

Amend **HB 359** (house committee report) by striking all below the enacting clause and substituting the following:

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, a district educator 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.

(c) To provide consent for the use of corporal punishment as a method of student discipline, a student's parent or guardian or other person having lawful control over the student must provide separate written, signed consent to the board of trustees of the school district in the manner established by the board. Subject to Subsection (e), consent under this subsection is effective unless:

(1) consent is revoked under Subsection (d); or

(2) the student leaves the district.

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

(e) The board of trustees of an independent school district

may adopt rules requiring a student's parent or guardian to renew the consent under Subsection (c) each school year.

SECTION 2. This Act applies beginning with the 2011-2012 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.