

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 319a

50th Legislature, 1st Session, 2011

Tracking Number: .184499.1

Short Title: Eliminate Corporal Punishment

Sponsor(s): Senator Cynthia Nava and Others

Analyst: David Harrell

Date: February 15, 2011 (updated)

AS AMENDED

In addition to the provisions in the original version of SB 319, the Senate Education Committee amendment explicitly requires each local school board and each governing body of a charter school to prohibit the use of corporal punishment.

Original Bill Summary:

SB 319 amends the *Public School Code* to eliminate corporal punishment as one of the possible disciplinary sanctions that school district discipline policies may include.

Fiscal Impact:

SB 319 does not contain an appropriation.

Substantive Issues:

Although SB 319 is not one of the bills endorsed by the Legislative Education Study Committee (LESC), it is a response, at least in part, to a report to the LESL during the 2010 interim by the Restraint and Seclusion Work Group, which the former Secretary of Public Education had formed in November 2009 to address the issue of restraining or secluding students. One of the recommendations of this work group was to “prohibit the use of corporal punishment in schools because it is contrary to establishing positive behavioral interventions.”

Further testimony on this topic suggested that school districts’ use of corporal punishment was not widespread; but the committee was concerned that, under state law, it could still be practiced, even though the incidence may be low.

The Fiscal Impact Report by the Legislative Finance Committee cites data from the US Department of Education, Office of Civil Rights (OCR), that, during school year 2006-2007, more than 220,000 students nationwide were paddled at least once, including nearly 42,000 students with disabilities. According to OCR, there were 705 reported incidents of corporal punishment in schools throughout New Mexico, representing 0.2 percent of all students.

The analysis by the Public Education Department (PED) notes that PED rule requires each local school board, with community input, to determine whether to permit the use of corporal punishment and to develop a policy that specifies the allowable forms of corporal punishment and

the conditions under which it may be used. PED's analysis further notes that a local school board may authorize individual parents to veto corporal punishment of their children.

Related Bills:

HB 172a *No Corporal Punishment as School Discipline* (Identical)