

141ST CONGRESS
1ST SESSION

H.R. 21

To end the use of corporal punishment as means of discipline in schools in the United States of America.

IN THE HOUSE OF REPRESENTATIVES

May 31, 2021

Mr. WOLF (for himself and on behalf of Secretary of Education
Konnor Harris on behalf of the Berry Administration, Ms. KELLY)
introduced the following bill;

A BILL

To end the use of corporal punishment in schools.

*Be it enacted by the Senate and House of Representatives of the United States of
America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Corporal Punishment Act of 2021”

SEC. 2. FINDINGS.

Congress finds that—

- 1) Corporal Punishment is still legal in Pacifica and Lincoln.
- 2) Hundreds of thousands of school children are subjected to corporal punishment in public schools.
- 3) African-American students are disproportionately the recipients of corporal punishment.
- 4) Corporal Punishment is ineffective as a means of discipline in schools.

SEC. 3. DEFINITIONS.

In this Act—

- 1) CORPORAL PUNISHMENT.—The term “corporal punishment” means paddling, spanking, or other forms of physical punishment, however light, imposed upon a student.
- 2) EDUCATIONAL SERVICE AGENCY.—The term “educational service agency” has the meaning given such a term in section 8101(18) of the Elementary and Secondary Education Act of 1965.
- 3) SCHOOL.—The term “school” means an entity that is a public or private day or residential elementary school or secondary school; or early childhood, elementary school, or secondary school program that is under the jurisdiction of a school, local educational agency, educational service agency, or other educational institution or program; and receives, or serves students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education; or that is a school funded or operated by the Department of the Interior.
- 4) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term “specialized instructional support personnel” means school counselors, school social workers, school nurses, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, health, therapeutic, and other necessary corrective or supportive services.
- 5) SECONDARY SCHOOL.—The term “secondary school” has the meaning given the term in section 8101(45) of the Elementary and Secondary Education Act of 1965
- 6) SECRETARY.—The term “Secretary” means the Secretary of Education.
- 7) STATE.—The term “State” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.
- 8) STATE EDUCATIONAL AGENCY.—The term “State educational agency” has the meaning given the term in section 8101(48) of the Elementary and Secondary Education Act of 1965.
- 9) STUDENT.—The term “student” means a student enrolled in a school defined in paragraph 3).
- 10) ELEMENTARY SCHOOL.—The term “elementary school” has the meaning given the term in section 8101(19) of the Elementary and Secondary Education Act of 1965.
- 11) ELEMENTARY SCHOOL.—The term “elementary school” has the meaning given the term in section 8101(19) of the Elementary and Secondary Education Act of 1965.
- 12) PARENT.—The term “parent” has the meaning given the term in section 8101(38) of the Elementary and Secondary Education Act of 1965.

SEC. 4. PROHIBITION AGAINST CORPORAL PUNISHMENT.

Subpart 4 of part C of the General Education Provisions Act (20 U.S.C. 1232f et seq.) is amended by adding at the end the following:

“SEC. 448. PROHIBITION AGAINST CORPORAL PUNISHMENT.

“(a) General Prohibition.—No funds shall be made available under any applicable program to any educational agency or institution, including a local educational agency or State educational agency, that has a policy or practice which allows school personnel to inflict corporal punishment upon a student—

“(1) As a form of punishment; or

“(2) for the purpose of modifying undesirable behavior.

“(b) Local Educational Agencies.—

“(1) IN GENERAL.—In the case of an applicable program under which a local educational agency may only receive funds through a State educational agency that is prohibited under subsection (a) from receiving funds under any applicable program, a local educational agency that is not prohibited under subsection (a) from receiving such funds may apply directly to the Secretary to receive funds under the program.

“(2) CERTIFICATION.—Each local educational agency applying directly to the Secretary under paragraph (1) shall certify in such application that the agency is not prohibited under subsection (a) from receiving funds under any applicable program.

“(c) Rule Of Construction.—Nothing in this section shall be construed to preclude school personnel from using, within the scope of employment, reasonable restraint to the lightest possible degree upon a student, if—

“(1) the student’s behavior poses an imminent danger of physical injury to the student, school personnel, or others;

“(2) less restrictive interventions would be ineffective in stopping such imminent danger of physical injury; and

“(3) the reasonable restraint ends immediately upon the cessation of the conditions described in paragraphs (1) and (2)”.

SEC. 5. ENFORCEMENT.

(1) IN GENERAL.—

(A) **USE OF REMEDIES.**—If a State Educational Agency fails to comply with Section 448 of this law, the Secretary shall—

- (i) withhold, in whole or in part, further payments under an applicable program (as such term is defined in section 400(c) of the General Education Provisions Act (20 U.S.C. 1221)) in accordance with section 455 of such Act (20 U.S.C. 1234d);
- (ii) enter into a compliance agreement in accordance with section 457 of the General Education Provisions Act (20 U.S.C. 1234f); or
- (iii) issue a complaint to compel compliance of the State educational agency through a cease and desist order, in the same manner the Secretary is authorized to take such action under section 456 of the General Education Provisions Act (20 U.S.C. 1234e).

(B) **CESSATION OF WITHHOLDING OF FUNDS.**—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a State educational agency that is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments with respect to the State educational agency under such subparagraph.

SEC. 6. EXEMPTIONS.

Rule Of Construction.—Nothing in this section shall be construed to preclude school personnel from using, within the scope of employment, reasonable restraint to the lightest possible degree upon a student, if—

- (1) the student’s behavior poses an imminent danger of physical injury to the student, school personnel, or others;
- (2) less restrictive interventions would be ineffective in stopping such imminent danger of physical injury; and

(3) the reasonable restraint ends immediately upon the cessation of the conditions described in paragraphs (1) and (2).

SEC. 7. LIMITATIONS OF AUTHORITY.

(a) In General.—Nothing in this Act shall be construed to restrict or limit, or allow the Secretary to restrict or limit, any other rights or remedies otherwise available to students or parents under Federal, State, or local law or regulation.

(b) Applicability.—

(1) PRIVATE SCHOOLS.—Nothing in this Act shall be construed to affect any private school that does not receive, or does not serve students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education.

(2) HOME SCHOOLS.—Nothing in this Act shall be construed to—

(A) affect a home school, whether or not a home school is treated as a private school or home school under State law; or

(B) consider parents who are schooling a child at home as school personnel.

SEC. 8. ENACTMENT.

EFFECTIVE DATE.— The provisions of this Act shall come into force immediately upon passage.