

2021 Regular Session

HOUSE BILL NO. 324

BY REPRESENTATIVE HILFERTY

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), 235.1(B)(4)(a), and 416.1(B), relative to student
3 discipline; to prohibit corporal punishment in elementary and secondary schools; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

8 §81.6. Investigation of employees; reporting of certain irregularities or
9 improprieties; prohibited actions; penalties; remedies

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

14 * * *

15 §235.1. Parent orientation; local public school boards; guidelines

16 * * *

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

19 * * *

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

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

6 * * *

7 §416.1. Discipline of pupils; additional disciplinary authority

8 * * *

9 B.(1)(a) The use of any form of corporal punishment is prohibited in any
10 public elementary or secondary school.

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

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

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

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

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

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 324 Original

2021 Regular Session

Hilferty

Abstract: Prohibits corporal punishment in elementary and secondary 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 elementary and secondary 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))