



Corporal Punishment in U.S. Public Schools: Prevalence, Disparities in Use,  
and Status in State and Federal Policy  
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# Social Policy Report

## Corporal Punishment in U.S. Public Schools: Prevalence, Disparities in Use, and Status in State and Federal Policy

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### Abstract

School corporal punishment is currently legal in 19 states, and over 160,000 children in these states are subject to corporal punishment in schools each year. Given that the use of school corporal punishment is heavily concentrated in Southern states, and that the federal government has not included corporal punishment in its recent initiatives about improving school discipline, public knowledge of this issue is limited. The aim of this policy report is to fill the gap in knowledge about school corporal punishment by describing the prevalence and geographic dispersion of corporal punishment in U.S. public schools and by assessing the extent to which schools disproportionately apply corporal punishment to children who are Black, to boys, and to children with disabilities. This policy report is the first-ever effort to describe the prevalence of and disparities in the use of school corporal punishment at the school and school-district levels. We end the report by summarizing sources of concern about school corporal punishment, reviewing state policies related to school corporal punishment, and discussing the future of school corporal punishment in state and federal policy.

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## From the Editor

Since the Ferguson, Missouri, racial tensions of August 2014, when the largely black community rose up after the shooting of an unarmed black teen, we've seen several incidents of black communities concerns about differential treatment by police. Since then, other incidents of racial disparities in policing across the country has led to the Black Lives Matter movement and numerous investigations of policing tactics. In at least one major city, Chicago, a recent investigation has charged long term systematic discriminatory treatment of black citizens by the police.

It is in this social context that this *Social Policy Reports* examines the use of corporal punishment in US public schools and importantly documents differential use of such punishment by racial, gender or disability status. And as the authors point out this systematic differential treatment of these subgroups is in violation of at least three federal statutes: Title VI of the Civil Rights Act of 1964; Title I of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973. Moreover, subjecting children to such discrimination is linked to negative mental health outcomes (such as higher rates of depression, lower self esteem) and lower academic achievement.

School corporal punishment was ruled constitutional by the U.S. Supreme Court in 1977, and it is allowed in 19 states, although individual school superintendents can decide not to use corporal punishment. This *Social Policy Report* examines the data—data from the Office of Civil Rights—to assess who are the children who are physically punished in public schools. The authors note that school corporal punishment is defined by each state, such as this definition in Texas -- “the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.” They draw on a huge sample of more than 37,000 schools in 5,461 school districts.

First, the authors find a geographic concentration of the use of corporal punishment with Arkansas, Alabama, and Mississippi forming a nexus of states in which more than half of the school districts allow for corporal punishment. And their study finds that indeed there is evidence of systematic profiling: Black children, boys, and children with disabilities seem to be disproportionately punished. This *Social Policy Report* should be read against the backdrop of the larger societal discussions about police activities and racial profiling. In that sense, it is timely and extremely relevant.

# Corporal Punishment in U.S. Public Schools: Prevalence, Disparities in Use, and Status in State and Federal Policy

In 1977, the U.S. Supreme Court ruled in its *Ingraham v. Wright* decision that school corporal punishment is constitutional, leaving states to decide whether to allow it. Nineteen U.S. states currently allow public school personnel to use corporal punishment to discipline children from the time they start preschool until they graduate 12<sup>th</sup> grade; these states are: Alabama, Arkansas, Arizona, Colorado, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (Center for Effective Discipline, 2015). A total of 163,333<sup>1</sup> children were subject to corporal punishment in these states' public schools during the 2011-2012 school year.

Corporal punishment is defined as the use of physical force with the intention of causing a child to experience pain so as to correct their misbehavior (Straus, 2001); it is synonymous with physical punishment, but we will use the term "corporal punishment" in this report because it is the term used by school districts in the U.S. Although corporal punishment by parents tends to take the form of spanking a child's buttocks with an open hand (Zolotor, Theodore, Chang, Berkoff, & Runyan, 2008), in schools, a teacher or administrator typically administers corporal punishment by using a large wooden board or "paddle" to strike the buttocks of a child. A typical state definition of school corporal punishment is the one offered in the Texas Education Code, which specifies permissible corporal punishment as,

"...the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline." (Texas Education Code, 2013)

The Texas code thus allows school personnel to hit children with objects ("paddling") and to use "any other physical force" to control children, discipline.

Some school districts of the paddles to be used for Board of Education in Pickens that schools use a "wooden inches in length, 3 inches wide not have holes, cracks, splin-material (Pickens County 27). Most corporal punishment students (North Carolina De-2015), and given that elemen-average height from 43 inches

A total of 163,333 children were subject to corporal punishment... during the 2011-2012 school year.

specify the exact dimensions discipline. For example, the County, Alabama, recommends paddle approximately 24 and ½ inch thick" that does ters, tape, or other foreign Board of Education, 2015, p. involves elementary school partment of Public Instruction, tary school children range in at age 5 to 55 inches at age 10

(Centers for Disease Control and Prevention, 2000), a 2-ft-long paddle can be half as tall as the children being paddled. In any other context, the act of an adult hitting another person with a board of this size (or really, of any size) would be considered assault with a weapon and would be punishable under criminal law (Bitensky, 2006).

Schoolchildren are disciplined with corporal punishment for a range of behaviors. Interviews with corporally punished students make clear that some of the precipitating incidents are quite serious, such as fighting with fellow students, setting off fireworks in school, or getting drunk on a field trip (Human Rights Watch & the ACLU, 2008). In North Carolina, 63% of the cases of corporal punishment in the 2013-2014 school year were for disruptive behavior, fighting, aggression, disorderly conduct, or bullying, while the remaining 37% were for bus misbehavior, disrespect of staff, cell phone use, inappropriate language, and other misbehaviors (North Carolina Department of Public Instruction, 2015).

<sup>1</sup> This total comes from the full Office for Civil Rights (OCR) universal dataset for 2011-2012 provided to the authors and used throughout this report. OCR reports a total of 166,807 on its website ([http://ocrdata.ed.gov/StateNationalEstimations/Projections\\_2011\\_12](http://ocrdata.ed.gov/StateNationalEstimations/Projections_2011_12)). Here and throughout the report, we exclude reported incidents from states where corporal punishment is illegal and from schools that are contained within juvenile justice facilities, hospitals, or residential treatment centers. For consistency throughout the report, we use the total number from the universal dataset.

Evidence from other states further indicates that not all misbehaviors that elicit corporal punishment are serious. Children have been corporally punished in school for being late to class, failing to turn in homework, violating dress codes, running in the hallway, laughing in the hallway, sleeping in class, talking back to teachers, going to the bathroom without permission, mispronouncing words, and receiving bad grades (Human Rights Watch & the ACLU, 2008; Mitchell, 2010). A review of over 6,000 disciplinary files in a central Florida school district for the 1987–1988 school year found that whether corporal punishment was used was not related to the severity of the student’s misbehavior or to how frequently they had been referred for a rule violation (Shaw & Braden, 1990). This study suggests that school corporal punishment is not necessarily used as a “last resort” for frequently misbehaving students or only for serious infractions.

The prevalence of school corporal punishment has been on a steady decline since the late 1970s, decreasing from 4% of all schoolchildren in 1978 to less than 0.5% today (Gershoff, Purtell, & Holas, 2015). This decline occurred in large part because 25 states banned corporal punishment from public schools between 1974 and 1994. Yet this pattern of state policy change stagnated in the 20 years since 1994, during which time only 5 additional states passed bans on school corporal punishment, bringing the total number of states with bans to 31 plus the District of Columbia (see Table 1). The states that continue to allow corporal punishment have a greater percentage of children in the general population, higher rates of child poverty and child mortality, lower college graduation rates, and lower per-pupil education expenditures than states that have banned school corporal punishment (Gershoff et al., 2015).

**Table 1. List of the states that have banned corporal punishment in public schools in chronological order**

State	Year	State	Year	State	Year
New Jersey*	1867	Wisconsin	1988	Utah	1992
Massachusetts	1971	Alaska	1989	Illinois	1993
Hawaii	1973	Connecticut	1989	Maryland	1993
Maine	1975	Iowa*	1989	Nevada	1993
District of Columbia	1977	Michigan	1989	Washington	1993
Rhode Island	1977	Minnesota	1989	West Virginia	1994
New Hampshire	1983	North Dakota	1989	Delaware	2003
New York	1985	Oregon	1989	Pennsylvania	2005
Vermont	1985	Virginia	1989	Ohio	2009
California	1986	South Dakota	1990	New Mexico	2011
Nebraska	1988	Montana	1991		

Source: Center for Effective Discipline (2015).

