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The Striking Outlier: The Persistent, Painful and Problematic Practice of Corporal Punishment in Schools

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THE STRIKING OUTLIER

The Persistent, Painful and Problematic Practice of Corporal Punishment in Schools

Foreword by Derrick Johnson
President and CEO of the NAACP



The Center for Civil Rights Remedies
at The Civil Rights Project | *Proyecto Derechos Civiles*



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The Southern Poverty Law Center, based in Montgomery, Alabama, is a nonprofit civil rights organization founded in 1971 and dedicated to fighting hate and bigotry, and to seeking justice for the most vulnerable members of society.

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About The Center for Civil Rights Remedies

The Center for Civil Rights Remedies, an initiative of the UCLA Civil Rights Project/Proyecto Derechos Civiles (CRP), is dedicated to improving educational outcomes for children who have been historically subjected to discrimination, and has issued numerous descriptive reports and studies about the use of disciplinary exclusion and alternatives. CRP is co-directed by Gary Orfield and Patricia Gándara, research professors at UCLA. Its mission is to create a new generation of research in social science and law on the critical issues of civil rights and equal opportunity for racial and ethnic groups in the United States.

For more information about
THE CENTER FOR CIVIL RIGHTS REMEDIES

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FOREWORD

BY DERRICK JOHNSON

President and CEO

National Association for the Advancement of Colored People (NAACP)

Students of color in this country far too often face barriers to receiving quality public education – from unequal resources in schools, to overly punitive discipline administered more often to children of color. As the nation’s oldest and largest nonpartisan civil rights organization, for more than a century, the NAACP has worked to ensure the political, educational, social, and economic equality of all persons and to eliminate race-based discrimination. Equal access to public education and eliminating the severe racial inequities that continue to plague our education system is at the core of our mission.

This new report from the Southern Poverty Law Center and the UCLA Center for Civil Rights Remedies brings new light to the practice of corporal punishment in schools. When an educator strikes a student in school, it can have a devastating impact on the child’s opportunity to learn in a safe, healthy, and welcoming environment. This is dangerous for all students, but corporal punishment is administered disproportionately to students of color in our nation’s public schools.

The practice of striking students in school is banned in most states and only practiced in a small portion of our nation’s schools. Even in the minority of states that allow the practice, corporal punishment is generally prohibited in day care centers, foster care systems, and a host of other public settings for children.

Where corporal punishment is used in schools, black students and students with disabilities are more likely to be struck by an educator. The analysis in this report takes a close look at the data among schools that administer corporal punishment. It finds that black boys are about twice as likely to receive corporal punishment as white boys, and black girls are three times as likely as white girls. In more than half of the schools that practice corporal punishment, educators hit students with disabilities at a higher rate than those without disabilities. Four states – Mississippi, Alabama, Arkansas, and Texas – account for more than 70 percent of all students receiving corporal punishment in our nation’s public schools.

This data should shock our conscience – not only because studies show that students of color do not misbehave any more than their white peers, but because the impact of corporal punishment can be devastating on a student’s ability to learn and succeed.

There are much more effective ways to promote positive behavior, ways that keep students safe and in the classroom. Every child deserves the opportunity to attend school free from harm and free to learn. The minority of states that still allow corporal punishment in our schools should join the rest of the country in prohibiting this dangerous and discriminatory practice.

EXECUTIVE SUMMARY

It can still be heard in some American schools: The sound of a wooden paddle striking the backside of a child.

During the 2013–14 school year, more than 600 students were struck in public schools each day in the United States. It's a practice that is still allowed in thousands of public schools even though it's generally prohibited in daycare centers, foster care systems and a host of other settings for children.

Proponents of corporal punishment contend it's necessary in school. They portray it as a tool of last resort for the worst-behaving students, one that's necessary to enforce classroom order. It's a harsh punishment, supporters say, but a judicious one.

It is indeed harsh but certainly not judicious. In fact, whether a child faces the possibility of corporal punishment in school is — for them — largely a matter of chance, an accident of where they happen to live. And, as this report shows, within schools where it is practiced, the impact falls disproportionately on black children and children with disabilities.

Corporal punishment was still practiced in 11 percent of U.S. school districts (1,467 out of 13,491) during the 2013–14 school year. But within those districts, it occurred

in just more than half of the schools (4,294 out of nearly 8,000). Overall, 96 percent of the nation's 98,176 public schools do not practice corporal punishment, according to the National Center for Education Statistics.

While corporal punishment is illegal in a majority of the states, it remains deeply entrenched in the South. Ten Southern states account for more than three-quarters of all corporal punishment in public schools. Just four of those states — Mississippi, Alabama, Arkansas and Texas — account for more than 70 percent. Mississippi alone is responsible for almost one-quarter of all corporal punishment.

Because of its methodology, this report provides a clearer picture than previous studies of the use of corporal punishment in schools and the disparities in its application. Earlier studies have included student populations from entire states or entire districts where corporal punishment was practiced, even when it was used in only a small fraction of the individual schools within those jurisdictions.

Corporal punishment rates were, therefore, skewed downward because of the inclusion of many students who, because of an individual school's policy or practice,

were never subject to corporal punishment. This report, in contrast, examines only the data (student populations and paddling incidents) from schools where it is used. It relies on data from the U.S. Department of Education's Civil Rights Data Collection (CRDC), primarily from the 2013–14 school year.

Using this methodology, we found that children face a much higher likelihood of being struck than previous studies have found. Moreover, in such schools where corporal punishment is practiced, black students and students with disabilities are more likely to be struck than white students and those without disabilities.

This report finds that:

➤ Within the schools that practice corporal punishment, about 5.6 percent of students were struck during the 2013–14 school year. The rates were as high as 9.3 percent (Mississippi), 7.5 percent (Arkansas) and 5.9 percent (Alabama). In 2015–16, 5.3 percent of students were struck in schools that practice corporal punishment.

➤ Black boys were nearly twice as likely to be struck as white boys (14 percent vs. 7.5 percent) in 2013–14. Black girls were more than three times as likely to be struck as white girls (5.2 percent vs. 1.7 percent). The 2015–16 data show that despite a slight overall decline, the rates are still high, and a racial gap persists between black students and white students. Such racial disparities are troubling, because other research shows that black students do not misbehave more than white students.

➤ Nearly half (43.8 percent) of all black girls receiving corporal punishment in schools were in Mississippi in 2013–14 (4,716 black girls). No other state comes close to eclipsing Mississippi as the state with the highest share of all incidents involving the corporal punishment of black girls.

➤ In more than half of the schools that practice corporal punishment, students with disabilities were struck at higher rates than

those without disabilities in 2013–14. This finding raises troubling concerns about the disparate treatment of students with disabilities, who are too often punished for behaviors arising from their disability, for which they should receive appropriate supports, not corporal punishment.

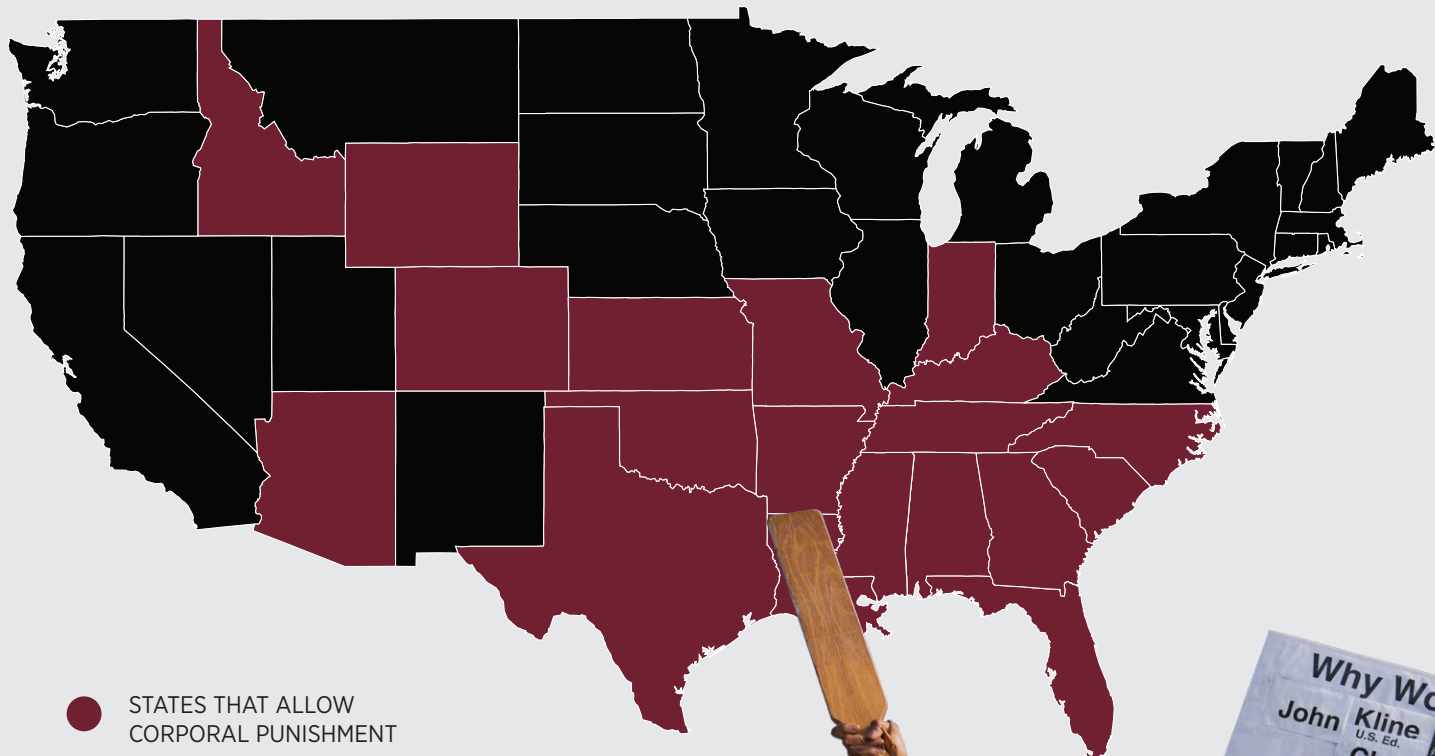
Concerns that students of color and students with disabilities are struck more often than other students extend beyond the initial trauma inflicted. Previous research has shown that corporal punishment does not correct a student's behavior and that it increases the possibility that a student will become entangled in the justice system. In this respect, school-based corporal punishment contributes to the school-to-prison pipeline — the harsh cycle of punitive policies, practices and procedures that pushes children out of school and into the juvenile and criminal justice systems, often for minor infractions and those that are judged subjectively.

