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Support HB 359: Ensure Parental Control Over Corporal Punishment and Smart Responses to Childish Misbehavior

Texas law grants school boards the authority to permit corporal punishment as a form of discipline, even without parental consent. In school districts that permit corporal punishment, HB 359 would ensure that parents, not school officials, have the right to determine if their child can be disciplined with corporal punishment. In addition, HB 359 would amend the Texas Education Code to exempt children in 6th grade and under from being criminally charged for “disruption of classes” (Texas Education Code §37.124) or “disruption of transportation” (Texas Education Code §37.126), two Class C misdemeanor offenses.

Parents, not school officials, should have the right to control whether or not corporal punishment is used on their child. This is an issue of a parent’s fundamental right to choose how their child is educated and disciplined. As of May 2009, 470 school districts allow corporal punishment to be used on students.¹ HB 359 would ensure that parents are given the choice to determine whether or not corporal punishment is used on their child.

Current law can leave parents unable to say no. School districts currently have the authority to authorize corporal punishment on their campuses, including without parental consent.² This legislation would require schools districts that permit corporal punishment to allow parents to opt out. By allowing parents to opt out of the use of corporal punishment on their child, HB 359 would ensure that school officials respect the wishes of parents.

Ticketing students for engaging in childish misbehavior has become a common and ineffective reaction to such behavior. During the 2006-2007 school year, Dallas ISD issued criminal citations to 92 ten-year-olds, and in 2007 Alief ISD issued 163 tickets to elementary school students. Many of these tickets were issued for classroom disruption. In addition to the long-term consequences of a criminal charge, sending children into the criminal justice system for childish misbehavior is an ineffective solution. These offenses needlessly channel children into the juvenile and criminal justice systems for engaging in non-violent childish misbehavior instead of dealing with problems through more appropriate school disciplinary methods. HB 359 would restrict these counterproductive laws.

¹ Dan Fearson, *TISD OKs corporal punishment*, TEMP. DAILY TELEGRAM, May 14, 2009.

² Office of the Texas Attorney General, Opinion No. GA-0374 (Nov. 7, 2005).