STATUS OF CORPORAL PUNISHMENT IN THE FIFTY STATES AND THE DISTRICT OF COLUMBIA: A STATE-BY-STATE SUMMARY

(1) ALABAMA: The prevailing common law rule permitting reasonable corporal punishment is stated by Suits v. Glover, 260 Ala. 449, 71 So. 2d 49 (1954) (tort) and Roberson v. State, 116 So. 317 (Ct. App., 1928) (criminal). Local option regarding discipline, however, is authorized by title 52, section 1(9) of the Alabama Code (Supp. 1973), as follows:

§ 1(9). Authority of local boards to remove, separate or group pupils creating disciplinary problems.—Any city, county or other local public school board may prescribe rules and regulations with respect to behavior and discipline of pupils enrolled in the schools under its jurisdiction and may in its discretion require the grouping of pupils based upon considerations of discipline; and may remove, isolate, separate, or group pupils who create disciplinary problems in any classroom or other school activity and whose presence in the class may be detrimental to the best interest and welfare of the pupils of such class as a whole. (1953, p. 995, § 1, app'd. Sept. 4, 1963.)

(2) ALASKA: There are no statutes or cases concerning corporal punishment in Alaska. Title 4, section 07.010 of the Alaska Administrative Code (1976) requires all local school districts to develop written policies regarding student rights and standards of discipline.
(3) Arizona: The prevailing common law tort rule is stated by La Frentz v. Gallagher, 105 Ariz. 255, 462 P.2d 804 (1969). In addition, Section 13-246 of the Arizona Revised Statutes (1956) specifically provides the teacher a privilege from criminal liability for using force in "moderate restraint or correction" of the "scholar," as follows:

A. Violence used to the person does not amount to assault or battery in the following cases:
   1. In the exercise of the right of moderate restraint or correction given by law to the parent over the child, the guardian over the ward, and the teacher over the scholar.

   Sources:

(4) Arkansas: The common law rule of privilege is stated by Dodd v. State, 94 Ark. 297, 126 S.W. 834 (1910) and Berry v. Arnold School District, 199 Ark. 1118, 137 S.W. 256 (1940). The privilege from criminal liability for using "reasonable and appropriate physical force" upon a pupil has been codified in section 41-505(1) of the Arkansas Criminal Code (1976), as follows:

41-505. Justification—Use of physical force generally.—The use upon another person of physical force that would otherwise constitute an offense is justifiable under any of the following circumstances:
   (1) A parent, teacher, guardian or other person intrusted with care and supervision of a minor or an incompetent person may use reasonable and appropriate physical force upon such minor or incompetent person when and to the extent reasonably necessary to maintain discipline or to promote the welfare of the minor or incompetent person.

Section 80-1629 of the Arkansas Statutes Annotated (1947) confers on teachers general disciplinary powers in no way contradictory of the common law rule:

80-1629. Discipline.—Every teacher shall seek to exercise wholesome discipline in his or her school, and endeavor by precept and otherwise to instill and cultivate in the pupils good morals and gentle manners.

(5) CALIFORNIA: Chapter 1010, sections 49000 and 49001 of the California Education Code, as adopted in 1976, permits local school districts to adopt policies permitting corporal punishment, but requires that such policies not be implemented without notice to, and the punishment not be administered without the prior written approval of, the parents. In addition, section 44807 of the Education Code provides teachers and other school personnel a privilege from criminal liability for exercising "physical control" over a pupil. The statutes state as follows:

49000.
The governing board of any school district may adopt rules and regulations authorizing teachers, principals, and other certificated personnel to administer reasonable corporal or other punishment to pupils when such action is deemed an appropriate corrective measure except to the extent that such action is permitted as provided in Section 60001.

49001.
(a) Corporal punishment shall not be administered to a pupil without the prior written approval of the pupil’s parent or guardian. The written approval shall be valid for the school year in which it is submitted but may be withdrawn by the parent or guardian at any time.

(b) If a school district has adopted a policy of corporal punishment pursuant to Section 49000, at the beginning of the first semester or quarter of the regular school term the governing board of each such school district shall notify the parent or guardian in a manner similar to that provided pursuant to Section 49000 that corporal punishment shall not be administered to a pupil without the prior written approval of the pupil’s parent or guardian.

44807.
Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playground, or during recess. A teacher, vice principal, principal, or any other certificated employee of a school district, shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, at the same degree of physical control over a pupil that a parent would be legally privileged to exercise but which in no event shall exceed the amount of physical control reasonably necessary to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning. The provisions of this section are in addition to and do not supersede the provisions of Section 49000.

COLORADO: Section 18-1-703(a) of the Colorado Revised Statutes (1973) provides teachers and others "entrusted with the care and supervision of a minor" with a privilege from criminal liability for the use of "reasonable and appropriate physical force" upon a minor, as follows:

18-1-703. Use of physical force - special relationships. (1) The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:
(a) A parent, guardian, or other person entrusted with the care and supervision of a minor or an incompetent person, and a teacher or other person entrusted with the care and supervision of a minor, may use reasonable and appropriate physical force upon the minor or incompetent person when and to the extent it is reasonably necessary and appropriate to maintain discipline or promote the welfare of the minor or incompetent person.


No cases have been found concerning corporal punishment.

CONNECTICUT: The common-law tort rule of privilege is stated by Sheehan v. Sturgis, 53 Conn. 481 (1885); Calway v. Williamson, 130 Conn. 575, 36 A. 2d 377 (1944); and Andreozzi v. Rubano, 145 Conn. 280, 141 A. 2d 639 (1958). In addition, section 53a-18 of the Connecticut General Statutes Annotated (West)(1976 Supp.) states the teacher's privilege from criminal liability for the use of "reasonable physical force," as follows:

§ 53a-18. Use of reasonable physical force or deadly physical force generally
The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:
(1) A parent, guardian, teacher or other person entrusted with the care and supervision of a minor or an incompetent person may use reasonable physical force upon such minor or incompetent person when and to the extent that he reasonably believes it is necessary to maintain discipline or to promote the welfare of such minor or incompetent person.

(8) DELAWARE: Title 14, section 701 of the Delaware Code Annotated (1974) provides teachers and school administrators the same right to impose physical force on a pupil as that of the parents, but requires that it can be administered only by the chief school officer or principal in the presence of another adult. In addition, title 11, section 468(2) of the Code provides teachers a privilege from criminal liability. The statutes are as follows:

§ 701. Authority of teachers and administrators; corporal punishment.

