

SUBJECT: Prohibiting corporal punishment in public schools

COMMITTEE: Youth Health & Safety, Select — favorable, without amendment

VOTE: 5 ayes — S. Thompson, Hull, Allison, A. Johnson, Lozano

2 nays — Dutton, T. King

2 absent — Capriglione, Landgraf

WITNESSES: For —Morgan Craven, IDRA - Intercultural Development Research Association; Cindy Decker (*Registered, but did not testify*: Jacquie Benestante, Autism Society of Texas; Julia Grizzard, Bexar County Education Coalition; Andrea Sparks, Buckner International; Jolene Sanders, Coalition of Texans with Disabilities; Aaryce Hayes, Disability Rights Texas; Paige Duggins-Clay, IDRA; Jason Sabo, Mental Health America of Greater Houston; Lesley Rivas, Mexican American School Boards Association; Hannah Gill, NAMI Texas; Abigail Findley, National Association of Social Workers - Texas Chapter; Kate Murphy, Texans Care for Children; Alejandro Pena, Texas American Federation of Teachers; Martin Martinez, Texas Appleseed; Amanda Afifi, Texas Association of School Psychologists; Sarah Crockett, Texas CASA; Alycia Castillo, Texas Center for Justice and Equity; Lauren Rose, Texas Network of Youth Services (TNOYS); Clayton Travis, Texas Pediatric Society; Suzi Kennon, Texas PTA; Elaina Fowler, Texas State Teachers Association) Eve Margolis; Chris Masey

Against — (*Registered, but did not testify*: Adam Cahn)

On — (*Registered, but did not testify*: Amy Blakey, Eric Marin, Justin Porter, TEA; Jennifer Fleck, Texas Education 911)

BACKGROUND: Education Code sec. 37.0011 establishes that schools may use corporal punishment if the board of trustees for a given school district has adopted the policy, and the student's parents or legal guardians have not provided written notice forbidding the practice.

Some have suggested that allowing corporal punishment in schools does not reflect best practices for discipline and classroom management.

DIGEST:

HB 772 would prohibit the use of corporal punishment as a disciplinary action in Texas school districts. Corporal punishment would include hitting, spanking, paddling, or deliberately inflicting physical pain. Certain statutory provisions providing for immunity from liability of an educator and for justification for the use of force would not apply to an action of an employee, volunteer, or contractor that violated the bill.

The bill would not apply to off-campus corporal punishment administered by a parent to their child, and would authorize school employees, volunteers, or contractors to use reasonable and necessary restraint as defined in statute under certain circumstances.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.