



# 2023 Annual Conference

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# 2023 New Legislation

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# HB 147 – Safe Schools Act

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By 10/1/2023 every school shall conduct “Intruder Alert Drill” for everyone based on GEMA guidance and report to GEMA

By 12/31/23, PSC shall create a “School Safety and Anti-Gang Endorsement”

Local BOE may choose to allow written parental opt out

# SB 45 – A.J.'s Law

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“The parent ... of a student being treated for epilepsy or seizure disorder may seek support and services ...while the student is at school or participating in a school related function...” annually submitting seizure action plan.”

“A seizure action plan... shall be reviewed upon [enrollment, beginning of each year, following any change in diagnosis]” and shall be signed by parent and student’s physician responsible for treatment.

A student’s school choice shall not be restricted because of the plan.



## SB 45 – A.J.'s Law

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In accordance with the request of a parent or guardian of a student being treated for epilepsy or a seizure disorder and the reviewed submission of such student's seizure action plan, a school nurse or ... **trained seizure action plan personnel** shall be onsite at each school where a student with a seizure action plan is enrolled ... during regular school hours to provide support and services to the student in accordance with the student's seizure action plan. In the event that a school nurse or trained seizure action plan personnel are unavailable to provide such support and services, other school personnel shall be authorized to commence emergency procedures, including, but not limited to, contacting 911 emergency services.

# SB 45

## A.J.'s Law

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Provides for the parent/guardian of a student that is being treated for epilepsy or a seizure disorder to seek support and services for the student's seizures while the student is at school or participating in a school related function

- Must submit a seizure action plan in writing upon enrollment (and every year thereafter)

The plan shall:

- A. Identify the student's diagnosis and describe such student's particular symptoms, any precursors or triggers;
- B. Identify the support and services the student may need in response to emergency conditions;
- C. List and describe the student's daily and emergency medications related to such student's treatment and any other medications deemed relevant by the parent and the physician, including, but not limited to, any rescue medication prescribed by such physician and guidance on how to identify how and when to administer such medication;
- D. Identify any special considerations and safety precautions and emergency procedures to be considered
- E. Describe such student's level of understanding of and ability to manage his or her epilepsy or seizure disorder;
- F. Include complete and updated contact information for the student's parents or guardians and the physician responsible for such student's epilepsy or seizure disorder treatment;
- G. Include a statement of acknowledgment and release from the student's parent or guardian authorizing the sharing of medical information between such student's physician and other healthcare providers

# SB 45 (cont'd)

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During field trips or other school functions which parents or guardians are permitted to attend, the parent or a guardian of a student with a seizure action plan, or a designee of such parent or guardian, may accompany such student in lieu of a school nurse or trained seizure action plan personnel.

- A copy of the seizure action plan for each student with a seizure action plan enrolled in a school shall be readily available at all times to school personnel working in the main office and school clinic; and
- A copy of the seizure action for each student with a seizure action plan attending a field trip or other school related function away from the school shall be readily available to school personnel with designated responsibility for the supervision of such students
- Also notice of condition, emergency contact and seizure disorder first aid training for bus drivers




# SB 45 (cont'd)

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The activities set forth ... shall not constitute the practice of nursing and shall be exempted from all applicable statutory and regulatory provisions that restrict what activities can be delegated to or performed by a person who is not a licensed healthcare professional. The activities are within the scope of duties and require the exercise of judgment or discretion on the part of the employee.

No later than August 1, 2023, DOE shall develop a model seizure action plan and guidelines for training of nurses and other school personnel, including

- i. Basic understanding of epilepsy and seizure disorders;
- ii. Medical and treatment issues associated with epilepsy and seizure disorders that can affect the educational process for students being treated for epilepsy or a seizure disorder;
- iii. Assessing a student's level of understanding of and ability to manage his or her epilepsy or seizure disorder;
- iv. Recognizing common symptoms associated with epilepsy and seizure disorders;
- v. Recognizing complications that require emergency assistance;
- vi. Providing support and services, including, but not limited, first aid, to students under a seizure action plan; and
- vii. Maintaining communication with the student, the student's parent or guardian, the school nurse and the student's teachers.