The luck of the draw

Whether a child is subject to corporal punishment for misbehavior depends wholly upon the policies adopted by states and, in many cases, their individual districts and schools. Thirty-one states have banned corporal punishment in schools. In the remaining 19 states, nearly 8,000 schools lie within districts that practice it. Of those schools, however, almost 45 percent don't practice it.

This means that children attending different schools in the same district can have vastly different experiences when it comes to discipline. One school may use evidence-based practices that provide positive, corrective consequences for students and put them back on track. But, at a nearby school, children engaging in the same misbehavior may be struck.

What emerges is the clearest picture yet that corporal punishment disproportionately harms the nation's most vulnerable students. It's a practice that destroys students' trust in educators — trust that's necessary for strong learning relationships.



- STATES THAT ALLOW CORPORAL PUNISHMENT
- STATES THAT DON'T ALLOW CORPORAL PUNISHMENT

CORPORAL PUNISHMENT IN THE U.S.

While corporal punishment is illegal in a majority of the states, it remains deeply entrenched in the South. States that allow corporal punishment in school, however, often ban it in virtually every other setting.



AP IMAGES/TOM WILLIAMS/CO ROLL CALL

It's a practice researchers have found to be ineffective and unsound for education. And it's a practice that psychologists have warned is not only harmful to children, but especially harmful to abused children or those who have experienced trauma.

Unsurprisingly, the majority of states and more than 100 countries worldwide have decided corporal punishment does

not belong in their schools. And even in U.S. school districts that allow corporal punishment, many schools have realized they don't need it when a range of evidence-based discipline programs is available.

Quite simply, there is no need to strike children in school.

Recommendations are offered at the end of the report.

"[Y]ou could see the mark of the paddle across her buttocks ... [I]t never occurred to me she could be injured from it. I thought she would be safe in school."

General Findings

Linda Pee was stunned and outraged by what she saw.

Her daughter, Audrey, had purple bruises from the paddling she had received at her school in Webster County, Mississippi. The sixth grader's offense: She had been late for gym class.

The coach lined Audrey up with nine other tardy students and paddled them in front of their classmates. The blows were delivered with a paddle that appeared to be "a flattened baseball bat ... a piece of wood about 15 inches long, three inches wide, and an inch thick," the girl's mother would later tell a congressional subcommittee in written testimony at a 2010 hearing on corporal punishment.¹

Audrey received a single blow.

"[Y]ou could see the mark of the paddle across her buttocks," her mother testified at the hearing by the U.S. House Subcommittee on Healthy Families and Communities. Pee had previously signed a document allowing her daughter to be paddled, but didn't expect what she saw: "[I]t never occurred to me she could be injured from it. I thought she would be safe in school."²

She made it clear to the school that she would no longer allow her daughter to be paddled. And it wasn't an issue for the next few years. In March 2007, with only a few months to go before graduation, Audrey was paddled. The young woman's offense: She had worn sweat pants that exposed her ankles — a violation of the school dress code.

This time she received two blows.

"She was paddled in first period and she had bruises all over her by third period," her mother testified.³

The school later said it couldn't find the form she'd signed opting Audrey out of corporal punishment. As Linda reflected on the situation during her oral testimony before the panel, she summed up the experience: "I don't think [anyone] should be hitting [anyone] else's children. It's not the type of decision teachers or principals should make — it's too complicated and too much can go wrong."⁴

In 19 states,⁵ however, educators in public schools are allowed to do what employees in many prisons, juvenile detention facilities, daycare and early learning centers can't do by law — strike another person as punishment.

As more than half of the states have banned corporal punishment in schools since the 1970s, the number of students corporally punished out of all public school students in the country has declined from 4 percent in the 1970s to less than 1 percent in recent years.⁶ And more than 100 professional organizations representing pediatricians, child psychologists and educators have called for its abolition.⁷ In 2016, the U.S. Department of Education sent a letter urging state leaders to end corporal punishment in schools because of the practice's link to harmful short-term and long-term impacts on students.⁸

But in those 19 states, corporal punish-

ment remains a viable option for disciplining students. And each school year, a staggering number of students feel the sting of being hit at school — more than 600 students a day.⁹

A new look at an old punishment

Where previous research has examined how school districts allow corporal punishment, this report examines it at the school level — eliminating schools that do not practice corporal punishment in districts and states that practice it. The report focuses solely on the public schools that use corporal punishment by examining data from the Civil Rights Data Collection at the U.S. Department of Education’s Office for Civil Rights, which is reported to the federal government by schools and districts every two years. When examining a state’s or district’s use of corporal punishment, this report includes only schools within that state or district that practice it.

Most of the analyses in this report focus on data from the 2013–14 school year, but it also includes some 2015–16 data, to confirm the trends in corporal punishment. In the 2015–16 data collection, a new survey item regarding corporal punishment was introduced (discussed in the Methodology section), which can cause confusion in reporting and, occasionally, unreliable data.

In the 2013–14 school year, 4,294 schools reported students receiving corporal punishment, which amounted to a little more than half (56 percent) of the schools in the districts that practice corporal punishment. (More information about the analysis is found in the methodology section.)

What emerges is a greater — and more detailed — understanding of corporal punishment in schools that paints a bleaker picture. This report finds that, among students attending schools that practice corporal punishment, the rate of students struck in school at least once is 5.6 percent in the 2013–14 school year. This is compared to a rate of 3.3 percent among the states that allow corporal punishment, when schools

that did not administer corporal punishment are included.

The report’s findings also provide a more detailed look at the disproportionate impact of corporal punishment on black students and students with disabilities. What’s more, its findings show that the likelihood of a student being struck in school appears to depend mostly on where the child lives.

A look at the states

Mississippi had the highest corporal punishment rate of all states examined — with over 9 percent of the students enrolled in public schools that allowed the practice struck during the 2013–14 and 2015–16 school years. In the 2013–14 school year, this amounted to 25,339 students out of around 270,000 students.

State Corporal Punishment Rates

STATE	CORPORAL PUNISHMENT RATE IN 2013-14	TOTAL STUDENTS ENROLLED IN SCHOOLS PRACTICING CORPORAL PUNISHMENT
Mississippi	9.3%	271,987
Arkansas	7.5%	196,941
Missouri	6.1%	53,644
Alabama	5.9%	315,721
Oklahoma	5.6%	124,341
Georgia	5.0%	165,851
Texas	4.6%	418,332
Tennessee	3.9%	185,405
Florida	3.5%	57,540
Louisiana	2.8%	120,696
North Carolina	2.0%	3,903
Kentucky	1.7%	5,115
Indiana	1.6%	15,392
South Carolina	1.4%	6,529
Kansas	1.2%	161
Idaho	0.9%	763
Arizona	0.6%	1,372

Three states and Washington, D.C., reported data on corporal punishment, despite having banned the practice: New York, Ohio and Michigan. This table excludes those states and D.C.



Mississippi not only tops the list for the percentage of students struck in schools, but also the overall number of students struck in school in 2013–14 nationwide. Texas, a far more populous state, struck 19,157 students in school that same year — 6,000 fewer students than Mississippi, despite having almost 420,000 students enrolled in schools that allow corporal punishment.

Arkansas had the second-highest corporal punishment rate at 7.5 percent (14,849 students were struck in school out of 196,941 students enrolled in practicing schools). Missouri struck students in school at a rate of 6.1 percent (3,273 students out of 53,644), and Alabama at a rate of 5.9 percent (18,696 students out of 315,721).

