

2023 Regular Session

HOUSE BILL NO. 242

BY REPRESENTATIVE HILFERTY

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

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. 17:416.22, 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. 17:416.22
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 in a document created by the state Department of
13 Education solely for such purpose. Such consent applies only to the school year in
14 which it is given. No form of corporal punishment shall be administered to a student
15 with an exceptionality as defined in R.S. 17:1942 or to a student who has been
16 determined to be eligible for services under Section 504 of the Rehabilitation Act of
17 1973 and has an Individual Accommodation Plan. However, the parent or legal
18 guardian of a student who is gifted and talented and has no other exceptionality may
19 authorize the use of corporal punishment as otherwise provided by this Paragraph.

Accommodation Plan. Otherwise grants local school boards discretion in the use of corporal punishment for all other students. Proposed law retains prohibition relative to students with exceptionalities.

Proposed law, relative to other students, prohibits any form of corporal punishment in public elementary and secondary schools unless a parent or legal guardian provides written consent for the use of corporal punishment as a form of discipline for his child. Requires the state Dept. of Education to create the document with which a parent would provide consent each school year.

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. 17:416.22)