## SB 45 (cont'd)

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Training must be provided to at least one member of school personnel per grade at each school attended by a student being treated for epilepsy or seizure disorder

- No physician, nurse, school employee, local school system, or charter school governing body shall be liable for civil damages or subject to disciplinary action under professional licensing regulations or school disciplinary policies as a result of the activities authorized or required by this Code section when such acts are committed as an ordinarily reasonably prudent physician, nurse, school employee, local school system, or charter school governing body would have acted under the same or similar circumstances.

# HB 440 Glucagon

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Schools may acquire and stock glucagon rescue therapy for the treatment of severe hypoglycemia

- Injectable or inhalant
- Schools stocking glucagon shall have employee trained in the possession and administration
- Same person is responsible for storage, maintenance and distribution
- Schools can work with suppliers to get glucagon donated

SBOE, in consultation with DPH, will adopt procedures by July 1, 2023

# HB 402 – Edna Mae McGovern Act

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At beginning of school year, each school or District shall provide parents information on the “important role that water safety courses and swimming lessons play in saving lives.”

Provide information directly to students over 18

Include information about where to get water safety and swimming lessons, if available within vicinity

No obligation to provide such courses on District or to excuse absences to take such courses

## SB 86 – HOPE and CTAE

Students in dual enrollment eligible for HOPE shall be allowed to access HOPE for eligible CTAE courses irrespective of whether the student has reached any maximum credit hour cap

# HB 87 Completion Special Schools Act

Enrollment eligible student – 18 or over eligible for enrollment under state law meeting definition of drop out and is not currently enrolled in public school

Program student – attends pursuant to a collaborative agreement between the Completion Special School and the resident school system but where the student is not currently enrolled

# HB 87 (cont'd)

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Completion Special Charter Schools shall provide educational programs for grades 9-12

- 1) Nontraditional programs for students who are more apt to succeed in such rather than traditional program
- 2) Dropout prevention
- 3) Academic instruction program
- 4) High School credit recovery
- 5) Weekday, evening and weekend classes

Students enrolled in resident school system can enroll in Completion Special School as long as there is available classroom space and

- a) Student is not counted on Completion Special School FTE
- b) Student is enrolled in resident school system
- c) Resident school system is a party to a collaborative operating agent

# HB 87 (cont'd)

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Completion Special Schools can seek waivers of law/rules for “improvement of student performance”

Each Completion Special School will be subject to a governing body

- All Superintendents of resident schools that are parties to collaborative operating agreements are ex-officio members
  - 5 members will be elected to serve on governing board
    - Staggered terms of 2 years
    - Governing board elects a chairman among themselves

Can serve as governing board member, even if immediate family member is a Principal, Assistant Principal, system-wide admin staff of school

- Can appoint another from resident school to serve in his/her place





SB 1 – As of 6/30/23,  
removes repeal of  
statute prohibiting  
COVID vaccinations  
as requirement for  
entry into school

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# HB 193 – Public Works Construction

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RAISED THE THRESHOLD FOR A  
COMPETITIVE PROCESS FOR PUBLIC  
WORKS PROJECT FROM \$100,000 TO  
\$250,000



## HB 311 – Temporary Tax Relief

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Buildings substantially damaged in national disaster may get property tax relief if offered by local governing authority (includes city or county school districts)

# HB 340: Daily Duty-Free Planning Period

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All K-12 grade teachers are entitled to a planning period

- Can't increase number of hours worked due to planning period
- Can't consider planning period as duty free lunch

General Assembly not required to fund it

Teacher can “exchange” planning period for additional compensation or benefit

Where necessary, due to “extreme economic constraints or unforeseen/unavoidable personnel shortage”, District may

- Require a teacher otherwise entitled to a planning period to supervise students during such planning period but for no more than one day in any school week except when necessary to ensure the safety of students and staff.