A look at school districts

These state-level rates and numbers capture the differences in risk of being struck in school between one state and the next. However, among the districts where some schools still practice corporal punishment, there is greater variation in a student's risk of being struck in school. Because these rates are annual numbers, and therefore a snapshot in time, the data presented here do

not fully capture a student's risk of receiving corporal punishment: they may not have received it in the 2013–14 school year, but if they are enrolled in a school or district that permits the practice, they risk being struck in school each year of their education.

With a corporal punishment rate of 56.8 percent, the Carroll County School District in Mississippi had the highest overall rate for any school district in 2013–14. The district had 532 students. Mississippi's Yazoo City Municipal School District struck students at a rate of 41.1 percent, which represents a staggering 1,030 students struck in school out of more than 2,500 students enrolled. (While both districts made improvements in their corporal punishment rates in the 2015–16 school year, they remained above average statewide.)

This report analyzed the 25 school districts with the highest corporal punishment rates in 2013–14. Each of these districts struck more than one out of every five students. In other words, the risk for students of receiving corporal punishment in those schools was above 20 percent. At the East Jasper Consolidated School District in Heidelberg, Mississippi, for example, the

district had a 31.4 percent corporal punishment rate among its 958 students – over 300 students were struck in school in just one school year. It was enough for the district to have the fifth-highest corporal punishment rate in the nation, among districts enrolling at least 500 students.

Overall, in ranking all of the districts nationwide by students’ risk of receiving corporal punishment, six out of the top 10 school districts were in Mississippi, and four were in Arkansas. This report also found over 75 school districts with at least 500 students enrolled had a risk for corpo-

ral punishment that exceeded 15 percent.

Above-average corporal punishment rates are often more pronounced at the school level. In over 200 schools enrolling at least 100 students each, at least one out of every five students was paddled in 2013–14.

Within districts that allow corporal punishment, some schools frequently strike children, while others don’t allow the practice at all. For example, there are over 7,717 schools (of all enrollment sizes) in the districts that still practice corporal punishment, yet 44 percent of those schools – 3,423 – did not strike any students.

DISTRICT	STATE	CORPORAL PUNISHMENT RATE IN 2013-14	TOTAL STUDENTS ENROLLED IN SCHOOLS PRACTICING CORPORAL PUNISHMENT
Carroll County School District	MS	56.8%	532
Yazoo City Municipal School District	MS	41.1%	2,507
Cleveland County School District	AR	36.1%	868
Coffeeville School District	MS	35.1%	595
East Jasper Consolidated School District	MS	31.4%	958
North Bolivar School District	MS	30.4%	651
Helena/ W.Helena School District	AR	29.8%	1,683
Benton Co. School District	MS	29.4%	1,041
Clarendon School District	AR	26.9%	616
Lafayette County School District	AR	25.1%	692
Floydada ISD	TX	25.1%	742
Conecuh County	AL	23.3%	1,463
Charleston R-I	MO	23.2%	942
Selma City	AL	23.1%	2,661
Campbell R-II	MO	22.2%	634
West Jasper Consolidated Schools	MS	21.7%	1,448
Scott Co. School District	MS	21.3%	4,049
Philadelphia Public School District	MS	20.9%	1,227
Aberdeen School District	MS	20.9%	1,350
Attala Co. School District	MS	20.9%	1,251
Houston School District	MS	20.8%	1,790
Drew Central School District	AR	20.7%	576
Union Public School District	MS	20.4%	1,054
Greene County School District	MS	20.3%	2,146
Seminole ISD	TX	20.1%	2,711

District Punishment Rates

The top 25 districts for overall corporal punishment rates. (Includes districts with 500 or more total students enrolled.)



Students from **preschool to high school** are still being subjected to corporal punishment.

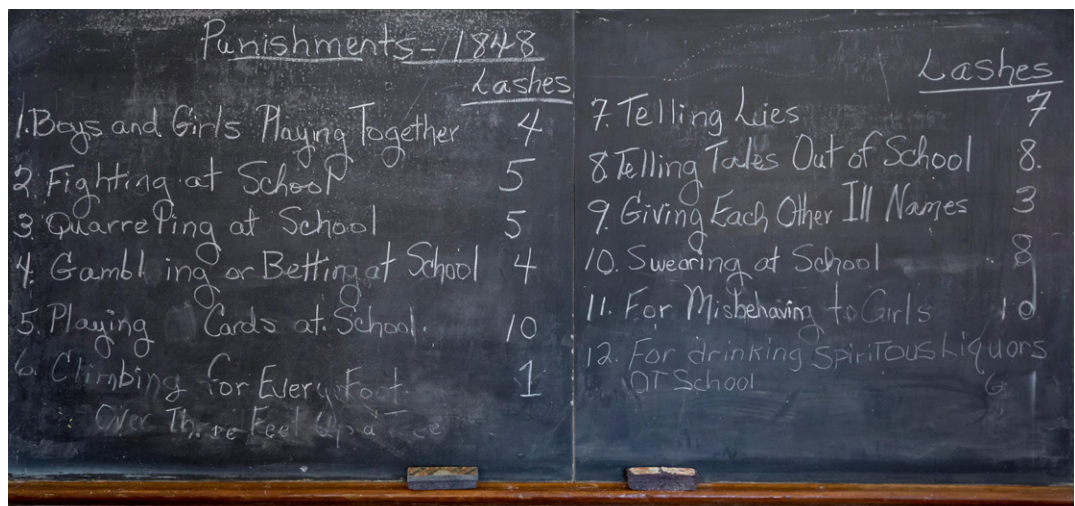
This means a child could be enrolled in a school district that allows corporal punishment but never attend a school that uses it – it all depends on where the child receives their education. This fact is especially troubling because, as the research summarized in this report’s recommendations shows, corporal punishment in schools is traumatic and not educationally necessary. Other effective forms of behavior management are used in schools every day to help manage children’s behavior.

Wynell Gilbert noted as much when she testified at the same 2010 congressional hearing as Linda Pee. Gilbert, who was a science teacher at Erwin High School in Center Point, Alabama, at the time, emphasized the power of educators getting to know their students, understanding what motivates them, and using positive reinforcement to promote good behavior.

“I know firsthand the difference a teacher can make in the classroom without having

to resort to the use of corporal punishment,” Gilbert said in her written testimony. “Even though corporal punishment is allowed in many Southern states, has it truly made a difference in student behavior? Based on my experiences as a teacher in a high school that was once known for its discipline problems, using corporal punishment is comparable to sweeping dirt under the rug: The problem still exists; it’s just being covered up.”¹⁰

And too often, the human factor involved in meting out corporal punishment in schools raises a more basic concern for parents, which Pee highlighted during her Congressional testimony. “You can’t know what mood the teacher’s in [when paddling a student], whether he’s mad and swings too hard,” she said in her written testimony. “And you can’t know how it’ll affect a child, whether a child will be bruised or injured or worse. This just shouldn’t happen in schools – not to anyone’s child.”¹¹



ALAMY STOCK PHOTO/JIM WEST

What is Corporal Punishment?

Corporal punishment, within an education setting, is generally defined as an educator intentionally inflicting pain on a student as a punishment to modify behavior.¹² The Civil Rights Data Collection defines it as “paddling, spanking, or other forms of physical punishment imposed on a child.”

Schools and districts often define the number of strikes a student may receive, or the instrument that can be used in administering corporal punishment. For instance, the East Jasper Consolidated School District in Mississippi allows up to three strikes to the buttocks.¹³ The East Jasper student handbook does not define the instrument that can be used, but in Mississippi’s South Delta School District, for example, the student handbook specifies that paddles can be 14 to 15 inches long and 2 inches wide.¹⁴ Schools elsewhere might use shaved-down and flattened baseball bats or paddles up to four feet long.¹⁵

As Human Rights Watch has noted, such variations shouldn’t be surprising since paddles are not typically available from school supply companies. This explains why paddles may be created in a school’s woodshop. Human Rights Watch has also documented corporal punishment involving children being hit with rulers, belts and bare hands.¹⁶

Students from preschool to high school are still being subjected to corporal punishment. This means a student as young as 3 may be struck in school. Some districts may allow parents to opt their child out of corporal punishment, but the request is sometimes ignored, with little recourse.

The U.S. Supreme Court set the precedent for this in the 1975 *Baker v. Owen* ruling, which affirmed a decision allowing schools to use corporal punishment on students — even if it’s against parental wish-

es.¹⁷ It provided further protections for districts administering corporal punishment in the 1977 *Ingraham v. Wright* case, when the court held that “reasonable” corporal punishment in schools does not violate students’ Eighth Amendment rights to be free from “cruel and unusual punishment.”

