

TO: Directors of Schools  
FROM: Christy Ballard, General Counsel  
DATE: July 17, 2023  
SUBJECT: **Revised Conditions for the Use of Corporal Punishment**

[Chapter 275 of the Public Acts of 2023](#) amended the circumstances under which local education agencies (LEAs) may use corporal punishment against students. Tenn. Code Ann. § 49-6-4103(a)(2)(A) now requires the student's teacher or school principal to document the following conditions in the student's educational record *prior to* using corporal punishment against a student:

1. the teacher or principal must have acted to address the student's behavior;
2. the teacher or principal must have provided consequences to the student to address the behavior;
3. the teacher or principal must have consulted with the student's parent or guardian about the student's behavior; and
4. the teacher or principal must have considered the need to conduct an initial evaluation to determine whether the student is a "student with a disability" as defined under 34 C.F.R. § 300.8 and State Board of Education (SBE) Rule 0520-01-09-.02(3).

Please note that LEAs are not required to conduct an initial special education evaluation if the LEA does not suspect that the student has a qualifying disability under the Individuals with Disabilities Education Act (IDEA) or is in need of special education and related services as a result of the disability. If the LEA does not suspect that the student is a "student with a disability," then the LEA should issue a prior written notice explaining the basis for refusing to conduct an initial evaluation. *See* 34 C.F.R. § 300.503(a); SBE Rule 0520-01-09-.15(4).

If the LEA has documented those conditions in the student's educational record, the LEA may use corporal punishment against the student in a reasonable manner and for good cause to maintain discipline and order. *See* Tenn. Code Ann. § 49-6-4103(a)(1). If the student is a student with a disability, the LEA may only use corporal punishment against the student if:

1. the LEA's discipline policy permits the use of corporal punishment against students with disabilities;
2. the student's parent provides the LEA with written permission to use corporal punishment against the student, including the type of corporal punishment that may be used and the circumstances in which corporal punishment may be used;
3. the school's principal informs the parent, when the written permission for the use of corporal punishment is submitted, that the parent may revoke the permission to use corporal punishment at any time by giving written notice to the school's principal;
4. the school's principal keeps the written permission on file at the school; and
5. the school's principal notifies the student's parent any time corporal punishment is used.

*See* Tenn. Code Ann. § 49-6-4103(b).

Please contact Tennessee Department of Education Assistant General Counsel for Special Education, Taylor Jenkins, at [Taylor.Jenkins@tn.gov](mailto:Taylor.Jenkins@tn.gov) or (615) 626-0283 for additional questions.