



House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

## **PROHIBIT CORPORAL PUNISHMENT IN PRIVATE SCHOOLS**

**House Bill 4129**  
**Sponsor: Rep. Ken Daniels**  
**Committee: Education**

**Complete to 2-12-03**

### **A SUMMARY OF HOUSE BILL 4129 AS INTRODUCED 1-30-03**

House Bill 4129 would amend the Revised School Code to prohibit corporal punishment in private schools.

Currently the prohibition on corporal punishment applies only to public schools. Under the law, "corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. Corporal punishment does not include physical pain caused by reasonable physical activities associated with athletic training.

The law specifies that a person employed by or engaged as a volunteer or contractor by a local or intermediate school board, or a public school academy, cannot inflict or cause corporal punishment upon any student under any circumstances. However, the law also specifies that a person may use reasonable physical force upon a student, as necessary to maintain order and control in a school or school-related setting, for the purpose of providing an environment conducive to safety and learning. In maintaining that order and control, a person can use physical force for one or more of the following: a) to restrain a person whose behavior is interfering with the orderly exercise and performance of school functions, if the student has refused to comply with a request to refrain from further disruptive acts; b) for self-defense, c) to prevent a student from inflicting harm on himself or herself; d) to quell a disturbance that threatens physical injury to any person; e) to obtain possession of a weapon or other dangerous object upon or within the control of a student; and, f) to protect property.

Under the law, a person who uses necessary and reasonable physical force in these instances is not liable in a civil action for damages arising from the use of physical force. This provision does not limit the person's immunity from liability provided under Public Act 170 of 1964, the Uniform Governmental Liability Act.

The law specifies that a person who willfully or through gross negligence violates these provisions can be disciplined by his or her school board. In determining whether an employee, volunteer, or contractor has acted within the law, deference must be given to reasonable good-faith judgments made by that person. Further, the law specifies that a school district or public school academy must develop and implement a code of student conduct, and enforce its provisions. Finally, the law requires the Department of Education to develop a model list of alternatives to the use of corporal punishment, in consultation with organizations that represent the interests of teachers, school employees, school boards, school administrators, students,

House Bill 4129 (2-12-03)

parents, and child advocates. The department must send the model list to each school district and public school academy, as well as to each nonpublic school in the state that requests it, and upon request provide assistance to schools as they develop programs and materials to implement these provisions.

House Bill 4129 would retain all of these provisions and extend them to nonpublic schools. However, the bill specifies that these provisions would not apply to a home school in which a child was being educated at the child's home by his or her parent or legal guardian.

MCL 380.1312

Analyst: J. Hunault

---

■ 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.