When a student receives corporal punishment, it may take place in a classroom, an office, or a hallway, depending on the district’s policy. It may be the student’s teacher administering corporal punishment, or it may be a principal, assistant principal, or coach. States can also limit who has the authority to administer corporal punishment. For example, Mississippi prohibits bus drivers,¹⁸ and Georgia bars classroom aides and paraprofessionals.¹⁹

When corporal punishment occurs, policy may dictate another faculty member serve as a witness. In Georgia, for example, corporal punishment must be “administered in the presence of a principal or assistant principal, or the[ir] designee.”²⁰ To prepare for corporal punishment, students may be asked to stand against a wall, bend over a chair or desk, or even get on their knees. In some schools, where a paddle is used, the student may be asked to pull his or her pants tightly across the buttocks to ensure thick or loose clothing doesn’t dampen the impact. Human Rights Watch has even reported instances where a teacher or administrator cinched a student’s pants with one hand and paddled with the other.²¹



WHERE CORPORAL PUNISHMENT HAS BEEN BANNED

Corporal punishment is an anomaly in many respects. States that allow corporal punishment in school often ban it in virtually every other situation. A review of the laws in five Southern states that allow corporal punishment in school (Alabama, Florida, Georgia, Louisiana and Mississippi) found the following examples of institutions and instances where these states ban the practice:

- Juvenile detention centers
- Residential treatment facilities
- Foster care settings
- Day care programs
- Early learning centers
- Mental health programs
- Private alternative boarding schools
- Jails and prisons

WHAT RESULTS IN CORPORAL PUNISHMENT?

Research has found that corporal punishment is used to punish minor – even arbitrary – infractions. The following list, assembled from various reports by Human Rights Watch, Education Week and others, contains some of the more routine infractions that can result in corporal punishment.

- Untucked shirts
- Tardiness
- Going to the bathroom without permission
- Walking on the wrong side of the hallway
- Running in the hallway
- Failing to turn in homework
- Using a mobile phone
- Sleeping in class
- Talking back
- Sitting in an unassigned seat
- Failing a test
- Talking out of turn
- Stepping on another student's feet
- Laughing at an inappropriate time
- Behavior that may arise from behavioral and other disabilities

THE EXCEPTION TO THE RULE

Corporal Punishment in Schools

Georgia allows corporal punishment in public schools.

Georgia state law, however, bans the practice in virtually all other settings – including child care institutions and foster and adoption agencies – because it is considered in those settings to be “detrimental to the physical or mental health of any child.”²² The state also bans the practice in its prisons.²³

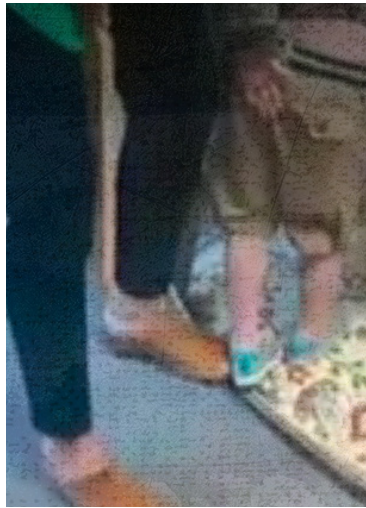
And yet, on any given school day, a child can be struck in a Georgia public school.

Louisiana also allows corporal punishment of some students in public schools.²⁴

But if the same punishment is used in a juvenile detention center or an early learning center in the state, the facility's license can be revoked under state law.²⁵

The contradictory approach state laws take to corporal punishment – allowing it in schools and prohibiting it nearly everywhere else – is not uncommon. A review of the law in five Southern states²⁶ that allow the practice in schools found that these states not only prohibit adults from striking children in most other settings, but often describe corporal punishment in state-regulated settings as inappropriate, abusive and unethical.

In Florida, for example, licensed out-of-home caregivers, such as foster families and group home and runaway shelter operators, are explicitly forbidden from using corporal punishment. Instead, they are required to use “positive methods of discipline.”²⁷ State law does not clarify why only “positive methods” – and not corporal punishment – are appropriate in these settings, but not in Florida's schools.



In Alabama, corporal punishment is broadly permitted in school. Educators are allowed to use corporal punishment because “no student has a right to be unruly in his or her classroom to the extent that such disruption denies fellow students of their right to learn.”²⁸ Even if an educator violates the district’s discipline policy when using corporal punishment, such a failure does “not necessarily indicate that child abuse has occurred” under Alabama law.²⁹

The latitude state law grants Alabama educators is in stark contrast to the prohibition of corporal punishment in the state’s foster care system, residential child care facilities, youth services centers, day care programs, and other settings for children and adults.³⁰ The unequivocal ban on corporal punishment in those settings, according to state law, is part of a broader effort to prevent the “mistreatment, neglect, and abuse of residents.”³¹

Mississippi law similarly notes that an educator’s use of corporal punishment “does not constitute negligence or child abuse.”³² The state, however, unambiguously bans its use in similar settings as Alabama, including in foster care and child care facilities. Mississippi’s regulations for

non-school settings repeatedly describe corporal punishment as a form of “mal-treatment” in such settings and justify its prohibition as “the right to ethical treatment.” The state’s laws and regulations do not explain why an otherwise unethical practice is allowed in schools.

And at the federal level, a 2011 Statement on the Inmate Discipline Program from the Federal Bureau of Prisons prohibits its staff from imposing or allowing corporal punishment of any kind.³³

As Justin Driver, a legal scholar who has written extensively about the constitutional rights of students, notes, the issue of corporal punishment is particularly important “because of the sheer number of students affected,” and because the practice in schools strikes him as “a clear excess of the state exercising dominion over individual students.”³⁴

In 2016, a video showed two school employees at Jasper County Primary School in Georgia restraining a boy to be paddled. The video went viral.

Corporal punishment is an anomaly in many respects. **States that allow corporal punishment in school often ban it in virtually every other situation.**

Negative Consequences of Corporal Punishment

There's no shortage of literature describing the negative outcomes of corporal punishment. A 2016 review of more than 250 studies found the practice linked to a range of negative consequences, from physical and emotional harm to poor academic performance.³⁵ It did not find evidence of any positive outcomes.³⁶

What's more, the practice fails to teach students social, emotional and behavioral skills. The following list summarizes some of the negative outcomes associated with school-based corporal punishment in social science research.

Physical injury

Corporal punishment in school has resulted in bruising, muscle damage, broken bones and other conditions requiring students to seek medical attention. One study found that up to 20,000 students subjected to the practice may seek medical treatment each year.³⁷

Lower academic gains

A 2015 UNICEF report found increases in corporal punishment rates in schools correlated to lower gains in math and vocabulary scores.³⁸

Increased absenteeism, drop out

Students subjected to corporal punishment have been found to avoid school and suffer from a lack of academic motivation as a result.³⁹

Increased bullying

Research has found a correlation between corporal punishment by educators and the

prevalence of bullying, suggesting that corporal punishment teaches students that intimidation — or bullying — is acceptable.⁴⁰

Behavioral/mental health challenges

Corporal punishment is associated with increased antisocial behaviors in childhood and adulthood,⁴¹ increased likelihood of challenging behaviors,⁴² and increased alcohol and drug abuse.⁴³ Students also are more likely to experience self-harm, suicidal thoughts,⁴⁴ and lower self-esteem.⁴⁵

Disrupted recovery

Corporal punishment also risks disrupting the recovery of students with a history of trauma, neglect and abuse. Such a danger is why Texas, for example, requires foster parents to prohibit schools from administering corporal punishment to the youth in their care.⁴⁶

Damaged relationships

Corporal punishment damages student-teacher relationships by eroding trust and respect. Studies have found instances where students stopped talking to teachers after being struck in school.⁴⁷ Incidents where administrators have broadcast instances of corporal punishment over the school intercom or threatened the entire student body with a paddle during assemblies — acts that inject fear and humiliation into student-teacher relationships — have also been documented.⁴⁸ The parent-school relationship can be damaged as well, spurring some parents to homeschool their children.⁴⁹

CORPORAL PUNISHMENT

The Racial Disparity

At the end of the Obama administration, U.S. Education Secretary John King sent a letter to governors and state school superintendents urging them to ban the use of corporal punishment in schools.

King laid out the case against corporal punishment in the Nov. 22, 2016, letter. His message was straightforward: Corporal punishment in schools is “harmful, ineffective, and often disproportionately applied to students of color and students with disabilities, and states have the power to change [the use of this practice].”⁵⁰

He cited a litany of statistics to back up his assertion.

“These data and disparities shock the conscience,” he wrote. King added: “This practice has no place in the public schools of a modern nation that plays such an essential role in the advancement and protection of civil and human rights.”⁵¹

This report, likewise, supports previous research that shows racial disparities in the use of corporal punishment and takes a closer look at these disparities among the schools that practice corporal punishment. Corporal punishment impacts students of all races — in Kentucky, 96 percent of students attending schools practicing corporal punishment are white, and in Tennessee, 80 percent attending such schools are white.

However, corporal punishment remains disproportionately administered to black students in schools.

Nationally, in the schools where it is practiced, 5.6 percent of students are corporally punished, but 9.7 percent of black students are struck in school—more than



double the rate for white students (4.7 percent). The 2015–16 data show that despite a slight overall decline, the rates are still high, and a racial gap persists between black students and white students.

In five states, this report found the corporal punishment rate for black students in 2013–14 was at least 10 percent.⁵² Missouri, which is among those five states, had a staggering 17.5 percent corporal punishment rate for black students — more than triple the rate of white students struck in school in that state (5.1 percent). (While Kentucky is included in the top five states, there were only 38 black students enrolled in schools practicing corporal punishment.)

