

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40298-NH-121

Short Title: Prohibit Corporal Punishment in Schools. (Public)

Sponsors: Representative Cervania.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT CORPORAL PUNISHMENT IN THE PUBLIC SCHOOLS.

3 Whereas, "corporal punishment" is defined in statute as "the intentional infliction of
4 physical pain upon the body of a student as a disciplinary measure"; and

5 Whereas, more than 80 research studies confirm that corporal punishment is not
6 associated with improvement in academic outcomes, but is associated with impeding students'
7 psychological and emotional development; and

8 Whereas, 31 states have enacted statutory bans on corporal punishment in public
9 schools; and

10 Whereas, none of this State's 115 local school administrative units currently allow the
11 use of corporal punishment; and

12 Whereas, the State Board of Education, the North Carolina Parent Teacher
13 Association, and virtually all professional and advocacy organizations related to children
14 recommend the prohibition of corporal punishment in public schools; Now, therefore,
15 The General Assembly of North Carolina enacts:

16 SECTION 1. G.S. 115C-390.4 reads as rewritten:

17 "**§ 115C-390.4. Corporal ~~punishment~~, punishment prohibited.**

18 (a) ~~Each governing body of a public school unit shall determine whether corporal~~
19 ~~punishment will be permitted in its public school unit. Notwithstanding a governing body's~~
20 ~~prohibition on the use of corporal punishment, school personnel may use Corporal punishment~~
21 ~~is prohibited. Use of physical restraint in accordance with federal law and G.S. 115C-391.1 and~~
22 ~~reasonable use of force pursuant to G.S. 115C-390.3. G.S. 115C-390.3 shall not be considered~~
23 ~~corporal punishment.~~

24 (b) ~~To the extent that corporal punishment is permitted, the policies adopted for the~~
25 ~~administration of corporal punishment shall include at a minimum the following:~~

26 (1) ~~Corporal punishment shall not be administered in a classroom with other~~
27 ~~students present.~~

28 (2) ~~Only a teacher, principal, or assistant principal may administer corporal~~
29 ~~punishment and may do so only in the presence of a principal, assistant~~
30 ~~principal, or teacher who shall be informed beforehand and in the student's~~
31 ~~presence of the reason for the punishment.~~

32 (3) ~~A school person shall provide the student's parent with notification that~~
33 ~~corporal punishment has been administered, and the person who administered~~
34 ~~the corporal punishment shall provide the student's parent a written~~
35 ~~explanation of the reasons and the name of the second person who was present.~~



- ~~(4) The school shall maintain records of each administration of corporal punishment and the reasons for its administration.~~
- ~~(5) In no event shall excessive force be used in the administration of corporal punishment. Excessive force includes force that results in injury to the child that requires medical attention beyond simple first aid.~~
- ~~(6) Corporal punishment shall not be administered on a student whose parent or guardian has stated in writing that corporal punishment shall not be administered to that student. Parents and guardians shall be given a form to make such an election at the beginning of the school year or when the student first enters the school during the year. The form shall advise the parent or guardian that the student may be subject to suspension, among other possible punishments, for offenses that would otherwise not require suspension if corporal punishment were available. If the parent or guardian does not return the form, corporal punishment may be administered on the student.~~

~~(c) Each governing body of a public school unit shall report annually to the State Board of Education, in a manner prescribed by the State Board of Education, on the number of times that corporal punishment was administered. The report shall be in compliance with the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and shall include the following:~~

- ~~(1) The number of students who received corporal punishment.~~
- ~~(2) The number of students who received corporal punishment who were also students with disabilities and were eligible to receive special education and related services under the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq.~~
- ~~(3) The grade level of the students who received corporal punishment.~~
- ~~(4) The race, gender, and ethnicity of the students who received corporal punishment.~~
- ~~(5) The reason for the administration of the corporal punishment for each student who received corporal punishment."~~

SECTION 2. G.S. 115C-12(27) reads as rewritten:

"(27) Reporting Dropout Rates, ~~Corporal Punishment~~, Suspensions, Expulsions, and Alternative Placements. – The State Board shall report by March 15 of each year to the Joint Legislative Education Oversight Committee on the numbers of students who have dropped out of school, ~~been subjected to corporal punishment~~, been suspended, been expelled, been reassigned for disciplinary purposes, or been provided alternative education services. The data shall be reported in a disaggregated manner, reflecting the local school administrative unit, race, gender, grade level, ethnicity, and disability status of each affected student. Such data shall be readily available to the public. The State Board shall not include students that have been expelled from school when calculating the dropout rate. The Board shall maintain a separate record of the number of students who are expelled from school and the reasons for the expulsion."

SECTION 3. G.S. 115C-107.7 reads as rewritten:

"§ 115C-107.7. ~~Discipline, corporal punishment, Discipline~~ and homebound instruction.

(a) The policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations.

~~(a1) Any corporal punishment administered on students with disabilities shall be consistent with the requirements of G.S. 115C-390.4.~~

...."

SECTION 4. G.S. 115C-276(r) reads as rewritten:

1 "(r) To Maintain Student Discipline. – The superintendent shall maintain student
2 discipline in accordance with Article 27 of this Chapter and shall keep data on each student ~~to~~
3 ~~whom corporal punishment was administered~~, who was suspended for more than 10 days, who
4 was reassigned for disciplinary reasons, or who was expelled. This data shall include the race,
5 gender, age, grade level, ethnicity, and disability status of each student, the duration of
6 suspension for each student, whether alternative education services were provided for each
7 student, and whether a student had multiple suspensions in that academic year."

8 **SECTION 5.** G.S. 115C-390.2(h) reads as rewritten:

9 "(h) Governing body policies shall include the procedures to be followed by school
10 officials in ~~suspending, expelling, or administering corporal punishment to~~ suspending or
11 expelling any student, which shall be consistent with this Article."

12 **SECTION 6.** G.S. 6-21.4 is repealed.

13 **SECTION 7.** This act is effective when it becomes law and applies beginning with
14 the 2025-2026 school year. Section 6 of this act does not apply to civil actions arising from the
15 use of corporal punishment prior to the effective date of this act.