# HB 340 – Teachers and Board Members

No individual board member shall discuss an individual personnel matter with superintendent or school personnel except as provided in

20-2-943

20-2-989.7 and .8

20-2-1160

50-14-3 and 4

Or otherwise as provided by law.


“**mere referral**” of a matter does not violate the law.



# SB 129 - Voting

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MAY PROVIDE UP TO TWO HOURS OF  
TIME OFF FOR VOTING ON ELECTION  
DAY OR ON AN EARLY VOTING DAY

An illustration of a person in a teal suit and purple tie, holding a white ballot. They are standing at a voting booth. The background is a yellow and orange halftone pattern.

Know your  
employees' rights...

for time off to  
vote.

**VOTE**

# SB 204 – Accrediting Agencies

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Measures of the quality of learning and teaching in public school, as determined by SBOE prescribed as an appropriate percentage not to exceed 65%

Measures of financial efficiency prescribed as an appropriate percentage

Nothing about governance

Notice of an opportunity for a hearing and the right to appeal, including right to counsel, see HB 340

Notice to the State School Supt within 30 days of any action as to accreditation

Can not offer any service for a fee to remediate a deficiency



# HB 340 – SBOE and Accrediting Agencies

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Dispute by School District of findings and recommendations of accrediting agency may be appealed with 70 days of decision to accreditation committee of SBOE and District may present evidence

Accreditation Committee will work toward resolution

If not resolved, District can go to arbitration with cost paid by accrediting agency

Either party may appeal to SBOE



SBOE/Office of Student Achievement will establish rules/regulations to implement uniform, grade-appropriate metrics for measuring literacy

No later than January 1, 2024, the SBOE shall

A) Approve high-quality instructional materials for teaching K-3 students to read

B) Create a procedure for each District to annually certify to SDOE that locally approved instructional materials are indeed high-quality instructional materials

HB 538 Georgia Early Literacy Act  
O.C.G.A. § 20-2-153.1

# HB 538 (cont'd)

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'High-quality instructional materials' means instructional materials aligned to the science of reading that instruct students in foundational literacy skills and grade-appropriate English language arts and reading standards approved by the State Board of Education.

No later than January 1, 2024, SDOE will create qualification, timelines and submission procedures for "education service providers" to submit universal reading screeners to be considered on approved list

No later than July 1, 2024, SBOE shall approve a list of approved universal reading screeners to be used with Districts comprehensive literacy program

- Approved screeners must meet following criteria:

- 1) Capable of providing teacher with relevant information/data to target instruction based on student needs;
- 2) Capable of measuring foundational literacy skills;
- 3) Capable of identifying students who have a significant reading deficiency, including, but not limited to, identifying students with characteristics of dyslexia;
- 4) Parameters on time required to administer so as to minimize impacts on instructional time;
- 5) Capable of progress monitoring

# HB 538 (cont'd)

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By August 1, 2024, SDOE will publish a list of approved screeners on website and at least one screener shall be free to public schools

By December 1, 2024, the LBOE must approve high-quality instructional materials for students K-3<sup>rd</sup> grade

By December 15, 2024, and each August 1 thereafter, must certify to SDOE the local instructional materials are high-quality instructional materials

Each school and District must provide instructional support for K-3 teachers to include:

- i. Onsite teacher training on the science of reading, structured literacy, foundational literacy skills, and evidence-based decision making;
- ii. Demonstrated lessons; and
- iii. Prompt feedback for improving instruction.

