

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S2/20/19

A Bill

SENATE BILL 381

5 By: Senator Elliott
6 *By: Representative Vaught*
7

For An Act To Be Entitled

9 AN ACT CONCERNING CORPORAL PUNISHMENT; TO PROHIBIT
10 THE USE OF CORPORAL PUNISHMENT ON A CHILD WITH A
11 DISABILITY; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO PROHIBIT THE USE OF CORPORAL
16 PUNISHMENT ON A CHILD WITH A DISABILITY.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. DO NOT CODIFY. Legislative intent.

22 The General Assembly finds:

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

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

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

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

34 (5) That a growing body of research provides that many of these
35 discipline policies and practices, particularly the use of corporal
36 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 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.

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29 */s/Elliott*