

**MEMORANDUM**

**TO:** Members, Utah State Board of Education

**FROM:** Angie Stallings, Associate Superintendent  
Policy and Communication

**DATE:** January 6-7, 2015

**ACTION:** Policy Recommendation Regarding Corporal Punishment Statute

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**Background:**

During the Law and Licensing Committee's May meeting, the Committee expressed interest in recommending that the Legislature amend the corporal punishment statute, Utah Code Section 53A-11-802.

**Key Points:**

The question is whether the Board would like to support legislation that would amend Utah Code Section 53A-11-802 to remove the allowance for use of restraint or force in instances of property destruction which do not pose an immediate danger to the student or others.

**Anticipated Action:**

The Law and Licensing Committee will discuss potential amendments to Utah Code Section 53A-11-802 and make recommendations to the Board regarding whether to support a bill during the 2016 session to enact those amendments.

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**53A-11-802 Prohibition of corporal punishment -- Use of reasonable and necessary physical restraint or force.**

- (1) A school employee may not inflict or cause the infliction of corporal punishment upon a child who is receiving services from the school, unless written permission has been given by the student's parent or guardian to do so.
- (2) This section does not prohibit the use of reasonable and necessary physical restraint or force in self defense or otherwise appropriate to the circumstances to:
  - (a) obtain possession of a weapon or other dangerous object in the possession or under the control of a child;
  - (b) protect the child or another person from physical injury;
  - (c) remove from a situation a child who is violent or disruptive; or
  - (d) protect property from being damaged.
- (3)
  - (a) Any rule, ordinance, policy, practice, or directive which purports to direct or permit the commission of an act prohibited by this part is void and unenforceable.
  - (b) An employee may not be subjected to any sanction for failure or refusal to commit an act prohibited under this part.
- (4) A parochial or private school may exempt itself from the provisions of this section by adopting a policy to that effect and notifying the parents or guardians of children in the school of the exemption.

Enacted by Chapter 251, 1992 General Session