\* These two states also ban corporal punishment in private schools.

School corporal punishment has received scant attention from the federal government. In 2014, the U.S. Department of Education and the U.S. Department of Justice issued a widely publicized joint report, entitled *Nondiscriminatory Administration of School Discipline*, that summarized racial disparities in suspensions and expulsions; no data were presented on corporal punishment, and the only mention of corporal punishment was a brief remark that it has the potential to be used in a discriminatory fashion (U.S. Department of Education and U.S. Department of Justice, 2014). In an accompanying guiding principles document issued by the U.S. Department of Education (2014), corporal punishment was not mentioned a single time. Corporal punishment was also not mentioned in a report released by the Office for Civil Rights (OCR) in the U.S. Department of Education specifically on disparities in school discipline by race, gender, and disability status in the 2011–2012 school year (U.S. Department of Education, Office for Civil Rights, 2014a). Nor was corporal punishment mentioned in the most recent annual report OCR submitted to the President and the Secretary of Education (U.S. Department of Education, Office for Civil Rights, 2015a). This lack of information about and

attention to school corporal punishment is surprising given that OCR has regularly collected data about corporal punishment in public schools for over 30 years in service of its mission to enforce civil rights in public education.

The aim of this policy report is to fill the gap in knowledge about school corporal punishment by describing the prevalence and geographic dispersion of corporal punishment in U.S. public schools and by assessing the extent to which schools disproportionately apply corporal punishment to boys, to Black children, and to children with disabilities. These facts are already known for suspensions, expulsions, and physical restraints, all of which have been included in OCR's recent reports (2015a, 2014a). School-district-level racial disparities in suspensions and expulsions in the 2011–2012 OCR data were recently highlighted in a report from the Center for the Study of Race and Equity in Education (Smith & Harper, 2015). While two studies to date have examined the prevalence and predictors of school corporal punishment at the state level using OCR national data from representative samples of schools (Gershoff et al., 2015; Owen & Wagner, 2006), this policy report is the first-ever effort to describe prevalence of and disparities in the use of school corporal punishment at the school and school-district levels using a universal dataset of all U.S. public schools. We end the report by summarizing sources of concern about school corporal punishment and the future of public policies related to the practice, reviewing state policies related to school corporal punishment, and discussing the future of school corporal punishment in state and federal policy.

We note at the outset that corporal punishment is also legal in private schools in 48 states; the only exceptions are Iowa and New Jersey (Bitensky, 2006). Because OCR does not collect discipline data from private schools and because federal and state laws have more jurisdiction over public schools, this report focuses only on public schools.

## Prevalence of School Corporal Punishment in the 2011–2012 School Year

The little that is known about corporal punishment in U.S. public schools comes from data collected periodically by OCR. The Civil Rights Data Collection (CRDC), previously called the Elementary and Secondary School Survey, is collected every few years by OCR in compliance with Section 203(c)(1) of the Department of Education Organization Act of 1979. All schools and districts that receive funding from the U.S. Department of Education are required to comply with requests for OCR survey data under several federal regulations (34 C.F.R. § 100.6(b), 106.71, and 104.61, 2000; U.S. Department of Education, Office for Civil Rights, 2015b). Data presented in this report are from the CRDC for the school year 2011–2012, which was a universal survey of all 95,088 U.S. public schools completed by school administrators (U.S. Department of Education, Office for Civil Rights, 2014b). The data are not publicly available but are available upon request from OCR. We focused on schools in the 19 states that allow corporal punishment ( $N = 38,775$  schools), but then excluded schools that were contained within hospitals, juvenile detention centers, prisons, or treatment centers, as well as adult education schools and online programs. In our analyses aggregated at the state level, we report data for a total of 37,624 schools from 5,461 districts. Our district-level analyses exclude the majority of charter schools as well as some specialized schools that were assigned “district identification numbers” by OCR despite the fact that they do not function as complete school district.<sup>2</sup> Thus, the district-level analyses focused on 4,460 school districts representing 36,942 schools.

To depict the geographic dispersion of corporal punishment use, prevalence, and disparities, we merged OCR data with school district and state boundaries using ArcGIS software (version 10.2.2; Esri, 2015). This software allowed us to map the use of corporal punishment aggregated to either the district or state level.

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### State-Level Prevalence of School Corporal Punishment

Even when corporal punishment is legally permitted in a state, school district superintendents and individual school principals within districts can decide whether to use corporal punishment as a form of discipline. Table 2 presents the percentage of schools in each state that reported using corporal punishment on at least one child; these rates are then mapped in Figure 1. States that legally permit school corporal punishment are largely clustered in the south-

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<sup>2</sup> The excluded charter and specialized school “districts” tend to be a single school or a set of 2 to 3 schools located in the same area as a typical public school district. Specifically, 75% of these “districts” were single schools and 91% included 3 or fewer schools. Of these, 26 (2.6%) had a school that reported use of corporal punishment.

eastern United States. As is clear from both the table and figure, the nexus of school corporal punishment is located in the contiguous states of Arkansas, Alabama, and Mississippi, with more than half of schools in each state using corporal punishment. The percentage of schools using corporal punishment progressively decreases among the states that radiate out from this nexus. In 9 states (Arizona, Colorado, Florida, Idaho, Indiana, Kansas, North Carolina, South Carolina, Wyoming), corporal punishment is nearly eliminated, with less than 5% of schools reporting any use of it.

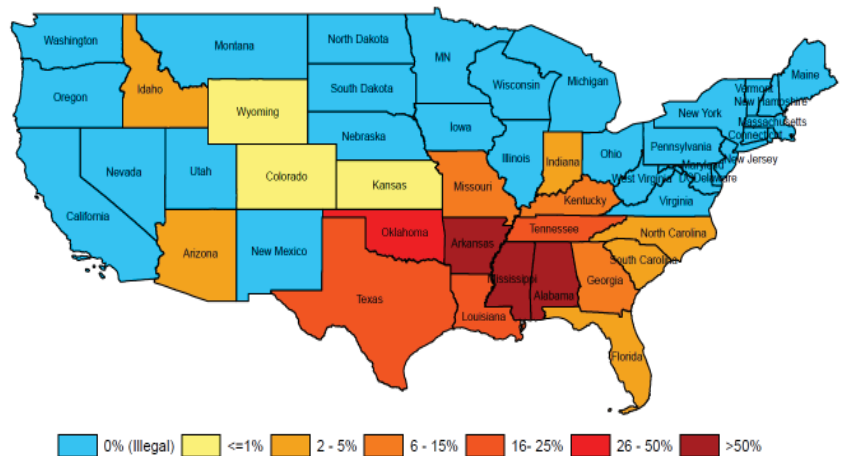
In a given state, the percentage of schools that use corporal punishment tells us little about the proportion of students potentially affected by it. It could be the case that corporal punishment is isolated in districts with fewer students, with the result that few students are actually at risk of receiving corporal punishment. To examine this issue, we calculated the proportion of all students in a state who attended a school that used corporal punishment; these values are also presented in Table 2. Overall, 12% of students in these 19 states (1 in 8) attend a school that uses corporal punishment. However, there is substantial between-state variation. Around half of all students in Alabama, Arkansas, and Mississippi attend schools that use corporal punishment, whereas in 9 of the 19 states, less than 4% of stu-

**Table 2. Percentage of schools reporting corporal punishment, and percentage of children attending schools using corporal punishment, by state in the 2011-2012 school year**