Every teacher and administrator in the public schools of this State shall have the right to exercise the same authority as to control, behavior and discipline over any pupil during any school activity, as the parents or guardians may exercise over such pupils.

In cases where corporal punishment is deemed necessary it shall be administered by the chief school officer or by the principal in the presence of another adult. (14 Del. C. 1953, § 701; 67 Del. Laws, c. 383.)

§ 468. Same—Use of force by persons with special responsibility for care, discipline or safety of others.

The use of force upon or toward the person of another is justifiable if:

(1) The defendant is the parent, guardian, or other person similarly responsible for the general care and supervision of a minor, or a person acting at the request of a parent, guardian, or other responsible person and:
   a. The force is used for the purpose of safeguarding or promoting the welfare of the minor, including the prevention or punishment of his misconduct; and
   b. The force used is not designed to cause or known to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain or mental distress, or gross degradation;

(2) The defendant is a teacher or a person otherwise entrusted with the care or supervision of a minor for a special purpose and:
   a. The defendant believes that the force used is necessary to further the special purpose, including the maintenance of reasonable discipline in a school, class, or other group, and that the use of the force is consistent with the welfare of the minor; and
   b. The degree of force, if it had been used by the parent or guardian of the minor, would be justifiable under subdivision (1)b. of this section;

(11 Del. C. 1953. § 468; 57 Del. Laws, c. 497, § 1.)

Our research has disclosed no Delaware cases on the matter.
DISTRICT OF COLUMBIA: Chapter 13, section 473 of the Rules of the Board of Education bar the use of corporal punishment in the public schools, as follows:

473.1 Corporal punishment is defined as the intentional use of physical force upon a student as punishment for any alleged offense or behavior, or in an attempt to modify any behavior, thoughts, or attitudes of the student.

473.2 The use of corporal punishment in any form is strictly prohibited in the public schools. No student shall be subject to the infliction of corporal punishment by any teacher, other student, administrator, or other school personnel.

473.3 No teacher, administrator, or other person shall subject a student to corporal punishment, even if permission is secured from a parent, guardian, or other school official, and such permission shall not be sought by any school personnel. Adopted 12/2/74.

Our research has disclosed no D.C. cases on the matter.

FLORIDA: Section 232.27 of the Florida Statutes Annotated (West) (1961) permits teachers and other school personnel to inflict corporal punishment but requires that in every instance the principle be consulted beforehand and forbids punishment that is "degrading or unduly severe."

232.27 Authority of teacher

Each teacher or other member of the staff of any school shall assume such authority for the control of pupils as may be assigned to him by the principal and shall keep good order in the classroom and in other places in which he is assigned to be in charge of pupils, but he shall not inflict corporal punishment before consulting the principal or teacher in charge of the school, and in no case shall such punishment be degrading or unduly severe in its nature. Under no circumstances may a teacher (except of a one-teacher school) suspend a pupil from school or class.

History and Source of Law

Derivation:

Compl.Gen.Laws 1910, § 692

Similar Provisions:


(11) GEORGIA: Section 32-835 of the Code of Georgia (1976) permits local boards of education to adopt policies governing the use of corporal punishment. Section 32-836 requires that if corporal punishment is permitted by the local board, its administration must not be "excessive or unduly severe" and must be done in the presence of one other principal or teacher. Section 32-837 provides a privilege against civil or criminal liability for the good faith infliction of reasonable corporal punishment. The statutes are as follows:

32-835 Corporal punishment of students
All area, county and independent boards of education shall be authorized to determine and adopt policies and regulations relating to the use of corporal punishment by school principals and teachers employed by such area, county and independent boards. (Acts 1964, p. 673.)

32-836 Same; method of administering punishment
Where so authorized by an area, county or independent board of education, any principal or teacher employed by the board, in order to maintain proper control and discipline over pupils placed under his care and supervision, may, in the exercise of his sound discretion, administer corporal punishment on any such pupil or pupils. Provided, however, that such corporal punishment shall not be excessive or unduly severe; and Provided, further, that corporal punishment shall be administered only in the presence of one other principal or teacher employed by the area, county or independent board so authorizing corporal punishment hereunder. (Acts 1964, pp. 673, 674.)
32-837 Same; exemption of principals and teachers from legal action.

No principal or teacher who shall administer corporal punishment to a pupil or pupils under his care and supervision in conformity with the policies and regulations of the area, county or independent board of education employing him, and in accordance also with the provisions of this law (§§ 32-835 through 32-837), shall, where the corporal punishment is administered in good faith and is not excessive or unduly severe, be held accountable or liable in any criminal or civil action based upon the administering of corporal punishment.

(Acts 1964, pp. 673, 674.)

The privilege against criminal liability is further reinforced by Section 26-901(c) of the Georgia Code Annotated (1972), which provides that a defense of justification may be asserted "when the person's conduct is reasonable discipline of a minor by his parent or a person in loco parentis." Our research has disclosed no Georgia cases on the matter.

(12) HAWAI'I: Section 298-16 of the Hawaii Revised Statutes (1968) permits principals and their agents to use "reasonable force" for disciplinary purposes. Complementing this provision, section 703-309(2) of the Hawaii Penal Code (1973) states the defense of justification for the reasonable use of force by a teacher. The statutes are as follows:

§298-16 Punishment of pupils limited. No physical punishment of any kind may be inflicted upon any pupil, but reasonable force may be used by a teacher in order to restrain a pupil in attendance at school from hurting himself or any other person or property and reasonable force may be used as defined in section 703-309(2) by a principal or his agent only with another teacher present and out of the presence of any other student but only for the purposes outlined in section 703-309(2)(a). [L. 1896, c. 57, §34; RL 1925, §307; RL 1930, §722; RL 1945, §1536; RL 1955, §40-16; HRS §298-16; am L. 1973, c 145, §1]
§703 - 309 Use of force by persons with special responsibility for care, discipline, or safety of others.

The use of force upon or toward the person of another is justifiable under the following circumstances:

(1) The actor is the parent or guardian or other person similarly responsible for the general care and supervision of a minor, or a person acting at the request of such parent, guardian, or other responsible person, and:
   (a) The force is used for the purpose of safeguarding or promoting the welfare of the minor, including the prevention or punishment of his misconduct; and
   (b) The force used is not designed to cause or known to create a substantial risk of causing death, serious bodily injury, disfigurement, extreme pain or mental distress, or gross degradation.

