

By: Bernal

H.B. No. 420

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) of this code do not apply to an action of a school district employee or a volunteer or independent contractor of a district that violates Subsection (b).

1 SECTION 2. Section 22.0512(c), Education Code, is amended
2 to read as follows:

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

10 SECTION 3. Section 25.007(b), Education Code, is amended to
11 read as follows:

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

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

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

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

27 (4) developing procedures to ensure that a new school

1 relies on decisions made by the previous school regarding placement
2 in courses or educational programs of a student who is homeless or
3 in substitute care and places the student in comparable courses or
4 educational programs at the new school, if those courses or
5 programs are available;

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

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

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

18 (8) encouraging school districts and open-enrollment
19 charter schools to provide services for a student who is homeless or
20 in substitute care in transition when applying for admission to
21 postsecondary study and when seeking sources of funding for
22 postsecondary study;

23 (9) requiring school districts, campuses, and
24 open-enrollment charter schools to accept a referral for special
25 education services made for a student who is homeless or in
26 substitute care by a school previously attended by the student, and
27 to provide comparable services to the student during the referral

1 process or until the new school develops an individualized
2 education program for the student;

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

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

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

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

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

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

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

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

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

27 (12) ensuring that a student who is homeless or in

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

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

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

14 (15) providing other assistance as identified by the
15 agency.

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

17 SECTION 5. This Act applies beginning with the 2019-2020
18 school year.

19 SECTION 6. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2019.