

2017 Regular Session

HOUSE BILL NO. 79

BY REPRESENTATIVES FOIL, AMEDEE, ARMES, BILLIOT, CHAD BROWN, TERRY BROWN, CARMODY, CARPENTER, GARY CARTER, ROBBY CARTER, STEVE CARTER, DAVIS, FALCONER, GISCLAIR, GUINN, HILFERTY, HORTON, JACKSON, JEFFERSON, LEBAS, LYONS, MAGEE, GREGORY MILLER, MORENO, NORTON, PIERRE, REYNOLDS, RICHARD, STAGNI, THIBAUT, THOMAS, AND ZERINGUE

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; to provide for definitions; 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.~~

18 * * *

19 §416.1. Discipline of pupils; additional disciplinary authority

20 * * *

1 B.(1)(a) Corporal punishment means using physical force to discipline a
 2 student, with or without an object. Corporal punishment includes hitting, paddling,
 3 striking, spanking, slapping, or any other physical force that causes pain or physical
 4 discomfort.

5 (b) Corporal punishment does not include:

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

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

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

21 * * *

22 §3996. Charter schools; exemptions; requirements

23 * * *

24 B. Notwithstanding any state law, rule, or regulation to the contrary and
 25 except as may be otherwise specifically provided for in an approved charter, a
 26 charter school established and operated in accordance with the provisions of this
 27 Chapter and its approved charter and the school's officers and employees shall be

1 exempt from all statutory mandates or other statutory requirements that are
2 applicable to public schools and to public school officers and employees except for
3 the following laws otherwise applicable to public schools with the same grades:

4 * * *

5 (2) Corporal punishment, R.S. 17:416.1(B), and suspension of students, R.S.
6 17:223.

7 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____