Starting on April 1, 2026, the SDOE will provide an annual report setting forth the impact of the implementation of the Literacy Act, including results by School and District

# HB 538 (cont'd)

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Beginning August 1, 2024, each public school and District will administer a universal reading screener to each K-3 student 3x each year:

- First time within 30 days of the first day of school
  - For first and second grade students, can substitute use of formative reading assessment for 1 of the 3 universal reading screeners
- After each screener is administered, the school/District shall report the results to
  - 1) Parents of participating students
  - 2) SDOE

Beginning August 1, 2024, schools/Districts implement tiered reading intervention plans for K-3 students:

- For students with “significant” reading deficiency, as determine by the universal reading screeners
  - 30 days to implement
  - Can be included in RTI
  - Parent shall receive written notification
    - that the student has been identified as exhibiting a significant reading deficiency;
    - that a tiered reading intervention plan will be implemented by the student’s teacher

# SB 211 Literacy Council

The background of the slide features a collection of colorful wooden blocks and letters in various shapes and sizes, including circles, squares, and letters like 'X' and 'O'. The colors include red, yellow, blue, and green. The blocks are scattered across the frame, creating a textured and educational aesthetic.

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O.C.G.A. 20-1-41

There is established the Georgia Council on Literacy for the purpose of conducting comprehensive reviews of birth to postsecondary programs, the alignment of state support for such programs, and other issues related to improving the literacy outcomes of Georgia students.

# SB 211 (cont'd)

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## O.C.G.A. 20-1-42

The council shall be composed of 30 members

Duties of council:

- 1) Work in partnership with the State Board of Education and the Department of Education to implement the requirements of the Georgia Early Literacy Act as provided for in Code Section 20-2-153.1;
- 2) Review the conditions, needs, issues, and problems related to state literacy outcomes; make recommendations for legislation and appropriations to support improving such outcomes; and provide by November 30 of each year a report of such review and recommendations to the Governor, the Office of Planning and Budget, the Speaker of the House of Representatives, and the President of the Senate;
- 3) Evaluate and consider the best practices, experiences, and results of legislation in other states with regard to literacy improvements for students;
- 4) Research and make recommendations on improving literacy rates for low-income students;
- 5) Research and make recommendations on improving literacy rates for minority and English for speakers of other languages (ESOL) students;



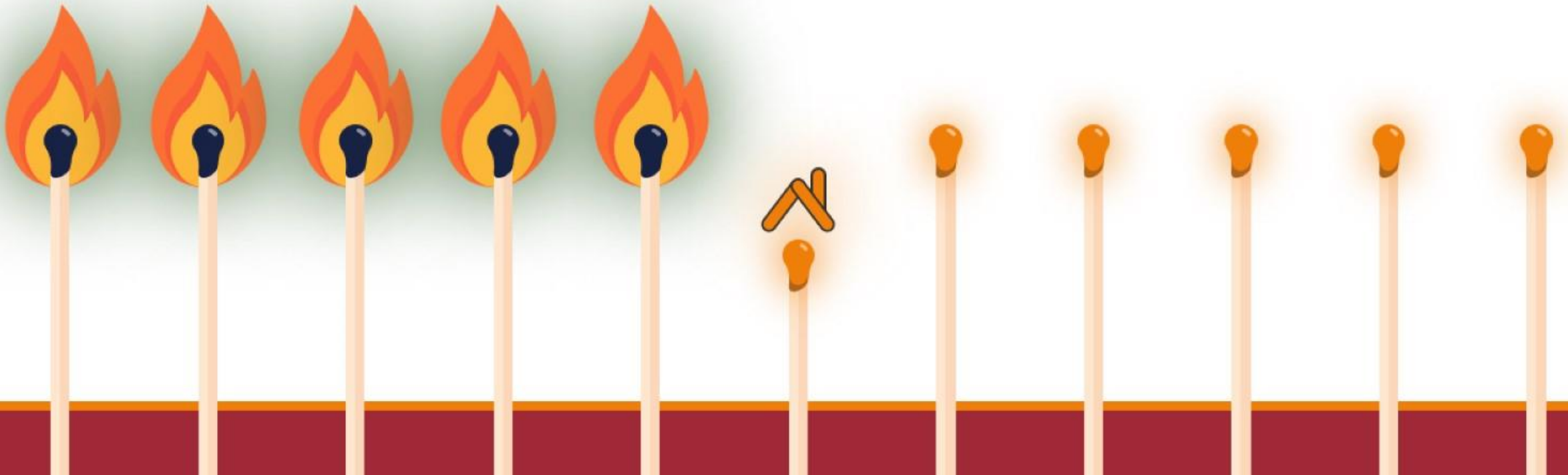
## SB 211 (cont'd)