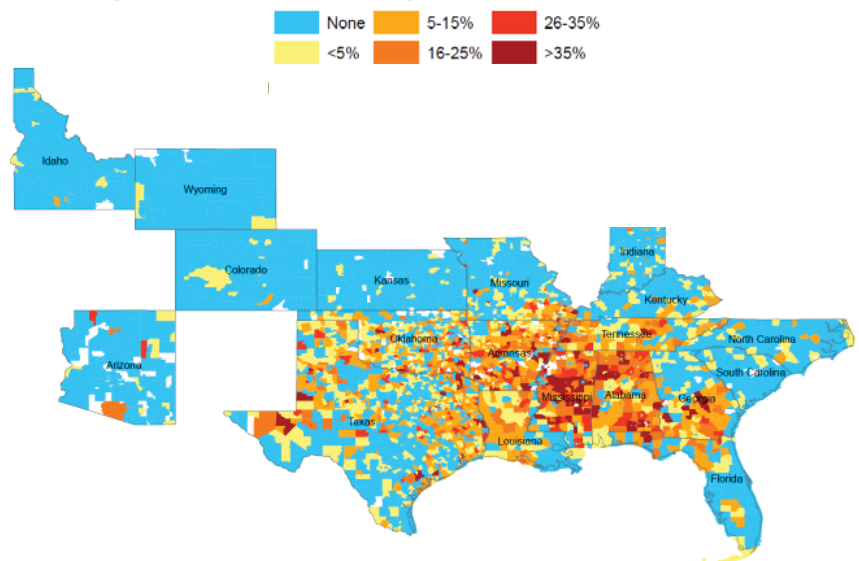
State	Percentage of schools reporting corporal punishment	Percentage of children attending schools that report corporal punishment
MS	57	59
AR	53	47
AL	51	50
OK	33	24
TN	25	23
LA	22	21
TX	16	12
GA	15	12
MO	10	8
KY	7	6
FL	4	4
IN	4	4
AZ	2	1
SC	2	2
ID	2	2
NC	2	1
KS	1	1
WY	1	1
CO	1	< 1
Total in states where it is legal	14	12
Total across all states	6	6

Data source: U.S. Department of Education, Office for Civil Rights (2014b).

**Figure 1. Legality of corporal punishment and percentage of public schools reporting any corporal punishment by state**



**Figure 2. Use of corporal punishment by school district (maximum percentage of students corporally punished at a district school)**



dents attend a school that uses corporal punishment. In comparing the two columns in Table 2, the percentage of schools using corporal punishment and the percentage of children attending schools using corporal punishment are roughly equal in most states. However, for Arkansas, Oklahoma, Texas, and Georgia, the proportion of schools using corporal punishment exceeds the proportion of students who attend those schools by more than two percentage points, indicating that, on average, schools using corporal punishment in these states serve fewer students than schools that do not use it.

### District-Level Prevalence of School Corporal Punishment

Given the between-state differences in prevalence of school corporal punishment, it is important to examine the within-state variation to determine whether corporal punishment usage and prevalence is clustered in particular areas of these states. Figure 2 presents prevalence of corporal punishment at the district level. Each district is coded according to the highest school-level rate of corporal punishment in that district, or the percentage of all enrolled students who were corporally punished at least once. Overall, more districts in the 19 states in which corporal punishment is legal did *not* use corporal punishment in the 2011-2012 school year than did: 59% of districts in these states did not report using any corporal punishment (colored blue in Figure 2).

Of the eight states that have the most widespread use of corporal punishment (see Table 2), Oklahoma, Tennessee, Louisiana, Texas, and Georgia each have only a small percentage of districts that 25% of its students (indicated 2; Oklahoma: 6.0%; Tennessee:

4.5%; and Georgia: 6.2%). cally scattered around each use of school corporal punishment largely been eliminated in Alabama, Arkansas, and Tennessee. In Louisiana, however: 22.1% of districts in Louisiana, and 35.7% in Louisiana, use corporal punishment in a quarter of its students in Louisiana (indicated in red and dark-red in Figure 2). This suggests that corporal punishment is still frequently used in these three states. There is also less geographic dispersion than there is in the

with the vast majority of districts reporting occurrences of corporal punishment of children; as displayed in Figure 2, 86% of school districts in Alabama, 88% in Arkansas, and 85% in Mississippi use corporal punishment. The fact that corporal punishment is more common in these states at the district level than at the school level (see from Table 2: Alabama: 51%, Arkansas: 53%, Mississippi: 57%) indicates within-district variability; not all schools within a district are using corporal punishment, but in almost every district, at least one school is.

Figure 2 is yet another illustration that school districts generally appear to be phasing out corporal punishment—except those in Alabama, Arkansas, and Mississippi, where its use remains widespread.

Around half of all students in Alabama, Arkansas, and Mississippi attend schools that use corporal punishment.

Georgia each have only a small corporally punish more than with red or dark-red in Figure 4.4%; Louisiana: 1.5%; Texas: These districts are geographically scattered around each use of school corporal punishment largely been eliminated in Alabama, Arkansas, and Tennessee. In Louisiana, however: 22.1% of districts in Louisiana, and 35.7% in Louisiana, use corporal punishment in a quarter of its students in Louisiana (indicated in red and dark-red in Figure 2). This suggests that corporal punishment is still frequently used in these three states. There is also less geographic dispersion than there is in the

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### Child-Level Prevalence of School Corporal Punishment

Table 3 presents the number of children attending public schools in each state where corporal punishment is legal that were subjected to corporal punishment in the 2011-2012 school year, with the total number coming to 163,333 students. It is important to note that the OCR data track the number of children, not the instances of discipline; multiple instances of corporal punishment of the same child are not represented in the data. Thus, this total is likely an underestimate of the number of instances of corporal punishment in the United States that year.

Mississippi schools corporally punish the greatest proportion of their children, 7% of all students, and the largest total number of children, 32,157. Consistent with the state-level pattern seen above, Alabama and Arkansas have the next highest prevalence rates, at 4% each. Texas corporally punishes the second largest number of children, 29,835, but because of its larger student population, this amounts to less than 1% of children in its public schools. In total, 14 of the 19 states that still allow corporal punishment use it on less than 1% of their children in a given year.

### Summary of Prevalence Data

Corporal punishment is permitted in 19 states, but it is much more pervasive across schools in some states, particularly Alabama, Arkansas, and Mississippi, where half of all students attend schools that use corporal punishment. Mississippi has the highest proportion of children experiencing school corporal punishment, where 1 in every 14 children is subject to corporal punishment in a single school year.

### Disparities in Prevalence of School Corporal Punishment

The CRDC survey asked school administrators to report how many children received corporal punishment during the 2011–2012 school year by race or ethnicity, gender, and disability status. To examine disparities by race, we computed a ratio of the proportion of Black students who were corporally punished to the proportion of White students who were. We were not able to calculate ratios for other racial and ethnic groups because of insufficient subgroup sizes. To ensure that we were only including schools that used corporal punishment as a regular form of school discipline, we considered that a school used corporal punishment if the administrator reported corporal punishment of 10 or more students in that school year. The disparity ratio for gender was calculated as the proportion of boys who were subject to corporal punishment divided by the proportion of girls who were, while the disparity ratio for disability status was calculated as the proportion of disabled students who were corporally punished over the proportion of nondisabled students who were. Disparity ratios were not calculated for schools that lacked adequate representation (at least 15 students) in either of the groups being compared. Because 1% or less of children in Arizona, Colorado, Idaho, Wyoming, and Kansas were corporally punished, we have excluded them from the disparities analyses below.

**Table 3. Number and percentage of students within each state that actually received corporal punishment in the 2011–2012 school year**

State	Total number of students receiving corporal punishment	Percent of students receiving corporal punishment
MS	32,157	7
TX	29,835	< 1
AL	27,887	4
AR	20,609	4
GA	12,792	< 1
OK	10,790	2
TN	10,756	1
MO	5,251	< 1
LA	4,678	< 1
FL	4,650	< 1
KY	1,181	< 1
IN	657	< 1
AZ	632	< 1
NC	561	< 1
CO	485	< 1
SC	183	< 1
ID	134	< 1
KS	76	< 1
WY	19	< 1
Total in states where it is legal	163,333	< 1
Total across all states	163,333	< 1

Data source: U.S. Department of Education, Office for Civil Rights (2014b).



