

1-1 By: Davis S.B. No. 536
1-2 (In the Senate - Filed February 7, 2011; February 17, 2011,
1-3 read first time and referred to Committee on Education;
1-4 April 14, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 14, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 536 By: Davis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the use of certain discipline management practices or
1-11 behavior management techniques by peace officers employed or
1-12 commissioned by school districts.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsection (b), Section 37.0021, Education Code,
1-15 is amended by adding Subdivision (4) to read as follows:

1-16 (4) "Law enforcement duties" means activities of a
1-17 peace officer relating to the investigation and enforcement of
1-18 state criminal laws and other duties authorized by the Code of
1-19 Criminal Procedure.

1-20 SECTION 2. Section 37.0021, Education Code, is amended by
1-21 amending Subsection (g) and adding Subsections (h) and (i) to read
1-22 as follows:

1-23 (g) This section and any rules or procedures adopted under
1-24 this section do not apply to:

1-25 (1) a peace officer ~~[while]~~ performing law enforcement
1-26 duties, except as provided by Subsection (i);

1-27 (2) juvenile probation, detention, or corrections
1-28 personnel; or

1-29 (3) an educational services provider with whom a
1-30 student is placed by a judicial authority, unless the services are
1-31 provided in an educational program of a school district.

1-32 (h) This section and any rules or procedures adopted under
1-33 this section apply to a peace officer only if the peace officer:

1-34 (1) is employed or commissioned by a school district;
1-35 or

1-36 (2) provides, as a school resource officer, a regular
1-37 police presence on a school district campus under a memorandum of
1-38 understanding between the district and a local law enforcement
1-39 agency.

1-40 (i) A school district shall report electronically to the
1-41 agency, in accordance with standards provided by commissioner rule,
1-42 information relating to the use of restraint by a peace officer
1-43 performing law enforcement duties on school property or during a
1-44 school-sponsored or school-related activity. A report submitted
1-45 under this subsection must be consistent with the requirements
1-46 adopted by commissioner rule for reporting the use of restraint
1-47 involving students with disabilities.

1-48 SECTION 3. The commissioner of education shall adopt rules
1-49 as provided by Subsection (i), Section 37.0021, Education Code, as
1-50 added by this Act, as soon as practicable after the effective date
1-51 of this Act.

1-52 SECTION 4. This Act takes effect September 1, 2011.

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