

1 State of Arkansas *As Engrossed: S2/20/19 S3/7/19*

2 92nd General Assembly

A Bill

3 Regular Session, 2019

SENATE BILL 381

4

5 By: Senator Elliott

6 *By: Representative Vaught*

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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.

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Subtitle

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TO PROHIBIT THE USE OF CORPORAL

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PUNISHMENT ON A CHILD WITH A DISABILITY.

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

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

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

31 (2) A teacher or administrator in a school district that
32 authorizes use of corporal punishment in the school district's written
33 student disciplinary policy is not immune from civil liability under
34 subdivision (a)(1) of this section if the teacher or administrator uses
35 corporal punishment on a child who is intellectually disabled, non-
36 ambulatory, non-verbal, or autistic.



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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 that~~ occurred before July 1, 1999, and one hundred fifty thousand dollars (\$150,000) for each incident ~~which that~~ 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~~ A 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

1 discipline policy, ~~against~~ on any pupil, except a child who is intellectually
2 disabled, non-ambulatory, non-verbal, or autistic, in order to maintain
3 discipline and order within the public schools.

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6 /s/Elliott

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9 **APPROVED: 3/26/19**
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