AN ACT

To amend and reenact R.S. 17:416.1(B) and to enact R.S. 17:416.22, relative to student discipline; to prohibit corporal punishment in elementary and secondary schools unless authorized by a parent or legal guardian; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:416.1(B) is hereby amended and reenacted and R.S. 17:416.22 is hereby enacted to read as follows:

§416.1. Discipline of students; additional disciplinary authority

*  *  *

(1) The use of any form of corporal punishment is prohibited in any public school unless the student's parent or legal guardian provides written consent for the use of corporal punishment in a document created by the state Department of Education solely for such purpose. Such consent applies only to the school year in which it is given. No form of corporal punishment shall be administered to a student with an exceptionality 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. However, the parent or legal guardian of a student who is gifted and talented and has no other exceptionality may authorize the use of corporal punishment as otherwise provided by this Paragraph.

(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.

(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.

§416.22. Discipline of students; nonpublic schools; disciplinary authority

The use of any form of corporal punishment is prohibited in any nonpublic school that receives state funds except as authorized in R.S. 17:416.1(B).