

By: Allen

H.B. No. 396

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 22.0512(c), Education Code, is amended

1 to read as follows:

2 (c) This section does not prohibit a school district from[+  
3 [~~(1) enforcing a policy relating to corporal~~  
4 ~~punishment, or~~  
5 [~~(2) notwithstanding Subsection (a),~~] bringing a  
6 disciplinary proceeding against a professional employee of the  
7 district who violates the prohibition on [~~district policy relating~~  
8 ~~to~~] corporal punishment under Section 37.901.

9 SECTION 3. Section 25.007(b), Education Code, as amended by  
10 Chapters 746 (H.B. 1804), 822 (H.B. 3748), and 1206 (S.B. 1494),  
11 Acts of the 84th Legislature, Regular Session, 2015, is reenacted  
12 and amended to read as follows:

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

17 (1) ensuring that school records for a student who is  
18 homeless or in substitute care are transferred to the student's new  
19 school not later than the 10th working day after the date the  
20 student begins enrollment at the school;

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

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

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

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

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

13           (7) encouraging school districts and open-enrollment  
14 charter schools to provide services for a student who is homeless or  
15 in substitute care in transition when applying for admission to  
16 postsecondary study and when seeking sources of funding for  
17 postsecondary study;

18           (8) requiring school districts, campuses, and  
19 open-enrollment charter schools to accept a referral for special  
20 education services made for a student who is homeless or in  
21 substitute care by a school previously attended by the student;

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

26           (A) requests or referrals for an evaluation under  
27 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or

1 special education under Section 29.003;

2 (B) admission, review, and dismissal committee  
3 meetings;

4 (C) manifestation determination reviews required  
5 by Section 37.004(b);

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

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

10 (F) reports of restraint and seclusion required  
11 by Section 37.0021; ~~and~~

12 [~~(G) use of corporal punishment as provided by~~  
13 ~~Section 37.0011,]~~

14 (10) developing procedures for allowing a student who  
15 is homeless or in substitute care who was previously enrolled in a  
16 course required for graduation the opportunity, to the extent  
17 practicable, to complete the course, at no cost to the student,  
18 before the beginning of the next school year;

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

24 (12) ensuring that a student in substitute care who is  
25 in grade 11 or 12 be provided information regarding tuition and fee  
26 exemptions under Section 54.366 for dual-credit or other courses  
27 provided by a public institution of higher education for which a

1 high school student may earn joint high school and college credit;

2 [~~and~~]

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

7 (14) [~~(13)~~] providing other assistance as identified  
8 by the agency.

9 SECTION 4. Section 37.0011, Education Code, is repealed.

10 SECTION 5. This Act applies beginning with the 2017-2018  
11 school year.

12 SECTION 6. To the extent of any conflict, this Act prevails  
13 over another Act of the 85th Legislature, Regular Session, 2017,  
14 relating to nonsubstantive additions to and corrections in enacted  
15 codes.

16 SECTION 7. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2017.