(2) The actor is a teacher or a person otherwise entrusted with the care or supervision for a special purpose of a minor, and:
   (a) The actor believes that the force used is necessary to further such special purpose, including maintenance of reasonable discipline in a school, class, or other group, and that the use of such force is consistent with the welfare of the minor; and
   (b) The degree of force, if it had been used by the parent or guardian of the minor, would not be unjustifiable under subsection (1)(b) of this section.

The reviser's commentary on the latter statute states that no substantial change is intended from the common law rule established in Territory v. Cox, 24 Haw 461 (1918) and Kahula v. Austin, 8 Haw. 54 (1890). The commentary notes, however, that the teacher's authority is less than that of the parent, and that the intent of the statutory privilege is "not...to encourage corporal punishment."

(13) IDAHO: Our research has disclosed no Idaho statutes or cases concerning corporal punishment. A statement of the State Board of Education adopted in 1973, however, states that corporal punishment is permitted at local option.

(14) ILLINOIS: Chapter 122, sections 24-24 and 34-84a of the Illinois Annotated Statutes (Smith-Hurd)(1976-77 Supp.) provide that in all matters of discipline teachers and other school personnel "stand in the relation of parents and guardians to the pupils," as follows:

(15) INDIANA: Section 20-8.1-5-2 of Burns Indiana Statutes Annotated Code Edition (1975) provides generally that "each teacher and any of the other school personnel shall, when pupils are under his charge, have the right to take any action which is then reasonably necessary to
carry out, or to prevent an interference with, the educational function of which he is then in charge." In addition, several cases have stated the common law rule regarding teachers' privilege from civil and criminal liability for administering reasonable corporal punishment: Indiana State Personnel Board v. Jackson, 244 Ind. 321, 192 N.E. 2d 740 (1962); Vanvactor v. State, 113 Ind. 276, 15 N.E. 341 (1888); Cooper v. McJunkin, 4 Ind. 290 (1853). Law review: "Recent Developments—Schools," Indiana Law review 6: 330.

(16) IOWA: No statute specifically authorizes corporal punishment in Iowa. The common law rule is stated, however, by State v. Minzer, 45 Iowa 218 (1876) and Tinkham v. Kole, 252 Iowa 1303, 110 N.W. 2d 258 (1961).

(17) KANSAS: Our research had disclosed no statute, case, or state regulation concerning corporal punishment in Kansas. Inquiry to the State Board of Education, however, discloses that it is permitted at local option. Law review: "Right of a Teacher to Administer Corporal Punishment to a Student," Washburn Law Journal 5: 75 (Winter, 1965).

(18) KENTUCKY: Section 503.110(1) of the Kentucky Revised Statutes (1975) states the defense of justification for the use of reasonable physical force by a teacher as follows:

503.110. Use of force by person with responsibility for care, discipline or safety of others.—(1) The use of physical force by a defendant upon another person is justifiable when the defendant is a parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person or when the defendant is a teacher or other person entrusted with the care and supervision of a minor, for a special purpose, and:

(a) The defendant believes that the force used is necessary to promote the welfare of a minor or incompetent person or, if the defendant's responsibility for the minor or incompetent person is for a special purpose, to further that special purpose or maintain reasonable discipline in a school, class or other group; and

(b) The force that is used is not designed to cause or known to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain, or extreme mental distress. (Enact. Acts 1974, ch. 406, § 36.)
The common law rule regarding a teacher's civil liability for administering reasonable corporal punishment was stated by *Carr v. Wright*, 423 SW 2d 521 (1968). The teacher's right to administer reasonable corporal punishment was similarly affirmed by Opinion of the Attorney General 69-534.


(20) MAINE: Title 17, section 106(2) of the Maine Revised Statutes (1976 Supp.) provides a teacher with the defense of justification for using "a reasonable degree of force" for disciplinary purposes, as follows:

§ 106. Physical force by persons with special responsibilities

2. A teacher or other person entrusted with the care or supervision of a person for special and limited purposes is justified in using a reasonable degree of force against any such person who creates a disturbance when and to the extent that he reasonably believes it necessary to control the disturbing behavior or to remove a person from the area of such disturbance.

The common law rule regarding a teacher's privilege from tort liability was established in *Patterson v. Nutter*, 78 Me. 509 (1886).
(21) MARYLAND: In 1970 the State Board of Education adopted a bylaw abolishing corporal punishment as a disciplinary measure in the public schools of the state. Bylaw 13.07.04.01(b). The following year the state legislature restored the practice, at local option, in selected counties, by adopting what is now article 77, section 98B of the Annotated Code of Maryland (1975):

§ 98B. Corporal punishment in certain counties.

Irrespective of any bylaw, rule or regulation made or approved by the State Board of Education, nothing shall prohibit the use of corporal punishment by a principal vice-principal in the county school system in Allegany, Anne Arundel, Carroll, Caroline, Cecil, Charles, Dorchester, Frederick, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico and Worcester counties. The board of education of each of the herein named counties may establish rules and regulations governing the use of corporal punishment in their respective county school system. (1971, ch. 727; 1972, ch. 207; 1973, ch. 187.)

In the counties not specified, the Board's rule still applies.

Our research has disclosed no pertinent Maryland cases.

(22) MASSACHUSETTS: Title 71, section 37G of the Massachusetts General Laws Annotated (West)(1976-77 Supp.) bars the use of corporal punishment as a disciplinary measure, as follows:

§ 37G. Corporal punishment of pupils prohibited

The power of the school committee or of any teacher or other employee or agent of the school committee to maintain discipline upon school property shall not include the right to inflict corporal punishment upon any pupil.

Added by St.1972, c. 387, § 1.

(23) MICHIGAN: Sections 340.756 and 340.757 of Michigan Compiled Laws Annotated (1976) authorize the use of physical force for disciplinary purposes and protect teachers and superintendents from civil liability for using such force, "except in case of gross abuse and disregard for the health and safety of the pupil":

340.756 Discipline, use of physical force to maintain

Sec. 756. Any teacher or superintendent may use such physical force as is necessary on the person of any pupil for the purpose of maintaining proper discipline over the pupils in attendance at any school.

