint;
- an intervention that impaired a student's breathing, including any procedure that involved applying pressure to the student's torso or neck or obstructing the student's airway, including by placing a bag, cover or mask over the student's face;
- an intervention that restricted a student's circulation;
- an intervention that secured a student to a stationary object while the student was in a sitting or standing position;
- an intervention that inhibited, reduced, or hindered a student's ability to communicate;
- an intervention that involved the use of a chemical restraint;
- an intervention that prevented observation by a direct line of sight

- or precluded adequate supervision of a student, including isolating the student in a classroom by the use of physical barriers; or
- an intervention that deprived a student of the use of one or more senses.

The prohibition on an intervention that precluded adequate supervision of a student would include an intervention that denied the student academic instruction by a certified educator.

In adopting procedures under the bill, the commissioner of education would have to provide guidance to school district employees, volunteers, and independent contractors. The bill would apply beginning with the 2019-2020 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.