

By: Minjarez

H.B. No. 990

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 12.104(b), Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

(F) special education programs under Subchapter

A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

(H) prekindergarten programs under Subchapter E or E-1, Chapter 29;

(I) extracurricular activities under Section 33.081;

(J) discipline management practices or behavior management techniques under Section 37.0021;

(K) health and safety under Chapter 38;

(L) public school accountability under Subchapters B, C, D, E, F, G, and J, Chapter 39;

(M) the requirement under Section 21.006 to report an educator's misconduct;

(N) intensive programs of instruction under Section 28.0213; ~~and~~

(O) the right of a school employee to report a crime, as provided by Section 37.148; and

(P) the prohibition of corporal punishment as a method of student discipline under Section 37.0011.

SECTION 2. 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 3. 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
school not later than the 10th working day after the date the
student begins enrollment at the school;

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

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

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

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

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

8 (7) encouraging school districts and open-enrollment
9 charter schools to provide services for a student who is homeless or
10 in substitute care in transition when applying for admission to
11 postsecondary study and when seeking sources of funding for
12 postsecondary study;

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

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

21 (A) requests or referrals for an evaluation under
22 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or
23 special education under Section [29.003](#);

24 (B) admission, review, and dismissal committee
25 meetings;

26 (C) manifestation determination reviews required
27 by Section [37.004\(b\)](#);

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

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

5 (F) reports of restraint and seclusion required
6 by Section 37.0021; ~~and~~

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

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

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

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

25 (13) designating at least one agency employee to act
26 as a liaison officer regarding educational issues related to
27 students in the conservatorship of the Department of Family and

Protective Services; and

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

SECTION 4. The heading to Section 37.0011, Education Code, is amended to read as follows:

Sec. 37.0011. USE OF CORPORAL PUNISHMENT PROHIBITED.

SECTION 5. Section 37.0011(b), Education Code, is amended to read as follows:

(b) Corporal [~~If the board of trustees of an independent school district adopts a policy under Section 37.001(a)(8) under which corporal~~] punishment is not permitted as a method of student discipline. A [~~7, a~~] district educator may not use corporal punishment to discipline a student [~~unless the student's parent or guardian or other person having lawful control over the student has previously provided a written, signed statement prohibiting the use of corporal punishment as a method of student discipline~~].

SECTION 6. Sections 37.0011(c) and (d), Education Code, are repealed.

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

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

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2017.