

BILL ANALYSIS

H.B. 772
By: Allen
Youth Health & Safety, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Corporal punishment in schools is an undesirable practice that occurs too frequently in Texas schools. Even one paddled child is too many, and in the 2017-2018 school year, over 13,000 Texas public school students received corporal punishment, according to data collected by the U.S. Department of Education Office for Civil Rights. Many constituents and leaders, including students, parents, teachers, administrators, and other education advocates in Texas, have expressed opposition to corporal punishment in schools. Additionally, a significant group of legal, medical, education, and mental health professional organizations devoted to the well-being of children and adolescents have issued statements condemning the use of corporal punishment in schools. The Texas Legislature has repeatedly expressed a commitment to improving student mental health, and a significant and growing body of research, including research published in the *Journal of Adolescent Health* and *American Psychologist*, shows that corporal punishment is not only ineffective as a disciplinary tool, but can also cause physical, psychological, and academic harm to students. Students subjected to corporal punishment have suffered from bruising, cuts, and broken bones and can experience fractured relationships with teachers and poor school performance.

H.B. 772 seeks to bring public school districts further into alignment with best practices for discipline and classroom management by prohibiting the use of corporal punishment as a form of discipline in public schools. The bill will help to ensure Texas schools move away from outdated practices and instead focus on real strategies to support children, provide meaningful consequences for behaviors, and improve school climates.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 772 amends the Education Code to prohibit a public school district employee or a volunteer or independent contractor of a district from administering corporal punishment or causing corporal punishment to be administered to a student. For the purposes of the prohibition, "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. The prohibition expressly does not apply to corporal punishment administered off campus by a parent to the parent's child.

H.B. 772 authorizes a district employee, volunteer, or independent contractor of a district to use reasonable and necessary restraint, defined by reference as the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body. The bill makes statutory provisions providing for civil immunity from liability and for justification for the use of force inapplicable to an action of such an employee, volunteer, or contractor that violates the prohibition against corporal punishment. The bill applies beginning with the 2023-2024 school year.

H.B. 772 repeals Section 37.0011, Education Code, relating to the use of corporal punishment as a method of student discipline.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.