

## **BILL ANALYSIS**

Senate Research Center  
77R8866 CAS-F

C.S.S.B. 1196  
By: Truan  
Education  
3/29/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, a number of 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. C.S.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 CONFINEMENT, RESTRAINT, SECLUSION, AND TIME-OUT. (a) Provides that it is the policy of this state to treat all students with dignity and respect. Prohibits the use of certain behavior management techniques.

(b) Defines “restraint,” “seclusion,” and “time-out.”

(c) 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 law, rules or regulations apply.

(d) 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 in the case of a student receiving special education services under Chapter 29A. Requires a procedure adopted under this subsection to meet certain conditions.

(e) Provides that in the case of a conflict between a rule adopted under Subsection (d) and a rule adopted under Chapter 29A, the rule adopted under Subsection (d) controls.

(f) Provides that for purposes of this subsection, “weapon” includes any weapon described under Section 37.007(a)(1). Provides that this section does not prevent a student’s locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if certain conditions exist.

SECTION 2. Amends Section 12.104(b), Education Code, to provide that an open-enrollment charter

school is subject to discipline management practices or behavior management techniques 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.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1. Amends As Filed S.B. 1196, Chapter 37A, Education Code, as follows:

- Adds new heading to Section 37.0021 (USE OF CONFINEMENT, RESTRAINT, SECLUSION, AND TIME-OUT).
- Adds new proposed Subsection (a) regarding the policy of the state.
- Redefines previously proposed “seclusion.”
- Adds “law” and includes the Children’s Health Act of 2000 to proposed language in Subsection (c).
- Deletes previously proposed language in Subsection (d) regarding the authority of certain persons to use a restraint or time-out. Adds new proposed language regarding techniques for behavior management.
- Makes conforming changes in proposed Subsection (e).
- Adds new proposed Subsection (f) regarding “weapon” and emergency situation.

SECTION 2. Makes a conforming change.