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## SCHOOLS; USE OF CORPORAL PUNISHMENT OR PHYSICAL FORCE

**House Bill 5255**

**Sponsor: Rep. Andrew Richner**

**House Bill 5256**

**Sponsor: Rep. Lauren Hager**

**Committee: Family and Civil Law**

**Complete to 5-15-00**

### **A SUMMARY OF HOUSE BILLS 5255 AND 5256 AS INTRODUCED 2-1-00**

House Bill 5255 would amend the Revised School Code (MCL 380.1312) to modify the provisions allowing a school board or public school academy to discipline a teacher or other school employee for using corporal punishment or physical force on a student.

Under the current law, a teacher or other school employee or volunteer may not inflict or cause corporal punishment to be inflicted upon any pupil under any circumstances. The law also allows limited circumstances where physical force may be used upon a pupil for the purpose of restraining or removing a pupil who was interfering with the orderly exercise and performance of school functions in the school or at a school related activity, for self defense or defense of another, to prevent the pupil from harming himself or herself, to quell a disturbance that threatens any person with physical injury, to take a weapon or other dangerous object from the pupil, and to protect property. The law allows a school board or public school academy to discipline a teacher or other employee for violations of these provisions. The bill would limit the instances where a teacher or other employee could be disciplined to those violations that were willful or grossly negligent.

House Bill 5256 would amend the Michigan Penal Code (MCL 750.81) to specifically exempt uses of reasonable physical force against pupils under and in compliance with the Revised School Code from the Penal Code's provisions against assault and battery.

Analyst: W. Flory

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.