These disparities are concerning because studies examining school discipline have demonstrated that black students do not misbehave more often than other students, but are punished more harshly for the same misbehavior.⁵³ For example, a recent study in Louisiana found that for fights involving one

Former U.S. Education Secretary John King urged governors and school leaders in states where corporal punishment is allowed to end a practice he said would be considered “criminal assault or battery” against an adult.

School Districts with Largest Corporal Punishment Racial Gaps

DISTRICT	STATE	RATE OF ALL STUDENTS CORPORALLY PUNISHED, 2013-14	RATE OF BLACK STUDENTS CORPORALLY PUNISHED	RATE OF WHITE STUDENTS CORPORALLY PUNISHED	PERCENTAGE POINT GAP IN BLACK STUDENT RATE AND WHITE STUDENT RATE	TOTAL STUDENTS ENROLLED*
Carroll County School District	MS	56.8%	72.4%	28.7%	43.7	532
South Pemiscot County R-V	MO	17.8%	39.3%	11.1%	28.2	663
Copiah County School District	MS	16.7%	29.4%	3.9%	25.6	2,155
Attala County School District	MS	20.9%	32.1%	7.2%	24.9	1,251
Coffee County	AL	12.5%	35.0%	11.2%	23.7	1,999
Pike County	AL	19.7%	31.6%	10.1%	21.6	2,186
Philadelphia Public School District	MS	20.9%	27.3%	6.1%	21.2	1,227
Elba City	AL	20.0%	32.5%	11.3%	21.1	726
Madisonville CISD	TX	13.4%	28.3%	9.5%	18.9	2,337
New Albany Public Schools	MS	19.5%	33.0%	15.0%	18.0	2,198
Booneville School District	MS	14.6%	28.8%	10.9%	17.9	1,298
Diboll ISD	TX	18.5%	33.2%	15.5%	17.7	1,792
Charleston R-I	MO	23.2%	29.6%	12.6%	17.0	942
Portageville	MO	15.9%	28.9%	11.9%	17.0	776
Butler County	AL	19.4%	26.1%	9.2%	16.9	3,263
Malden R-I	MO	19.1%	30.2%	13.4%	16.8	1,041
Calhoun County School District	MS	15.7%	26.2%	9.6%	16.5	2,132
Lafayette County School District	AR	25.1%	32.7%	16.2%	16.5	692
Newton County School District	MS	17.3%	29.9%	13.5%	16.4	1,841
Forrest County School District	MS	16.9%	26.8%	10.5%	16.3	2,367
Scott County School District	MS	21.3%	31.8%	15.8%	15.9	4,049
Hampton School District	AR	15.8%	27.0%	11.0%	15.9	530
Neshoba County School District	MS	11.4%	23.2%	7.6%	15.6	3,205
Covington County	AL	16.9%	31.2%	15.8%	15.4	2,906
Sealy ISD	TX	5.6%	18.3%	3.1%	15.2	1,055

Listings filtered for 100+ enrollments of black and white students.

*Total students enrolled in schools that practice corporal punishment.

white student and one black student, black students receive slightly longer suspensions than white students — even after accounting for students’ prior discipline records, background characteristics, and school attended.⁵⁴

These disparities are widespread. In Alabama’s Pike County Schools, for example, nearly one in three black students received corporal punishment, but only about one in 10 white students did. In that district, black students had a corporal punishment rate of 31.6 percent compared to 10.1 percent for

white students in 2013–14 — a gap of more than 20 percentage points, enough to land the school system among the nation’s top 25 districts with the worst racial disparity (of those districts enrolling at least 100 black students and 100 white students). The enrollment of black and white students in Pike County was roughly equal (938 black students and 1,034 white students). This corporal punishment gap remained in the 2015–16 school year.

Our analysis of the 2013–14 data at the school level reveals that, of the schools

enrolling at least 25 black students and 25 white students, more than 350 schools had a gap in corporal punishment where the risk for a black student to be corporally punished was at least 10 percentage points higher than a white student's risk.

Prior studies have found black students to be more likely than white students to receive corporal punishment, regardless of whether the school is majority black or white. Researchers concluded that their findings suggest that racial discrimination in the use of corporal punishment in schools is widespread.⁵⁵

Such racial disparities, as a previous report noted, do not go unnoticed by students. “[E]very time you walk down the hall you see a black kid getting whupped,” a high school student at a Mississippi school told researchers for a 2008 report. “I would say out of the whole school year there’s only about three white kids who have gotten paddled.”⁵⁶

The disparity in the use of corporal punishment also likely exacerbates achievement gaps between black and white students: as explained earlier, corporal punishment can harm a student’s academic performance.

Educators should be prohibited from striking students in their care for two primary reasons. First, the data show that students of color and students with disabilities are more likely to receive corporal punishment. Second, research shows that corporal punishment is a harmful and counterproductive disciplinary practice for children, and is not educationally necessary.

Schools and educators have other, more effective disciplinary tools that can be used

to respond to student misbehavior. The unnecessary and disproportionate administration of corporal punishment thus raises civil rights concerns for students of color and students with disabilities in the minority of states that still allow the practice. Rather than relying on federal civil rights enforcement, those states can protect the students in their care by prohibiting the use of corporal punishment in schools.

A look at gender, race and Mississippi

At the national level, racial disparity persists when corporal punishment is also examined by gender. Among boys, black students have the highest rates of corporal punishment, with 14 percent being subjected to the practice. Nationally, white boys had an overall corporal punishment rate of 7.5 percent — roughly half the rate of their black counterparts.

Among girls, black students were the most likely to experience corporal punishment at 5.2 percent, as compared to white girls, at 1.7 percent. In other words, black girls were three times as likely to be struck in school as white girls.

Out of all the states, however, Mississippi holds an especially troubling distinction. It not only tops the list of states with the highest rate of corporal punishment, but, as this report shows, it is also at or near the highest-ranking states for use of corporal punishment when examined by disparities in various demographic factors, including gender.

This report found that nearly half (43.8 percent) of all black girls who received corporal punishment in U.S. public schools in

Top 5 States: Corporal Punishment Gap for Girls by Race

STATE	RATE OF BLACK GIRLS CORPORALLY PUNISHED 2013-14	RATE OF WHITE GIRLS CORPORALLY PUNISHED 2013-14	PERCENTAGE POINT GAP IN BLACK GIRL RATE AND WHITE GIRL RATE
MS	8.0%	2.4%	5.6
AR	7.0%	2.6%	4.4
AL	4.3%	1.6%	2.7
GA	4.0%	1.4%	2.6
TX	3.6%	1.6%	2.0

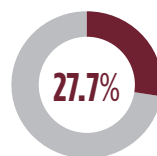
Data reflect states with at least 500 black and white girls enrolled.

the 2013–14 school year were in Mississippi. That is, 4,716 black girls in Mississippi were corporally punished that year. No other state comes close to Mississippi’s share of corporal punishment for black girls. The state also has the largest difference in risk for corporal punishment when comparing black girls and white girls (a gap of 5.6 percentage points).

The five schools in the country with the largest gap in corporal punishment rates between black girls and white girls (among schools enrolling at least 10 black girls and 10 white girls) are all in Mississippi. These five schools struck more than half of their black female students, and had gaps of more than 30 percentage points between black and white girls receiving corporal punishment.

Mississippi also leads all other states for corporal punishment of girls, regardless of race. More than one quarter (27.7 percent) of all girls struck in school in the United States in 2013–14 were struck in schools in Mississippi.⁵⁷ Texas, a state with almost 70,000 more girls enrolled in schools allowing the practice, ranks second with 16 percent of all girls corporally punished across the country.⁵⁸

These figures likely understate the issue of corporal punishment in schools, as they do not include when students are struck in school multiple times. In the 2015–16 school year, for the first time, the Civil Rights Data Collection required schools and districts to report data not just on the individual students receiving corporal punishment one or more times, but also on the total number of instances of corporal punishment administered. In the 2015–16 school year,



More than one quarter of all girls struck in school in the United States in 2013–14 were struck in Mississippi schools.

nearly 150,000 instances of corporal punishment, administered to approximately 98,800 students, were reported in public schools. Nationally, this is an average of about 1.5 instances of corporal punishment for each student that received any corporal punishment in that school year.

Some schools, however, reported very high average rates of how many times students were struck in school in the 2015–16 school year. In Mississippi, for example, Leake Central Junior High in Leake County reported 57 individual students receiving corporal punishment, but a total of 871 instances of corporal punishment — an average of 15 instances per student. Liddell Elementary School in Noxubee County reported four students receiving corporal punishment, but a total of 60 instances of corporal punishment — also an average of 15 times per student.

