

By: Hinojosa

S.B. No. 1195

A BILL TO BE ENTITLED

AN ACT

relating to the use of corporal punishment in public schools.

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

SECTION 1. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0011 to read as follows:

Sec. 37.0011. USE OF CORPORAL PUNISHMENT. (a) In this section, "corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. The term does not include:

(1) physical pain caused by reasonable physical activities associated with athletic training, competition, or physical education; or

(2) the use of restraint as authorized under Section 37.0021.

(b) If the board of trustees of an independent school district adopts a policy under Section 37.001(a)(8) under which corporal punishment is permitted as a method of student discipline:

(1) an educator of the district may use corporal punishment to discipline a student only if the student's parent or guardian or other person having lawful control over the student has previously provided written, signed consent to the use of corporal punishment as a method of student discipline; and

(2) an educator of the district may use corporal

1 punishment only to discipline students of the same sex as the
2 educator.

3 (c) To provide consent for the use of corporal punishment as
4 a method of student discipline, each school year a student's parent
5 or guardian or other person having lawful control over the student
6 must provide separate written, signed consent to the board of
7 trustees of the school district in the manner established by the
8 board.

9 (d) The student's parent or guardian or other person having
10 lawful control over the student may revoke the consent provided to
11 the board of trustees under Subsection (c) at any time during the
12 school year. The parent, guardian, or other person may revoke
13 consent by submitting a written, signed revocation to the board in
14 the manner established by the board.

15 (e) If the school district receives written, signed consent
16 under Subsection (c) from one parent, guardian, or other person
17 having lawful control over the student and a written, signed
18 revocation from another parent, guardian, or other person having
19 lawful control over the student under Subsection (d), the written,
20 signed revocation controls.

21 (f) The school district shall maintain original consent and
22 revocation of consent documents received under this section in the
23 district's administrative office.

24 (g) A school district to which Subsection (b) applies shall
25 adopt procedures to implement and administer this section,
26 including procedures to:

27 (1) inform students' parents and guardians and other

1 persons having lawful control over students of the right to revoke
2 consent to use corporal punishment as a method of student
3 discipline; and

4 (2) maintain the consent and revocation of consent
5 documents required by this section.

6 (h) The commissioner shall adopt rules to require the
7 superintendent of a school district that adopts a policy under
8 which corporal punishment is permitted as a method of student
9 discipline to provide the State Board for Educator Certification
10 prompt written notice if an educator employed by the district uses
11 corporal punishment in violation of this section.

12 (i) The commissioner shall adopt rules to require the
13 superintendent of a school district in which corporal punishment is
14 not permitted as a method of student discipline to provide the State
15 Board for Educator Certification prompt written notice if an
16 educator employed by the district uses corporal punishment as a
17 method of student discipline.

18 SECTION 2. This Act applies beginning with the 2009-2010
19 school year.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2009.