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- 6) Research and make recommendations on improving literacy rates for students with characteristics of dyslexia;
- 7) Monitor state-wide literacy goals and measures set by the State Board of Education in consultation with Department of Education and the Office of Student Achievement and provide by October 31 of each year a report to the State Board of Education of the conclusions reached through such monitoring regarding the status and effectiveness of policy initiatives;
- 8) Review changes or updates to QBE funding to enhance literacy instruction;
- 9) Review and make recommendations on the alignment of teacher certifications to include evidence-based literacy instruction and education degree program requirements;
- 10) Review and make recommendations for the professional development needed by current teachers for improving literacy instruction in pre-kindergarten through third grade;
- 11) Review state-wide birth to age five initiatives and suggest policy and appropriation changes; and
- 12) Review best practices for community-based literacy programs and make recommendations for improvement.



**ARE THERE MORE  
CULTURAL ISSUES  
FOR SCHOOLS  
ON THE WAY?**





# SB 93 – Can you say TikTok?

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A state employee or student shall not install, use, or visit any social media platform on state equipment when: .....

'Student' means a person who is included in a full-time equivalent program count under Code Section 20-2-160.

Probably does not apply as a practical matter but why include student?

# SB 140 – Transgender Medical Care

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Prohibits sex  
reassignment surgery  
for minors

Says nothing about  
criminalizing conduct,  
nor does it mention  
schools



## FEDERAL COURTS

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## Adams v. School Board of St. Johns County, Fla (Florida Federal District Court)

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“Everyone agrees that boys should use the boys’ restroom at Nease and that girls should use the girls’ restroom. The parties disagree over whether Drew Adams is a boy.”

# Status of Title IX Transgender Cases

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*Adams by & through Kasper v. Sch. Bd. of St. Johns Cty., Fla.*

Transgender student, who identified as male and had transitioned **legally, socially and medically**, brought 1983 action against school district, alleging that his rights under the Equal Protection Clause and Title IX were violated when he was not allowed to use the boys' bathroom at county high school.



*Adams by & through Kasper v. Sch. Bd. of St. Johns Cty., Fla.,*  
(11th Cir., en banc, 7-4, December 30, 2022)

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“For purposes of this policy, the School Board distinguishes between boys and girls on the basis of biological sex— which the School Board determines by reference to various documents, including birth certificates, that students submit when they first enroll in the School District.”

“Under the Best Practices Guidelines, School District personnel, upon request, address students consistent with their gender identity pronouns. The guidelines also allow transgender students to dress in accordance with their gender identities and publicly express their gender identities. Finally, the guidelines formally note that: “Transgender students will be given access to a gender-neutral restroom and will not be required to use the restroom corresponding to their biological sex.”

*Adams by &  
through  
Kasper v. Sch.  
Bd. of St.  
Johns Cty.,  
Fla., 12/30/22*

“Regardless of Adams’s genuinely held belief about gender identity—which is not at issue—Adams’s challenge to the bathroom policy revolves around whether Adams, who was ‘determined solely by the accident of birth’ to be a biological female—is allowed access to bathrooms reserved for those who were ‘determined solely by the accident of birth’ to be biologically male.”