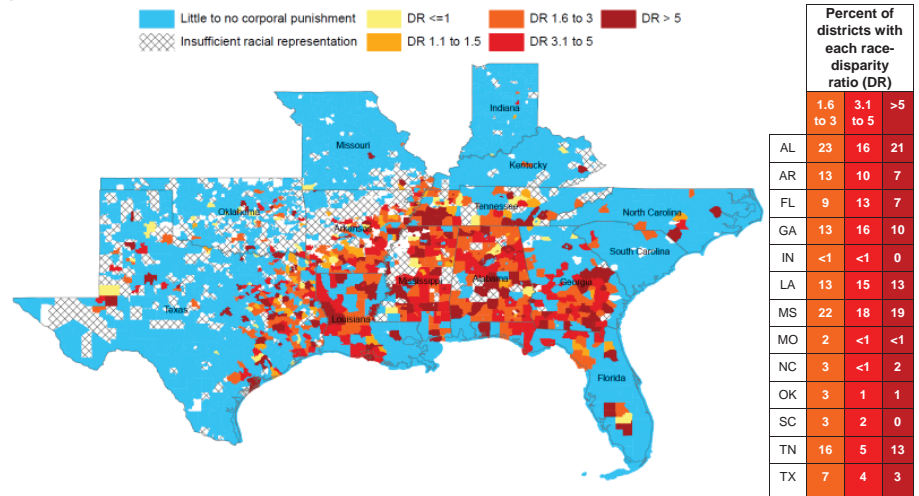
There were a few schools for which a ratio could not be calculated because either the numerator or denominator was 0; in other words, despite having both groups represented at the school, only members of one group received corporal punishment. In those instances, we assigned the top-coded disparity measure (i.e., 10) if only students in the numerator group (Black students, boys, or students with disabilities) were corporally punished, and 0 if only students in the denominator group were corporally punished. Using these methods, we were able to calculate disparity measures by race for 1,942 schools (from 709 districts), by gender for 3,231 schools (from 1,242 districts), and by disability status for 3,050 schools (from 1,189 districts).

As not all schools in a district used corporal punishment, we coded each district with the value of the school within it that had the highest disparity ratio for race, gender, or disability, and displayed these ratios in district-level maps in Figures 3 through 5. Each ratio reflects the increased probability of a child in one group (Black, male, or a student with a disability) experiencing corporal punishment as compared to a child in the comparison group (White, female, or a student without a disability). We categorized the disparities into 5 groups: (1) equal or lower rates of corporal punishment in the numerator group; (2) 1% to 50% more likely; (3) 51% to 300% more likely; (4) 310% to 500% more likely; and (5) over 500% more likely.

### Disparities by Race

Racial disparities in use of school corporal punishment by district are presented in Figure 3. The figure includes a table of the percentage of districts that fall into each category of disparity ratios, as well as a map of districts coded according to the highest ratio reported for a school in that district. Both the

Figure 3. Disparity ratios (DRs) for the use of school corporal punishment by students' race, at the district level



Note: This map excludes 5 states where school corporal punishment is legal (AZ, CO, ID, KS, WY) but which had very low rates of use. For the 14 states shown:  $n = 3,640$  districts; 1,234 districts had at least one school that used corporal punishment on 10 or more students. Of those, 529 were not racially diverse enough to calculate disparity ratios. Disparity ratios were calculated for 705 school districts. Ratios higher than 1 indicate that Black students were more likely to be corporally punished than White students.

Table 4. Percentage of Black and White children in each state who attended a school that used corporal punishment in the 2011-2012 school year

State	Percent of Black students	Percent of White students
MS	55	64
AL	40	56
AR	38	54
OK	9	26
TN	13	27
LA	18	24
GA	12	15
TX	11	17
MO	4	9
KY	1	7
IN	4	4
FL	2	5
SC	1	2
ID	1	2
NC	< 1	1
AZ	< 1	< 1
WY	3	1
KS	< 1	< 1
CO	2	< 1
Total in states where it is legal	13	14
Total across all states.	7	6

Data source: U.S. Department of Education, Office for Civil Rights (2014b).

table and the figure reveal that racial disparities in school corporal punishment are widespread, with disparities largest in Alabama and Mississippi.

Black children in Alabama and Mississippi are at least 51% more likely to be corporally punished than White children in over half of school districts, while in one fifth of both states' districts, Black children are over 5 times (500%) more likely to be corporally punished. Disparities for Black children are also high in several other southeastern states—17% in Arkansas, 20% in Florida, 26% in Georgia, 28% in Louisiana, and 18% in Tennessee (i.e., the two red columns in Figure 3 taken together)—meaning they were more than 3 times as likely to receive corporal punishment in school as White children.

These racial disparities in school corporal punishment at the district level led us to consider whether the racial disparity in corporal punishment reflects a greater likelihood of Black children to attend schools that use corporal punishment. Table 4 compares the percentage of Black and White children attending schools that use corporal punishment by state. Though there is a racial difference, it is the opposite of what one might expect: White children are generally more likely than Black children to attend a school that uses corporal punishment. This is particularly true in Kentucky, where Whites are 7 times more likely to attend a school that uses corporal punishment than Blacks, as well as in Oklahoma (3 times more likely), Florida (2.5 times more likely), Missouri (2.2 times more likely), and Tennessee (2 times more likely). Thus, racial disparities in corporal punishment cannot be explained by Black children being more likely to attend schools that use corporal punishment.

We next considered whether racial disparities are more likely to occur when Black students are in the minority at a school. We identified schools as having either a majority of Black students (51% or more) or a majority of non-Black students. Somewhat surprisingly, the rates of Black students being corporally punished were equal: 12% of Black students were subjected to corporal punishment at either majority Black schools or majority non-Black schools. The rate of corporal punishment for White students was also nearly the same, at 8% for majority Black schools and 7% at majority non-Black schools. Therefore, it does not appear that Black students are singled out more for corporal punishment when they are in the minority; they are more likely than White students to receive corporal punishment regardless of whether the schools are majority Black or majority non-Black.

These data make clear that racial disparities in school corporal punishment are widespread. Black children are at a much greater risk of being subject to corporal punishment than White children in districts where it is being used. From the universal dataset of public schools that we examined, our findings are consistent with analyses from previous years of OCR data on a sampling of schools (Human Rights Watch & the ACLU, 2008, 2009). Analyses of national racial-disparity ratios across time have found that they are nearly the same now as they were in 1976, when these data were first collected (Gershoff et al., 2015).

Racial disparities in school corporal punishment are similar to those found for suspensions and expulsions, such that Black children receive all forms of school discipline at a higher rate than their White peers (American Psychological Association [APA] Zero Tolerance Task Force, 2008). Research has largely concluded that disparities in suspensions and expulsions are not explained by differences in misbehavior; rather, Black children are disciplined more severely than their non-Black peers for the same misbehaviors (APA Zero Tolerance Task Force, 2008; Kinsler, 2011; Smith & Harper, 2015). Few studies have investigated the source of racial disparities in school corporal punishment. An analysis of one Florida school district found that Black children were more likely than other children to receive corporal punishment despite committing a smaller proportion of severe offenses (McFadden, Marsh, Price, & Hwang, 1992). In another Florida district, Black children were significantly more likely to receive corporal punishment than non-Black children even after accounting for the severity and frequency of misbehavior (Shaw & Braden, 1990).

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## Disparities by Gender

Disparities in school corporal punishment by gender are displayed in Figure 4. Once again, the states of Alabama, Arkansas, and Mississippi stand out from the rest. In these states, boys are substantially more likely to be corporally punished than girls in more than three quarters of the school districts (78% of districts in Mississippi, 75% in Arkansas, and 74% in Alabama). Disparities by gender are quite dramatic. As seen in the last column of the inset table in Figure 4, when disparities are present they are more likely to be at the level of boys being 5 or more times as likely

as girls to be subject to school corporal punishment. Two thirds of districts in Alabama and nearly half of districts in Arkansas have at least 1 school that corporally punishes boys more than 5 times the rate for girls. In 21% to 42% of districts in Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas, at least one school uses corporal punishment with 5 times as many boys as girls.

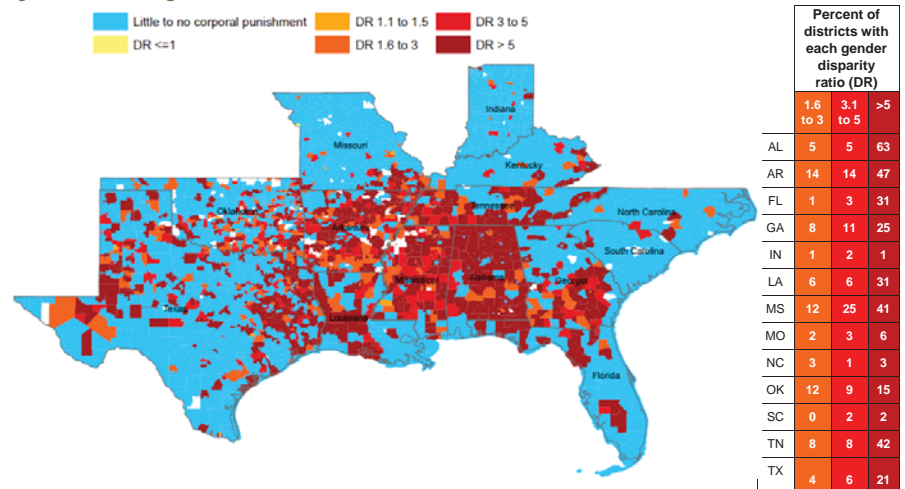
The map in Figure 4 clearly shows the prevalence of gender disparities in school corporal punishment. The majority of school districts for which a ratio could be calculated are red or dark-red, indicating gender disparities exceeding 3.0 (i.e., boys being 3 times as likely as girls to be corporally punished). Only a few districts have no disparities, as indicated by the color yellow. Thus, it appears that if school corporal punishment is used in a district, it is being used in an unequal fashion, with boys much more likely than girls to be subject to school corporal punishment.

