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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

January 9, 2004

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Karl Girton, Chairman
State Board of Education
333 Market Street, 1st Floor
Harrisburg, PA 17126-0333

COPY

Dear Mr. Girton:

Original: 2367

The House Education Committee held an informational meeting on December 17, 2003, to hear a presentation by the State Board of Education regarding proposed rulemaking #6-280 (22 PA Code, Chapters 7 and 12) regarding pupil services and students. Due to the memorial service for Representative Roy Cornell, the House Education Committee was forced to cancel its meeting scheduled for Wednesday, January 7, 2004, and could not take any official votes on formal comments.

Pursuant to Section 5(d) of Act 181 of 1982, as amended, known as the Regulatory Review Act, as Chairman of the House Education Committee, I am hereby providing comments of the Committee's staff and members based on the December 17th informational meeting.

The two major concerns expressed by Committee members at the meeting on December 17th were as follows:

- (1) Consolidation of Chapters 7 and 12. Several members expressed concern that Chapter 7 should remain a separate chapter. Concern was expressed that the incorporation of Chapter 7 and Chapter 12 would diminish the effectiveness of pupil personnel services. The generalized description of the services to be provided seems to render specific qualifications of personnel meaningless.
- (2) Prohibition of the use of corporal punishment (§12.5). Several members expressed concern that corporal punishment can be an effective method of improving student behavior and should not be eliminated as a possible recourse for action. Staff has developed potential language at the request of several members for consideration by the State Board (copy enclosed).

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On behalf of the Committee, I thank you and the Board's staff for your cooperation with this Committee as we considered action on the subject proposed rulemaking. If there are any questions regarding our comments, please contact my office at 783-3911.

Sincerely,



Representative Jess M. Stairs
Chairman, House Education Committee

JMS/er
Enclosure

cc: Mr. Robert Nyce, Executive Director, IRRC ✓
Members of the House Education Committee

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§ 12.5 [Corporal punishment] **Physical discipline.**

(a) [Corporal punishment] **Physical discipline**, namely physically punishing a student by **paddling** for an [offense] **infraction of the discipline policy**, may be administered by teachers and school officials to discipline students [when authorized by, and in accordance with policies and guidelines established by, the board of school directors.] **only when the board of school directors has adopted a written policy allowing for physical discipline.**

(b) [Reasonable force may be used but under no circumstances shall a student be punished in such a manner as to cause bodily injury.] **The written policy under this section shall include, but not be limited to the following:**

- (1) **The requirement that the decision to apply physical punishment ultimately rests with the classroom teacher and his/her supervising principal.**
- (2) **The requirement that teachers be observed by another teacher or supervising principal when administering physical discipline.**
- (3) **The requirement that physical discipline shall not be applied in the heat of anger, with excessive force, or to any area of the student's body except the buttocks.**
- (4) **The requirement that physical discipline shall not be administered as an initial means of discipline.**
- (5) **The requirement that the teacher and a supervising principal must determine the age- and sex-appropriateness of physical discipline as well as the degree of seriousness of the infraction.**

(c) Where [corporal punishment] **physical discipline (i.e. paddling)** is authorized, school authorities shall [notify all parents of this policy] **conspicuously print the written physical discipline policy in the student handbook, if any, and shall communicate such policy in writing to the parents or guardians of the school's students, along with the parents' right to have their child/children exempted from this form of discipline.** [Corporal punishment] **Physical discipline** [may] shall not be administered to a child whose parents have notified school authorities **in writing** that such disciplinary method is prohibited.

(d) In situations where a parent or school board prohibits [corporal punishment] **physical discipline**, [reasonable force may still be used by] teachers and school authorities **may use reasonable force** under the following circumstances:

- (1) To quell a disturbance.
- (2) To obtain possession of weapons or other dangerous objects.
- (3) For the purpose of self-defense.
- (4) For the protection of persons or property.

(e) [Corporal punishment should never be administered in the heat of anger. It should be recognized that corporal punishment always contains the danger of excessiveness. No disciplinary action should exceed in degree the seriousness of the offense.] **When physical discipline is being administered to a student, the student [Students] shall not be required to remove clothing when being punished nor shall the student be physically disciplined in front of another student.**