

BY-LAW-PROHIBITING CORPORAL PUNISHMENT

- A. Corporal punishment is hereby prohibited in the school district.
- B. If a pupil is subjected to corporal punishment, then the person who imposed the corporal punishment must, within two school days, report in writing to that person's administrator the event. This report shall set forth the name of the student, the date of the event, and the facts surrounding the event. A copy of the report shall be forwarded to the parents or guardian of the pupil within two school days after the receipt by the administrator. An investigation shall be conducted by the administrator and a written report submitted to the superintendent and the clerk of the board of education within seven school days of the receipt of the report.
- C. Any complaint about the use of corporal punishment by personnel of the school district shall be investigated by the superintendent or the superintendent's designee. When a complaint is received, it shall be placed in writing, stating among other things, the name of the complainant, the student involved, the date of the event, the name of the particular school employee involved in the event, and a description of the circumstances of the event as well as any witnesses to the event. Within seven school days of the receipt of the written complaint, the superintendent shall forward to the clerk of the board of education a report of the event, indicating as to whether the bylaw of the board of education has been violated and any recommended action.
- D. The superintendent shall file a written semiannual report to the Commissioner of Education by January 15th and July 15th of each year, commencing July 1, 1985 setting forth the substance of each complaint about the use of corporal punishment received by the school district during the reporting period, the results of the investigation, and any action, if any, taken by the school district in each case. The superintendent shall advise the board of education at the next meeting following each January 15th and July 15th whether such a report was or was not filed and, if such a report was filed, the substance of the report.
- E. The phrase "corporal punishment" as used in this bylaw is defined as follows: "Corporal punishment. (a) The term corporal punishment, as used in this bylaw, shall mean any act of physical force upon a pupil for the purpose of punishing that pupil. Such term, as used in this bylaw, shall not mean the use of reasonable physical force for any of the following purposes:
- "(1) to protect oneself from physical injury;
 - "(2) to protect another pupil or teacher or any other person from physical injury;
 - "(3) to protect the property of the school or of others; or
 - "(4) to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruptive acts;

“providing that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth in paragraphs (1) through (4) above.”

Comments:

1. Even though corporal punishment is abolished, it would still be appropriate for the investigation of any complaints pertaining to corporal punishment since this would form a basis of the report to the Commissioner of Education.
2. It would appear from the Commissioner’s Regulations that, if there has not been a complaint pertaining to corporal punishment, it is not necessary to submit to the Commissioner of Education a report during the six month period. The proposed bylaw imposes upon the superintendent the responsibility of advising the board of the fact that a report was not filed and the reason why the report was not filed. In such a case the superintendent would merely advise the board of education that there were no complaints regarding corporal punishment during that period and, further, no member of the staff had reported an incident pertaining to corporal punishment.
3. It is noted that, even though the bylaw would abolish corporal punishment as defined, there is still an obligation in the bylaw that any member of the staff that was involved in corporal punishment must report the event. If it is determined from a complaint that a member of the staff was involved in corporal punishment as so defined, then the member of the staff would not only be violating the bylaw regarding the activities of imposing physical punishment upon the student but also would be guilty of the failure to report. This could form another basis for insubordination if tenure charges were to be considered under the provision of Education Law §3020a.

First Reading: April 11, 1994

Second Reading and adoption: April 25, 1994

Reviewed: October 13, 1997

Reviewed: February 27, 2006

Reviewed and Re-Adopted: March 27, 2006