These results are consistent with previous analyses of within-state use of corporal punishment. In the early 1990s, a review of several thousand cases in Florida found that 82% of students who received corporal punishment were male (McFadden et al., 1992). A review of school corporal punishment in North Carolina found the same result 20 years later: 83% of those receiving corporal punishment were boys (North Carolina Department of Public Instruction, 2015). Boys account for roughly 50% of the student population in both states. Differences in rates of misbehavior can explain some but not all of the differences in corporal punishment administered to boys versus girls. Although boys have been found to be twice as likely as girls to be referred to the school office for discipline for a range of misbehaviors (Skiba, Michael, Nardo, & Peterson, 2002), they are not twice as likely to be corporally punished, but rather four times as likely. It is clear that boys are grossly overrepresented among students who receive corporal punishment.

### Disparities by Disability Status

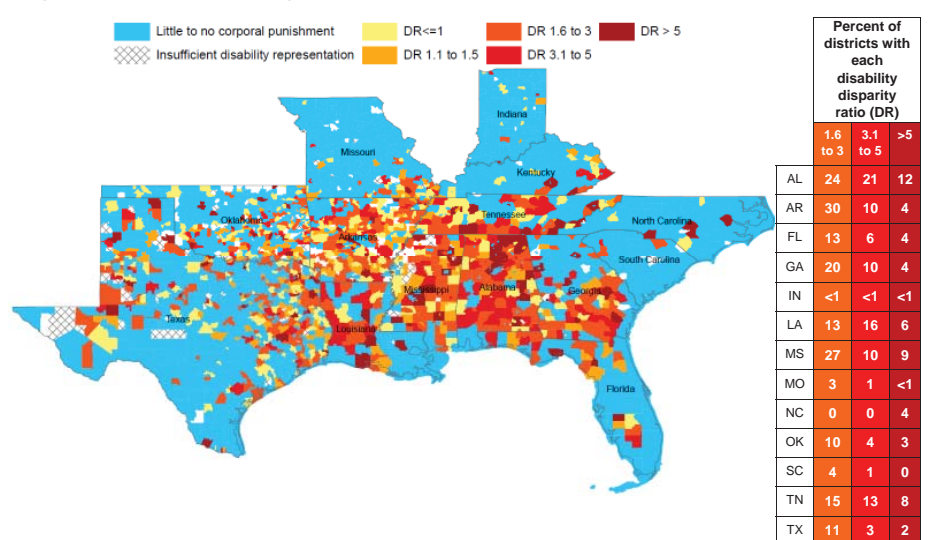
Figure 5 presents the data on disparities by disability status, whether physical, cognitive, or emotional; disability was defined as students who qualified as having a disability under the *Individuals with Disabilities Education Act [IDEA]* (1990) or Section 504 of the *Rehabilitation Act* (1973). States with low overall rates of corporal punishment

Figure 4. Disparity ratios (DRs) for the use of school corporal punishment by students' gender, at the district level



Note: This map excludes 5 states where school corporal punishment is legal (AZ, CO, ID, KS, WY) but which had very low rates of use. For the 14 states shown:  $n = 3,640$  districts; 1,234 districts had at least one school that used corporal punishment on 10 or more students. Disparity ratios calculated for 1,233 school districts. Ratios higher than 1 indicate that boys were more likely to be corporally punished than girls.

Figure 5. Disparity ratios (DRs) for the use of school corporal punishment by students' disability status, at the district level



Note: This map excludes 5 states where school corporal punishment is legal (AZ, CO, ID, KS, WY) but which had very low rates of use. For the 14 states shown:  $n = 3,640$  districts; 1,234 districts had at least one school that used corporal punishment on 10 or more students. Of those, 53 did not have a school with adequate representation of students with and without disabilities. Disparity ratios calculated for 1,181 school districts. Ratios higher than 1 indicate that students with disabilities were more likely to be corporally punished than students without disabilities.

have the fewest number of districts with disability disparities (Indiana, Missouri, North Carolina, and South Carolina). Disparities are common in the other 15 states. Children with disabilities are over 50% more likely to experience school corporal punishment than their peers without disabilities in 67% of school districts in Alabama, 44% in Arkansas, 34% in Georgia, 35% in Louisiana, 46% in Mississippi, and 36% in Tennessee. Some districts have particularly high rates of disparity by disability status: In 12% of districts in Alabama, 9% in Mississippi, and 8% in Tennessee, children with disabilities are over 5 times more likely to experience corporal punishment than children without disabilities.

The finding that students with disabilities are at greater risk for corporal punishment than students without disabilities is troubling for two reasons. First, the federal *Individuals with Disabilities Education Act [IDEA] (1990)* provides a legal precedent for children with disabilities to receive more support and assistance than children without disabilities. Given that children with disabilities are often more, rather than less, likely to experience corporal punishment than their peers without disabilities, this suggests that school staff are often responding to their challenging behaviors with harsh, rather than positive, disciplinary methods.

Second, a report from Human Rights Watch and the ACLU (2009) found that administrators sometimes administer corporal punishment to children with disabilities for behaviors that stem from their disability, such as those endemic to autism, Tourette syndrome, or obsessive compulsive disorder. It is worth noting that schools do have the legal right to use corporal punishment on students with disabilities; judges have upheld this right, even when the punishment results in a child needing psychiatric hospitalization (Lohrmann-O'Rourke & Zirkel, 1998). That said, punishing children for symptoms of their disabilities is unlawful under IDEA.

**Table 5. Percentage of students corporally punished by race, gender and disability status among schools that use corporal punishment**

		With disability	No disability	With and without disability together
Black	Male	14	16	16
	Female	7	6	6
White	Male	9	9	9
	Female	3	2	2
Both races	Male	11	11	11
	Female	4	3	3

Data source: U.S. Department of Education, Office for Civil Rights (2014b).

### The Intersection of Race, Gender, and Disability Status

The sections above highlighted the clear disparities in school corporal punishment by a student's race, gender, or disability status alone. Of course, every student has a race, gender, or disability status and thus we were curious if the risk for corporal punishment was additive across the intersection of these student characteristics. We predicted that Black boys with disabilities would have the highest rates of school corporal punishment; we examined the data to determine if this was in fact true.

Table 5 presents the percent of children who received corporal punishment across the three student characteristics. Black boys have the highest overall rate of school corporal punishment at 16%, followed by White boys at 9%. Black boys are 1.8 times as likely as White boys to be corporally punished, while Black girls are 3 times as likely as White girls to be corporally punished. For both Black and White boys, students with and without disabilities are as likely to experience corporal punishment, whereas for both Black and White girls, those with disabilities are slightly more likely to experience corporal punishment than their peers without disabilities. Contrary to our prediction, however, Black boys with disabilities are not corporally punished at the highest rate, suggesting that being Black, being a boy, and having a disability each confer some unique but some shared risk of experiencing school corporal punishment. One source of shared risk is the fact that Black students are more likely to be identified as having disabilities such as emotional disturbance, intellectual disability, and specific learning disability than are non-Black children (Losen, Hodson, Ee, & Martinez, 2014). The greater likelihood for Black children to be identified as having a disability than non-Black children may explain why the rates in Table 5 are more distinguished by race than by disability status.

