

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 172a

50th Legislature, 1st Session, 2011

Tracking Number: .183961.1

Short Title: No Corporal Punishment as School Discipline

Sponsor(s): Representative Rick Miera and Others

Analyst: David Harrell

Date: March 1, 2011 (revised)

AS AMENDED

In addition to the provisions in the original version of HB 172, the House Consumer and Public Affairs 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:

HB 172 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:

HB 172 does not contain an appropriation.

Substantive Issues:

Although HB 172 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 LESC 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.”

The Public Education Department (PED) advised the LESC staff that the department does not collect data regarding corporal punishment as a component of school district discipline policies; however, a recent media account of an incident at a public school in New Mexico indicates that 36 of the state’s 89 school districts permit corporal punishment.

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 PED analysis 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:

SB 319a *Eliminate Corporal Punishment* (Identical)