

By: Davis

S.B. No. 536

A BILL TO BE ENTITLED

AN ACT

relating to the use of certain discipline management practices or behavior management techniques by peace officers employed or commissioned by school districts.

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

SECTION 1. Subsection (b), Section 37.0021, Education Code, is amended by adding Subdivision (4) to read as follows:

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

SECTION 2. Section 37.0021, Education Code, is amended by amending Subsection (g) and adding Subsections (h) and (i) to read as follows:

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

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

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

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

(h) This section and any rules or procedures adopted under

1 this section apply to a peace officer only if the peace officer:

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

3 or

4 (2) provides, as a school resource officer, a regular
5 police presence on a school district campus under a memorandum of
6 understanding between the district and a local law enforcement
7 agency.

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

16 SECTION 3. The commissioner of education shall adopt rules
17 as provided by Subsection (i), Section 37.0021, Education Code, as
18 added by this Act, as soon as practicable after the effective date
19 of this Act.

20 SECTION 4. This Act takes effect September 1, 2011.