ACT No. 266

HOUSE BILL NO. 79

1

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

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	* * *

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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

Chapter and its approved charter and the school's officers and employees shall be

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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

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APPROVED: