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FISCAL IMPACT REPORT

ORIGINAL DATE 02/09/11

SPONSOR Miera LAST UPDATED 02/16/11 HB 172/aHCPAC

SHORT TITLE No Corporal Punishment as School Discipline SB _____

ANALYST Gudgel

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

SUMMARY

Synopsis of HCPAC Amendment

HCPAC Amendment House Bill 172 inserts language requiring each local school board and governing body of a charter school to prohibit corporal punishment.

Synopsis of Original Bill

House Bill 172 amends the Public School Code to eliminate corporal punishment in schools.

FISCAL IMPLICATIONS

The Public Education Department indicates no fiscal impact.

SIGNIFICANT ISSUES

Corporal punishment is punishment of a physical nature that, when implemented in the classroom, generally consists of paddling. Data collected by the US Department of Education, Office for Civil Rights showed 223,190 students nationwide were paddled at least once in the 2006-2007 school year, including at least 41,972 students with disabilities. Students with disabilities are paddled at disproportionately high rates, given their percentage of the student population. According to OCR, during 2006-2007, in the districts sampled, there were 705 reported incidents of corporal punishment in schools in New Mexico, 0.2 percent of all students.

Corporal punishment remains legal in approximately 20 states. Canada, Europe, the UK, Australia and 102 other countries have outlawed the practice.

PED administrative rule 6.11.2.10 enables administrative authorities to discipline a student for committing an act that endangers others or appears to threaten such dangers, for violating valid rules governing student conduct if the student knew or should have known the rule or that conduct was prohibited, or for committing acts prohibited by rule when the student knows or should have known the conduct was prohibited. The rule grants local school boards discretion to determine the appropriate sanction to be imposed for violations of rules of student conduct so long as the enforcement of school rules and punishment is not administered in a discriminatory way.

The rule outlines the steps that must be taken in order for a district to permit the use of corporal punishment. Each local school board with community input shall determine whether to permit the use of corporal punishment and shall publish and distribute a written policy either authorizing or prohibiting its use. Where corporal punishment is authorized, the written policy shall specify the allowable forms of punishment, the conditions under which it may be used and the procedures to be followed in administering it. A school board policy authorizing corporal punishment will override any parent's objection to its use unless the local board also authorizes individual parents to veto corporal punishment of their children. Where a local board has not authorized a parental veto, an administrative authority may in any event decline to apply corporal punishment if he has reason to believe that an individual student is physically or emotionally unable to withstand reasonable corporal punishment or if he believes that corporal punishment would be ineffective or inappropriate.

ADMINISTRATIVE IMPLICATIONS

PED, local school districts and governing bodies of charter schools will need to update discipline rules and policies.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 319 is a Duplicate.

RSG/bym:svb