



STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
6TH FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

PHIL BREDESEN
GOVERNOR

LANA C. SEIVERS, Ed.D.
COMMISSIONER

December 28, 2006

VIA FACSIMILE & UNITED STATES MAIL

Jordan Riak, Executive Director
Parents and Teachers Against Violence in Education (PTAVE)
P.O. Box 1033
Alamo, CA 94507-7033

Dear Mr. Riak:

I am in receipt of your December 12, 2006, letter regarding the use of corporal punishment in public schools. While in Tennessee, the State Department of Education does have some regulatory authority over local education agencies, it is a common misconception that the Department has jurisdiction over all school policies and procedures. Pursuant to Tenn. Code Ann. §49-2-203, a local board of education has the authority to "manage and control all public schools established or that may be established under its jurisdiction. Tennessee law gives each local board of education, elected by the citizens of each community, the duty and authority to supervise and administer the operations of the local school system. This includes the authority to determine whether or not corporal punishment is used in the schools within the board's jurisdiction. The law at Tenn. Code Ann. §49-6-4103 states as follows: "Any teacher or school principal may use corporal punishment in a reasonable manner against any pupil for good cause in order to maintain discipline and order within the public schools." Tenn. Code Ann. §49-6-4104, requires each local board of education to adopt rules and regulations as it deems necessary to implement and control any form of corporal punishment in the schools in its district.

As you can see from the above referenced statutes, the Tennessee General Assembly has given each local board of education elected by citizens of that district, the authority to make the decision of whether or not to allow corporal punishment in the schools within its jurisdiction. **Because only the Tennessee General Assembly, not the Commissioner of Education, may change state law regarding this issue, you may want to contact Tennessee legislators. In the alternative, you may also contact each local board of education and discuss your concerns about corporal punishment policies. If you have further questions regarding this issue please feel free to contact the Department's General Counsel, Christy Ballard at 615/741-2921.**

Sincerely,


Lana C. Seivers