HLS 21RS-617 ENGROSSED

2021 Regular Session

HOUSE BILL NO. 324

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BY REPRESENTATIVE HILFERTY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENT/DISCIPLINE: Prohibits corporal punishment in public elementary and secondary schools

AN ACT

2	To amend and reenact R.S. 17:81.6(A), 235.1(B)(4)(a), and 416.1(B), relative to student
3	discipline; to prohibit corporal punishment in public elementary and secondary
4	schools; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 17:81.6(A), 235.1(B)(4)(a), and 416.1(B) are hereby amended and
7	reenacted to read as follows:
8	§81.6. Investigation of employees; reporting of certain irregularities or
9	improprieties; prohibited actions; penalties; remedies
10	A. On or before January 1, 1989, each city and parish Each city, parish, or
11	other local public school board shall adopt a policy establishing the procedures for
12	the investigation of employees accused of impermissible corporal punishment or
13	moral offenses involving students.
14	* * *
15	§235.1. Parent orientation; local public school boards; guidelines
16	* * *
17	B. Each local public school board shall conduct a parent orientation course
18	according to the following guidelines:
19	* * *

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 (4) At the parent orientation meeting, the school board or its representative 2 shall provide each parent or guardian a copy of and shall explain school board 3 policies which: 4 (a) Govern the discipline of students, including but not limited to corporal 5 <del>punishment,</del> detention, suspension, and expulsion of students. 6 7 §416.1. Discipline of pupils; additional disciplinary authority 8 9 B.(1)<del>(a)</del> The use of any form of corporal punishment is prohibited in any 10 public elementary or secondary school. 11 (2) Corporal punishment means using physical force to discipline a student, 12 with or without an object. Corporal punishment includes hitting, paddling, striking, 13 spanking, slapping, or any other physical force that causes pain or physical 14 discomfort. 15 (b) (3) Corporal punishment does not include: 16 (i)(a) The use of reasonable and necessary physical restraint of a student to 17 protect the student, or others, from bodily harm or to obtain possession of a weapon 18 or other dangerous object from a student. 19 (ii)(b) The use of seclusion and restraint as provided in R.S. 17:416.21. 20 (2) The governing authority of a public elementary or secondary school shall 21 have discretion with respect to the use of corporal punishment; however, no form of 22 corporal punishment shall be administered to a student with an exceptionality, 23 excluding gifted and talented, as defined in R.S. 17:1942 or to a student who has 24 been determined to be eligible for services under Section 504 of the Rehabilitation 25 Act of 1973 and has an Individual Accommodation Plan. Each governing authority 26 of a public elementary or secondary school shall adopt such rules and regulations as 27 it deems necessary to implement and control any form of corporal punishment in the

schools under its jurisdiction.

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## **DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 324 Engrossed

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Hilferty

**Abstract:** Prohibits corporal punishment in public elementary and secondary schools

<u>Present law</u> prohibits the administration of corporal punishment to students with exceptionalities (except gifted and talented students), and to students who are eligible for services under Section 504 of the Rehabilitation Act of 1973 and who have an Individual Accommodation Plan. Otherwise grants local school boards discretion in the use of corporal punishment for all other students and requires them to adopt rules and regulations to implement and control its use.

<u>Proposed law</u> prohibits any form of corporal punishment in public elementary and secondary schools.

<u>Present law</u> defines corporal punishment to mean the use of physical force that causes pain or discomfort to discipline a student, not including seclusion or restraint under certain circumstances.

(Amends R.S.17:81.6(A), 235.1(B)(4)(a), and 416.1(B))

## Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Education</u> to the original bill:

1. Make technical changes only.