Stricken language would be deleted from and underlined language would be added to present law.

Act 557 of the Regular Session

State of Arkansas As Engrossed: S2/20/19 S3/7/19
A Bill

92nd General Assembly Regular Session, 2019

By: Senator Elliott
By: Representative Vaught

For An Act To Be Entitled

AN ACT CONCERNING CORPORAL PUNISHMENT; TO PROHIBIT
THE USE OF CORPORAL PUNISHMENT ON A CHILD WITH A
DISABILITY; AND FOR OTHER PURPOSES.

Subtitle
TO PROHIBIT THE USE OF CORPORAL
PUNISHMENT ON A CHILD WITH A DISABILITY.

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

SECTION 1. Arkansas Code § 6-17-112(a), concerning a teacher and an
administrator's immunity from liability upon the administration of corporal
punishment, is amended to read as follows:

(a)(1) Teachers Except as provided under subdivision (a)(2) of this
section, teachers and administrators in a school district that authorizes use
of corporal punishment in the school district's written student discipline
policy shall be immune from any civil liability for administering corporal
punishment to students, provided only that the corporal punishment is
administered in substantial compliance with the school district's written
student discipline policy.

(2) A teacher or administrator in a school district that
authorizes use of corporal punishment in the school district's written
student disciplinary policy is not immune from civil liability under
subdivision (a)(1) of this section if the teacher or administrator uses
corporal punishment on a child who is intellectually disabled, non-
ambulatory, non-verbal, or autistic.
SECTION 3. Arkansas Code § 6-17-1113(a)(2), concerning protection of school employees under the School Worker Defense Program, is amended to read as follows:

(2)(A) This section provides protection against civil liability, attorney’s fees, and costs of defense for acts or omissions of each employee or volunteer in the performance of his or her duties as a volunteer or his or her official duties as a school employee, including without limitation civil liability for administering corporal punishment to students, in the amount of two hundred fifty thousand dollars ($250,000) for incidents which occurred before July 1, 1999, and one hundred fifty thousand dollars ($150,000) for each incident which occurs after June 30, 1999.

(B) An employee or volunteer who administers corporal punishment to a child who is intellectually disabled, non-ambulatory, non-verbal, or autistic is not subject to the protection against civil liability, attorney’s fees, and costs of defense under subdivision (a)(2)(A) of this section.

SECTION 4. Arkansas Code § 6-18-503(b), concerning a written student discipline policy of a public school district that authorizes use of corporal punishment, is amended to add an additional subdivision to read as follows:

(3) A school district that authorizes use of corporal punishment under subdivision (b)(1) of this section shall not:

(A) Use corporal punishment on a child who is intellectually disabled, non-ambulatory, non-verbal, or autistic; or

(B) Include in its written student discipline policy a provision to allow the use of corporal punishment on a child who is intellectually disabled, non-ambulatory, non-verbal, or autistic.

SECTION 5. Arkansas Code § 6-18-505(c)(1), concerning the use of corporal punishment under the School Discipline Act, is amended to read as follows:

(c)(1) Any teacher or school administrator in a school district that authorizes use of corporal punishment in the district’s written student discipline policy may use corporal punishment, provided only that if the punishment is administered in accord with the district’s written student discipline policy.
discipline policy, against any pupil, except a child who is intellectually disabled, non-ambulatory, non-verbal, or autistic, in order to maintain discipline and order within the public schools.

/s/Elliott

APPROVED: 3/26/19