

## CORPORAL PUNISHMENT

Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playground of the school, or on any school bus going to or returning from school, or during intermission or recess.

The St. Mary Parish School Board shall allow reasonable corporal punishment of unruly pupils. If such punishment is required, it shall be administered with extreme care, tact and caution, and then only by the principal, assistant principal, or the principal's designated representative in the presence of another adult school employee. At no time shall corporal punishment be administered in the presence of another student. All school personnel and parents shall be fully informed of these provisions at the beginning of each school year.

The use of any form of corporal punishment is prohibited in any public school unless the student's parent or legal guardian provides written consent for the use of corporal punishment in a document created by the state Department of Education solely for such purpose. Such consent applies only to the school year in which it is given.

No form of corporal punishment shall be administered to a student with an exceptionality as defined in La. Rev. Stat. Ann. §17:1942 or to a student who has been determined to be eligible for services under *Section 504 of the Rehabilitation Act of 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 policy.

Corporal punishment means using physical force to discipline a student, with or without an object. Corporal punishment includes hitting, paddling, striking, spanking, slapping, or any other physical force that causes pain or physical discomfort.

Corporal punishment does not include:

1. The use of reasonable and necessary physical restraint of a student to protect the student, or others, from bodily harm or to obtain possession of a weapon or other dangerous object from a student.
2. The use of seclusion and restraint as provided in La. Rev. Stat. Ann. §17:416.21.

The following guidelines shall apply to any use of corporal punishment:

1. Except for those acts of misconduct which are so anti-social or disruptive in nature as to shock the conscience, corporal punishment may never be used unless the student was informed beforehand that specific misbehavior could occasion its use; and subject to this exception, it should never be used as a first line of punishment.

Its use should follow specific failure of other corrective measures to affect student behavior modification.

2. A teacher or principal must punish corporally in the presence of a second school official (teacher or principal), who must be informed beforehand, and in the student's presence of the reasons for the punishment.
3. School principals, assistant principals or appropriate designees who have administered corporal punishment shall provide the child's parents or legal guardians, upon request, a written explanation of the reasons and the name of the school employee who was present as a witness. For each incident of corporal punishment, a *Corporal Punishment Incidence Checklist* shall be completed and maintained in the administrative offices of the school.
4. Subject to the above procedural due process safeguards, state statutes, and board of education policies, reasonable and proper use of corporal punishment does not violate any rights guaranteed by the Constitution.
5. Reasonable and proper application of corporal punishment should be based on such factors as ability of the pupil to bear it, pupil's age, size, sex, and observed physical strength, and gravity of the offense. The paddle shall be made of wood not longer than 20 inches including the handle, not less than 4 inches wide or more than 3/8 inches thick and administered on the *buttocks only*.
6. The punishment must not be inflicted with such force, or in such manner as to be considered cruel and excessive. Wanton or malicious use of corporal punishment is utterly indefensible.
7. The procedural due process safeguards mandate that, in cases where a student protests ignorance of the rule or innocence of the offense, a brief but adequate opportunity should be provided for the student to explain his/her side of the situation. The regulation alleged to have been violated must also be a legally defensible rule.
8. A copy of the corporal punishment policy shall be distributed to parents and students and shall become a part of the discipline policy handbook.

Nothing contained herein shall be interpreted as prohibiting an employee from using physical force, reasonable and appropriate under the circumstances, in defending himself/herself against a physical attack by a student or to restrain a student from attacking another student or employee, or to prevent acts of misconduct which are so anti-social or disruptive in nature as to shock the conscience.

#### IMPERMISSIBLE CORPORAL PUNISHMENT

Corporal punishment administered other than as outlined hereinabove shall be deemed and defined to be *impermissible corporal punishment*. Any accusations involving

employees using impermissible corporal punishment shall be promptly investigated, in accordance with provisions of policy *GAMC, Investigations*.

Approved: October, 1976

Recoded from JDA-R and Revised: October 12, 2017

Revised: August 10, 2023

Ref: US Constitution, Amend. XIII; US Constitution, Amend. XIV §1; Ingraham v. Wright, 97 S. Ct. 1401, (1977); Baker v. Owen, 96 S. Ct. 210 affirming 395 F. Supp. 294 (M.D.N.C., 1975); La. Rev. Stat. Ann. §§17:81.6, 17:223, 17:416, 17416.1; Board minutes, 10-12-17, 8-10-23.