## *Adams by & through Kasper v. Sch. Bd. of St. Johns Cty., Fla., 12/30/22*

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“Further ... equating “sex” to “gender identity” or “transgender status” under Title IX, as Adams would have us do as a matter of statutory interpretation, would touch upon the interests of all Americans—not just Adams—who are students, as well as their parents or guardians, at institutions subject to the statute.”

“...the bathroom policy facially classifies based on biological sex—not transgender status or gender identity.”



# *Adams by & through Kasper v. Sch. Bd. of St. Johns Cty., Fla., (11<sup>th</sup> Cir. 12/30/22*

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Dissenting opinion:

“.... recall that Adams’s entire lawsuit depends upon the existence of sex-separated bathrooms. Adams sought only to be treated like any other boy. He asked for, and the district court awarded, an injunction that prevented the School District from barring Adams from the boys’ bathroom, not from having sex-separated bathrooms. The majority opinion employs stereotypic ideas and assumptions in an attempt to persuade readers that admitting transgender students into the bathrooms corresponding with their consistent, persistent, and insistent biological gender identity will result in the elimination of sex-separated bathroom facilities. This is simply not so.”



New Title IX  
Regulations Will  
Include LGBTQ  
Students



**U.S. Department of Justice**  
Civil Rights Division

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*Principal Deputy Assistant Attorney General  
950 Pennsylvania Ave, NW - RFK  
Washington, DC 20530*

**MEMORANDUM**

March 26, 2021

**TO:** Federal Agency Civil Rights Directors and General Counsels

**FROM:** Principal Deputy Assistant Attorney General Pamela S. Karlan  
Civil Rights Division PSK

**SUBJECT:** Application of *Bostock v. Clayton County* to Title IX of the Education  
Amendments of 1972

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Several federal agencies have recently contacted the Civil Rights Division with questions regarding the application of the Supreme Court's reasoning in *Bostock v. Clayton County*, 140 S. Ct. 1731, 590 U.S. \_\_\_ (2020), to Title IX of the Education Amendments of 1972, as amended (20 U.S.C. § 1681 *et seq.*) (Title IX), particularly in light of Executive Order 13988, *Preventing*

"After considering the text of Title IX, Supreme Court case law, and developing jurisprudence in this area, the [Justice Department's civil rights division] has determined that the best reading of Title IX's prohibition on discrimination 'on the basis of sex' is that it includes discrimination on the basis of gender identity and sexual orientation."



**U.S. Department of Justice**  
Civil Rights Division

*Principal Deputy Assistant Attorney General*  
950 Pennsylvania Ave, NW - RFK  
Washington, DC 20530

**MEMORANDUM**

March 26, 2021

**TO:** Federal Agency Civil Rights Directors and General Counsels

**FROM:** Principal Deputy Assistant Attorney General Pamela S. Karlan  
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## OCR's Latest Guidance:

Recently, OCR reiterated its position, consistent with the recent notice of interpretation

It "will fully enforce Title IX to prohibit discrimination based on sexual orientation and gender identity in education programs and activities."

Consistent with the Supreme Court's ruling and analysis in Bostock, the Department interprets Title IX's prohibition on discrimination "on the basis of sex" to encompass discrimination on the basis of sexual orientation and gender identity.

# Bostock v. Clayton County, Ga (USSC, 2020)

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3 cases, 11<sup>th</sup> Cir. Ruled that Sexual Orientation Not Protected by Title VII, 2<sup>nd</sup> Cir. Ruled that It Was; 6<sup>th</sup> Cir. Ruled that Gender Identity Was Protected

“Because discrimination on the basis of homosexuality or transgender status requires an employer to intentionally treat individual employees differently because of their sex, an employer who intentionally penalizes an employee for being homosexual or transgender also violates Title VII.”



**Transgender Students: What Team Am I On?**

# Transgender Students, Athletics and Title IX

Connecticut Association Rule Allowed Transgender High School Students To Compete on Teams of Their Gender Identity

In a Letter of Enforcement, Trump/Devos OCR Stated "permitting the participation of biologically male students in girls interscholastic track denied female student-athletes benefits and opportunities."

Biden/Cardona DOE Withdrew Enforcement Action, but Lawsuit by Cisgender Girls

2<sup>nd</sup> Cir. Agreed that plaintiffs lacked standing to bring suit as they won some meets

Court notes that interpretation "fluctuates" with administrations and then relies on Bostock and decisions from other circuits (Soule v. CAS)



# Transgender Students, Athletics and Title IX

District court in West Virginia found state law banning transgender girls from participating in girls' athletics could continue to be enforced pending completion of suit;

Appeal to 4<sup>th</sup> Circuit reversed without reason and USSC upheld, thus statute is enjoined

Ninth Circuit remanded case to its district court to determine if case was moot given graduation of students

# Georgia – Current New Rule

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Georgia General Assembly  
Passed HB 1084

“A student’s sex is determined by the sex noted on his/her certificate at birth.” – GHSA rule



# Promised Proposed Regulation on Athletics

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If a recipient adopts or applies sex-related criteria that would limit or deny a student's eligibility to participate on a male or female team consistent with their gender identity, such criteria must, for each sport, level of competition, and grade or education level: (i) be substantially related to the achievement of an important educational objective, and (ii) minimize harms to students whose opportunity to participate on a male or female team consistent with their gender identity would be limited or denied.

# State of Tennessee v. USDOE

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Motion by 20 states, including Georgia, to enjoin USDOE from enforcing informal guidance under Title IX, especially as to LGBTQ issues

Court granted preliminary injunction as to enforcement in the 20 states involved

# LANGE V. HOUSTON COUNTY, GA. M.D.Ga. 2022

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Twenty-five-year law enforcement veteran, the past fifteen of which have been with the Houston County Sheriff's Office

Exceptional employee who "has performed her duties as an investigator very well" throughout her tenure as a sheriff's deputy

Transgender woman

Began transition in 2017, now lives "fully and consistently" as a woman.

Medical treatment includes hormone treatments and top surgery, now wants bottom surgery

# Lange v. Houston County, cont'd

Sheriff also sued

When told by Lange and Supervisor, Sheriff asked Supervisor  
“What the hell is he talking about?”

Thought it was joke at first and then told Lange he didn't  
believe in sex changes

Although finally approving dress request, told Lange that she  
would have to have “tough skin” and told a larger group that  
she had “big balls” to do what she was doing

Purpose of coming out was to get health insurance to pay for  
surgery, which was denied

# Lange v. Houston County – District Court

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In short, the defendants can't find a Bostock workaround. That is understandable. The Exclusion plainly discriminates because of transgender status. Accordingly, Lange's motion for summary judgment on Title VII grounds is granted as to County.

As to 14<sup>th</sup> A.," The fact of the matter is... that the plan pays for mastectomies when medically necessary for cancer treatment but not when mastectomies are medically necessary for sex change surgery. And the plan pays for hormone replacement therapy medically necessary for the treatment of menopause, but not hormone replacement therapy medically necessary for 'sex change.' The undisputed, ultimate point is that the Exclusion applies only to transgender members, and it applies to Lange because she is transgender."

Owens v. State of  
Georgia, GOSA  
(11<sup>th</sup> Cir. 2022)

First, our caselaw and the statutory text establish that an employee must identify her disability before an employer is obligated to engage in an interactive process about accommodating that disability.

In most cases, to identify a disability, an employee must provide at least some information about how a physical or mental condition limits her functioning.

Second, we believe an employee must provide her employer enough information to assess how her proposed accommodation would help her overcome her disability's limitations.





# Section 504

## New 504 Regulations...

### May 6, 2022 Press Release

"The Department's Office for Civil Rights will solicit public comments to help decide how best to improve current regulations to assist America's students with disabilities."

