

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Kentucky Board of Education

Department of Education

(Amended at ARRS Committee)

704 KAR 7:170. Corporal punishment.

RELATES TO: KRS 156.160, 158.6451, 503.050, 503.070, 503.110

STATUTORY AUTHORITY: KRS 156.070, 156.160, 158.444

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 authorizes the Kentucky Board of Education to manage and control the common schools and all programs operated within those schools. KRS 156.160(1)(h) requires the Kentucky Board of Education to promulgate administrative regulations necessary or advisable for the protection of the physical welfare and safety of public school students. KRS 158.444 requires the Kentucky Board of Education to promulgate administrative regulations relating to school safety, student discipline, and related matters. This administrative regulation establishes the conditions under which corporal punishment may be used in public schools.

Section 1. Definitions.

- (1) "Corporal punishment" means the deliberate infliction of physical pain by any means upon the whole or any part of a student's body as a penalty or punishment for student misbehavior.
- (2) "Dangerous instrument" is defined by KRS 500.080(3).
- (3) "Deadly weapon" is defined by KRS 500.080(4).
- (4) "Evidence-based" is defined by 34 C.F.R. 77.1.
- (5) "Physical injury" is defined by KRS 500.080(13).
- (6) "Qualified mental health professional" is defined by KRS 202A.011(12).
- (7) "Serious physical injury" is defined by KRS 500.080(15).
- (8) "Trauma-informed approach" is defined by KRS 158.4416(1).

Section 2. A student with an Individual Education Program (IEP) pursuant to 707 KAR Chapter 1, 504 plan pursuant to Section 504 of the Rehabilitation Act of 1973, or identified as a homeless or foster care youth pursuant to 704 KAR 7:090 shall not be subjected to corporal punishment.

Section 3.

- (1) Except for a local board of education that prohibits corporal punishment pursuant to Section 7(1)(a) of this administrative regulation, within the first five (5) days of enrollment each school year, the school shall request written consent from the legal guardian of each student to use corporal punishment as a behavior intervention for their child. The written consent shall inform the legal guardian of how to access the student code of conduct, describe the code of conduct violations that may result in corporal punishment, and notify the legal guardian that consent may be withdrawn at any point during the school year. Absent valid written consent signed by the legal guardian, corporal punishment shall not be administered.
- (2) Before administering corporal punishment to a pupil, the school shall contact the child's legal guardian to provide prior notification and receive affirmative verbal consent.

Section 4. Prior to administering corporal punishment to a pupil, the school shall attempt to remedy problematic behavior through the use of evidence-based practices consistent with a trauma-informed approach.

Section 5.

- (1) Corporal punishment may only be administered by the Principal or Assistant Principal. Corporal punishment shall only be administered in the presence of at least one (1) additional certified staff member who is the same gender as the student.
- (2) Corporal punishment shall not be administered in a location where another student, staff member other than those described in subsection (1) of this section, or adult visitor to the school can see or hear the corporal punishment.
- (3) A staff member shall not be compelled to administer or witness corporal punishment.

Section 6.

- (1) After administering corporal punishment, the school shall ensure that the student receives a minimum of thirty (30) minutes of counseling provided by the school's guidance counselor, school social worker, school psychologist, or other qualified mental health professional no later than the end of the next school day.
- (2) Each incidence of corporal punishment shall be recorded in the student information system. Schools shall report:
 - (a) The time and date the punishment was administered;
 - (b) The name and position of the individual who administered the punishment;
 - (c) The names and positions of any witnesses to the punishment;
 - (d) The time and date of the prior consent required under Section 3 of this administrative regulation;
 - (e) The name and relationship of the individual providing consent under Section 3 of this administrative regulation;
 - (f) The behavioral interventions deployed prior to corporal punishment as required under Section 4 of this administrative regulation; and
 - (g) The time and date of the student counseling appointment required under Section 5 of this administrative regulation.

Section 7.

- (1) Each local board of education shall adopt a policy that either:
 - (a) Prohibits the use of corporal punishment in the district; or
 - (b) Allows the use of corporal punishment in the district.
 - (2) If the local board of education adopts a policy allowing the use of corporal punishment, its policy shall:
 - (a) Define the circumstances under which corporal punishment may be deployed which shall not exceed the justification included in KRS 503.110;
 - (b) Define the procedures for deploying corporal punishment;
 - (c) Define the tool or instrument to be used when administering corporal punishment and include a prohibition on the use of dangerous instruments or deadly weapons;
 - (d) Define the limits on corporal punishment and ensure that corporal punishment shall not result in physical injury or serious physical injury; and
 - (e) Define the procedures for documenting and reporting corporal punishment.
- (48 Ky.R. 2139, 2760, 2971; eff. 8-30-2022.)

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