

**Public Comment on 704 KAR 7:170, Corporal Punishment
Fmr. Kentucky Attorney General Chris Gorman
December 1, 2021**

Commissioner Glass, Chair Young, Members of the Board,

Thank you for the opportunity to provide public comment on the Board's proposed regulation on corporal punishment today. My name is Chris Gorman, and I served as the Attorney General for the Commonwealth of Kentucky from 1992 to 1996.

In 1992, a county attorney requested clarification from the Office of the Attorney General regarding an administrative regulation implemented by the Kentucky State Board for Elementary and Secondary Education, which effectively banned corporal punishment in schools. The county attorney specifically asked for clarification as to if the administrative regulation conflicted with KRS 503.110, which authorizes the use of force by school personnel.

My office opined in OAG 92-20 that the administrative regulation banning corporal punishment was valid because KRS 503.110 merely defines when the use of force shall not be considered a crime. It was my opinion that the Board, under KRS Chapter 13B, KRS 156.070, and KRS 156.160, acted within its authority to implement an administrative regulation "necessary for the efficient management control and operation of the school and programs..." and "necessary or advisable for the protection of the physical welfare and safety of public school children."

The Board's 1991 regulation went into effect and had the force of law until it expired upon the adjournment of the 1992 session of the General Assembly, as it was not codified in statute. It was my opinion then, and it remains my opinion, that the Kentucky Board of Education has the authority to pass a regulation fully banning the use of corporal punishment in public schools. In my view, such an action would not violate any existing statute and would be well within the authority of the Board.

While I am appreciative the Board is taking action to limit the use of corporal punishment, I believe it should use its authority to fully ban the use of corporal punishment in schools. Corporal punishment has no place in our education system, and all Kentucky students deserve a safe and welcoming learning environment. As the former attorney general, I can also speak to the liability that any use of corporal punishment imposes on school personnel and a district. Lawsuits in several other states have arisen over incidents of corporal punishment in schools.

Thank you for your time, and I am hopeful that the Board will consider fully banning the use of corporal punishment in Kentucky schools. Our students deserve the basic assurance of safety in their schools, and banning corporal punishment brings us one step closer to that goal.