

AN ACT

relating to discipline in public schools, including the use of certain disciplinary methods 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 SECTION 2. Section 37.0021(b), Education Code, is amended  
14 by adding Subdivision (4) to read as follows:

15 (4) "Law enforcement duties" means activities of a  
16 peace officer relating to the investigation and enforcement of  
17 state criminal laws and other duties authorized by the Code of  
18 Criminal Procedure.

19 SECTION 3. Section 37.0021, Education Code, is amended by  
20 amending Subsection (g) and adding Subsections (h) and (i) to read  
21 as follows:

22 (g) This section and any rules or procedures adopted under  
23 this section do not apply to:

24 (1) a peace officer ~~[while]~~ performing law enforcement  
25 duties, except as provided by Subsection (i);

26 (2) juvenile probation, detention, or corrections  
27 personnel; or

1           (3) an educational services provider with whom a  
2 student is placed by a judicial authority, unless the services are  
3 provided in an educational program of a school district.

4           (h) This section and any rules or procedures adopted under  
5 this section apply to a peace officer only if the peace officer:

6                 (1) is employed or commissioned by a school district;

7 or

8                 (2) provides, as a school resource officer, a regular  
9 police presence on a school district campus under a memorandum of  
10 understanding between the district and a local law enforcement  
11 agency.

12           (i) A school district shall report electronically to the  
13 agency, in accordance with standards provided by commissioner rule,  
14 information relating to the use of restraint by a peace officer  
15 performing law enforcement duties on school property or during a  
16 school-sponsored or school-related activity. A report submitted  
17 under this subsection must be consistent with the requirements  
18 adopted by commissioner rule for reporting the use of restraint  
19 involving students with disabilities.

20           SECTION 4. Section 37.124, Education Code, is amended by  
21 adding Subsection (d) to read as follows:

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

26           SECTION 5. Section 37.126, Education Code, is amended by  
27 amending Subsection (a) and adding Subsection (c) to read as

1 follows:

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

5 (1) to or from school on a vehicle owned or operated by  
6 a county or independent school district; or

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

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

14 SECTION 6. Section 42.01, Penal Code, is amended by adding  
15 Subsection (f) to read as follows:

16 (f) Subsections (a)(1), (2), (3), (5), and (6) do not apply  
17 to a person who, at the time the person engaged in conduct  
18 prohibited under the applicable subdivision, was a student in the  
19 sixth grade or a lower grade level, and the prohibited conduct  
20 occurred at a public school campus during regular school hours.

21 SECTION 7. The commissioner of education shall adopt rules  
22 as provided by Section 37.0021(i), Education Code, as added by this  
23 Act, as soon as practicable after the effective date of this Act.

24 SECTION 8. The change in law made by Sections 37.124,  
25 Education Code, 37.126, Education Code, and 42.01, Penal Code, as  
26 amended by this Act, applies only to an offense committed on or  
27 after the effective date of this Act. An offense committed before

1 the effective date of this Act is governed by the law in effect on  
2 the date the offense was committed, and the former law is continued  
3 in effect for that purpose. For purposes of this section, an  
4 offense was committed before the effective date of this Act if any  
5 element of the offense occurred before that date.

6 SECTION 9. This Act applies beginning with the 2011-2012  
7 school year.

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 359 was passed by the House on May 13, 2011, by the following vote: Yeas 84, Nays 55, 4 present, not voting; and that the House concurred in Senate amendments to H.B. No. 359 on May 25, 2011, by the following vote: Yeas 80, Nays 64, 3 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 359 was passed by the Senate, with amendments, on May 23, 2011, by the following vote: Yeas 29, Nays 2.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor