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HOUSE BILL NO. 528

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact § 22.1-279.1 of the Code of Virginia, relating to notification of parents when students are restrained.

Patrons—Nixon and Athey; Senator: Martin

Referred to Committee on Education**Be it enacted by the General Assembly of Virginia:****1. That § 22.1-279.1 of the Code of Virginia is amended and reenacted as follows:**

§ 22.1-279.1. Corporal punishment prohibited; parental notification of physical restraint.

A. No teacher, principal or other person employed by a school board or employed in a school operated by the Commonwealth shall subject a student to corporal punishment. This prohibition of corporal punishment shall not be deemed to prevent (i) the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property; (iii) the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) the use of reasonable and necessary force for self-defense or the defense of others; or (v) the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his control.

B. In determining whether a person was acting within the exceptions provided in this section, due deference shall be given to reasonable judgments at the time of the event which were made by a teacher, principal or other person employed by a school board or employed in a school operated by the Commonwealth.

C. *The school principal or his designee shall notify the parents of a student, including those with an Individual Education Plan, whenever action has been taken to physically restrain such student.*

D. For the purposes of this section, "corporal punishment" means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline.

This definition shall not include physical pain, injury or discomfort caused by the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control as permitted in subdivision (i) of subsection A of this section or the use of reasonable and necessary force as permitted by subdivisions (ii), (iii), (iv), and (v) of subsection A of this section, or by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity.

INTRODUCED

HB528