Historical Note


340.757 Physical force; liability; gross abuse

Sec. 757. No teacher or superintendent shall be liable to any pupil; his parent or guardian in any civil action for the use of physical force on the person of any pupil for the purposes prescribed in sections 755 and 756 of this act, as amended, except in case of gross abuse and disregard for the health and safety of the pupil.


Our research has disclosed no pertinent cases.

(24) MINNESOTA: Section 609.06(6) of the Minnesota Criminal Code (1963) establishes a teacher's privilege from criminal liability for the use of "reasonable force" upon a pupil, as follows:

609.06 Authorized use of force

Reasonable force may be used upon or toward the person of another without his consent when the following circumstances exist or the actor reasonably believes them to exist:

(6) When used by a parent, guardian, teacher or other lawful custodian of a child or pupil, in the exercise of lawful authority, to restrain or correct such child or pupil;

Our research has disclosed no pertinent cases.
(25) MISSISSIPPI: Our research has disclosed no pertinent statutes or cases in Mississippi. Inquiry to the offices of the State Board of Education discloses, however, that the general common law rule is followed, at local option.

(26) MISSOURI: The common law rule of tort liability regarding the infliction of corporal punishment has been stated in numerous cases: Deskins v. Gose, 85 Ho. 485 (1885); State v. Boyer, 70 Mo. App. 156 (1897); Cook v. Neely, 143 Mo. App. 632 (1910); Christman v. Nickman, 225 Mo. App. 828, 37 SW 2d 672 (1931).

(27) MONTANA: Section 75-6109 of the Revised Codes of Montana (1947) confers on teachers the right to corporally punish a pupil, but requires that such punishment be administered only in the presence of a principal "without undue anger," and after notification of the pupil's parents or guardian, if possible. Section 75-6109 further establishes that the administering of any "undue or severe punishment" shall be deemed a misdemeanor. Complementing these provisions, section 75-6310 requires pupils to submit to the authority of their teachers and principals, and states that they shall be liable to "punishment, suspension, or expulsion" for various enumerated offenses. Finally, section 94-3-107 of the Montana Criminal Code (1973) states the defense of justification for a teacher's use of "reasonable and necessary" force. The statutes are as follows.
75-6109. Power of teacher over pupils and undue punishment. Any teacher shall have the authority to hold any pupil to a strict accountability for any disorderly conduct in school, on the way to or from school, or during intermission or recess. Whenever a teacher shall deem it necessary to inflict corporal punishment in order to maintain orderly conduct of a pupil, he shall administer such corporal punishment without undue anger and only in the presence of the principal, if there be one. Before any corporal punishment is administered, the parent or guardian shall be notified of the teacher's intention to so punish his child; except that in cases of open and flagrant defiance of the teacher or of the authority of the school, the teacher may administer corporal punishment without giving such notice.

Any teacher in a district not employing a district superintendent or a principal of the school where the teacher is assigned shall have the authority to suspend a pupil for good cause. Whenever a teacher suspends a pupil, he shall notify the trustees immediately of such action, and the trustees shall meet as soon as practicable to consider the suspension action of the teacher.

It shall be the duty of any teacher to report the truancy or incorrigibility of any pupil to the district superintendent, principal, or the trustees, whichever is applicable.

Any teacher who shall maltreat or abuse any pupil by administering any undue or severe punishment shall be deemed guilty of a misdemeanor, and, upon conviction of such misdemeanor by a court of competent jurisdiction, shall be fined not more than one hundred dollars ($100).

History: En. 75-6109 by Sec. 90, Ch. 5, L. 1971.

75-6310. Duties and sanctions. Any pupil shall:
(1) comply with the policies of the trustees and the rules and regulations of the school which he attends;
(2) pursue the required course of instruction;
(3) submit to the authority of the teachers, principal and district superintendent of the district; and
(4) be subject to the control and authority of the teachers, principal and district superintendent while he is in school or on school premises on his way to and from school, or during his intermission or recess.

Any pupil who continually and willfully disobeys the provisions of this section, shows open defiance of the authority vested in school personnel by this section, defaces or damages any school building, school grounds, furniture, equipment, book belonging to the district or harm or threatens to harm another person or his property shall be liable for punishment, suspension or expulsion under the provisions of this Title. When a pupil defaces or damages school property, as defined above, his parent or guardian shall be liable for the cost of repair or replacement upon the complaint of the teacher, principal, superintendent or any trustee and the proof of such damage.

In addition to the sanctions prescribed in this section, the trustees of a high school district may deny a high school pupil the honor of participating in the graduation exercise or exclude a high school pupil from participating in school activities. Such action shall not be taken until the incident or infraction causing such consideration has been investigated and the trustees have determined that the high school pupil was involved in such incident or infraction.

History: En. 75-6310 by Sec. 123, Ch. 5, L. 1971.
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94-3-107. Use of force by parent. A parent or an authorized agent of any parent or a guardian, master, or teacher is justified in the use of such force as is reasonable and necessary to restrain or correct his child, ward, apprentice or pupil.

History: En. 94-3-107 by Sec. 1, Ch. 815, L. 1978.

Source: Substantially the same as Revised Codes of Montana 1947, section 94-600(4).

Organisation Comment.

This is a recodifying of former section 94-605(4). However "reasonable and necessary" was substituted for "reasonable in manner and moderate in degree."

(28) NEBRASKA: The common law rule regarding the right of those in loco parentis to administer reasonable corporal punishment was established by the case of Clasen v. Pruhs, 69 Neb. 278, 95 N.W. 640 (1903). In addition, section 28-840 of the Revised Statutes of Nebraska (1975) provides such persons the defense of justification for the use of reasonable physical force, as follows:

28-840. Use of force by person with special responsibility for care, discipline, or safety of others. The use of force upon or toward the person of another is justifiable if:

(1) The actor is the parent or guardian or other person similarly responsible for the general care and supervision of a minor or a person acting at the request of such parent, guardian or other responsible person and:

(a) Such force is used for the purpose of safeguarding or promoting the welfare of the minor, including the prevention or punishment of his misconduct; and

(b) Such force used is not designed to cause or known to create a substantial risk of causing death, serious bodily harm, disfigurement, serious pain or mental distress or gross degradation; or

(2) The actor is a teacher or a person otherwise entrusted with the care or supervision for a special purpose of a minor and:

(a) The actor believes that the force used is necessary to further such special purpose, including the maintenance of reasonable discipline in a school, class or other group, and that the use of such force is consistent with the welfare of the minor; and

(b) The degree of force, if it had been used by the parent or guardian of the minor, would not be unjustifiable under subdivision (1) (b) of this section.