Such troubling findings only underscore the conclusion of the former education secretary’s letter: “As the evidence against corporal punishment mounts, so does our moral responsibility to eliminate this practice. ... It is difficult for a school to be considered safe or supportive if its students are fearful of being physically punished by the adults who are charged with supporting their learning and their future.”⁵⁹

This report found that **nearly half (43.8 percent) of all black girls who received corporal punishment in U.S. public schools in the 2013-14 school year were in Mississippi.**

... corporal punishment can contribute to **absenteeism and dropout** as students avoid school and suffer from a lack of academic motivation.

Corporal punishment, suspension and the school-to-prison pipeline

Corporal punishment's racial disparity is particularly concerning because the practice helps feed the school-to-prison pipeline. School officials may see corporal punishment as an alternative to out-of-school suspension that provides discipline without depriving the student of an education, but this reasoning is flawed.

Previous research has shown that corporal punishment can contribute to absenteeism and dropout as students avoid school and suffer from a lack of academic motivation.⁶⁰ It also damages student-teacher relationships, which are critical to academic success and to students feeling safe, welcomed and included in their schools — key elements of building healthy environments where exclusionary discipline is not widely used.

A 2015 UNICEF report found increases in corporal punishment rates correlated to lower gains in math and vocabulary scores.⁶¹ Research examining corporal punishment also has shown that it correlates with increased antisocial behaviors in childhood and adulthood,⁶² increased likelihood of justice system involvement,⁶³ and increased alcohol and drug abuse.⁶⁴ This, in turn, increases the likelihood of a student being pushed out of school and into the justice system.

And since corporal punishment is disproportionately meted out to black stu-

dents — as well as students with disabilities — they're at greater risk of being pushed into the justice system. As the National Education Association has said, the practice is "more than ineffective—it is harmful."

This suggests that the presence of corporal punishment in many schools isn't the result of a careful consideration of effective discipline approaches that must be available to educators. Instead, it is likely a result of schools that simply favor a more punitive disciplinary approach, possibly based on history and tradition of the practice in schools. A 2012 report on corporal punishment in Florida schools found that school administrators who "philosophically agreed" with the practice were often raised in communities where corporal punishment was practiced. Some worked in those same communities.⁶⁵

And contrary to research findings, these administrators saw the practice as beneficial to the relationship with the student, presenting it as a method to promote boundaries and communication. Administrators even described their own youthful experiences with corporal punishment in such terms.⁶⁶

"If I think you'll learn more or remember it more if I take a paddle to you, then I'll take the paddle to you," one administrator said in the report.⁶⁷

Disproportionate corporal punishment of students with disabilities

When Barbara⁶⁸ went to school, corporal punishment was commonplace.

“I grew up with kids being paddled all the time,” she said. “I was paddled.”

When her two granddaughters were paddled for the first time at their K-8 school in a Deep South state, she said it seemed to address the behavior issue. But as she continued to care for them, it became apparent that corporal punishment wasn’t the answer.

The principal paddled the girls for behavior issues, despite diagnoses of autism spectrum disorder, attention deficit hyperactivity disorder and other conditions. When Barbara asked the principal why he couldn’t find some other way to discipline the girls, he replied that “it was too much paperwork.”

One of her granddaughters was paddled five times during the school year. “The bruises hadn’t even faded from the fourth paddling [before she received the fifth],” she said.

Barbara’s experience is one example of how students with disabilities are harmed by corporal punishment. Nationally, students with disabilities made up 15 percent of all students corporally punished in 2013–14.

Previous research shows that students with disabilities are often punished for behaviors resulting from the disability.⁶⁹ This included administering corporal punishment for the symptoms of autism spectrum disorder, Tourette’s syndrome and other dis-

abilities. The National Council on Disability found that students with disabilities are more than twice as likely to receive an out-of-school suspension than students without disabilities.

A study by UCLA’s Center for Civil Rights Remedies, published in the book *Closing the School Discipline Gap*, found that one-third of all students with “emotional disturbance” were suspended at least once in 2009–10.⁷⁰ This rate is much higher than the risk for suspension for students in each of the other disability categories that may not have a clear link to behavior.⁷¹ It is so distinct that it raises the possibility of widespread discipline discrimination against this group of students.⁷²

When schools repeatedly discipline a student with disabilities, it may be evidence that the student is not receiving appropriate supports as required by law. The Individuals with Disabilities Education Act (IDEA), among other laws, entitles students with disabilities to additional educational and behavioral supports and other resources in the classroom.

As mentioned earlier, the disproportionate disciplining of students with disabilities can also make students more likely to be pushed into the school-to-prison pipeline. A 2015 report found that students protected under the IDEA with Individualized Education Programs (IEPs), for

Corporal punishment of students with disabilities:
Top 5 states

*SWD = Students with disabilities

STATE	RATE OF SWD* CORPORALLY PUNISHED IN 2013-14	NUMBER OF SWD STRUCK IN 2013-14
MS	10.4%	3,424
AR	8.9%	1,959
TX	7.8%	2,928
OK	7.4%	1,583
GA	7.4%	1,390
NATIONAL	7.3%	16,803

DISTRICT	STATE	RATE OF ALL STUDENTS CORPORALLY PUNISHED, 2013-14	RATE OF SWD CORPORALLY PUNISHED	RATE OF SWoD* CORPORALLY PUNISHED	PERCENTAGE POINT GAP IN SWD RATE AND SWoD RATE	TOTAL STUDENTS ENROLLED **
Lake County	TN	18.2%	60.7%	15.0%	45.6	892
Martinsville ISD	TX	6.4%	45.3%	0.0%	45.3	373
Elkhart ISD	TX	19.7%	59.0%	16.0%	43.0	915
Opp City	AL	16.5%	50.8%	13.4%	37.4	740
Two Rivers School District	AR	14.9%	43.8%	10.1%	33.7	855
Horatio School District	AR	6.9%	35.6%	4.2%	31.4	875
Hominy	OK	11.1%	34.4%	6.4%	28.1	359
Carroll County School District	MS	56.8%	80.8%	54.2%	26.6	532
Keota	OK	14.5%	34.1%	9.1%	24.9	420
Archer City ISD	TX	20.0%	41.8%	17.2%	24.6	485
Floydada ISD	TX	25.1%	47.5%	23.1%	24.3	742
Blevins School District	AR	18.4%	37.9%	15.9%	22.0%	516
Hemphill ISD	TX	9.7%	29.1%	7.5%	21.6	536
Concord School District	AR	16.7%	34.2%	13.7%	20.5	527
Jasper ISD	TX	13.3%	31.4%	11.2%	20.2	2,617
Diboll ISD	TX	18.5%	36.6%	16.7%	19.9	1,792
Afton	OK	11.1%	25.3%	5.6%	19.8	549
Commerce	OK	8.2%	24.3%	5.0%	19.3	866
Rattan	OK	24.5%	39.2%	20.6%	18.6	481
Lamesa ISD	TX	10.4%	27.3%	9.1%	18.1	2,015
Dimmitt ISD	TX	2.2%	19.2%	1.2%	18.0	893
Rains ISD	TX	9.7%	25.1%	7.9%	17.3	1,602
Van Vleck ISD	TX	10.4%	26.1%	8.9%	17.2	788
Leflore County School District	MS	14.5%	30.2%	13.1%	17.1	1,528
Atoka	OK	25.1%	37.3%	20.4%	16.9	399

Corporal Punishment: The Disability Gap

Top 25 districts with largest disability gap. Listings filtered for 50+ enrollments of students with and without disabilities.

*SWoD = Students without disabilities

**Total students enrolled in schools that practice corporal punishment.

example, represented a quarter of students subjected to a school-related arrest despite representing only 12 percent of the overall student population.⁷³