## Summary of Disparities Data

This report is the first to examine school-level disparities in corporal punishment for all public schools in the states where it is legal. The data make clear that where school corporal punishment continues to be used, it is typically used disproportionately, with some subgroups of children more likely to be corporally punished than others. These disparities in school corporal punishment are concerning for several reasons. First, the systematic differential treatment of some subgroups would appear to be in violation of three federal laws that afford protections to children in the public education system, namely protection from discrimination by race, color, or national origin under Title VI of the Civil Rights Act of 1964, protection from discrimination based on gender under Title IX of the Education Amendments of 1972, and protection from discrimination as a result of a disability under Section 504 of the Rehabilitation Act of 1973 (U.S. Department of Education, Office for Civil Rights, 2015b). Second, children are likely to perceive that they are being discriminated against as targets for corporal punishment at greater rates than their peers; such perceived discrimination has been linked in a recent meta-analysis with lower self-esteem, lower positive mood, higher depression, and higher anxiety—and more so for children than adults (Schmitt, Branscombe, Postmes, & Garcia, 2014). Perceived racial discrimination has also been linked with low academic engagement and with more negative school behaviors (Smalls, White, Chavous, & Sellers, 2007), which may in turn lead to exacerbation of discipline disparities.

Disparities in school discipline have received some recent attention. The U.S. Department of Education has urged schools to ensure discipline is administered in a manner that is “without regard to a student’s personal characteristics, including race, color, national origin, religion, disability, ethnicity, sex, gender, gender identity, sexual orientation, or status as an English language learner, migrant, or homeless student” (U.S. Department of Education, 2014, p. 14). A report from the Council of State Governments Justice Center pointed to the need for better monitoring of discipline across race, gender, and disability status subgroups (Morgan, Salomon, Plotkin, & Cohen, 2014). The Discipline Disparities Research-to-Practice Collaborative issued two briefs calling for policy and practice initiatives to reduce disparities in school discipline (Gregory, Bell, & Pollock, 2014; Losen, Hewitt, & Toldson, 2014). All of these recent reports were focused on disparities in suspensions, expulsions, and physical restraints; not one mentioned disparities in corporal punishment. As long as corporal punishment is legal in schools throughout the United States, it is crucial that it be included in policy discussions about reducing demographic disparities in discipline.

## Additional Reasons for Concern About Continued Use of Corporal Punishment in U.S. Schools

The disparities documented above should cause concern among local, state, and federal policy officials about the continued use of corporal punishment in public schools. Yet the issue of disparate use is only one of many significant concerns about school corporal punishment. Following are the main concerns that have been raised about school corporal punishment.

- **The use of objects to administer corporal punishment can lead to serious injury.**  
There are numerous anecdotal accounts from interviews, news stories, and legal cases (e.g., Block, 2013; *C. A. ex rel G.A. v. Morgan Co. Bd. of Educ.*, 2008; *Garcia ex rel. Garcia v. Miera*, 1987; Hardy, 2013; *Ingraham v. Wright*, 1977) of children suffering from a range of serious injuries as a result of school corporal punishment that often require medical treatment, including bruises, hematomas, nerve and muscle damage, cuts, and broken bones. The Society for Adolescent Medicine (2003) has estimated that between 10,000 and 20,000 students require medical attention as a result of school corporal punishment each year. These injuries likely result from the use of objects, such as paddles, to hit the children.
- **Research has found corporal punishment is not effective at teaching children how to behave.**  
Corporal punishment is not effective at increasing compliance in the short-term (Gershoff & Grogan-Kaylor, 2016) or at promoting long-term compliance and moral behavior (Regev, Gueron-Sela, & Atzaba-Poria, 2012). The more children receive corporal punishment, the more likely they are to be aggressive and to misbehave over time, over and above how aggressive or disobedient they are initially (Berlin et al., 2009;

Gershoff, Lansford, Sexton, Davis-Kean, & Sameroff, 2012; Lee, Altschul, & Gershoff, 2013). Contrary to the arguments by defenders of school corporal punishment that banning it would result in an increase in misbehavior and delinquent activity (Dubanoski, Inaba, & Gerkewicz, 1983; Medway & Smircic, 1992), states that have banned corporal punishment from their schools have not seen a subsequent increase in juvenile crime over time (Gershoff et al., 2015). Therefore, no evidence exists that removing corporal punishment from schools creates a statewide permissive environment where youth fail to control their behavior.

- **Research has found corporal punishment is associated with unintended negative consequences for children.**

Much of the research on corporal punishment has been about that administered by parents; in this large body of research, corporal punishment has been linked with a range of unintended negative outcomes (Gershoff, 2002; Gershoff & Grogan-Kaylor, 2016), including higher rates of mental health problems (Bugental, Martorell, & Barraza, 2003; McLoyd, Kaplan, Hardaway, & Wood, 2007), a more negative parent-child relationship (Coyle, Roggman, & Newland, 2002), lower cognitive ability and academic achievement (Berlin et al., 2009), and higher risk for physical abuse (Bugental et al., 2003; Zolotor et al., 2008).

Only a few studies have considered academic and nonacademic outcomes associated with school corporal punishment specifically, none of which were conducted in the U.S. In a study conducted in West Africa, children who attended schools that used corporal punishment had lower scores in vocabulary and in executive functioning than children who attended schools that did not (Talwar, Carlson, & Lee, 2011). Data from the Young Lives study of four developing countries (Ethiopia, India, Peru, and Vietnam) revealed high levels of school corporal punishment at age 8 (between 20% and 80% of children in each country), and that these experiences of school corporal punishment at age 8 predicted by age 12 lower self-efficacy and self-esteem (2 countries) as well as lower math scores (3 countries) and lower vocabulary scores (1 country) (Ogando Portela & Pells, 2015). Although these studies pertain to students outside of the U.S., their findings are consistent with the abundance of U.S.-based research finding unintended negative consequences of parental corporal punishment.

Data from the Young Lives study of four developing countries (Ethiopia, India, Peru, and Viet Nam) revealed ...experiences of school corporal punishment at age 8 predicted age 12 lower self-efficacy and self-esteem (2 countries) as well as lower math scores (3 countries) and lower vocabulary scores (1 country) (Ogando Portela & Pells, 2015).

- **Schools are one of the last public institutions where corporal punishment is still legal.** Corporal punishment of adults has been banned in U.S. prisons and U.S. military training facilities (Block, 1997; *Jackson v. Bishop*, 1968). In most states, it is also banned in child care centers, residential treatment facilities, and juvenile detention facilities (Bitensky, 2006). Indeed, 12 of the 19 states that currently allow corporal punishment in schools have banned it from other publicly funded settings that care for children, suggesting that these states already recognize the harm corporal punishment can pose to children. It is also worth noting that it is against the law in all states to beat an animal so long or hard that they are injured, with such behavior being a felony offense in most states (Otto, 2005). For example, Indiana prohibits corporal punishment of vertebrate animals under its anti-animal cruelty statute, even while it permits corporal punishment of children with objects in schools (Frank, 2013).

- Prominent national organizations oppose the use of corporal punishment in schools.**

Thirty-four prominent national organizations have publicly opposed corporal punishment in schools. Professional organizations representing a range of disciplines, including education (e.g., National Association of State Departments of Education (2015), National Association of Elementary School Principals (2013)), medicine (e.g., American Academy of Pediatrics (1984), American Medical Association (1985)), mental health (e.g., American Psychological Association (1975)), and law (e.g., American Bar Association (1985)), have issued statements or policy guidance opposing school corporal punishment and calling for its abolition. In a statement, the Society for Adolescent Medicine called school corporal punishment “an ineffective, dangerous, and unacceptable method of discipline” (2003, p. 391). Nonprofit organizations, such as the American Civil Liberties Union and Human Rights Watch (joint statement (2010)) and Prevent Child Abuse America (2013), also oppose school corporal punishment. In addition, the Unitarian Universalist Association of Congregations (1973) and the United Methodist Church (2008) have each passed resolutions calling for an end to corporal punishment in schools, while the General Assembly of the Presbyterian Church, USA (2012) has called for an end to all corporal punishment. The full list of national organizations opposing school corporal punishment is available in Table 6.

- Corporal punishment is considered a human rights violation.**

Corporal punishment is considered a human rights violation by the international human rights community in accordance with the United Nations (U.N.) Convention on the Rights of the Child (CRC; Gershoff & Bitensky, 2007). Article 19 of the CRC protects children from “all forms of physical or mental violence (U.N., 1989, Article 19, para. 1), while Article 37 protects children from “cruel, inhuman, or degrading punishment or treatment” (U.N., 1989, Article 37, para. (a)). The U.N. Committee on the Rights of the Child, which is tasked with interpreting and then monitoring compliance with the CRC, has stated that, under these two CRC articles, “corporal punishment and other cruel or degrading forms of punishment are forms of violence” and as such should be banned by all parties to the CRC (U.N. Committee on the Rights of the Child, 2007, para. 18). With Somalia’s recent ratification of the CRC (U.N., 2015), the United States is now the only country in the world that has not ratified the CRC. Corporal punishment of children with disabilities also violates the U.N. Convention on the Rights of Persons with Disabilities (U.N., 2006), which President Obama has signed but which the U.S. Congress failed to ratify. Corporal punishment is now banned from schools in 64% of all countries (126 out of 198) worldwide (Global Initiative to End All Corporal Punishment of Children, 2015).