(29) NEVADA: Corporal punishment of pupils in Nevada is specifically authorized by section 392.465 of the Nevada Revised Statutes (1973), as follows:
392.465 Corporal punishment of pupils.
1. The legislature declares:
(a) That the use of corporal punishment is to be discouraged in the public schools, and only after all other methods of discipline have proven ineffective should a pupil be administered corporal punishment.
(b) That judgment and discretion are to be used in all punishment, corporal and otherwise, and maximum use should be made of available school counseling and psychological services.
2. Subject to the limitations contained in this section, the board of trustees of every school district shall adopt rules and regulations authorizing teachers, principals and other certificated personnel to administer reasonable corporal or other punishment to pupils when such action is deemed an appropriate corrective measure.
3. Parents and guardians shall be notified before, or as soon as possible after, corporal punishment is administered.
4. No corporal punishment shall be administered on or about the head or face of any pupil, but this limitation shall not prohibit any teacher, principal or other certificated person from defending himself if attacked by a pupil.
5. Nothing contained in this section shall be construed or interpreted to indicate that the teachers, principals and other certificated personnel have not heretofore had the authority and the right to administer reasonable corporal or other punishment to pupils.
(Added to NRS by 1960, 60)

(30) NEW HAMPSHIRE: The common law rule regarding a teacher’s tort liability for administering corporal punishment to a pupil was established in New Hampshire by Kidder v. Chellis, 59 NH 473 (1879). In addition, section 627:6(II) of the New Hampshire Revised Statutes Annotated (1974) provides a defense of justification to charges of criminal liability for a teacher’s use of physical force for disciplinary purposes, as follows:

627:6 Physical Force by Persons with Special Responsibilities.
I. A parent, guardian or other person responsible for the general care and welfare of a minor is justified in using force against such minor when and to the extent that he reasonably believes it necessary to prevent or punish such minor’s misconduct.
II. A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes, is justified on the premises in using necessary force against any such minor, when the minor creates a disturbance, or refuses to leave the premises or when it is necessary for the maintenance of discipline.
III. A person responsible for the general care and supervision of an incompetent person is justified in using force for the purpose of safeguarding his welfare, or, when such incompetent person is in an institution for his care and custody, for the maintenance of reasonable discipline in such institution.

IV. The justification extended in paragraph I, II, and III does not apply to the malicious or reckless use of force that creates a risk of death, serious bodily injury, or substantial pain.

**HISTORY**


(31) NEW JERSEY: Use of corporal punishment for all disciplinary purposes except those specified is barred by section 18A:6-1 of the New Jersey Statutes Annotated (1968), as follows:

**18A:6-1. Corporal punishment of pupils**

No person employed or engaged in a school or educational institution, whether public or private, shall inflict or cause to be inflicted corporal punishment upon a pupil attending such school or institution; but any such person may, within the scope of his employment, use and apply such amounts of force as is reasonable and necessary:

1. to quell a disturbance, threatening physical injury to others;
2. to obtain possession of weapons or other dangerous objects upon the person or within the control of a pupil;
3. for the purpose of self-defense; and
4. for the protection of persons or property;

and such acts, or any of them, shall not be construed to constitute corporal punishment within the meaning and intendment of this section. Every resolution, bylaw, rule, ordinance, or other act or authority permitting or authorizing corporal punishment to be inflicted upon a pupil attending a school or educational institution shall be void.

**Historical Note**

Source: L.1902, c. 182, § 1.

(32) NEW MEXICO: Corporal punishment is neither barred nor authorized by statute in New Mexico. The sole case bearing on the issue disclosed by our research is Sims v. Board of Education, 329 F. Supp. 678 (DC NM, 1971), in which the practice of corporal punishment in one area of the state was found not to violate the Constitution.
NEW YORK: Section 35.10 of the New York Penal Code (McKinney) (1975) provides a privilege from criminal liability for teachers in the use of reasonable physical force for disciplinary purposes, as follows:

$35.10$ Justification; use of physical force generally

The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

1. A parent, guardian or other person entrusted with the care and supervision of a person under the age of twenty-one or an incompetent person, and a teacher or other person entrusted with the care and supervision of a person under the age of twenty-one for a special purpose, may use physical force, but not deadly physical force, upon such person when and to the extent that he reasonably believes it necessary to maintain discipline or to promote the welfare of such person.

L.1965, c. 1030; amended L.1968, c. 73, § 3; L.1974, c. 290, § 1, s.c.

This privilege has been judicially upheld. People v. Jackson, 65 Misc. 2d 901, 319 N.Y.S. 2d 731, aff'd 30 N.Y. Ct. App. Rep. 2d 734 (1971);

People v. Baldini, 159 N.Y.S. 2d 802 (1957). In addition, the Commissioner of Education in New York has termed this section a specific authorization of corporal punishment, to be used at the discretion of local boards of education.


NORTH CAROLINA: The use of "reasonable force" by school personnel is authorized by section 115-146 of the General Statutes of North Carolina, as follows:

§ 115-146. Duties of teachers generally; principals and teachers may use reasonable force in exercising lawful authority. — It shall be the duty of all teachers, including student teachers, substitute teachers, voluntary teachers, teachers' aids and assistants when given authority over some part of the school program by the principal or supervising teacher, to maintain good order and discipline in their respective schools; to encourage temperance, morality, industry, and neatness; to promote the health of all pupils, especially of children in the first three grades, by providing frequent periods of recreation, to supervise the play activities during recess, and to encourage wholesome exercises for all children; to teach as thoroughly as they are able all branches
which they are required to teach; to provide for singing in the school, and so far as possible to give instruction in the public school music; and to enter actively into the plans of the superintendent for the professional growth of the teachers. Teachers shall cooperate with the principal in ascertaining the cause of nonattendance of pupils that he may report all violators of the compulsory attendance law to the attendance officer in accordance with rules promulgated by the State Board of Education.

Principals, teachers, substitute teachers, voluntary teachers, teachers' aids and assistants and student teachers in the public schools of this State may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order. No county or city board of education or district committee shall promulgate or continue in effect a rule, regulation or bylaw which prohibits the use of such force as is specified in this section. (1955, c. 1372, art. 17, s. 4; 1959, c. 1016; 1969, c. 638, ss. 2, 3; 1971, c. 484.)

