

1-1 By: Lucio S.B. No. 712
1-2 (In the Senate - Filed February 8, 2019; March 1, 2019, read
1-3 first time and referred to Committee on Education; April 23, 2019,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 11, Nays 0; April 23, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Taylor</u>	X		
1-9	<u>Lucio</u>	X		
1-10	<u>Bettencourt</u>	X		
1-11	<u>Campbell</u>	X		
1-12	<u>Fallon</u>	X		
1-13	<u>Hall</u>	X		
1-14	<u>Hughes</u>	X		
1-15	<u>Paxton</u>	X		
1-16	<u>Powell</u>	X		
1-17	<u>Watson</u>	X		
1-18	<u>West</u>	X		

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 712 By: Lucio

1-20 A BILL TO BE ENTITLED
1-21 AN ACT

1-22 relating to prohibiting the use of certain aversive techniques on
1-23 students enrolled in public schools.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter A, Chapter 37, Education Code, is
1-26 amended by adding Section 37.0023 to read as follows:

1-27 Sec. 37.0023. PROHIBITED AVERSIVE TECHNIQUES. (a) In this
1-28 section, "aversive technique" means a technique or intervention
1-29 that is intended to reduce the likelihood of a behavior reoccurring
1-30 by intentionally inflicting on a student significant physical or
1-31 emotional discomfort or pain. The term includes a technique or
1-32 intervention that:

1-33 (1) is designed to or likely to cause physical pain,
1-34 other than an intervention or technique permitted under Section
1-35 37.0011;

1-36 (2) notwithstanding Section 37.0011, is designed to or
1-37 likely to cause physical pain through the use of electric shock or
1-38 any procedure that involves the use of pressure points or joint
1-39 locks;

1-40 (3) involves the directed release of a noxious, toxic,
1-41 or otherwise unpleasant spray, mist, or substance near the
1-42 student's face;

1-43 (4) denies adequate sleep, air, food, water, shelter,
1-44 bedding, physical comfort, or access to a restroom facility;

1-45 (5) involves directly ridiculing or demeaning the
1-46 student or subjecting the student to verbal abuse or that can be
1-47 expected to cause the student emotional trauma;

1-48 (6) employs a device, material, or object that
1-49 simultaneously immobilizes all four extremities, including any
1-50 procedure that results in such immobilization known as prone or
1-51 supine floor restraint;

1-52 (7) impairs the student's breathing, including any
1-53 procedure that involves:

1-54 (A) applying pressure to the student's torso or
1-55 neck; or

1-56 (B) obstructing the student's airway, including
1-57 placing an object in, on, or over the student's mouth or nose or
1-58 placing a bag, cover, or mask over the student's face;

1-59 (8) restricts the student's circulation;

1-60 (9) secures the student to a stationary object while

2-1 the student is in a sitting or standing position;
2-2 (10) inhibits, reduces, or hinders the student's
2-3 ability to communicate;
2-4 (11) involves the use of a chemical restraint;
2-5 (12) constitutes a use of timeout that precludes the
2-6 student from being able to be involved in and progress
2-7 appropriately in the required curriculum and, if applicable, toward
2-8 the annual goals included in the student's individualized education
2-9 program, including isolating the student by the use of physical
2-10 barriers; or
2-11 (13) except as provided by Subsection (c), deprives
2-12 the student of the use of one or more of the student's senses.
2-13 (b) A school district or school district employee or
2-14 volunteer or an independent contractor of a school district may not
2-15 apply an aversive technique, or by authorization, order, or
2-16 consent, cause an aversive technique to be applied, to a student.
2-17 (c) Notwithstanding Subsection (a)(13), an aversive
2-18 technique described by Subsection (a)(13) may be used if the
2-19 technique is executed in a manner that:
2-20 (1) does not cause the student pain or discomfort; or
2-21 (2) complies with the student's individualized
2-22 education program or behavior intervention plan.
2-23 (d) Nothing in this section may be construed to prohibit a
2-24 teacher from removing a student from class under Section 37.002.
2-25 (e) In adopting procedures under this section, the
2-26 commissioner shall provide guidance to school district employees,
2-27 volunteers, and independent contractors of school districts in
2-28 avoiding a violation of Subsection (b).
2-29 SECTION 2. This Act applies beginning with the 2019-2020
2-30 school year.
2-31 SECTION 3. This Act takes effect immediately if it receives
2-32 a vote of two-thirds of all the members elected to each house, as
2-33 provided by Section 39, Article III, Texas Constitution. If this
2-34 Act does not receive the vote necessary for immediate effect, this
2-35 Act takes effect September 1, 2019.

2-36 * * * * *