STATE OF NEW YORK

5261

2023-2024 Regular Sessions

IN SENATE

February 28, 2023

Introduced by Sens. SALAZAR, BRISPORT, CLEARE, GONZALEZ, GOUNARDES, HOYLMAN-SIGAL, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the education law, in relation to prohibiting corporal punishment in educational settings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 1125 of the education law is amended by adding a new subdivision 11 to read as follows:

11. "Corporal punishment" shall mean any act of physical force upon a pupil, however light, for the purpose of punishing such pupil or modifying undesirable behavior. Corporal punishment shall not mean the use of reasonable physical force for any of the following purposes, provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve such purposes: (a) to protect oneself from physical injury; (b) to protect another pupil or teacher or any other person from physical injury; (c) to protect the property of the school or of others; or (d) to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district functions, powers or duties if such pupil has refused to comply with a request to refrain from further disruptive acts.

§ 2. The education law is amended by adding a new section 1135 to read as follows:

§ 1135. Prohibition of corporal punishment. No teacher, administrator, officer, employee or agent of a school, educational setting, nursery school, preschool, or kindergarten in this state shall use corporal punishment against a pupil.

§ 3. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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