This statute has been found constitutional on its face, but its implementation in particular instances has been held to require the observance of due process.


(35) NORTH DAKOTA: Section 12.1-05-05(1) of the North Dakota Century Code provides teachers with the defense of justification against criminal liability for the use of "reasonable force" upon a minor, as follows:

12.1-05-05. Use of force by persons with parental, custodial, or similar responsibilities.—The use of force upon another person is justified under any of the following circumstances:

1. A parent, guardian, or other person responsible for the care and supervision of a minor, or teacher, or other person responsible for the care and supervision of such a minor for a special purpose, or a person acting at the direction of any of the foregoing persons, may use reasonable force upon the minor for the purpose of safeguarding or promoting his welfare, including prevention and punishment of his misconduct, and the maintenance of proper discipline. The force may be used for this purpose, whether or not it is "necessary" as required by subsection 1 of section 12.1-05-07.

The force used must not create a substantial risk of death, serious bodily injury, disfigurement, or gross degradation.

(36) OHIO: Section 3319.41 of Ohio Revised Code Annotated (Page)

(1972) authorizes teachers, principals, and administrators to inflict "reasonable corporal punishment" for disciplinary purposes, as follows:

§3319.41 Use of force and infliction of corporal punishment on pupils.
A person employed or engaged as a teacher, principal, or administrator in a school, whether public or private, may inflict or cause to be inflicted, reasonable corporal punishment upon a pupil attending such school whenever such punishment is reasonably necessary in order to preserve discipline while such pupil is subject to school authority. Such persons and noncertified school employees and school bus drivers may also, within the scope of their employment, use such amount of force and amount as is reasonable and necessary to quell a disturbance threatening physical injury to others, to obviate possession of weapons or other dangerous objects upon the person or within the control of the pupil, for the purpose of self-defense, or for the protection of persons or property.

This statute has been held to be consistent with prior Ohio case law (Quinn v. Nolan, 7 Dec. Rept. 385 (1979)) and to be constitutional. Sims v. Wain, 388 F. Supp. 543 (SD Ohio, 1974), aff'd 536 F.2d 836 (1976). The Attorney General of Ohio has interpreted the statute to bar local boards of education from adopting policies forbidding corporal punishment. 1973 OAG No. 73-129.


(37) OKLAHOMA: Title 70, Section 6-114 of the Oklahoma Statutes Annotated (1966) gives teachers the same right regarding control and discipline of their pupils as is possessed by the pupils' parents. Title 21, section 844 of the Oklahoma Statutes Annotated (1976-77 Supp.) specifies that the crime of beating or injuring of children does not include the use of reasonable force by teachers as a means of discipline. The statutes are as follows:
§ 6-114. Control and discipline of child

The teacher of a child attending a public school shall have the same right as a parent or guardian to control and discipline such child during the time the child is in attendance or in transit to or from the school or any other school function authorized by the school district or classroom presided over by the teacher.


Historical Note

Source: H.L.1971, c. 281, § 6-114.

Ordinary force as means of discipline not prohibited

Provided, however, that nothing contained in this Act shall prohibit any parent, teacher or other person from using ordinary force as a means of discipline, including but not limited to spanking, switching or paddling.

Laws 1943, c. 63, § 2.

(38) OREGON: Section 161.205(1) provides a teacher a privilege from criminal liability for the use of "reasonable physical force" to maintain order, as follows:

161.205 Use of physical force generally. The use of physical force upon another person that would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

(1) A parent, guardian or other person entrusted with the care and supervision of a minor or an incompetent person may use reasonable physical force upon such minor or incompetent person when and to the extent he reasonably believes it necessary to maintain discipline or to promote the welfare of the minor or incompetent person. A teacher may use reasonable physical force upon a student when and to the extent the teacher reasonably believes it necessary to maintain order in the school or classroom. (1971 c.743 s.21)

In Sims v. School District No. 1, Multnomah County, 508 P. 2d 236 (Or. App., 1973), the court found the common law privilege against tort liability for administering reasonable corporal punishment not to be modified by any statute.
Pennsylvania Statutes Annotated (1976-77) gives teachers, vice principals, and principals the same authority regarding the conduct and behavior of their pupils as is possessed by the pupils' parents. Section 509(2) (1973) gives teachers a privilege from criminal liability for the use of reasonable force for disciplinary purposes. The statutes are as follows:

§ 509. Use of force by persons with special responsibility for care, discipline or safety of others

The use of force upon or toward the person of another is justifiable if:

(1) The actor is the parent or guardian or other person similarly responsible for the general care and supervision of a minor or a person acting at the request of such parent, guardian or other responsible person and:

(i) the force is used for the purpose of safeguarding or promoting the welfare of the minor, including the preventing or punishment of his misconduct; and

(ii) the force used is not designed to cause or known to create a substantial risk of causing death, serious bodily injury, disfigurement, extreme pain or mental distress or gross degradation.

(2) The actor is a teacher or person otherwise entrusted with the care or supervision for a special purpose of a minor and:

(i) the actor believes that the force used is necessary to further such special purpose, including the maintenance of reasonable discipline in a school, class or other group, and that the use of such force is consistent with the welfare of the minor; and

(ii) the degree of force, if it had been used by the parent or guardian of the minor, would not be unjustifiable under subparagraph (1) (ii) of this section.


§ 13—1317. Authority of teachers, vice principals and principals over pupils

Every teacher, vice principal and principal in the public schools shall have the right to exercise the same authority as to conduct and behavior over the pupils attending his school, during the time they are in attendance, including the time required in going to and from their homes, as the parents, guardians or persons in parental relation to such pupils may exercise over them. As amended 1963, July 25, P.L. 215, § 1.

(41) RHODE ISLAND: Our research has disclosed no statutes, cases, or state administrative regulations regarding corporal punishment in the schools of Rhode Island. Inquiry to the State Department of Education discloses that it is permitted at local option.

(42) SOUTH CAROLINA: Section 21-776 of the Code of Laws of South Carolina (1975 Supp.) permits local school districts to provide for corporal punishment, as follows:

§ 21-776. Corporal punishment.—The governing body of each school district may provide corporal punishment for any pupil that it deems just and proper. (1973 (58) 407.)