**Table 6. List of national organizations opposed to school corporal punishment**

American Academy of Child and Adolescent Psychiatry
American Academy of Family Physicians
American Academy of Pediatrics
American Bar Association
American Civil Liberties Union
American Humane Association
American Medical Association
American Psychological Association
American Public Health Association
American School Counselor Association
Association for Childhood Education International
Council for Exceptional Children
Defense for Children International
General Assembly of the Presbyterian Church, USA
Human Rights Watch
National Association of State Departments of Education
National Association for the Education of Young Children
National Association of Elementary School Principals
National Association of Pediatric Nurse Practitioners
National Association of School Nurses
National Association of School Psychologists
National Association of Secondary School Principals
National Association for State Boards of Education
National Council of Teachers of English
National Education Association
National Foster Parents Association
National Mental Health Association
National Parent Teachers Association
National Women’s Political Caucus
Prevent Child Abuse America
Society for Adolescent Medicine
Unitarian Universalist General Assembly
United Methodist Church General Assembly
U.S. Department of Defense: Office of Dependents Schools Overseas

Note: URLs for each statement are available from the first author.

- **Americans no longer support the use of corporal punishment in schools.**  
Although a majority of American adults (65% of women, 77% of men) still believe that children sometimes “need a good hard spanking” from their parents (Child Trends, 2013), they do not agree that schools should be allowed to use corporal punishment. In a 2005 national poll, 77% of respondents believed that teachers should not be allowed to spank students, with public support for school corporal punishment highest in Alabama, Arkansas, Mississippi, and Tennessee (SurveyUSA, 2005), consistent with the high rates of school corporal punishment in these states described above. Another national poll found a similar percentage of Americans expressing disapproval of school corporal punishment (74%), with high disapproval even among parents who spanked their own children (67%) and among Southerners (65%; Crandall, 2002). Tellingly, in a national survey of teachers throughout the country, corporal punishment was ranked as having the lowest effectiveness of the eight methods of discipline considered (Little & Akin-Little, 2008). Americans’ disapproval of corporal punishment is also manifest in the fact that 31 states have banned the practice from schools. This fact would appear to mark the “trend toward its elimination” (*Ingraham v. Wright*, 1977, at line 661) that the Supreme Court did not see in 1977 when only 2 states banned school corporal punishment, leading to its decision that the practice was constitutional.

## State Policies Governing the Use of the Corporal Punishment in Schools

Personnel at U.S. public schools are permitted to discipline children not related to them because they are considered to be acting *in loco parentis* or “in place of the parent” (Conte, 2000). As noted above, school corporal punishment is allowed under a 1977 decision by the Supreme Court known as *Ingraham v. Wright*. That case involved two junior high school students in Florida who were struck with a wooden paddle by their principal: One suffered a hematoma requiring medical attention and the other was struck on his arms (as he tried to protect himself) and lost the use of one arm for a week. The Supreme Court ruled that this corporal punishment did not violate the Eighth Amendment’s protection against cruel and unusual punishment nor the students’ right to due process under the Fourteenth Amendment. The *Ingraham* decision that corporal punishment is constitutional allowed states to decide for themselves whether to permit school corporal punishment.

Among the 19 states where corporal punishment at schools is currently legal, the language of the relevant statutes varies considerably. We reviewed state laws on school discipline that were recently compiled by the U.S. Department of Education (Bezinque, Meldrum, Darling-Churchill, & Stuart-Cassel, 2015). A common provision in these statutes is that the corporal punishment must be “reasonable” or “not excessive,” without specifying how these qualifiers are defined. For example, Missouri law defines “spanking” by school personnel as the “use of reasonable force” (Missouri Revised Statutes, 2015). Missouri then goes on to apply a tautological standard, whereby corporal punishment is defined as that which is not physical abuse, and vice versa; the statutes state that spanking that is “administered...in a reasonable manner...is not abuse” (Missouri Revised Statutes, 2015). Other states also codify this tautology into their laws, such as in Mississippi, where “Corporal punishment administered in a reasonable manner...by a teacher, assistant teacher, principal or assistant principal...does not constitute negligence or child abuse” (Mississippi Code, 2013). Similarly, Wyoming law (Wyoming Statutes Annotated, 2015) states that, to be considered abuse resulting in physical injury, any bruising must be “greater in magnitude than minor bruising associated with reasonable corporal punishment.”

By feeling the need to legally distinguish school corporal punishment from physical abuse, these states acknowledge that injury (such as bruising) is a common consequence of corporal punishment. If a parent were to cause an injury (including bruising) with their use of corporal punishment, it would be considered physical abuse under the laws of most states and might precipitate involvement by the state’s child protective services agency (Child Welfare Information Gateway, 2013). To avoid school personnel being charged with abuse, some states explicitly exempt school personnel from liability under state child abuse laws. For example, Wyoming law asserts:

“Teachers, principals and superintendents in each district shall be immune from civil and criminal liability in the exercise of reasonable corporal discipline of a student as authorized by board policy.” (Wyoming Statutes Annotated, 2015)



In much the same fashion, Missouri law excludes school corporal punishment from its child abuse statutes and explicitly prevents its child protective services department from having any jurisdiction to investigate allegations of child abuse stemming from school corporal punishment (Missouri Revised Statutes, 2015).

This exclusion of school corporal punishment from state definitions of child maltreatment means that in states that allow school corporal punishment, the same behavior that is considered allowable corporal punishment by a teacher could be considered physical abuse if inflicted by a parent. In one case of injury resulting from school corporal punishment in New Mexico, a nurse who examined the student testified that she would have had to call child protective services if the injury had been sustained at home rather than at school (*Garcia ex rel. Garcia v. Miera*, 1987).

This status quo leads to a paradoxical situation in which teachers, as mandated reporters (*Child Abuse Prevention and Treatment Act*, 1974), are required to report suspected abuse if a child comes *to school* with a suspicious injury; however, if the child comes *home from school* with the same injury, a parent's report of this conundrum comes from brought his 12-year-old daughter buttocks as a result of a cal child-protective-services performed an investigation and had occurred. The agency principal with criminal assault, indict the principal. When the court, the court again ruled in *rel G.A. v. Morgan Co. Bd. of*

To avoid school personnel being charged with abuse, some states explicitly exempt school personnel from liability under state child abuse laws.

of a teacher for abuse might educated. A startling illustration Kentucky, where a father ter, who had a large welt on school paddling, to the lo-agency. The agency staff concluded that physical abuse then attempted to charge the but a grand jury failed to family sued in a U.S. district favor of the principal (*C. A. ex Educ.*, 2008).

A few states recognize the right for parents to have input into, or at least be kept informed about, the discipline of their children. Parents in two states, North Carolina and Texas, can submit a signed form stating that their child is not to receive corporal punishment; in both states, a failure to submit a written request is de facto permission to administer corporal punishment on the child (North Carolina General Statutes, 2015; Texas Education Code, 2013). In Georgia, parents may prevent their children from receiving corporal punishment by submitting a signed form at the time of enrollment from a state-licensed doctor asserting corporal punishment would be detrimental to the child's mental or emotional stability. Florida, Georgia, and North Carolina explicitly grant parents the right to receive a written explanation of the reason for the child's punishment and the name of a witness to the punishment (Florida Statutes, 2015; Georgia Code, 2015; North Carolina General Statutes, 2015). Florida law (Florida Statutes, 2015) also requires that districts using corporal punishment review their policy every three years during a board meeting that includes public testimony, providing one mechanism for public input and discussion.

Other states attempt to limit the use of corporal punishment or provide alternatives. The Georgia Code (2015) specifies that corporal punishment may not be used as "a first line of punishment," whereas Oklahoma law, despite placing few restrictions on corporal punishment generally, requires that the state department of education provide local boards with "education materials dealing with effective classroom discipline techniques as an alternative to the use of corporal punishment" (Oklahoma Statutes Annotated, 2014). These provisions in the state statutes would seem to acknowledge that corporal punishment is not an ideal form of discipline in schools and that alternative methods are preferred.

