

1-1 By: Meyer, et al. (Senate Sponsor - Lucio) H.B. No. 3630  
 1-2 (In the Senate - Received from the House May 6, 2019;  
 1-3 May 14, 2019, read first time and referred to Committee on  
 1-4 Education; May 17, 2019, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 11, Nays 0;  
 1-6 May 17, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 3630 By: Lucio

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to prohibiting the use of certain aversive techniques on  
 1-24 students enrolled in public schools.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter A, Chapter 37, Education Code, is  
 1-27 amended by adding Section 37.0023 to read as follows:

1-28 Sec. 37.0023. PROHIBITED AVERSIVE TECHNIQUES. (a) In this  
 1-29 section, "aversive technique" means a technique or intervention  
 1-30 that is intended to reduce the likelihood of a behavior reoccurring  
 1-31 by intentionally inflicting on a student significant physical or  
 1-32 emotional discomfort or pain. The term includes a technique or  
 1-33 intervention that:

1-34 (1) is designed to or likely to cause physical pain,  
 1-35 other than an intervention or technique permitted under Section  
 1-36 37.0011;

1-37 (2) notwithstanding Section 37.0011, is designed to or  
 1-38 likely to cause physical pain through the use of electric shock or  
 1-39 any procedure that involves the use of pressure points or joint  
 1-40 locks;

1-41 (3) involves the directed release of a noxious, toxic,  
 1-42 or otherwise unpleasant spray, mist, or substance near the  
 1-43 student's face;

1-44 (4) denies adequate sleep, air, food, water, shelter,  
 1-45 bedding, physical comfort, supervision, or access to a restroom  
 1-46 facility;

1-47 (5) ridicules or demeans the student in a manner that  
 1-48 adversely affects or endangers the learning or mental health of the  
 1-49 student or constitutes verbal abuse;

1-50 (6) employs a device, material, or object that  
 1-51 simultaneously immobilizes all four extremities, including any  
 1-52 procedure that results in such immobilization known as prone or  
 1-53 supine floor restraint;

1-54 (7) impairs the student's breathing, including any  
 1-55 procedure that involves:

1-56 (A) applying pressure to the student's torso or  
 1-57 neck; or

1-58 (B) obstructing the student's airway, including  
 1-59 placing an object in, on, or over the student's mouth or nose or  
 1-60 placing a bag, cover, or mask over the student's face;

2-1 (8) restricts the student's circulation;  
 2-2 (9) secures the student to a stationary object while  
 2-3 the student is in a sitting or standing position;  
 2-4 (10) inhibits, reduces, or hinders the student's  
 2-5 ability to communicate;  
 2-6 (11) involves the use of a chemical restraint;  
 2-7 (12) constitutes a use of timeout that precludes the  
 2-8 student from being able to be involved in and progress  
 2-9 appropriately in the required curriculum and, if applicable, toward  
 2-10 the annual goals included in the student's individualized education  
 2-11 program, including isolating the student by the use of physical  
 2-12 barriers; or  
 2-13 (13) except as provided by Subsection (c), deprives  
 2-14 the student of the use of one or more of the student's senses.

2-15 (b) A school district or school district employee or  
 2-16 volunteer or an independent contractor of a school district may not  
 2-17 apply an aversive technique, or by authorization, order, or  
 2-18 consent, cause an aversive technique to be applied, to a student.

2-19 (c) Notwithstanding Subsection (a)(13), an aversive  
 2-20 technique described by Subsection (a)(13) may be used if the  
 2-21 technique is executed in a manner that:

2-22 (1) does not cause the student pain or discomfort; or  
 2-23 (2) complies with the student's individualized  
 2-24 education program or behavior intervention plan.

2-25 (d) Nothing in this section may be construed to prohibit a  
 2-26 teacher from removing a student from class under Section 37.002.

2-27 (e) In adopting procedures under this section, the  
 2-28 commissioner shall provide guidance to school district employees,  
 2-29 volunteers, and independent contractors of school districts in  
 2-30 avoiding a violation of Subsection (b).

2-31 SECTION 2. This Act applies beginning with the 2019-2020  
 2-32 school year.

2-33 SECTION 3. This Act takes effect immediately if it receives  
 2-34 a vote of two-thirds of all the members elected to each house, as  
 2-35 provided by Section 39, Article III, Texas Constitution. If this  
 2-36 Act does not receive the vote necessary for immediate effect, this  
 2-37 Act takes effect September 1, 2019.

2-38 \* \* \* \* \*