AN ACT

To amend and reenact R.S. 17:81.6(A), 235.1(B)(4)(a), and 416.1(B), relative to student discipline; to prohibit corporal punishment in public schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:81.6(A), 235.1(B)(4)(a), and 416.1(B) are hereby amended and reenacted to read as follows:

§81.6. Investigation of employees; reporting of certain irregularities or improprieties; prohibited actions; penalties; remedies

A. On or before January 1, 1989, each city, parish, or other local public school board shall adopt a policy establishing the procedures for the investigation of employees accused of impermissible corporal punishment or moral offenses involving students.

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§235.1. Parent orientation; local public school boards; guidelines

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B. Each local public school board shall conduct a parent orientation course according to the following guidelines:

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(4) At the parent orientation meeting, the school board or its representative
shall provide each parent or guardian a copy of and shall explain school board
policies which:

(a) Govern the discipline of students, including but not limited to corporal
punishment, detention, suspension, and expulsion of students.

§416.1. Discipline of pupils; additional disciplinary authority

B.(1)(a) The use of any form of corporal punishment is prohibited in any
public school.

(2) Corporal punishment means using physical force to discipline a student,
with or without an object. Corporal punishment includes hitting, paddling, striking,
spanking, slapping, or any other physical force that causes pain or physical
discomfort.

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

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

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

(2) The governing authority of a public elementary or secondary school shall
have discretion with respect to the use of corporal punishment; however, no form of
corporal punishment shall be administered to a student with an exceptionality,
excluding gifted and talented, as defined in R.S. 17:1942 or to a student who has
been determined to be eligible for services under Section 504 of the Rehabilitation
Act of 1973 and has an Individual Accommodation Plan. Each governing authority
of a public elementary or secondary school shall adopt such rules and regulations as
it deems necessary to implement and control any form of corporal punishment in the
schools under its jurisdiction.
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 Engrossed 2022 Regular Session Hilferty

Abstract: Prohibits corporal punishment in public 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 and requires them to adopt rules and regulations to implement and control its use.

Proposed law prohibits any form of corporal punishment in public schools.

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