

By: Allen

H.B. No. 379

A BILL TO BE ENTITLED

AN ACT

relating to corporal punishment in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 37, Education Code, is amended by adding Subchapter Z to read as follows:

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

RELATING TO DISCIPLINE

Sec. 37.901. CORPORAL PUNISHMENT. (a) In this section, "corporal punishment" includes hitting, spanking, paddling, or deliberately inflicting physical pain by any means on the whole or any part of a student's body as a penalty or punishment for the student's behavior on or off campus.

(b) A school district employee or a volunteer or independent contractor of a district may not administer corporal punishment or cause corporal punishment to be administered to a student.

(c) A school district employee or a volunteer or independent contractor of a district may use reasonable and necessary physical restraining techniques for the purpose of:

(1) preventing a student from injuring a person or property;

(2) self-defense; or

(3) obtaining from a student possession of an object specified by Section 37.007(a)(1) or another dangerous object.

(d) Section 9.62, Penal Code, and Section 22.0511(a) do not

1 apply to an action of a school district employee or a volunteer or  
2 independent contractor of a district that violates Subsection (b).

3 SECTION 2. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2007.