

2022 Regular Session

HOUSE BILL NO. 649

BY REPRESENTATIVES HILFERTY, FREIBERG, LANDRY, BAGLEY, BOYD, BRYANT, WILFORD CARTER, DAVIS, FREEMAN, GREEN, HARRIS, IVEY, LARVADAIN, LYONS, MARINO, NEWELL, SCHLEGEL, AND STAGNI

STUDENT/DISCIPLINE: Provides relative to corporal punishment in elementary and secondary schools

1 AN ACT

2 To amend and reenact R.S. 17:416.1(B) and to enact R.S. 17:416.14, relative to student
3 discipline; to prohibit corporal punishment in elementary and secondary schools
4 unless authorized by a parent or legal guardian; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17:416.1(B) is hereby amended and reenacted and R.S. 17:416.14
7 is hereby enacted to read as follows:

8 §416.1. Discipline of ~~pupils~~ students; additional disciplinary authority

9 * * *

10 B.(1)(a) The use of any form of corporal punishment is prohibited in any
11 public school unless the student's parent or legal guardian provides written consent
12 for the use of corporal punishment on a document designed solely for such purpose.
13 No form of corporal punishment shall be administered to a student with an
14 exceptionality, excluding gifted and talented, as defined in R.S. 17:1942, or to a
15 student who has been determined to be eligible for services under Section 504 of the
16 Rehabilitation Act of 1973 and has an Individual Accommodation Plan.

17 (2) Corporal punishment means using physical force to discipline a student,
18 with or without an object. Corporal punishment includes hitting, paddling, striking,

1 spanking, slapping, or any other physical force that causes pain or physical
2 discomfort.

3 (b) (3) Corporal punishment does not include:

4 (i) (a) The use of reasonable and necessary physical restraint of a student to
5 protect the student, or others, from bodily harm or to obtain possession of a weapon
6 or other dangerous object from a student.

7 (ii) (b) The use of seclusion and restraint as provided in R.S. 17:416.21.

8 ~~(2) The governing authority of a public elementary or secondary school shall
9 have discretion with respect to the use of corporal punishment; however, no form of
10 corporal punishment shall be administered to a student with an exceptionality,
11 excluding gifted and talented, as defined in R.S. 17:1942 or to a student who has
12 been determined to be eligible for services under Section 504 of the Rehabilitation
13 Act of 1973 and has an Individual Accommodation Plan. Each governing authority
14 of a public elementary or secondary school shall adopt such rules and regulations as
15 it deems necessary to implement and control any form of corporal punishment in the
16 schools under its jurisdiction.~~

17 * * *

18 §416.14. Discipline of students; nonpublic schools; disciplinary authority

19 The use of any form of corporal punishment is prohibited in any nonpublic
20 school that receives state funds except as authorized in R.S. 17:416.1(B).

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 649 Reengrossed

2022 Regular Session

Hilferty

Abstract: Provides relative to corporal punishment in elementary and secondary schools.

Present law 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. Proposed law retains provisions relative to students with exceptionalities.

Proposed law prohibits any form of corporal punishment in elementary and secondary schools unless a parent or legal guardian provides written permission for the use of corporal punishment as a form of discipline for his child.

Proposed law makes present law and proposed law applicable to nonpublic schools that receive state funds.

Present law 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. 17:416.1(B); Adds R.S. 17:416.14)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Expand applicability to nonpublic schools that receive state funds.
2. Change proposed law to require the written consent of a parent or legal guardian for the use of corporal punishment on a student rather than prohibiting corporal punishment.