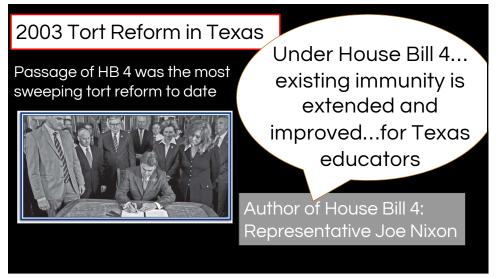
## Can't Touch This—How Statutory Immunity Protection Passed in 2003 Shields Educators Who Use Force Against Students



Dr. Melissa Kates Grand Prairie ISD 38th Annual School Law Conference February 9-10, 2023



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Sec. 22.0512. IMMUNITY FROM DISCIPLINARY PROCEEDINGS FOR PROFESSIONAL EMPLOYEES.
 (a) A professional employee of a school district may not be subject to disciplinary proceedings for the employee's use of physical force against a student to the extent justified under Section 9.62, Penal Code.
 (b) In this section, "disciplinary proceeding" means:

 (1) an action brought by the school district employing a professional employee

of a school district to **discharge or suspend** the employee or **terminate or not renew** the employee's term contract; or

(2) an action brought by the State Board for Educator Certification to enforce the educator's code of ethics adopted under Section 21.041(b)(8).

(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 district policy relating to corporal punishment.

Added by Acts 2003, 78th Leg., ch. 1197, Sec. 1, eff. Sept. 1, 2003.

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Corporal Punishment vs. Use of Force under §22.0512

**Corporal Punishment** = punish a student **after the fact** as a result of the behavior

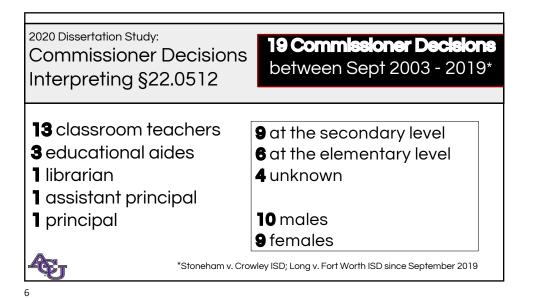
**§22.0512 Use of Force** = maintain control/discipline in educational setting *at the time* of behavior

## §22.0512: Immunity from Disciplinary Proceedings

An educator cannot be subject to disciplinary proceedings for the use of physical force against a student.....

if "**reasonably believes** force is **Recessary**: (1) to enforce compliance with a proper command issued for the purpose of **controlling, training, or educating the child...**the force or physical contact **must be reasonable** and **not disproportionate** to the activity or the offense" (*Williams v. Spring ISD*)

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