



# State of Tennessee

## PUBLIC CHAPTER NO. 900

HOUSE BILL NO. 2330

By Representatives Powell, Jernigan, Whitson, Beck, Staples

Substituted for: Senate Bill No. 2330

By Senators Kyle, Harris, Yarbro

AN ACT to amend Tennessee Code Annotated, Title 49, relative to corporal punishment of students with disabilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-4103, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection (b):

(1) Notwithstanding subsection (a), teachers, school principals, or other school personnel are prohibited from using corporal punishment against any student who has a disability; unless an LEA's discipline policy permits the use of corporal punishment and a parent of a child who has a disability permits, in writing, the use of corporal punishment against the parent's child. The written permission must state the type of corporal punishment that may be used and the circumstances in which the use of corporal punishment is permitted. The school's principal must keep the written permission on file at the school. The school's principal must notify the parent any time corporal punishment is used. The school's principal must inform the parent, when the written permission for the use of corporal punishment is submitted, that the parent may revoke the permission to use corporal punishment at any time by giving written notice to the school's principal that corporal punishment may no longer be used against the parent's child who has a disability.

(2) As used in this subsection (b):

(A) "Student who has a disability" means a student who has an individualized education program (IEP) under the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.), or a Section 504 plan under the Rehabilitation Act (29 U.S.C. § 701, et seq.); and

(B) "School personnel" includes all individuals employed on a full-time or part-time basis by a public school.

(3) This subsection (b) does not authorize the use of corporal punishment by a person who is not permitted to administer corporal punishment under subsection (a).

SECTION 2. Tennessee Code Annotated, Section 49-6-4402, is amended by adding the following language as a new subsection (c):

(1) Notwithstanding subsection (a), the chief administrative officer, or the chief administrative officer's designee, is prohibited from using corporal punishment against any student who has a disability; unless an LEA's discipline policy permits the use of corporal punishment and a parent of a child who has a disability permits, in writing, the use of corporal punishment against the parent's child. The written permission must state the type of corporal punishment that may be used and the circumstances in which the use of corporal punishment is permitted. The school's chief administrative officer must keep the written permission on file at the school. The school's chief administrative officer must notify the parent any time corporal punishment is used. The school's chief administrative officer must inform the parent, when the written permission for the use of corporal punishment is submitted, that the parent may revoke the permission to use corporal punishment at any time by giving written notice to the school's chief

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administrative officer that corporal punishment may no longer be used against the parent's child who has a disability.

(2) As used in this subsection (c), "student who has a disability" means a student who has an individualized education program (IEP) under the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.), or a Section 504 plan under the Rehabilitation Act (29 U.S.C. § 701, et seq.).

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it.

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PASSED: April 17, 2018

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

  
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RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 3<sup>rd</sup> day of May 2018

  
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BILL HASLAM, GOVERNOR