"While the world has undergone enormous changes since 1977, the Department's Section 504 regulations have remained, with few exceptions, unaltered," said Assistant Secretary for Civil Rights Catherine E. Lhamon. "As we observe the 45th anniversary of these important regulations this month, it is time to start the process of updating them. Just as in 1977, the voices of people with disabilities must be heard and incorporated as we engage in that work."

March 24, 2023

Dear Governors, Chief State School Officers, and School District and School Leaders:

Our nation's schools should make every effort to provide children and youth with safe and supportive environments that protect and enhance their physical, emotional, and mental well-being. Unfortunately, some schools continue to put the mental and physical well-being of students at risk by implementing the practice of corporal punishment,<sup>1</sup> defined by the U.S. Department of Education (Department) as the practice of paddling, spanking, or otherwise imposing physical punishment on students.<sup>2</sup> Therefore, if the use of corporal punishment is permitted or practiced in schools and educational settings within your state or district, I urge you to move swiftly toward condemning and eliminating it.

Laws in a majority of states and the District of Columbia ban the use of corporal punishment in public schools,<sup>3</sup> and other states have prohibited the use of corporal punishment for students with disabilities.<sup>4</sup> According to the Department's Civil Rights Data Collection (CRDC), the number of public school students subjected to corporal punishment declined between the 2013-14 to the 2017-18 school years.<sup>5</sup> However, the use of corporal punishment in school is either expressly allowed or not expressly prohibited in 23 states.<sup>6</sup> Furthermore, researchers have determined that the use of corporal punishment in schools is likely underreported.<sup>7</sup>

Corporal punishment can lead to serious physical pain and injury.<sup>8</sup> It is also associated with higher rates of mental health issues, including mood, anxiety, and other personality disorders;<sup>9</sup> drug and alcohol use disorders;<sup>10</sup> higher rates of aggression, antisocial behavior, and other externalizing problems;<sup>11</sup> and lower cognitive ability relating to verbal capacity,<sup>12</sup> brain development,<sup>13</sup> and academic achievement.<sup>14</sup> Corporal punishment also has long-term implications in early childhood development. Research indicates that preschoolers subjected to corporal punishment measure lower on academic achievement and social competence, when compared to peers who have not received physical punishment as a means of discipline.<sup>15</sup> Additionally, from a public health and public safety perspective, corporal punishment may impress upon students who are subjected to this practice—directly and indirectly—that violence is an acceptable means of problem-solving and conflict resolution, as research shows that the practice is associated with future incidents of domestic violence.<sup>16</sup>

## Letter from Secretary of Education Cardona regarding corporal punishment in schools dated March 24, 2023

“Schools should be safe places where all students and educators interact in positive ways that foster students' growth, belonging, and dignity—not places that teach or exacerbate violence and fear. Let's all work together to move away from this harmful practice and to create learning environments that are safe and supportive for all students.”

The practice of corporal punishment is antithetical to positive child and adolescent development and school safety.<sup>22</sup> Evidence-based strategies, such as multi-tiered systems of supports and positive behavioral interventions and supports,<sup>23</sup> and other research-backed educational practices are designed to meet students' social, emotional, and mental health needs and improve school climate and safety.<sup>24</sup> Funding under the American Rescue Plan Act of 2021, the Bipartisan Safer Communities Act, and the Elementary and Secondary Education Act of 1965 can be used to support these evidence-based practices consistent with program requirements. Furthermore, the Department will continue to support schools in their efforts to move away from the use of corporal punishment through its technical assistance centers, including the Best Practices Clearinghouse, National Center on Safe Supportive Learning Environments, and National Center to Improve Social and Emotional Learning and School Safety, among other resources.

Schools should be safe places where all students and educators interact in positive ways that foster students' growth, belonging, and dignity—not places that teach or exacerbate violence and fear. Let's all work together to move away from this harmful practice and to create learning environments that are safe and supportive for all students.

