

Policy No.: 504.05
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CORPORAL PUNISHMENT

Corporal punishment is defined as the intentional physical Punishment of a student and is prohibited. It includes the use of unreasonable or unnecessary physical force or physical contact made with the intent to harm or cause pain. No employee is prohibited from:

1. Using reasonable and necessary force, not designed or intended to cause pain, in order to accomplish any of the following:
 - a) To quell a disturbance or prevent an act that threatens physical harm to any person.
 - b) To obtain possession of a weapon or other dangerous object within a pupil's control.
 - c) For the purposes of self-defense or defense of others as provided for in Nebraska Statute 28-1409 and 1410.
 - d) For the protection of property as provided for in Nebraska Statute 28-1411.
 - e) To remove a disruptive pupil from class or any area of school premises or from school-sponsored activities off school premises.
 - f) To protect a student from the self-infliction of harm.
 - g) To protect the safety of others.

2. Using incidental minor, or reasonable physical contact to maintain order and control.

Reasonable physical force should be commensurate with the circumstances of the situation. The following factors should be considered in using reasonable physical force for the reasons stated in this policy:

- The size and physical, mental, and psychological condition of the student;
- The nature of the student's behavior or misconduct provoking the use of physical force;
- The method used in applying the physical force;
- The extent and nature of resulting injury to the student, if any;
- The motivation of the school employee using physical force.

Upon request, the student's parents shall be given an explanation of the reasons for physical force.

Any person employed by the district who has been involved in an incident involving self-defense, the defense of others, the defense of one's property, or the defense of the property of another, shall make an oral report of such circumstances to the Superintendent of the Schools or to his designated official as soon as practicable following the incident, and shall submit a written report within 72 hours of the occurrence. The Superintendent or his/her designated official shall prepare a memorandum of such report and shall take such efforts as he/she deems appropriate to investigate concerning any such incident.

Legal Reference: Neb. Statute 28-1409 and 1410
28-1413
79-295
Ingraham v. Wright, 430 U.S. 651 (1977).
Goss v. Lopez, 419 U.S. 565 (1975).