

By: Allen

H.B. No. 567

A BILL TO BE ENTITLED

AN ACT

relating to corporal punishment in public schools.

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

SECTION 1. Chapter 37, Education Code, is amended by adding Subchapter Z to read as follows:

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

RELATING TO DISCIPLINE

Sec. 37.901. CORPORAL PUNISHMENT. (a) In this section, "corporal punishment" includes hitting, spanking, paddling, or deliberately inflicting physical pain by any means on the whole or any part of a student's body as a penalty or punishment for the student's behavior on or off campus.

(b) A school district employee or a volunteer or independent contractor of a district may not administer corporal punishment or cause corporal punishment to be administered to a student. This subsection does not apply to corporal punishment administered off campus by a parent to the parent's child.

(c) A school district employee or a volunteer or independent contractor of a district may use reasonable and necessary restraint, as defined by Section 37.0021.

(d) Section 9.62, Penal Code, and Section 22.0511(a) do not apply to an action of a school district employee or a volunteer or independent contractor of a district that violates Subsection (b).

SECTION 2. Section 25.007(b), Education Code, as amended by

1 Chapters 688 (H.B. 2619) and 1354 (S.B. 1404), Acts of the 83rd  
2 Legislature, Regular Session, 2013, is reenacted and amended to  
3 read as follows:

4 (b) In recognition of the challenges faced by students in  
5 substitute care, the agency shall assist the transition of  
6 substitute care students from one school to another by:

7 (1) ensuring that school records for a student in  
8 substitute care are transferred to the student's new school not  
9 later than the 10th working day after the date the student begins  
10 enrollment at the school;

11 (2) developing systems to ease transition of a student  
12 in substitute care during the first two weeks of enrollment at a new  
13 school;

14 (3) developing procedures for awarding credit,  
15 including partial credit if appropriate, for course work, including  
16 electives, completed by a student in substitute care while enrolled  
17 at another school;

18 (4) promoting practices that facilitate access by a  
19 student in substitute care to extracurricular programs, summer  
20 programs, credit transfer services, electronic courses provided  
21 under Chapter 30A, and after-school tutoring programs at nominal or  
22 no cost;

23 (5) establishing procedures to lessen the adverse  
24 impact of the movement of a student in substitute care to a new  
25 school;

26 (6) entering into a memorandum of understanding with  
27 the Department of Family and Protective Services regarding the

1 exchange of information as appropriate to facilitate the transition  
2 of students in substitute care from one school to another;

3 (7) encouraging school districts and open-enrollment  
4 charter schools to provide services for a student in substitute  
5 care in transition when applying for admission to postsecondary  
6 study and when seeking sources of funding for postsecondary study;

7 (8) requiring school districts, campuses, and  
8 open-enrollment charter schools to accept a referral for special  
9 education services made for a student in substitute care by a school  
10 previously attended by the student;

11 (9) requiring school districts to provide notice to  
12 the child's educational decision-maker and caseworker regarding  
13 events that may significantly impact the education of a child,  
14 including:

15 (A) requests or referrals for an evaluation under  
16 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or  
17 special education under Section 29.003;

18 (B) admission, review, and dismissal committee  
19 meetings;

20 (C) manifestation determination reviews required  
21 by Section 37.004(b);

22 (D) any disciplinary actions under Chapter 37 for  
23 which parental notice is required;

24 (E) citations issued for Class C misdemeanor  
25 offenses on school property or at school-sponsored activities; and

26 (F) reports of restraint and seclusion required  
27 by Section 37.0021; ~~and~~

1                    [~~(C) use of corporal punishment as provided by~~  
2 ~~Section 37.0011, and]~~

3                    (10) developing procedures for allowing a student in  
4 substitute care who was previously enrolled in a course required  
5 for graduation the opportunity, to the extent practicable, to  
6 complete the course, at no cost to the student, before the beginning  
7 of the next school year;

8                    (11) ensuring that a student in substitute care who is  
9 not likely to receive a high school diploma before the fifth school  
10 year following the student's enrollment in grade nine, as  
11 determined by the district, has the student's course credit accrual  
12 and personal graduation plan reviewed; [~~and]~~

13                    (12) ensuring that a student in substitute care who is  
14 in grade 11 or 12 be provided information regarding tuition and fee  
15 exemptions under Section 54.366 for dual-credit or other courses  
16 provided by a public institution of higher education for which a  
17 high school student may earn joint high school and college credit;  
18 and

19                    (13) [~~(10)~~] providing other assistance as identified  
20 by the agency.

21                    SECTION 3. Section 37.0011, Education Code, is repealed.

22                    SECTION 4. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2015.