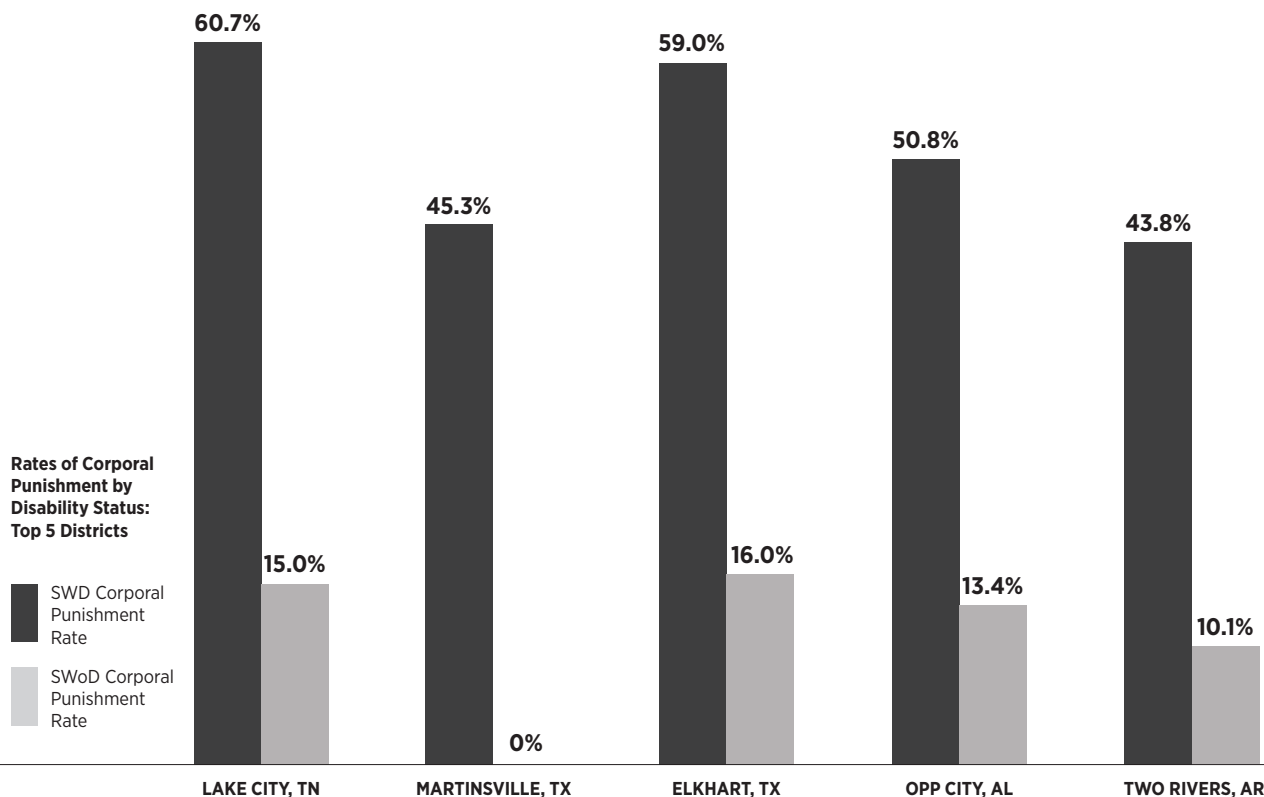
Disability disparity in the states

This report provides a more comprehensive picture of corporal punishment at the state and local level by examining the rate of corporal punishment at schools that use the practice (i.e., examining the percentage of students with disabilities struck in school out of the total number of students

with disabilities enrolled in a school allowing the practice).

Despite a national corporal punishment rate of 7.3 percent for students with disabilities, several states have considerably higher rates. Mississippi, for example, had the nation’s highest corporal punishment rate for students with disabilities at 10.4 percent, which means that more than 3,400 students with disabilities were struck in school in 2013–14 alone.⁷⁴

Arkansas trailed Mississippi with a rate of 8.9 percent, a figure that represents



almost 2,000 students with disabilities. Texas rounded out the top three with 7.8 percent, which is more than 2,900 students with disabilities struck in school.

When examining the disparity between a state’s corporal punishment rate for students with disabilities and its rate for students without disabilities, however, Texas leads all other states — in 2013–14, students with disabilities were struck in school at a rate of 7.8 percent, compared to 4.3 percent for students without disabilities. Students with disabilities were almost twice as likely as students without disabilities to be struck in school.

In Georgia, 7.4 percent of students with disabilities, compared to 4.6 percent of students without disabilities, were struck in school. Florida struck 5.4 percent of students with disabilities enrolled in practicing schools—well above the 3.1 percent rate for students without disabilities.

Disability disparity in schools and districts

When researchers for this report examined school- and district-level data from across the country, it also demonstrated in stark terms that students with disabilities are struck in school at a greater rate than their classmates without disabilities.

Educators in Lake County Schools in Tennessee struck students with disabilities at a rate of 60.7 percent in 2013–14, compared to 15 percent of students without disabilities. In other words, students with disabilities were four times as likely to be struck in school. As noted below, Tennessee recognized these troubling disparities and has since limited the use of corporal punishment for students with disabilities in 2018. Another concerning pattern is that in Texas’ Martinsville Independent School District, corporal punishment was only used on children with disabilities.

None of the 10 school districts with the greatest gaps in corporal punishment rates in 2013–14 had a gap of less than 24 percentage points between students with disabilities and those without. And all of the top 10 districts struck at least one-third of their students with disabilities.

More than half of the schools that practice corporal punishment in the United States strike students with disabilities at a higher rate than those without disabilities (of those schools enrolling at least 10 students with disabilities and 10 students without disabilities). This amounted to nearly 2,200 schools. In 98 of these schools, corporal punishment was only used on students with disabilities.

‘That’ll straighten them up’

As for Barbara, she knew she had to take action after her granddaughter’s fifth paddling of the school year. She wrote a letter to the school asking that her granddaughter not be subjected to corporal punishment.

The school’s response: Don’t return to school next year.

The school’s decision was a blessing, Barbara said. After starting the new school, her granddaughter received As in her school work, including for conduct. Barbara, however, recognizes that students with disabilities at other schools are likely enduring needless corporal punishment.

“Most people their first solution is, ‘We’re just going to paddle them and that’ll straighten them up,’” she said.

“They are going to cause the child to be more anxious, more stimulated, more angry, more hyper and basically act out more,”

Charles Ihrig, *psychologist*

Signs of change in some Southern states, communities

As data show students with disabilities disproportionately receive corporal punishment, several Southern states are taking action against the harmful practice.

Louisiana, for example, banned the use of corporal punishment on students with disabilities in 2017.¹ The next year, Tennessee banned the practice for students with disabilities without express written permission from their parents.² And in March 2019, shortly before this report went to print, Mississippi also banned the practice for students with disabilities.

Psychologist Charles Ihrig summed up the dangers of administering corporal punishment to students with disabilities during a 2017 TV news report about Middle Tennessee schools corporally punishing students with disabilities at a higher rate than students without disabilities.

“They are going to cause the child to be more anxious, more stimulated, more angry, more hyper and basically act out more,” said Ihrig, who had worked with students with disabilities experiencing setbacks after being corporally punished. “It’s not solving the problem, it’s making it worse.”³

While progress is being made, communities are recognizing that the harm of corporal punishment also reaches beyond students with disabilities. In Greenville, Mississippi, the local school board voted in 2018 to immediately ban corporal punishment for all students after an educator dragged a student with disabilities by her hair across a gym floor, according to news reports.⁴ A year earlier, the Alabama Association of School Boards adopted a position encouraging local school boards to ban corporal punishment for all students.⁵

1 The Associated Press, “Ban on paddling students with disabilities to become law,” June 6, 2017, bit.ly/2A5v6zJ, (Last accessed Dec. 10, 2018).

2 Alanna Autler, “Governor signs bill banning corporal punishment for disabled students,” WSMV-TV, May 4, 2018, bit.ly/2CDO6HL.

3 Autler, Alanna. “Students with disabilities punished at higher rate at 60 Middle Tennessee schools,” WSMV-TV May 8, 2017 bit.ly/2zT9V35 (Last accessed Dec. 10, 2018).

4 The Associated Press, “District Bans Paddling After Teacher Dragged Student by Hair,” Jan. 28, 2018, bit.ly/2ye00Em (Last accessed Dec. 10, 2018).

5 Crain, Trisha Powell “No more paddling, Alabama school board members say,” AL.com, Dec. 9, 2017, bit.ly/2CEN2DJ (Last accessed Dec. 10, 2018).



Recommendations

As the findings of this report make clear, the use of corporal punishment in schools is a harmful, ineffective form of discipline. It is disproportionately meted out along lines of race, gender and disability. And, far too often, it's used for minor or subjective infractions often based on developmentally appropriate misbehavior, such as dress code violations, talking back and running.

The potential damage to students extends beyond physical pain. Corporal punishment risks increasing antisocial behavior and can lead to dropout. It contributes to poor mental health, depression, stress and anxiety. It damages a child's relationships with educators. It also risks pushing students into the school-to-prison pipeline. The following recommendations offer reform at the local, state and federal level.

Ban corporal punishment in schools

Corporal punishment has no place in schools. The harmful effects of this anachronistic practice are well-documented. Federal, state

and local government officials should support efforts to remove it from public schools.

Support alternatives to corporal punishment

Educators, policymakers and advocates must ensure that a prohibition of corporal punishment does not end up promoting other negative punishments. A ban on corporal punishment should be accompanied by classroom and behavior management training for educators. Schools need funding, training and support to establish alternative, evidence-based discipline programs. A list of research-based alternatives to corporal punishment is included in this section.

Don't replace corporal punishment with out-of-school suspension or other punitive disciplinary measures

Replacing corporal punishment with out-of-school suspension or other punitive disciplinary measures simply substitutes one negative punishment for another. Such measures deprive a child of an educa-



tion and risk pushing the student into the school-to-prison pipeline. Educators must support evidence-based alternatives.

Where corporal punishment isn't banned, its use should be minimized

States that continue to allow corporal punishment in schools should adopt policies that require parents to opt into a school's corporal punishment practices if they want

their child to be subject to it. School staff should receive training to improve their understanding of students with disabilities to prevent these students from being struck in school for their manifestations of disability. When a state continues to allow corporal punishment, it should collect, review and publish data on how it is used, including data on the students receiving it.

Alternatives to corporal punishment

Schools that end corporal punishment should not replace it with ineffective and counterproductive punitive practices, such as out-of-school suspension and expulsion. There are research-based, and often low-cost, programs that can help create a positive learning environment and address challenging behaviors.