(42) SOUTH DAKOTA: Section 13-32-2 of the South Dakota Compiled Laws Annotated (1975) authorizes school personnel to administer "reasonable and necessary" physical punishment on students. Section 22-18-5 (1967) provides a privilege from criminal liability for teachers for administering such punishment. The statutes are as follows:
12-32-2. Physical punishment authorized when reasonable and necessary—Attendance at school functions away from premises—Authority of bus drivers.—Superintendents, principals, supervisors, and teachers, shall have authority, to administer such physical punishment on an insubordinate or disobedient student that is reasonable and necessary for supervisory control over the student. Like authority over students is given any person delegated to supervise children who have been authorized to attend a school function away from their school premises and to school bus drivers while students are riding, boarding, or leaving the buses.


22-18-5. Parent or teacher correcting child—Reasonable and moderate force only.—To use or attempt or offer to use force or violence upon or toward the person of another is not unlawful when committed by a parent or the authorized agent of any parent, or by any guardian or teacher in the exercise of a lawful authority to restrain or correct his child, ward, or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, or scholar or by his refusal to obey the lawful command of such parent, or authorized agent, guardian, or teacher and the force or violence used is reasonable in manner and moderate in degree.

Source: Pena 1877, § 307, subdiv 4; CL 1887, § 6507, subdiv 4; BPena 1903, § 313, subdiv 4; RC 1919, § 4079 (4); SDC 1939, § 12.2402 (4).

(43) TENNESSEE: The common law rule regarding a teacher’s privilege from tort liability for administering reasonable corporal punishment has been established in Tennessee by the cases of Anderson v. State, 40 Tenn. 455 (1859) and Marlar v. Bill, 18 Tenn. 100, 178 SW 2d 634 (1944).

(44) TEXAS: The teacher’s privilege from criminal liability for administering reasonable corporal punishment was established in Texas by the case of Prendergast v. Masterson, 196 SW 266 (1917). This privilege from criminal liability is now codified in section 9.62 of the Texas Penal Code Annotated (Vernon) (1974), as follows:
§ 9.62. Educator—Student

The use of force, but not deadly force, against a person is justified:

(1) if the actor is entrusted with the care, supervision, or administration of the person for a special purpose; and

(2) when and to the degree the actor reasonably believes the force is necessary to further the special purpose or to maintain discipline in a group.

The commentary to this statute notes that the privilege provided is probably more extensive than that permitted by Prendergast, which denied the privilege to a superintendent because he was not a teacher. The statute extends the privilege to such persons as a camp counselor, dormitory manager, study hall prefect, and baby-sitter, as well as school personnel. The practice of corporal punishment in the Texas schools has been upheld against constitutional challenges in Ware v. Estes, 328 F. Supp. 657 (1971), aff'd 458 F. 2d 1360 (1972), cert. den., 409 U.S 1027 (1972) and Coffman v. Kuehler, 409 F. Supp. 546 (1976). Law reviews: "School Policy Permitted Corporal Punishment without Parental Consent Is Not Unconstitutional," Mississippi Law Journal 44: 550 (1973); "Student Discipline on Texas Schools: Journal of Law and Education 3: 221 (April, 1974).

(45) UTAH: Section 76-2-401 of the Utah Code Annotated (1975 Supp.) states the teacher's privilege from criminal liability for administering "reasonable discipline" to minors, as follows:

76-2-401. Justification as defense—When allowed—Conduct which is justified is a defense to prosecution for any offense based on the conduct. The defense of justification may be claimed:

(1) When the actor's conduct is in defense of persons or property, under the circumstances described in sections 76-3-402 through 76-3-408 of this part;

(2) When the actor's conduct is reasonable and in fulfillment of his duties as a governmental officer or employee;

(3) When the actor's conduct is reasonable discipline of minors by parents, guardians, teachers, or other persons in loco parentis;

(4) When the actor's conduct is reasonable discipline of persons in custody under the laws of the state;

(5) When the actor's conduct is justified for any other reason under the laws of this state.

(46) VERNON: Title 16, section 1161 of the Vermont Statutes Annotated (1974) gives school officials the right to administer "reasonable" corporal punishment to pupils, as follows:

§ 1161. Punishment
A teacher or a principal of a school or a superintendent or a school director on request of and in the presence of the teacher, may resort to any reasonable form of punishment, including corporal punishment, and to any reasonable degree, for the purpose of securing obedience on the part of any child enrolled in such school, or for his correction, or for the purpose of securing or maintaining order in and control of such school.

HISTORY

This statute has been interpreted to simply be declaratory of the common law tort privilege previously established in Vermont by the cases of Lander v. Seaver, 32 Vt. 114 (1859) and Melen v. McLaughlin, 107 Vt. 111, 176 A. 297 (1935), and has been upheld against constitutional challenges. Gonyaw v. Gray, 361 F. Supp. 366 (1973); Roberts v. Way, 398 F. Supp. 856 (1975).

(47) VIRGINIA: Reasonable corporal punishment by principals and teachers is specifically authorized in Virginia by Section 22-231.1 of the Code of Virginia (1950), as follows:

§ 22-231.1. Reasonable corporal punishment of pupils permitted. — In the maintenance of order and discipline, and in the exercise of a sound discretion, a principal or a teacher in a public school or a school maintained by the State, may administer reasonable corporal punishment on a pupil under his authority, provided he acts in good faith and such punishment is not excessive. (1938, c. 298.)

(48) WASHINGTON: Teachers are accorded a privilege against criminal liability for the use of "reasonable and moderate" force on pupils by section 9A.16.020 of the Revised Code of Washington (1976 Washington Legislative Service), as follows:
NEW SECTION. Sec. 9A.16.020. USE OF FORCE - WHEN LAWFUL. The use, attempt, or offer to use force upon or toward the person of another shall not be unlawful in the following cases:
(4) Whenever used in a reasonable and moderate manner by a parent or his authorized agent, a guardian, master, or teacher in the exercise of lawful authority, to restrain or correct his child, ward, apprentice, or scholar.

(49) WEST VIRGINIA: Section 18A-5-1 of the West Virginia Code (1970) provides that teachers stand in the place of parents in exercising authority within the school as follows:

§ 18A-5-1. Authority of teachers and other school personnel; exclusion of pupils having infectious diseases; suspension or expulsion of disorderly pupils.

