

**SENATE BILL NO.**

Introduced by

Senator Flakoll

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 - Policies - Appeal of disciplinary**  
7 **action.**

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

- 1                   may not expand through policies the definition of corporal punishment beyond that  
2                   set forth in this subdivision.
- 3           4.   The board of each school district shall develop policies setting forth standards for  
4           student behavior and procedures to be followed if the standards are not met. The  
5           board shall ensure that the policies governing all elementary schools in the district  
6           are identical and consistently applied, that the policies governing all middle schools  
7           in the district are identical and consistently applied, and that the policies governing  
8           all high schools in the district are identical and consistently applied.
- 9           5.   If the board of a school district disciplines an employee for violating this section or  
10           any policy adopted under this section, the employee may appeal the decision of  
11           the board to the district court.