

BOND

SCHOOL LAW INFORMATION MEMO

NOVEMBER 8, 2023

Child Abuse Redefined to Include Corporal Punishment Under Article 23-B

On Oct. 25, 2023, Gov. Kathy Hochul signed into law Senate Bill S05261/Assembly Bill A05010, amending the definition of child abuse under Article 23-B, § 1125(1). The definition of child abuse now includes corporal punishment as defined by the Commissioner of Education. This change effectively means that all schools in New York, whether public or nonpublic, are prohibited from utilizing corporal punishment.

This amendment is a response to various accounts of private schools in the state employing corporal punishment. The legislature found that males, young persons of color and students diagnosed with a disability are disproportionately more likely to be the victims of corporal punishment by school staff. Additionally, the legislature believes that corporal punishment violates students' rights to safety, bodily integrity, due process and the right to be free from cruel and unusual punishment.

The signed law also amended Education Law § 305 under Article 7, requiring the Commissioner of Education to promulgate rules and regulations prohibiting teachers, administrators, officers, employees or agents of any school in New York from using corporal punishment.

It is worth noting that there is a directive from the Commissioner of Education on this issue. In July 2023, 8 NYCRR 19.5 was amended to prohibit all school staff from using corporal punishment. This amendment became effective on Aug. 2, 2023. The amended regulation defines corporal punishment as any act of physical force upon a student to punish that student. Corporal punishment does not include the use of physical restraints to protect a student, teacher or any other person from physical injury when alternative procedures and methods not involving the use of physical restraint cannot reasonably be employed to achieve these purposes.

As such, we recommend that all school districts and schools—public and nonpublic—revise their corporal punishment policy to ensure alignment with the new laws and regulations. For further information and assistance revising your entity's corporal punishment policy, please contact [Kate I. Reid](#), [Candace J. Gomez](#) or the Bond attorney with whom you are regularly in contact.

**Special thanks to Associate Trainee Christopher Cruz-Sierra for his assistance in the preparation of this memo. Christopher is not yet admitted to practice law.*

