

ACT No. 268

2023 Regular Session

HOUSE BILL NO. 242

BY REPRESENTATIVE HILFERTY

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
16 determined to be eligible for services under Section 504 of the Rehabilitation Act of
17 1973 and has an Individual Accommodation Plan. However, the parent or legal
18 guardian of a student who is gifted and talented and has no other exceptionality may
19 authorize the use of corporal punishment as otherwise provided by this Paragraph.

20 (2) Corporal punishment means using physical force to discipline a student,
21 with or without an object. Corporal punishment includes hitting, paddling, striking,

1 spanking, slapping, or any other physical force that causes pain or physical
2 discomfort.

3 ~~(b)~~(3) Corporal punishment does not include:

4 ~~(i)~~(a) The use of reasonable and necessary physical restraint of a student to
5 protect the student, or others, from bodily harm or to obtain possession of a weapon
6 or other dangerous object from a student.

7 ~~(ii)~~(b) The use of seclusion and restraint as provided in R.S. 17:416.21.

8 ~~(2) The governing authority of a public elementary or secondary school shall~~
9 ~~have discretion with respect to the use of corporal punishment; however, no form of~~
10 ~~corporal punishment shall be administered to a student with an exceptionality,~~
11 ~~excluding gifted and talented, as defined in R.S. 17:1942 or to a student who has~~
12 ~~been determined to be eligible for services under Section 504 of the Rehabilitation~~
13 ~~Act of 1973 and has an Individual Accommodation Plan. Each governing authority~~
14 ~~of a public elementary or secondary school shall adopt such rules and regulations as~~
15 ~~it deems necessary to implement and control any form of corporal punishment in the~~
16 ~~schools under its jurisdiction.~~

17 * * *

18 §416.22. Discipline of students; nonpublic schools; disciplinary authority

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____