

## **BILL ANALYSIS**

Senate Research Center  
77R8866 CAS-F

S.B. 1196  
By: Truan  
Education  
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As Filed

### **DIGEST AND PURPOSE**

Currently, a number a schools use a practice referred to as “seclusion” or “seclusionary time out” for children exhibiting inappropriate behavior. This technique isolates a child in a space away from the rest of his or her class, and is typically used in the special education classroom. There are currently no federal or state rules regarding the use of seclusionary time out, and no state guidelines mandate documentation of the practice. As proposed, S.B. 1196 amends the Education Code to prohibit school districts and open-enrollment charter schools from placing a student for any period of time in a room or other confined area where the student is alone and is prohibited from leaving.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 37.0021, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 37A, Education Code, by adding Section 37.0021, as follows:

Sec. 37.0021. USE OF RESTRAINT, SECLUSION, AND TIME-OUT. Defines “restraint,” “seclusion,” and “time-out.” Prohibits a school district employee or volunteer or an independent contractor of a district from placing a student in seclusion. Provides that this subsection does not apply to the use of seclusion in a facility to which certain rules or regulations apply. Requires the commissioner of education (commissioner) by rule to adopt procedures for the use of restraint and time-out by a school district employee or volunteer or an independent contractor of a district. Authorizes a school district employee or volunteer or an independent contractor of a district, notwithstanding a procedure adopted under this subsection, to use a restraint or time-out in the case of a student receiving special education services under Chapter 29A only if and to the extent authorized by the student’s individualized education program. Requires a procedure adopted under this subsection to meet certain conditions. Provides that in the case of a conflict between a rule adopted under Subsection (c) and a rule adopted under Chapter 29A, the rule adopted under Subsection (c) controls.

SECTION 2. Amends Section 12.104(b), Education Code, to provide that an open-enrollment charter school is subject to discipline management practices under Section 37.0021.

SECTION 3. Requires the commissioner to adopt rules as required by this Act not later than August 1, 2002.

SECTION 4. Effective date: September 1, 2001.