

I have been asked to respond to your correspondence to Louisiana State Superintendent of Education Paul Pastorek, dated May 27, 2008, seeking information on corporal punishment in Louisiana public schools. Please be advised that Superintendent Pastorek must assuredly does not advocate the use corporal punishment in public schools and, in fact, is convening a task force to study and make recommendations regarding the Louisiana statutes (see, R.S. 17:223 and R.S. 17:416.1, see below) that allow local discretion in the use of corporal punishment.

You asked if “there are established protocols” for the use of corporal punishment.

There is only local district, not state, policy on the use of corporal punishment in public schools.

Many, but not all, school districts in Louisiana have policies allowing the use of corporal punishment. The policies vary from district to district, but most provide for parents to “opt out” of the use of corporal punishment and most require another adult witness to be present when the punishment is administered. I have electronic copies of district policies, but when I tried to forward to you, the system said: “This message exceeds the maximum message size allowed.” If you need the individual policies, let me know and I’ll try sending them one by one.

You asked us to identify “any college or university in Louisiana that trains educators in the correct method for hitting schoolchildren”. There are none that do so.

If further information is needed, please advise.

#### La. R.S. 17:223 (2008)

##### **§ 17:223. Discipline of pupils; suspension from school, corporal punishment**

A. 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. Each parish and city school board shall have discretion in the use of corporal punishment. In those cases in which a parish or city school board decides to use corporal punishment, each parish or city school board shall adopt such rules and regulations as it deems necessary to implement and control any form of corporal punishment in the schools in its district.

B. In addition, school principals may suspend from school any pupil for good cause, as stated in [R.S. 17:416](#). Principals shall notify the visiting teacher, or supervisor of child welfare and/or attendance, of all suspensions. In all cases of suspensions, the parent, the superintendent of schools, and the

visiting teacher, or supervisor of child welfare and/or attendance, shall be notified in writing of the facts concerning each suspension, including reasons therefor and terms thereof.

**La. R.S. 17:416.1 (2008)**

**§ 17:416.1. Discipline of pupils; additional disciplinary authority**

A. In addition to the specific disciplinary measures authorized in [R.S. 17:416](#) teachers, principals, and administrators of the public schools may, subject to any rules as may be adopted by the parish or city school board, employ other reasonable disciplinary and corrective measures to maintain order in the schools; provided, however, that nothing in this Section shall be construed as superseding the provisions of [R.S. 17:416](#) relative to the disciplining of students, suspensions, and expulsions.

B. Each parish and city school board shall have the discretion with respect to the use of corporal punishment. In those cases in which a parish or city school board decides to use corporal punishment, each parish or city school board shall adopt such rules and regulations as it deems necessary to implement and control any form of corporal punishment in the schools in its district.

C. Should any teacher, principal, or administrator in the public school system be sued for damages by any student, the parent of any student or other persons qualified to bring suit on behalf of such student based upon the act or omission of such teacher, principal, or administrator in the directing of and disciplining of school children under their care and supervision, it shall be the responsibility of the school board employing such teacher, principal, or administrator to provide such defendant with a legal defense to such suit including reasonable attorney's fees, investigatory costs, and other related expenses. Should any such teacher, principal, or administrator be cast in judgment for damages in such suit, it shall be the obligation of the school board employing such defendant to indemnify him fully against such judgment including all principal, interest, and costs. Nothing in this Section shall require a school board to indemnify a teacher, principal, or administrator against a judgment wherein there is a specific decree in the judgment that the action of the teacher, principal, or administrator was malicious, and willfully and deliberately intended to cause bodily harm.

D. (1) In addition to the specific disciplinary measures authorized in [R.S. 17:416](#), a principal or headmaster at a public or private school shall notify the Department of Public Safety and Corrections, office of motor vehicles, of any student between the ages of fourteen and eighteen who has been subjected to a disciplinary action as provided in Paragraph (2) of this Subsection.

(2) As used in this Subsection, "disciplinary action" means an expulsion or suspension from school for ten or more consecutive school days or an assignment to an alternative educational setting for ten or more consecutive school days in accordance with any policy of the school or of the local public school board, limited to expulsions, suspensions, and assignments to alternative educational settings for infractions involving the sale or possession of drugs, alcohol, or any other illegal substance, the possession of a firearm, or an infraction involving assault or battery on a member of the school faculty or staff. The governing authority of any public elementary or secondary school shall promulgate rules and regulations to implement the provisions of this Section.

(3) Any such student who has been subjected to a disciplinary action as provided in Paragraph (2) of this Subsection shall have his driver's license for the operation of a motor vehicle suspended for a period of one year, in accordance with the provisions of [R.S. 32:431](#). The terms "license" or "driver's license" shall include a Class "E" learner's license and intermediate license as provided for in [R.S. 32:407](#).

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