

Regular Session, 2010

HOUSE BILL NO. 732

BY REPRESENTATIVE NORTON

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)(introductory paragraph) and (4)(a),
3 416.1(B), and 3996(B)(2), relative to student discipline; to prohibit the use of
4 corporal punishment in public elementary and secondary schools; to provide that the
5 governing authorities of such schools shall have no discretion with respect to the use
6 of corporal punishment; to require such governing authorities to adopt rules and
7 regulations relative to such 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)(introductory paragraph) and (4)(a),
10 416.1(B), and 3996(B)(2) are hereby amended and reenacted to read as follows:

11 §81.6. Investigation of employees

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

16 * * *

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. Beginning with the 2010-2011 school year and continuing thereafter, the
7 use of any form of corporal punishment is prohibited in any public elementary or
8 secondary school. The governing authority of a public elementary or secondary Each
9 ~~parish and city school board~~ shall have no discretion in the use of corporal
10 punishment. ~~In those cases in which a parish or city school board decides to use~~
11 ~~corporal punishment, each parish or city~~ Prior to the beginning of the 2010-2011
12 school year, each governing authority of a public elementary or secondary school
13 ~~board~~ shall adopt such rules and regulations as it deems necessary to implement and
14 ~~control~~ prohibit any form of corporal punishment in ~~the schools in its district.~~ all
15 schools under its jurisdiction.

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

22 * * *

23 §235.1. Parent orientation; mandatory for school entrance; city and parish school
24 boards; guidelines; employer responsibilities

25 * * *

26 B. Each city, ~~and~~ parish, or other local public school board shall conduct a
27 parent orientation course according to the following guidelines:

28 * * *

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 the
5 prohibition of corporal punishment; and the detention, suspension, and expulsion of
6 students.

7 * * *

8 §416.1. Discipline of pupils; additional disciplinary authority; prohibition of
9 corporal punishment

10 * * *

11 B. ~~Each parish and city~~ Beginning with the 2010-2011 school year and
12 continuing thereafter, the use of any form of corporal punishment is prohibited in any
13 public elementary or secondary school. The governing authority of a public
14 elementary or secondary school board shall have the no discretion with respect to the
15 use of corporal punishment. ~~In those cases in which a parish or city school board~~
16 ~~decides to use corporal punishment, each parish or city~~ Prior to the beginning of the
17 2010-2011 school year, each governing authority of a public elementary or
18 secondary school board shall adopt such rules and regulations as it deems necessary
19 to implement and control ~~prohibit~~ any form of corporal punishment in ~~the schools~~
20 ~~in its district.~~ all schools under its jurisdiction.

21 * * *

22 §3996. Charter schools; exemptions

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
28 exempt from all statutory mandates or other statutory requirements that are

1 applicable to public schools and to public school officers and employees except for
2 the following laws otherwise applicable to public schools with the same grades:

3 * * *

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

6 * * *

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)]

Norton

HB No. 732

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, beginning with the 2010-11 school year, 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)(intro. para.) and (4)(a), 416.1(B), and 3996(B)(2))