

## CORPORAL PUNISHMENT

Corporal punishment is authorized as a disciplinary tool but only reasonable corporal punishment is justifiable.

Reasonable is hereby defined as, what a majority of normal, sane, clear-thinking people would do under similar circumstances. Considerations, in this regard, shall include but not be limited to:

1. Age of child;
2. Size of child;
3. Sex of child;
4. Ability of the child to bear the punishment; and,
5. Overall physical condition of the child.

Corporal punishment shall not be administered in anger or with malice at any time.

Utmost care, tact and judgment should be exercised, and all cases of corporal punishment shall be documented and kept on file in the principal's office. Corporal punishment shall not be administered in the visual presence of other students. At least one other teacher or the principal shall be present during administration of corporal punishment.

An authorized staff person may elect to administer corporal punishment for any prohibited activity or violation of school rules or policies. Prior to determining that corporal punishment should be administered, the disciplinarian or his delegate should conduct an informal give-and-take with the child which permits the child to tell his side of the story.

Corporal punishment will only be administered to the buttocks. Corporal punishment may only be administered by a wooden paddle which is smoothly sanded and has no cracks or holes (or may be administered by spanking with the open hand). No more than [three] of individual swats shall be administered for one infraction [or in any one day).

### **Special Education Students**

Prior to administering corporal punishment to a special education student, said student's IEP shall be reviewed to determine if corporal punishment is appropriate based on the IEP disciplinary plan and if the student's behavior warranting corporal punishment is related to the disability. In the event it is determined that the student's behavior is not related to

the disability and the IEP disciplinary plan specifies corporal punishment as appropriate, the student shall be treated as any other student and corporal punishment may be used as a discipline measure. However should it be determined that the disability is related to the student's behavior or, upon reviewing the IEP disciplinary plan, it is determined that the IEP does not specify corporal punishment as appropriate, then corporal punishment shall not be administered to the student without convening the IEP committee to reconsider and approve or disapprove the use of corporal punishment as a discipline measure.

SOURCE: Marion County Board of Education, Hamilton, AL

ADOPTED: May 23, 1989; REVISED: June 29, 1995

LEGAL REF.: The Code of Alabama, 16-1-14; U.S. Const. Amend. XIII; U.S. Const. Amend. XIV sl; Ingraham v. Wright 97 S.Ct. 1401, (1977); Jones v. Palmer, 421 F. Supp. 738 (S.D. Ala. 1976); Baker v. Owen 96 S. Ct. 210 affirming 395 F. Supp. 294 (M.D.N.C., 1975).