The following list includes several recommended approaches that can be used by schools. A key to ensuring success with any evidence-based program is a relationship of

trust and care between students and educators — a relationship that is difficult, if not impossible, to develop when a school uses corporal punishment.

Positive Behavioral Interventions and Supports (PBIS) is a research-based method for improving student behavior and creating a safe and productive school climate. It's based on an understanding that teachers don't control students, but instead seek to support them in their own behavior devel-

opment process, and that students engaging in difficult behaviors should be treated with dignity, respect and compassion.

PBIS schools set clear expectations for behavior, acknowledge and reward appropriate behavior and implement a consistent set of consequences for misbehavior. Students with serious or chronic behavior challenges are assessed to determine the cause of the ongoing misbehavior and tailor interventions and supports to address it.

All personnel in PBIS schools are trained in the practice, which is used throughout the school, including the cafeteria, the buses and the hallways. The schools rely on data, such as office referrals, to develop and modify their approach (e.g. “When/where do most office referrals occur? Which teachers are referring the most students? Which students are most often referred?”)

Schools that effectively use PBIS have reduced office referral rates – and, consequently, suspension and expulsion rates – by up to 50 percent per year. They have also reported improved academic achievement and reduced dropout rates.

For more information: bit.ly/2Er8dKu.

Restorative justice holds students accountable to members of the school community for challenging behavior. It helps repair the damage caused by the behavior by allowing those harmed to express grievances. All of the people involved in the incident are brought together to determine what happened and what response might make things better, allowing people who have harmed others to take responsibility for their behavior, for those who have experienced harm to heal, and for everyone to be involved in creating a safer school community.

For more information: edut.to/2fHYbVn. A Toolkit on Restoring Justice can be found at bit.ly/2rxVZa9.

Mentoring helps marginalized or disconnected students reconnect to school and to the community through tutoring, discussions, field trips, or community service. Evaluations of mentoring programs show that they can raise self-esteem and career aspirations, and improve social skills and academic achievement.

For more information: mentoring.org

Conflict resolution and peer mediation programs have been used by schools to successfully address behavior issues. They teach students the attitudes and skills necessary to handle conflict, such as empathy and perspective.

Students can be trained to act as peer mediators to help classmates defuse conflicts in halls and classrooms. They can also help students reach a resolution through mediation sessions and shared problem-solving. Peer mediation puts conflict resolution back into the hands of the students, giving them a sense of ownership in working toward solutions. Schoolwide conflict resolution efforts have shown positive outcomes, including decreased physical violence, increased student cooperation, and lower suspension and expulsion rates.

For more information: bit.ly/2PqzZsa.

Anger management and counseling programs help students understand and manage feelings of anger. They provide them with tools to prevent negative feelings from escalating and leading to confrontations with others. Effective programs have led to decreases in disruptive and aggressive behavior, increases in pro-social behavior, better social acceptance by peers and increased on-task behavior.

For more information: bit.ly/2B7rVqc.

To get a more accurate sense of the use of corporal punishment, its unequal application, and its relationship to other forms of discipline, this report focuses on the **4,294 schools** that practiced it.

Methodology

This report uses data from the Civil Rights Data Collection (CRDC), part of the U.S. Department of Education’s Office for Civil Rights (OCR). The agency is the source for discipline data from most school districts in the nation. The data is collected from all public schools — over 96,000. This report focused exclusively on the schools that reported corporal punishment.

Under federal regulations, all schools and districts receiving funding from the U.S. Department of Education are required to submit CRDC survey data biennially.⁷⁵ School officials are required to certify the accuracy of the data. The data are sometimes referred to as the “OCR” or “CRDC” data; the two are identical.

The 2013–14 dataset used in this report were made available to the public in August 2016, and the 2015–16 dataset was made available in 2018. The public can access this data through ocrdata.ed.gov. This report uses the CRDC’s data on students experiencing corporal punishment.

To get a more accurate sense of the use of corporal punishment, its unequal application, and its relationship to other forms of discipline, this report focuses on the 4,294 schools that practiced it. Although the raw data used in this report are available to any researcher, the analysis broken down by exclusively schools that practice corporal punishment is unique to this report.

The CRDC reports corporal punishment by looking at the number of students

who experienced the discipline practice at least once. For the 2015–16 school year, the CRDC required for the first time schools and districts to report both unduplicated counts of students receiving corporal punishment, as well as the total number of corporal punishment instances administered to students. When a new survey item is introduced, it can cause confusion in reporting and the data can therefore be unreliable. For this reason, with the modification to the 2015–16 data collection, this report focuses on the 2013–14 school year.

For all years reviewed, we identified some slight flaws in the data. For example, some states that do not practice corporal punishment had schools reporting instances of the practice. Some schools reported a greater number of students receiving corporal punishment than the total population of students. Note also that the CRDC data is privacy-protected by rounding student counts in groups of three to prevent the disclosure of individual student information. For example, student counts from 1-3 are rounded to two, and student counts from 4-6 are rounded to five. True zeros are revealed where possible. In general, the distortion of rounding one student to two is balanced by the rounding down of three students to two. However, both the enrollment data and the number of students receiving corporal punishment were rounded off at the school level.

For statewide and national analyses,



all schools reporting instances of corporal punishment are included. For district-level analyses of overall rates of corporal punishment, districts with fewer than 500 total students enrolled were eliminated. With district-level analyses of racial gaps, districts with fewer than 100 black students and 100 white students were eliminated. District level analyses of disability gaps had districts with fewer than 50 students with disabilities and 50 students without disabilities enrolled eliminated.

For school-level analyses of racial gaps, schools with fewer than 25 black students and 25 white students were eliminated; for school-level analyses of disability gaps, schools with fewer than 10 students with disabilities and 10 students without disabilities were eliminated. These eliminations of schools and districts with small subgroup populations allowed for adequate comparison among schools and districts.

Students with disabilities included only children receiving services under the Individuals with Disabilities Education Act (1990).

This report examines the discipline gaps between black and white students and the gap between students with disabilities and those without. We purposefully focus on the underlying risk for being subjected to corporal punishment, and describe the disparity by subtracting. The resulting differences are also referred to as the racial gap or disability gap. These are absolute differences and not purely relative ratios. Because the research indicates that being subjected to corporal punishment is harmful to all students, we chose to measure the differences in a way that could also convey a sense of the underlying risk for being struck in school. This report did not track the trends for other students (Asian Americans, Hispanics, Hawaiians/Pacific Islanders, American Indians, etc.) because of the low number of students within these groups experiencing corporal punishment.

Racial disparities, however, exist with other students as well. This analysis, however, focused on disparities between black and white students because of the pervasiveness and student sample size.

APPENDIX

Corporal Punishment Myths

A number of arguments have been presented over the years to justify corporal punishment. Most of these arguments perpetuate myths. Others are based on anecdotes from childhood experiences with corporal punishment. Few, if any, of these arguments are backed by sound evidence. The arguments are, however, often presented as fact and used to promote and preserve the practice. This section explores some of the more common arguments and provides responses to counter them.

“Corporal punishment is an immediate consequence to an action, and there’s no down time. ... It’s really pretty effective.”⁷⁶

Saving time and money does not outweigh the many harmful long-term consequences of corporal punishment in schools. Even if short-term compliance is achieved, corporal punishment fails to promote the development of the skills and self-regulation necessary for a student’s long-term compliance. As one superintendent put it: “[B]ecause you get compliance does not mean you have control.”⁷⁷

“We only use it as a last resort. We warn the students several times.”

Despite the oft-cited last-resort argument, studies suggest that corporal punishment is used without regard to a child’s current or previous rule-breaking behavior.⁷⁸ What’s more, the last-resort justification teaches children that it is acceptable for a frustrated or angry adult to respond to a situation with violence.

“It was the student’s choice.”

At many schools, children who have violated school rules face a choice between corporal punishment and out-of-school suspension. It’s a “choice” that fails to help the student on a number of levels. First, neither corpo-

ral punishment nor out-of-school suspension are proven methods of putting a child back on track for academic success. Second, the “choice” offered is frequently a false choice. The boredom of Saturday school or detention may coerce the student to choose corporal punishment.⁷⁹

Finally, educators taking this approach are imparting dangerous lessons. Students learn that choosing corporal punishment is a way to escape further accountability, because parents are less likely to learn about a child’s misbehavior when he or she chooses corporal punishment.

“Without consequences, students will be out of control. Misbehavior and delinquency will increase.”

This argument presents the banning of corporal punishment as if it’s an unprecedented action that risks chaos in the classroom. It’s not. Thirty-one states have banned the practice. And no research has documented an increase in misbehavior after its elimination. What’s more, states banning corporal punishment have not seen an increase in public safety issues.⁸⁰ Contrary to this argument, there are clearly other ways to hold children accountable for their behavior.

“Our school lacks resources and training for alternative methods of discipline.”

A dollar amount should not determine whether a student is free from corporal punishment. Schools may not have the resources necessary to replace corporal punishment with supervised in-school suspension or detention, but evidence-based discipline practices — such as restorative justice — can be adopted at relatively little cost.

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