

By: Allen, Nash, Shelton, Patrick, Torres

H.B. No. 359

A BILL TO BE ENTITLED

AN ACT

relating to discipline in public schools, including the use of corporal punishment and the prosecution of certain children for school-related offenses.

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, a district educator may use corporal punishment to discipline a student unless the student's parent or guardian or other person having lawful control over the student has previously provided a written, signed statement prohibiting the use of corporal

1 punishment as a method of student discipline.

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

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

13 (e) The provisions in this section do not apply to counties
14 with a population of less than 50,000.

15 SECTION 2. Section 37.124, Education Code, is amended by
16 adding Subsection (d) to read as follows:

17 (d) It is an exception to the application of Subsection (a)
18 that, at the time the person engaged in conduct prohibited under
19 that subsection, the person was a student in the sixth grade or a
20 lower grade level.

21 SECTION 3. Section 37.126, Education Code, is amended by
22 amending Subsection (a) and adding Subsection (c) to read as
23 follows:

24 (a) Except as provided by Section 37.125, a person commits
25 an offense if the person intentionally disrupts, prevents, or
26 interferes with the lawful transportation of children:

27 (1) to or from school on a vehicle owned or operated by

1 a county or independent school district; or

2 (2) to or from ~~[or]~~ an activity sponsored by a school
3 on a vehicle owned or operated by a county or independent school
4 district.

5 (c) It is an exception to the application of Subsection
6 (a)(1) that, at the time the person engaged in conduct prohibited
7 under that subdivision, the person was a student in the sixth grade
8 or a lower grade level.

9 SECTION 4. Section 42.01, Penal Code, is amended by adding
10 Subsection (f) to read as follows:

11 (f) It is an exception to the application of Subsections
12 (a)(1), (2), (3), (4), (5), or (6) that, at the time the person
13 engaged in conduct prohibited under the applicable subdivision, the
14 person was a student in the sixth grade or a lower grade level, and
15 the prohibited conduct occurred at a public school campus during
16 regular school hours.

17 SECTION 5. The change in law made by Sections 37.124,
18 Education Code, 37.126, Education Code, and 42.01, Penal Code, as
19 amended by this Act, applies only to an offense committed on or
20 after the effective date of this Act. An offense committed before
21 the effective date of this Act is governed by the law in effect on
22 the date the offense was committed, and the former law is continued
23 in effect for that purpose. For purposes of this section, an
24 offense was committed before the effective date of this Act if any
25 element of the offense occurred before that date.

26 SECTION 6. This Act applies beginning with the 2011-2012
27 school year.

1 SECTION 7. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2011.