

1-1 By: Allen, et al. (Senate Sponsor - Lucio) H.B. No. 359
1-2 (In the Senate - Received from the House May 16, 2011;
1-3 May 16, 2011, read first time and referred to Committee on
1-4 Education; May 20, 2011, reported favorably, as amended, by the
1-5 following vote: Yeas 8, Nays 0; May 20, 2011, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Van de Putte

1-7 Amend H.B. 359 by striking Section 1, subsection (e), lines 13 and
1-8 14 of page 2.

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to discipline in public schools, including the use of
1-12 corporal punishment and the prosecution of certain children for
1-13 school-related offenses.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subchapter A, Chapter 37, Education Code, is
1-16 amended by adding Section 37.0011 to read as follows:

1-17 Sec. 37.0011. USE OF CORPORAL PUNISHMENT. (a) In this
1-18 section, "corporal punishment" means the deliberate infliction of
1-19 physical pain by hitting, paddling, spanking, slapping, or any
1-20 other physical force used as a means of discipline. The term does
1-21 not include:

1-22 (1) physical pain caused by reasonable physical
1-23 activities associated with athletic training, competition, or
1-24 physical education; or

1-25 (2) the use of restraint as authorized under Section
1-26 37.0021.

1-27 (b) If the board of trustees of an independent school
1-28 district adopts a policy under Section 37.001(a)(8) under which
1-29 corporal punishment is permitted as a method of student discipline,
1-30 a district educator may use corporal punishment to discipline a
1-31 student unless the student's parent or guardian or other person
1-32 having lawful control over the student has previously provided a
1-33 written, signed statement prohibiting the use of corporal
1-34 punishment as a method of student discipline.

1-35 (c) To prohibit the use of corporal punishment as a method
1-36 of student discipline, each school year a student's parent or
1-37 guardian or other person having lawful control over the student
1-38 must provide a separate written, signed statement to the board of
1-39 trustees of the school district in the manner established by the
1-40 board.

1-41 (d) The student's parent or guardian or other person having
1-42 lawful control over the student may revoke the statement provided
1-43 to the board of trustees under Subsection (c) at any time during the
1-44 school year by submitting a written, signed revocation to the board
1-45 in the manner established by the board.

1-46 (e) The provisions in this section do not apply to counties
1-47 with a population of less than 50,000.

1-48 SECTION 2. Section 37.124, Education Code, is amended by
1-49 adding Subsection (d) to read as follows:

1-50 (d) It is an exception to the application of Subsection (a)
1-51 that, at the time the person engaged in conduct prohibited under
1-52 that subsection, the person was a student in the sixth grade or a
1-53 lower grade level.

1-54 SECTION 3. Section 37.126, Education Code, is amended by
1-55 amending Subsection (a) and adding Subsection (c) to read as
1-56 follows:

1-57 (a) Except as provided by Section 37.125, a person commits
1-58 an offense if the person intentionally disrupts, prevents, or
1-59 interferes with the lawful transportation of children:

1-60 (1) to or from school on a vehicle owned or operated by
1-61 a county or independent school district; or

1-62 (2) to or from ~~or~~ an activity sponsored by a school

on a vehicle owned or operated by a county or independent school district.

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

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

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

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

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

SECTION 7. 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.

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