

2017 Regular Session

HOUSE BILL NO. 497

BY REPRESENTATIVE NORTON

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

1 AN ACT

2 To amend and reenact R.S. 17:81.6(A), 223, 235.1(B)(4)(a), 416.1(B), and 3996(B)(2),
3 relative to student discipline; to prohibit the use of corporal punishment in public
4 elementary and secondary schools; to provide that the governing authorities of such
5 schools shall have no discretion with respect to the use of corporal punishment; to
6 require such governing authorities to adopt rules and regulations relative to such
7 prohibition; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:81.6(A), 223, 235.1(B)(4)(a), 416.1(B), and 3996(B)(2) are hereby
10 amended and reenacted to read as follows:

11 §81.6. Investigation of employees; reporting of certain irregularities or
12 improprieties; prohibited actions; penalties; remedies

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

17 * * *

1 §223. Discipline of pupils; prohibition of corporal punishment; suspension from
2 school; ~~corporal punishment~~

3 A. Every teacher is authorized to hold every pupil to a strict accountability
4 for any disorderly conduct in school or on the playground of the school, ~~or~~ on any
5 school bus going to or returning from school, or during intermission or recess.

6 B. The use of any form of corporal punishment is prohibited in any public
7 elementary or secondary school. The governing authority of a public elementary or
8 secondary ~~Each parish and city school board shall have no discretion in the use of~~
9 ~~corporal punishment. In those cases in which a parish or city school board decides~~
10 ~~to use corporal punishment, each parish or city~~ Each governing authority of a public
11 elementary or secondary school board shall adopt such rules and regulations as it
12 ~~deems necessary to implement and control~~ prohibit any form of corporal punishment
13 ~~in the schools in its district.~~ all schools under its jurisdiction.

14 ~~B.~~ C. In addition, school principals may suspend from school any pupil for
15 good cause, as stated in R.S. 17:416. Principals shall notify the visiting teacher, or
16 supervisor of child welfare ~~and/or~~ and attendance, of all suspensions. In all cases of
17 suspensions, the parent, the superintendent of schools, and the visiting teacher, or
18 supervisor of child welfare ~~and/or~~ and attendance, shall be notified in writing of the
19 facts concerning each suspension, including reasons therefor and terms thereof.

20 * * *

21 §235.1. Parent orientation; local public school boards; guidelines

22 * * *

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

25 * * *

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

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

4 * * *

5 §416.1. Discipline of pupils; additional disciplinary authority; prohibition of
6 corporal punishment

7 * * *

8 B. ~~Each parish and city~~ The use of any form of corporal punishment is
9 prohibited in any public elementary or secondary school. The governing authority
10 of a public elementary or secondary school board shall have the no discretion with
11 respect to the use of corporal punishment. ~~In those cases in which a parish or city~~
12 ~~school board decides to use corporal punishment, each parish or city~~ Each governing
13 authority of a public elementary or secondary school board shall adopt such rules and
14 regulations ~~as it deems necessary to implement and control~~ prohibit any form of
15 corporal punishment ~~in the schools in its district.~~ all schools under its jurisdiction.

16 * * *

17 §3996. Charter schools; exemptions; requirements

18 * * *

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

26 * * *

27 (2) Corporal punishment, R.S. 17:223 and 416.1, and suspension of students,
28 R.S. 17:223.

29 * * *

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 497 Engrossed

2017 Regular Session

Norton

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

Present law allows school boards discretion relative to corporal punishment and requires them to adopt rules and regulations to implement and control its use. Proposed law prohibits corporal punishment in public schools, removes such discretion from school boards, and requires public school governing authorities to adopt rules and regulations for such prohibition.

Present law requires school boards to conduct parent orientation, including policies on corporal punishment. Proposed law provides rather that orientation shall include policies on the prohibition of corporal punishment and otherwise retains present law.

(Amends R.S. 17:81.6(A), 223, 235.1(B)(4)(a), 416.1(B), and 3996(B)(2))