HLS 23RS-488 ENGROSSED

2023 Regular Session

HOUSE BILL NO. 242

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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 determined to be eligible for services under Section 504 of the Rehabilitation Act of 16 17 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.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(2) Corporal punishment means using physical force to discipline a student,
2	with or without an object. Corporal punishment includes hitting, paddling, striking,
3	spanking, slapping, or any other physical force that causes pain or physical
4	discomfort.
5	(b)(3) Corporal punishment does not include:
6	(i)(a) 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)(b) The use of seclusion and restraint as provided in R.S. 17:416.21.
10	(2) The governing authority of a public elementary or secondary school shall
11	have discretion with respect to the use of corporal punishment; however, no form of
12	corporal punishment shall be administered to a student with an exceptionality,
13	excluding gifted and talented, as defined in R.S. 17:1942 or to a student who has
14	been determined to be eligible for services under Section 504 of the Rehabilitation
15	Act of 1973 and has an Individual Accommodation Plan. Each governing authority
16	of a public elementary or secondary school shall adopt such rules and regulations as
17	it deems necessary to implement and control any form of corporal punishment in the
18	schools under its jurisdiction.
19	* * *
20	§416.22. Discipline of students; nonpublic schools; disciplinary authority
21	The use of any form of corporal punishment is prohibited in any nonpublic
22	school that receives state funds except as authorized in R.S. 17:416.1(B).

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 242 Engrossed

2023 Regular Session

Hilferty

Abstract: Provides relative to corporal punishment in elementary and secondary schools.

<u>Present law</u> 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

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

<u>Proposed law</u>, 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.

<u>Proposed law</u> makes <u>present law</u> and <u>proposed law</u> applicable to nonpublic schools that receive state funds.

<u>Present law</u> 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)