

2017 Regular Session

HOUSE BILL NO. 79

BY REPRESENTATIVE FOIL

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

STUDENT/DISCIPLINE: Prohibits corporal punishment for certain students with exceptionalities

1 AN ACT

2 To amend and reenact R.S. 17:223(A), 416.1(B), and 3996(B)(2), relative to student
3 discipline; to prohibit the use of corporal punishment in public elementary and
4 secondary schools for students with exceptionalities, except gifted and talented
5 students; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:223(A), 416.1(B), and 3996(B)(2) are hereby amended and
8 reenacted to read as follows:

9 §223. Discipline of pupils; suspension from school; ~~corporal punishment~~

10 A. Every teacher is authorized to hold every pupil to a strict accountability
11 for any disorderly conduct in school or on the playground of the school, or on any
12 school bus going to or returning from school, or during intermission or recess. ~~Each~~
13 ~~parish and city school board shall have discretion in the use of corporal punishment.~~
14 ~~In those cases in which a parish or city school board decides to use corporal~~
15 ~~punishment, each parish or city school board shall adopt such rules and regulations~~
16 ~~as it deems necessary to implement and control any form of corporal punishment in~~
17 ~~the schools in its district.~~

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19 §416.1. Discipline of pupils; additional disciplinary authority

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1 B. ~~Each parish and city school board~~ The governing authority of a public
2 elementary or secondary school shall have ~~the~~ discretion with respect to the use of
3 corporal ~~punishment.~~ punishment; however, no form of corporal punishment shall
4 be administered to a student with an exceptionality, excluding gifted and talented,
5 as defined in R.S. 17:1942. ~~In those cases in which a parish or city school board~~
6 ~~decides to use corporal punishment, each parish or city school board~~ Each governing
7 authority of a public elementary or secondary school shall adopt such rules and
8 regulations as it deems necessary to implement and control any form of corporal
9 punishment in the schools ~~in its district~~ under its jurisdiction.

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§3996. Charter schools; exemptions; requirements

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13 B. Notwithstanding any state law, rule, or regulation to the contrary and
14 except as may be otherwise specifically provided for in an approved charter, a
15 charter school established and operated in accordance with the provisions of this
16 Chapter and its approved charter and the school's officers and employees shall be
17 exempt from all statutory mandates or other statutory requirements that are
18 applicable to public schools and to public school officers and employees except for
19 the following laws otherwise applicable to public schools with the same grades:

* * *

21 (2) Corporal punishment, R.S. 17:416.1(B), and suspension of students, R.S.
22 17:223.

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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)]

Abstract: Prohibits the use of corporal punishment in all public elementary and secondary schools for students with exceptionalities, except gifted and talented students.

Present law allows local school boards discretion in the use of corporal punishment for students and requires the boards to adopt rules and regulations to implement and control its use. Proposed law prohibits the administration of corporal punishment to students with exceptionalities, except gifted and talented students, and makes present law and proposed law applicable to charter schools.

(Amends R.S. 17:223(A), 416.1(B), and 3996(B)(2))