

By: Lucio III

H.B. No. 166

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of corporal punishment as a method of student discipline.

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

SECTION 1. Section 22.0512(c), Education Code, is amended to read as follows:

(c) This section does not prohibit a school district from ~~[(1) enforcing a policy relating to corporal punishment, or (2) notwithstanding Subsection (a),]~~ bringing a disciplinary proceeding against a professional employee of the district who violates the prohibition of [district policy relating to] corporal punishment as a method of student discipline under Section 37.0011.

SECTION 2. Section 25.007(b), Education Code, as amended by Chapters 746 (H.B. 1804), 822 (H.B. 3748), and 1206 (S.B. 1494), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(b) In recognition of the challenges faced by students who are homeless or in substitute care, the agency shall assist the transition of students who are homeless or in substitute care from one school to another by:

(1) ensuring that school records for a student who is homeless or in substitute care are transferred to the student's new

1 school not later than the 10th working day after the date the
2 student begins enrollment at the school;

3 (2) developing systems to ease transition of a student
4 who is homeless or in substitute care during the first two weeks of
5 enrollment at a new school;

6 (3) developing procedures for awarding credit,
7 including partial credit if appropriate, for course work, including
8 electives, completed by a student who is homeless or in substitute
9 care while enrolled at another school;

10 (4) promoting practices that facilitate access by a
11 student who is homeless or in substitute care to extracurricular
12 programs, summer programs, credit transfer services, electronic
13 courses provided under Chapter 30A, and after-school tutoring
14 programs at nominal or no cost;

15 (5) establishing procedures to lessen the adverse
16 impact of the movement of a student who is homeless or in substitute
17 care to a new school;

18 (6) entering into a memorandum of understanding with
19 the Department of Family and Protective Services regarding the
20 exchange of information as appropriate to facilitate the transition
21 of students in substitute care from one school to another;

22 (7) encouraging school districts and open-enrollment
23 charter schools to provide services for a student who is homeless or
24 in substitute care in transition when applying for admission to
25 postsecondary study and when seeking sources of funding for
26 postsecondary study;

27 (8) requiring school districts, campuses, and

1 open-enrollment charter schools to accept a referral for special
2 education services made for a student who is homeless or in
3 substitute care by a school previously attended by the student;

4 (9) requiring school districts, campuses, and
5 open-enrollment charter schools to provide notice to the child's
6 educational decision-maker and caseworker regarding events that
7 may significantly impact the education of a child, including:

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

11 (B) admission, review, and dismissal committee
12 meetings;

13 (C) manifestation determination reviews required
14 by Section 37.004(b);

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

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

19 (F) reports of restraint and seclusion required
20 by Section 37.0021; ~~and~~

21 ~~[(C) use of corporal punishment as provided by~~
22 ~~Section 37.0011,]~~

23 (10) developing procedures for allowing a student who
24 is homeless or in substitute care who was previously enrolled in a
25 course required for graduation the opportunity, to the extent
26 practicable, to complete the course, at no cost to the student,
27 before the beginning of the next school year;

1 (11) ensuring that a student who is homeless or in
2 substitute care who is not likely to receive a high school diploma
3 before the fifth school year following the student's enrollment in
4 grade nine, as determined by the district, has the student's course
5 credit accrual and personal graduation plan reviewed;

6 (12) ensuring that a student in substitute care who is
7 in grade 11 or 12 be provided information regarding tuition and fee
8 exemptions under Section 54.366 for dual-credit or other courses
9 provided by a public institution of higher education for which a
10 high school student may earn joint high school and college credit;
11 ~~and~~

12 (13) designating at least one agency employee to act
13 as a liaison officer regarding educational issues related to
14 students in the conservatorship of the Department of Family and
15 Protective Services; and

16 (14) ~~[(13)]~~ providing other assistance as identified
17 by the agency.

18 SECTION 3. The heading to Section 37.0011, Education Code,
19 is amended to read as follows:

20 Sec. 37.0011. USE OF CORPORAL PUNISHMENT PROHIBITED.

21 SECTION 4. Section 37.0011(b), Education Code, is amended
22 to read as follows:

23 (b) Corporal ~~[If the board of trustees of an independent~~
24 ~~school district adopts a policy under Section 37.001(a)(8) under~~
25 ~~which corporal]~~ punishment is not permitted as a method of student
26 discipline. A ~~[a]~~ district educator may not use corporal
27 punishment to discipline a student ~~[unless the student's parent or~~

1 ~~guardian or other person having lawful control over the student has~~
2 ~~previously provided a written, signed statement prohibiting the use~~
3 ~~of corporal punishment as a method of student discipline].~~

4 SECTION 5. Sections 37.0011(c) and (d), Education Code, are
5 repealed.

6 SECTION 6. This Act applies beginning with the 2017-2018
7 school year.

8 SECTION 7. To the extent of any conflict, this Act prevails
9 over another Act of the 85th Legislature, Regular Session, 2017,
10 relating to nonsubstantive additions to and corrections in enacted
11 codes.

12 SECTION 8. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2017.