



HOUSE BILL No. 5255

February 1, 2000, Introduced by Reps. Richner, Jellema, Julian, Vear, Tabor, Gosselin, Jelinek, Shulman, Kowall, Daniels, Law, Shackleton, Garcia, Richardville, Bisbee, Bovin, Pappageorge, Kuipers, Caul, Woronchak, Van Woerkom, Birkholz, Cassis, Lemmons and Sanborn and referred to the Committee on Family and Civil Law.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1312 (MCL 380.1312), as amended by 1995 PA
289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1312. (1) As used in this section, "corporal
2 punishment" means the deliberate infliction of physical pain by
3 hitting, paddling, spanking, slapping, or any other physical
4 force used as a means of discipline.

5 (2) Corporal punishment does not include physical pain
6 caused by reasonable physical activities associated with athletic
7 training.

8 (3) A person employed by or engaged as a volunteer or
9 contractor by a local or intermediate school board or public

1 school academy shall not inflict or cause to be inflicted
2 corporal punishment upon any pupil under any circumstances.

3 (4) A person employed by or engaged as a volunteer or con-
4 tractor by a local or intermediate school board or public school
5 academy may use reasonable physical force upon a pupil ~~as~~
6 ~~necessary~~ to maintain order and control in a school or
7 school-related setting for the purpose of providing an environ-
8 ment conducive to safety and learning. In maintaining that order
9 and control, the person may use physical force upon a pupil as
10 may be necessary FOR 1 OR MORE OF THE FOLLOWING:

11 (a) To restrain or remove a pupil whose behavior is inter-
12 fering with the orderly exercise and performance of school dis-
13 trict or public school academy functions within a school or at a
14 school-related activity, if that pupil has refused to comply with
15 a request to refrain from further disruptive acts.

16 (b) For self-defense or the defense of another.

17 (c) To prevent a pupil from inflicting harm on himself or
18 herself.

19 (d) To quell a disturbance that threatens physical injury to
20 any person.

21 (e) To obtain possession of a weapon or other dangerous
22 object upon or within the control of a pupil.

23 (f) To protect property.

24 (5) A person employed by or engaged as a volunteer or con-
25 tractor by a local or intermediate school board or public school
26 academy who exercises ~~necessary reasonable~~ physical force upon
27 a pupil, or upon another person of school age in a school-related

1 setting, as described in subsection (4) is not liable in a civil
2 action for damages arising from the use of that physical force.

3 ~~as provided in Act No. 170 of the Public Acts of 1964, being~~
4 ~~sections 691.1401 to 691.1415 of the Michigan Compiled Laws.~~

5 THIS SUBSECTION DOES NOT ALTER OR LIMIT A PERSON'S IMMUNITY FROM
6 LIABILITY PROVIDED UNDER 1964 PA 170, MCL 691.1401 TO 691.1415.

7 (6) A person who WILLFULLY OR THROUGH GROSS NEGLIGENCE vio-
8 lates subsection (3) or WHO WILLFULLY OR THROUGH GROSS NEGLIGENCE
9 USES PHYSICAL FORCE UPON A PUPIL THAT IS NOT AUTHORIZED UNDER
10 SUBSECTION (4) may be appropriately disciplined by his or her
11 school board or public school academy.

12 (7) In determining whether an employee, volunteer, or con-
13 tractor has acted in accordance with subsection (4), deference
14 shall be given to reasonable good-faith judgments made by that
15 person.

16 (8) A local or intermediate school district or a public
17 school academy shall develop and implement a code of student con-
18 duct and shall enforce its provisions with regard to pupil mis-
19 conduct in a classroom, elsewhere on school premises, on a school
20 bus or other school-related vehicle, or at a school sponsored
21 activity or event whether or not it is held on school premises.

22 (9) The department shall develop a model list of alterna-
23 tives to the use of corporal punishment. This model list shall
24 be developed in consultation with organizations that represent
25 the interests of teachers, school employees, school boards,
26 school administrators, pupils, parents, and child advocates, plus
27 any other organization that the state board of education may wish

1 to consult. The department shall send this model list to each
2 school district, public school academy, and intermediate school
3 district in the state and to each nonpublic school in the state
4 that requests it. A local or intermediate school board or public
5 school academy shall approve and cause to be distributed to each
6 employee, volunteer, and contractor a list of alternatives to the
7 use of corporal punishment. Upon request, the department of edu-
8 cation shall provide assistance to schools in the development of
9 programs and materials to implement this section.

10 (10) Any resolution, bylaw, rule, policy, ordinance, or
11 other authority permitting corporal punishment is void.