

POLICY PROHIBITING PHYSICAL MISTREATMENT OF STUDENTS

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Corporal punishment of students in any form is forbidden in the Pojoaque Valley Public Schools. The superintendent is directed to provide training for employees in effective methods of discipline which contribute to orderly, safe schools.

In carrying out that determination through this policy, the Board has taken account of the circumstances employees may face from time to time that call for extraordinary action. In addition, teachers, counselors, and other education professionals frequently observe the educational value of friendly physical contact to reward or encourage students, as appropriate in view of the student's age and sex. It is not the purpose of this policy to prohibit or inhibit the types of appropriate friendly contact between professional staff and students that frequently takes place as part of the educational process, for example, pats on the back, shoulder, arm, or head. The Board believes professional staff members can readily distinguish between appropriate and inappropriate contact in the exercise of sound professional judgment, as well as pursuant to the terms of this policy. To the extent any uncertainty exists on the part of individual staff members, questions should be directed to the administration.

Physical Mistreatment Prohibited:

The Board of Education forbids physical mistreatment by any employee of any student, including the administration of corporal punishment by any employee upon any student. Employees are prohibited from physically mistreating students themselves and from directing or suggesting physical mistreatment of a student by another student.

Definition of "physical mistreatment":

For purposes of this policy, physical mistreatment is defined as any form of corporal punishment or any action administered upon or directed to the body, including, but not limited to:

1. spanking, paddling, striking, squeezing or pinching any part of the body, or forcefully grabbing the body or clothing of a student;
2. requiring a student to assume uncomfortable positions (e.g., hands held over head);
3. restraining or restricting physical movement through binding or tying;
4. enclosing a student in a confining space such as a closet, locker, or similar cubicle;
5. using exercise as a punishment (e.g., pushups, laps); provided, that reasonable exercise may be used as a disciplinary or motivational measure for student in physical education classes, or for students participating in athletic programs.

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Exceptions:

The following actions are excepted from this policy, and will not constitute a violation of this policy:

1. An employee may reasonably restrain a student whose conduct is violent or physically disruptive if the student's conduct is directed toward any persons, including, but not limited to, any employee, another student, or the student himself or herself, or if the student's conduct is directed toward school property or the property of another on school premises.

2. In any instance in which a student has refused valid directives to proceed to, to leave, or to avoid entering any part of the school premises, and the student's refusal creates a disruption or potential disruption of the operations of the school, it is not a violation of this policy for an employee to exercise a reasonable grasp upon, or restraint of, the student for the purpose of moving or removing the student, or for the purpose of preventing the student from entering the premises.

3. It is not a violation of this policy for a teacher or administrator to use reasonable physical work as a punishment, analogous to the concept of community service, including such tasks as sweeping, cleaning, etc., **provided**, no student shall be assigned to do any heavy or strenuous labor, nor any work unsuitable to the student's age, gender, and physical capacity.

Interpretation:

In assessing an employee's conduct under this policy, consideration will be given to the totality of the circumstances, including what the employee reasonably perceived, what the employee reasonably intended, and whether the employee's conduct was reasonable under the circumstances and in view of the employee's professional status.

Discipline:

An employee who is found to have violated this policy shall be subject to discipline, which may include suspension or discharge for any violation. In addition, instances of physical mistreatment of students by employees will be referred to law enforcement and child protective agencies as required by law.

See Policy 336-7