

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 381

By: Senators Elliott, M. Johnson  
By: Representative Kelly

## 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. DO NOT CODIFY. Legislative intent.

The General Assembly finds:

(1) That parents and caregivers of children have the right and responsibility to provide discipline and guidance to their children outside of school;

(2) That it is the duty of the state to provide a free, adequate, and equitable public education to all students in the state under the Arkansas Constitution;

(3) That public schools are responsible for creating a safe and orderly environment that enables all students to learn;

(4) That data collected by the Department of Education demonstrates that there are significant disparities in the implementation of school discipline policies and practices in Arkansas public schools;

(5) That a growing body of research provides that many of these discipline policies and practices, particularly the use of corporal punishment, are not only ineffective at improving student behavior, but also



1 cause long-term harm to students' academic progress and social and emotional  
 2 health;

3 (6) That children of color and students with special needs are  
 4 being punished far more frequently and harshly than their peers for the same  
 5 minor infractions; and

6 (7) In order to improve students' achievement, graduation rates,  
 7 and preparation for college and careers, publicly-funded schools must use  
 8 research-based alternatives to corporal punishment.

9  
 10 SECTION 2. Arkansas Code § 6-17-112(a), concerning a teacher and an  
 11 administrator's immunity from liability upon the administration of corporal  
 12 punishment, is amended to read as follows:

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

20 (2) A teacher or administrator in a school district that  
 21 authorizes use of corporal punishment in the school district's written  
 22 student disciplinary policy is not immune from civil liability under  
 23 subdivision (a)(1) of this section if the teacher or administrator uses  
 24 corporal punishment on a child with a disability as defined under § 6-41-203.

25  
 26 SECTION 3. Arkansas Code § 6-17-1113(a)(2), concerning protection of  
 27 school employees under the School Worker Defense Program, is amended to read  
 28 as follows:

29 (2)(A) This section provides protection against civil liability,  
 30 attorney's fees, and costs of defense for acts or omissions of each employee  
 31 or volunteer in the performance of his or her duties as a volunteer or his or  
 32 her official duties as a school employee, including without limitation civil  
 33 liability for administering corporal punishment to students, in the amount of  
 34 two hundred fifty thousand dollars (\$250,000) for incidents ~~which~~ that  
 35 occurred before July 1, 1999, and one hundred fifty thousand dollars  
 36 (\$150,000) for each incident ~~which~~ that occurs after June 30, 1999.

1                   (B) An employee or volunteer who administers corporal  
2 punishment to a child with a disability as defined under § 6-41-203 is not  
3 subject to the protection against civil liability, attorney's fees, and costs  
4 of defense under subdivision (a)(2)(A) of this section.

5  
6           SECTION 4. Arkansas Code § 6-18-503(b), concerning a written student  
7 discipline policy of a public school district that authorizes use of corporal  
8 punishment, is amended to add an additional subdivision to read as follows:

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

11                   (A) Use corporal punishment on a child with a disability  
12 as defined under § 6-41-203; or

13                   (B) Include in its written student discipline policy a  
14 provision to allow the use of corporal punishment on a child with a  
15 disability as defined under § 6-41-203.

16  
17           SECTION 5. Arkansas Code § 6-18-505(c)(1), concerning the use of  
18 corporal punishment under the School Discipline Act, is amended to read as  
19 follows:

20                   (c)(1) ~~Any~~ A teacher or school administrator in a school district that  
21 authorizes use of corporal punishment in the district's written student  
22 discipline policy may use corporal punishment, ~~provided only that if~~ if the  
23 punishment is administered in accord with the district's written student  
24 discipline policy, ~~against~~ on any pupil, except a child with a disability as  
25 defined under § 6-41-203, in order to maintain discipline and order within  
26 the public schools.