

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2289

Introduced by

Senators Flakoll, Freborg, J. Lee

Representatives Clark, R. Kelsch, Thoreson

1 A BILL for an Act to amend and reenact section 15.1-19-02 of the North Dakota Century Code,
2 relating to corporal punishment.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 15.1-19-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15.1-19-02. Corporal punishment - Prohibition - Consistent policies.**

- 7 1. A school district employee may not inflict, cause to be inflicted, or threaten to inflict
8 corporal punishment on a student.
- 9 2. This section does not prohibit a school district employee from using the degree of
10 force necessary:
- 11 a. To quell a physical disturbance that threatens physical injury to an individual
12 or damage to property;
- 13 b. To quell a verbal disturbance;
- 14 c. For self-defense;
- 15 d. For the preservation of order; or
- 16 e. To obtain possession of a weapon or other dangerous object within the
17 control of a student.
- 18 3. For purposes of this section, corporal punishment means the willful infliction of
19 physical pain on a student; willfully causing the infliction of physical pain on a
20 student; or willfully allowing the infliction of physical pain on a student. Physical
21 pain or discomfort caused by athletic competition or other recreational activities
22 voluntarily engaged in by a student is not corporal punishment. A school board
23 may not expand through policy the definition of corporal punishment beyond that
24 provided by this subsection.

- 1 4. a. The board of each school district shall develop policies setting forth standards
2 for student behavior ~~and~~, procedures to be followed if the standards are not
3 met, and guidelines detailing how all incidents are to be investigated.
- 4 b. The board shall ensure that the policies, procedures, and guidelines
5 applicable to all elementary schools in the district are identical, that the
6 policies, procedures, and guidelines applicable to all middle schools in the
7 district are identical, and that the policies, procedures, and guidelines
8 applicable to all high schools in the district are identical.