

By: Walle

H.B. No. 349

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring a school district to adopt a policy and
3 collect data regarding restraints administered and citations
4 issued by a school district peace officer.

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

6 SECTION 1. Subchapter C, Chapter 37, Education Code, is
7 amended by adding Sections 37.0811 and 37.0812 to read as follows:

8 Sec. 37.0811. RESTRAINT AND CITATION POLICY. (a) The board
9 of trustees of a school district shall adopt a policy on the
10 administration of restraints and issuance of citations by a school
11 district peace officer.

12 (b) A policy adopted under Subsection (a) must:

13 (1) establish a process by which a student may file a
14 complaint with the school district alleging that a school district
15 peace officer issued a citation or administered a restraint to the
16 student unjustifiably;

17 (2) provide for public education relating to the
18 school district's complaint process;

19 (3) require the school district to take corrective
20 action if a school district peace officer, after an investigation,
21 is shown to have violated the policy adopted under Subsection (a);
22 and

23 (4) require the school district to collect information
24 relating to the issuance of citations and the administration of

1 restraints, including information identifying:

2 (A) the age of the student;

3 (B) the gender of the student;

4 (C) the race or ethnicity of the student;

5 (D) whether the student is eligible for special
6 education services under Section 29.003;

7 (E) the nature of the offense;

8 (F) the campus where the offense occurred;

9 (G) if applicable, the type of restraint
10 administered; and

11 (H) if applicable, whether the student resisted
12 the administration of a restraint.

13 (c) In this section:

14 (1) "Citation" means a ticket issued by a school
15 district peace officer to a student for a Class C misdemeanor.

16 (2) "Restraint" means the use of physical force or a
17 mechanical device to significantly restrict the free movement of
18 all or a portion of a student's body, including the use of chemical
19 restraints and tasers.

20 Sec. 37.0812. REPORT TO AGENCY ON RESTRAINTS, CITATIONS,
21 AND ARRESTS. (a) Not later than the 60th day after the last day of
22 classes for the academic year, the superintendent of a school
23 district shall submit to the agency a report that contains
24 incident-based data describing the total number of citations
25 issued, restraints administered, and arrests made for the preceding
26 academic year, organized by campus. The incident-based data
27 submitted under this subsection must include information

1 identifying:

2 (1) the age of the student;

3 (2) the gender of the student;

4 (3) the race or ethnicity of the student;

5 (4) whether the student is eligible for special
6 education services under Section 29.003;

7 (5) the nature of the offense;

8 (6) the campus where the offense occurred;

9 (7) if applicable, the type of restraint administered;

10 and

11 (8) if applicable, whether the student resisted the
12 administration of a restraint.

13 (b) The data collected for a report required under this
14 section does not constitute prima facie evidence of racial
15 profiling.

16 (c) A report required under this section may not include
17 information that identifies the school district peace officer who
18 issued a citation or administered a restraint.

19 (d) If the agency determines that a superintendent
20 intentionally failed to submit a report required under this
21 section, the agency shall notify the State Board for Educator
22 Certification of the failure, and the board shall determine whether
23 to impose sanctions against the superintendent in accordance with
24 board rules.

25 (e) The agency shall collect the reports required under this
26 section, compile the data, and make the data available to the
27 public.

1 (f) In this section:

2 (1) "Citation" means a ticket issued by a school
3 district peace officer to a student for a Class C misdemeanor.

4 (2) "Restraint" means the use of physical force or a
5 mechanical device to significantly restrict the free movement of
6 all or a portion of a student's body, including the use of chemical
7 restraints and tasers.

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

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