

## Corporal Punishment in Louisiana

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Louisiana is one of 15 states where corporal punishment is expressly allowed in schools.<sup>1</sup> Seven other states do not prohibit corporal punishment, and the remaining 28 states and the District of Columbia do expressly prohibit it. Louisiana Revised Statute Title 17 Section 416.1 defines corporal punishment as “using physical force to discipline a student, with or without an object.” It further establishes that “Corporal punishment includes hitting, paddling, striking, spanking, slapping, or any other physical force that causes pain or physical discomfort.”<sup>2</sup>

Each individual school district has to adopt policies and procedures to administer corporal punishment, and parents must be notified during parent orientation of whether corporal punishment is used by the school.<sup>3</sup> There is no specific mechanism in the statutes for parents to “opt out” of their child being disciplined via corporal punishment, although each individual school district could implement such an option. As of 2017, it is expressly forbidden to use corporal punishment on “a student with an exceptionality, excluding gifted and talented, as defined in R.S. 17:1942 or to a student who has been determined to be eligible for services under Section 504 of the Rehabilitation Act of 1973 and has an Individual Accommodation Plan.”<sup>4</sup> Typically, school officials and personnel who administer corporal punishment will be indemnified by the school district for doing so if litigation results, unless there was sinister intent.<sup>5</sup>

A little more than half of the school districts in Louisiana have policies in place for corporal punishment (38 out of 69), while others expressly forbid it.<sup>6</sup> One of the problems of utilizing corporal punishment in schools is the disparate treatment children often experience. According to research published in the journal of the National Center for Biotechnology Information,<sup>7</sup> which analyzed data from the 2011-2012 school year, boys receive this form of discipline almost 5 times more often than girls in Louisiana. Furthermore, black children are 28% more likely to experience it, and students with disabilities are 35% more likely than their counterparts to be disciplined via corporal punishment.<sup>8</sup>

Proponents of corporal punishment insist that this should be a district-by-district decision, and that each individual child’s parents ought to be able to decide whether the school uses this method of discipline on their child. The parents who use corporal punishment at home see the school’s use of it as an extension of the methods they are already using. Nevertheless, there is a great deal of research which shows that children who are spanked at school by and large have lower self-esteem and worse educational outcomes than those who are not.<sup>9</sup> Many churches and children’s advocacy groups have called for an end to this type of discipline.<sup>10</sup> It behooves parents to find out whether the school district where their child is attending school uses corporal punishment, and what the parameters are for its use.

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<sup>1</sup> National Center on Safe Supportive Learning Environments, <https://safesupportivelearning.ed.gov/>

<sup>2</sup> La. Rev. Stat. §17:416.1(B)(1)(a)

<sup>3</sup> La. Rev. Stat. §17:235.1

<sup>4</sup> La. Rev. Stat. §17:416.1(B)(2)

<sup>5</sup> La. Rev. Stat. §17:416.1(C)

<sup>6</sup> See, e.g., Policy Manual of Orleans Parish School District, [https://www.nctq.org/dmsView/New\\_Orleans\\_Policy\\_Manual](https://www.nctq.org/dmsView/New_Orleans_Policy_Manual)

<sup>7</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5766273/>

<sup>8</sup> Ostensibly, the 2017 amendments to La. Rev. Stat. §17:416.1 should change future data on disabled students.

<sup>9</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5766273/>

<sup>10</sup> *Ibid.*