## The Future of School Corporal Punishment in State and Federal Policy

There are three main policy avenues by which school corporal punishment could be ended in the United States. Efforts have been made to change policy at each level over the years, with the only success occurring in state legislation. However, future bans on school corporal punishment could still occur through action at any or all levels.

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## State Legislation

Each state that has banned school corporal punishment to date has done so in revisions to state statutes, typically in the education code, or in state regulations (Bitensky, 2006). The last state to ban corporal punishment from public schools was New Mexico in 2011. The North Carolina and Texas legislatures have each considered bills to ban corporal punishment in recent years. While full bans have not passed, changes to how corporal punishment is managed in each state have been made into law.

The North Carolina Assembly has passed two recent bills restricting corporal punishment. A 2010 bill prohibiting the use of corporal punishment on children with legally-defined disabilities passed unanimously (*An Act to Prohibit the Use of Corporal Punishment on a Student with a Disability*, 2010). A year later, the Assembly passed a bill allowing parents to “opt-out” of school corporal punishment for their children by submitting a form at the beginning of the school year (*An Act to Require the Involvement of a Parent*, 2011). A third bill, which would have prohibited corporal punishment in foster care and required the person delivering corporal punishment be of the same gender as the child, died in committee (*An Act to Prohibit the Administration of Corporal Punishment*, 2013). A bill to institute a full ban on school corporal punishment failed to pass on a 66 to 50 vote in 2007 (*An Act to Prohibit the Use of Corporal Punishment in the Public Schools*, 2008) and has not been reintroduced. Since then, the North Carolina State Board of Education adopted a resolution expressing opposition to corporal punishment and observing that “corporal punishment is often indistinguishable from child abuse” (North Carolina State Board of Education, 2013, p. 5). This opposition to school corporal punishment from the state’s executive branch, along with the fact that only 12 of the state’s 115 school districts currently report any corporal punishment (Action for Children North Carolina, 2013), suggests that corporal punishment is likely to be eliminated in practice, if not in law, in North Carolina in the near future.

In Texas, State Representative Alma Allen (D-Houston), a former school principal from Houston, introduced a bill to ban corporal punishment from public schools but the bill failed to make it out of committee (*An Act Relating to Corporal Punishment in Public Schools*, 2007). Four years later, Representative Allen introduced, and the Legislature passed, an “opt out” bill similar to North Carolina’s bill (*An Act Relating to Corporal Punishment in Public Schools*, 2011). Two stricter provisions included in an earlier version of the bill were dropped before passage, namely a requirement that parents give written permission for their children to receive corporal punishment at school (an “opt-in” provision that would have been stronger than the “opt-out” provision that was passed), and a requirement that the educator delivering the corporal punishment be of the same gender as the student. Representative Allen re-introduced her bill to abolish all school corporal punishment again in the 2012–2013 legislative session (*An Act Relating to Corporal Punishment in Public Schools*, 2013) and in the 2014–2015 session (*An Act Relating to Corporal Punishment in Public Schools*, 2015), but neither bill came up for a vote.

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## Federal Legislation

There are no federal laws or regulations concerning school corporal punishment, other than those authorizing the OCR to collect data about it, as noted above. Bills to ban corporal punishment from public schools were introduced in the U.S. House of Representatives in 1990, 1991, and 1993 by then-Representative Major Owens (D-NY) and then in 2010, 2011, and 2014 by then-Representative Carolyn McCarthy (D-NY); none came up for a vote. In 2015, Representative Alcee Hastings (D-FL) introduced the *Ending Corporal Punishment in Schools Act of 2015* (H.R. 2268), which would ban corporal punishment in schools. The bill would add text to the General Education Provisions Act (20 U.S.C. 1232f et seq.) requiring that states ban corporal punishment in schools as a condition of receiving federal education funding. The bill has 13 cosponsors (all Democrats), two of whom are from states, like Representative Hastings, that allow school corporal punishment. The bill was referred to the House Education and the Workforce Committee and had not yet a hearing as of July, 2016.

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## Reconsidering a Supreme Court Decision

Legal scholars have argued that the *Ingraham v. Wright* Supreme Court decision allowing school corporal punishment is ripe for reconsideration (Bitensky, 2006; Sacks, 2009). As noted above, one of the Court’s key arguments was

that corporal punishment was still widely used in public schools and that the Court could “discern no trend toward its elimination” (*Ingraham v. Wright*, 1977, at 661). At the time the justices considered the case, only two states—New Jersey and Massachusetts—had banned school corporal punishment. Now, a majority (31) of states and the District of Columbia have banned corporal punishment from public schools. A similar “trend toward abolition” was noted in the Court’s *Roper v. Simmons* ruling that the death penalty (“capital punishment,” not to be confused with “corporal punishment”) was no longer constitutional for individuals who had committed their crimes as juveniles (*Roper v. Simmons*, 2005, at 567). In its decision, the Court reaffirmed a statement it made 47 years earlier in its *Trop v. Dulles* decision that the interpretation of “cruel and unusual punishments” in the Eighth Amendment must reflect “the evolving standards of decency that mark the progress of a maturing society” (*Trop v. Dulles*, 1958, at 100-101).

In its *Roper* decision, the Court also recognized “the overwhelming weight of international opinion” (*Roper v. Simmons*, 2005, at 578) which reinforced its decision. The Court noted that the U.N. Convention on the Rights of the Child prohibits capital punishment of juveniles as a human rights violation (United Nations, 1989, see Article 37). If the Court were to apply the “evolving standards of decency” criterion and an international comparison as it did in *Roper*, it would similarly side on behalf of abolition of school corporal punishment.

However, there have been no opportunities to apply these criteria because no school corporal punishment cases have made it onto the Court since *Ingraham* in 1977, though the Court was petitioned on one such case in 2007 (*Serafin v. School of Excellence in Education*, 2007). In this case, Jessica Serafin, an 18-year-old female high school student, had left campus to buy breakfast before the school bell rang; she was accused of violating the school’s closed-campus policy and received corporal punishment as a result of her alleged infraction. The principal hit her repeatedly with a 4-ft-long piece of wood on the buttocks, hips, legs, and hand; the blows left her buttocks bleeding and her hand swollen—injuries for which she was treated in a hospital emergency room. The high school, arguing that due process and equal protection were violated, filed an initial suit and turned to the Fifth Circuit Court of Appeals, which rejected her appeal (*Serafin v. School of Excellence in Education*, 2007). Ms. Serafin then appealed to the Supreme Court but it denied her petition without comment (Case No. 07-9760; U.S. Supreme Court, 2008), thus leaving the *Ingraham* decision in place and school corporal punishment still legal in the U.S..

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## Conclusion

Corporal punishment in schools has declined dramatically over the last few decades. In the years since the 1977 *Ingraham* decision, 29 states and the District of Columbia have banned school corporal punishment. Only 14% of U.S. school districts report using corporal punishment; in other words, 86% of school districts have found other ways to discipline children when they misbehave in school. However, U.S. school corporal punishment is still quite commonplace in several southeastern states, making those states unlikely to ban corporal punishment anytime soon. If schools, families, or advocates seek the abolition of school corporal punishment, federal legislation may be necessary to ensure that the remaining states that allow corporal punishment join the majority of states that do not.

Whether or not change comes through policy, school districts on their own can abandon corporal punishment in favor of non-physical methods of discipline, as many districts already have within states where corporal punishment is legal. The U.S. Department of Education (2014) recommends discipline that is developmentally appropriate, proportional to the misbehavior, and focused on teaching children how to learn from their mistakes. Disciplinary approaches with these characteristics, such as school-wide positive behavioral interventions and supports (Bradshaw, Mitchell, &

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Leaf, 2010) and social-emotional learning (Durlak, Weissberg, Dymnicki, Taylor, & Schellinger, 2011), have been found to be effective at reducing problem behavior and creating a positive learning environment for students. The success of such approaches should reassure districts that replacing corporal punishment with non-physical discipline approaches is unlikely to negatively impact the school environment and rather might improve it.

School corporal punishment is concentrated in only a handful of states. The clear disparities in its use according to children's race, gender, and disability status, and the concerns raised about corporal punishment from research, professional organizations, human rights advocates, and the American public, together call into question the utility and equity of the practice of corporal punishment in U.S. schools. It is likely time for the remaining states that allow school corporal punishment to reconsider its use and to join the majority of U.S. states and countries around the world that have banned corporal punishment from schools.

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