The teacher shall stand in the place of the parent or guardian in exercising authority over the school, and shall have control of all pupils enrolled in the school from the time they reach the school until they have returned to their respective homes, except that where transportation of pupils is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the children while they are in transit to and from the school. Subject to the rules of the state board of education, the teacher shall exclude from the school any pupil or pupils known to have or suspected of having any infectious disease, or any pupil or pupils who have been exposed to such disease, and shall immediately notify the proper health officer, or medical inspector, or such other person as the local health officer or the state board of health may prescribe for the purposes of the rules governing such cases, or has presented a certificate of health signed by the medical inspector or other proper health officer. The teacher shall have authority to suspend any pupil guilty of disorderly, insubordinate, indecent or immoral conduct, and the district board of education may expel or exclude any such pupil if, on investigation, the conduct of such pupil is found to be detrimental to the progress and the general conduct of the school.

For the purpose of this section: (1) "Pupil" shall include any child, youth, or adult who is enrolled in any instructional program or activity conducted under board authorization and within the facilities of or in connection with any program under public school direction; Provided, that in the case of adults the pupil-teacher relationship shall terminate when the pupil leaves the school or other place of instruction or activity; (2) "teacher" shall include principals, regular teachers, substitute teachers, student teachers, teacher aides and other school employees or persons assigned responsibility for directing or supervising instructional programs or board-approved activities. Teachers shall exercise such other authority and perform such other duties as may be prescribed for them by law or by the rules of the state board of education not inconsistent with the provisions of this chapter and chapter eighteen [§ 18-1-1 et seq.], 1863, c. 137, § 7; 1866, c. 74, § 21; 1867, c. 98, § 15; Code 1868, c. 45, § 15; 1872-3, c. 123, § 15; 1877, c. 73, § 33; 1879, c. 74, § 10; 1881, c. 10, § 13; 1891, c. 68, § 10; 1893, c. 36, § 21; 1901, c. 71, § 10; 1908, c. 27, § 27; 1919, c. 2, §§ 87, 95; Code 1923, c. 45, §§ 87, 95; 1947, c. 62; 1969, c. 160.)

Law review: "Schools—Corporal Punishment Without Civil or Criminal Liability."

(50) WISCONSIN: The teacher’s right to inflict corporal punishment on his pupils was stated in the case of Morrow v. Woods, 35 Wis. 59 (1874), but that case held that the right did not extend to purposes that conflicted with the expressed desires of parents. Section 939.45(5) of the Wisconsin Statutes Annotated (West) (1956) provides persons in loco parentis with a privilege from criminal liability for the use of force in “reasonable discipline” of a minor, as follows:

939.45 Privilege

The fact that the actor’s conduct is privileged, although otherwise criminal, is a defense to prosecution for any crime based on that conduct. The defense of privilege can be claimed under any of the following circumstances:

1. When the actor’s conduct occurs under circumstances of coercion or necessity so as to be privileged under s. 939.46 or 939.47; or
2. When the actor’s conduct is in defense of persons or property under any of the circumstances described in s. 939.48 or 939.49; or
3. When the actor’s conduct is in good faith and is an apparently authorized and reasonable fulfillment of any duties of a public office; or
4. When the actor’s conduct is a reasonable accomplishment of a lawful arrest; or
5. When the actor’s conduct is reasonable discipline of a minor by his parent or a person in loco parentis; or
6. When for any other reason the actor’s conduct is privileged by the statutory or common law of this state.

History and Source of Law

Sources:
R.L.1879 c. 104 §§ 4, 5.
L.1973 c. 312.
R.L.1878 §§ 4300, 4301.
L.1975 §§ 4300, 4301.
L.1978 c. 4.
L.1983 c. 312.

(51) WYOMING: Our research has disclosed no cases concerning corporal punishment in Wyoming. Section 21.1-64 of the Wyoming Statutes (1975 Supp.) authorizes teachers, principals, and superintendents to impose "reasonable" forms of punishment, subject to the rule of the local board of trustees, as follows:
"§ 21.1-64. Punishment and disciplinary measures; denial of diploma or credit.—(a) Each board of trustees in each school district within the state may adopt rules for reasonable forms of punishment and disciplinary measures. Subject to such rules, teachers, principals, and superintendents in such district may impose reasonable forms of punishment and disciplinary measures for insubordination, disobedience, and other misconduct.

(b) No diploma or credit for a course which has been completed successfully shall be denied a pupil who has earned it; provided, such diploma or credit shall not be deemed earned until payment has been made for all indebtedness due to the school district. (Laws 1969, ch. 111, § 64.)
BIBLIOGRAPHY


"Criminal Liability for Excessive or Improper Punishment Inflicted on Child by Parent, Teacher, or One In Loco Parentis," 89 A.L.R. 2d 396.


"In Loco Parentis and Due Process: Should These Doctrines Apply to Corporal Punishment?" Baylor Law Review 26: 678 (Fall, 1974)

"Neither Corporal Punishment Per Se Nor School Board Policies That Authorize the Administration of Reasonable Corporal Punishment Violate the Eighth Amendment's Prohibition Against Cruel and Unusual Punishment, But the Unconscionable Infliction of Such Punishment at One School Does Contravene the Eighth Amendment," George Washington Law Review 43: 1435 (August, 1975)


"Student Discipline in the Public Schools," Journal of Law and Education 2: 491 (July, 1973)

"Teacher's Civil Liability for Corporal Punishment of Pupil," 42 A.L.R. 2d 469

David M. Ackerman
Legislative Attorney
American Law Division
December 17, 1976
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- [Suite v. Glover, 260 Ala. 449, 71 So. 2d 49 (1954); Roberson v. State, 116 So. 317 (Ct. App., 1928).](#)
- [La Frentz v. Gallagher, 105 Ariz. 255, 462 P. 2d 694 (1969).](#)
- [Dodd v. State, 94 Ark. 297, 126 S.W. 834 (1910); Berry v. Arnold School District, 199 Ark. 1118, 137 S.W. 256 (1940).](#)
- [Sheehan v. Sturgis, 53 Conn. 481, 2 A. 841 (1885).](#)
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See Clason v. Frahn, 69 Neb. 278, 95 NW 640 (1903)

Kidder v. Chellis, 59 NH 473 (1879)


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Sims v. School District No. 1, Multnomah County, 508 P. 2d 236 (Or. App., 1973)
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