Corporal Punishment
A Persistent Practice
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Related Package:
A Persistent Practice: Corporal Punishment in U.S. Schools
Corporal Punishment: A Persistent Practice

Expert Presenters:

Elizabeth Gershoff, associate professor of human development, and family sciences and faculty research associate, Population Research Center, University of Texas, Austin

Donald E. Greydanus, professor and founding chair, pediatric and adolescent medicine, Western Michigan University, Homer Stryker M.D. School of Medicine, Kalamazoo, Mich.

Amir Whitaker, staff attorney, Southern Poverty Law Center, Montgomery, Ala.

Holly Yettick, director, Education Week Research Center
An on-demand archive of this webinar will be available at www.edweek.org/go/webinar in less than 24 hrs.
A Persistent Practice: Corporal Punishment in U.S. Schools
INTRODUCTION

Corporal Punishment: A Persistent Practice

♦ Overall Theme: Disproportionate Impact

♦ In-depth Journalism

♦ Education Week Research Center Analysis
Major Themes:

♦ Declined But Still Prevalent
  • More than 109,000 students were paddled, swatted, or otherwise physically punished in U.S. classrooms in 2013-14

♦ Economic Variation

♦ No Legal Consensus
What is Corporal Punishment?

- CP Defined
- CP Data
- Differing Punishments?
What is OCR?

♦ U.S. Department of Education’s Office for Civil Rights 2013-14 Data Collection
  • Required by federal law
  • More info http://ocrdata.ed.gov/
State Policy Survey

♦ Lack of Consensus on State Laws

♦ Need for an Impartial Analysis

♦ Different States, Different Laws
A Persistent Practice:
Corporal Punishment in U.S. Schools
METHODOLOGY

Analysis of the 2013-14 Civil Rights Data Collection

- 4,000 schools where CP occurred
- CP Schools vs. Non-CP Schools
- Also examined demographic indicators
- General Education and IDEA
METHODOLOGY

State Policy Survey

- Surveying States and State Policy
- Banned, Permitted, or No Reference
How Prevalent is CP?

- Corporal Punishment Found in 21 states

- National Prevalence: 4% of students attend schools that reported using CP
Corporal Punishment

Laws Permitting Concentrated in Southeast

STATE LAWS

- State permits corporal punishment
- State bans corporal punishment
- No reference on state law
What are the State Laws Regarding Corporal Punishment?

- Lack of Consensus
  - 29 states ban CP; 15 permit CP; 7 have no reference in their laws

- Laws Vary by State

- Laws Vary by District
Where Does Corporal Punishment Occur?

Schools With At Least One Instance of CP

- Rural: 51%
- Town: 31%
- Suburban: 11%
- Urban: 7%
- Locale Not Available: 1%

Schools With No CP

- Rural: 17%
- Town: 41%
- Suburban: 11%
- Urban: 3%
- Locale Not Available: 17%
Corporal Punishment in States that Ban the Practice

- CP still occurs in states that ban the practice
- Washington, D.C.
THEORIES

Why CP Most Common in Rural South

♦ University of Chicago’s General Social Survey (GSS)

♦ Spanking no less popular in the home
Corporal Punishment

DISPROPORTIONATE IMPACT

BLACK STUDENTS

- **Percent of student enrollment in schools using corporal punishment**
- **Percent of students who received corporal punishment**

<table>
<thead>
<tr>
<th>Category</th>
<th>Black Students</th>
<th>White Students</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>22%</td>
<td>60%</td>
</tr>
<tr>
<td></td>
<td>38%</td>
<td>50%</td>
</tr>
</tbody>
</table>
DISPROPORTIONATE IMPACT

- **MALES**
  - 52% of enrollment in schools that use CP
  - 80% of students who receive CP

- **STUDENTS WITH DISABILITIES**:
  - 11% of enrollment in schools that use CP
  - 15% of students who receive CP
DEMOGRAPHICS

Are Some More Likely to Receive Corporal Punishment?

♦ Trend Stronger in Deep South

♦ Other Racial Groups
THEORIES/EXPLANATIONS
Disproportionate Administration: Black Students

♦ Legacy of Racial Discrimination

♦ Long-term Implications of Corporal Punishment
♦ Corporal Punishment has declined but persists, especially in the rural South

♦ As with other punishments administered in schools, corporal punishment disproportionately affects black students, males, and students with disabilities
CONCLUSIONS

OCR Will Eventually Provide:

♦ Data on the number of preschool students who received corporal punishment

♦ Data on the number of instances of corporal punishment that preschool and K-12 students received
Corporal Punishment: A Persistent Practice

Corporal Punishment Found in Schools in 21 States


Is Corporal Punishment an Option in Your State?

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What Do We Know about the Effects of School Corporal Punishment on Children?


Elizabeth Gershoff, Ph.D.

Associate Professor of Human Development & Family Sciences
The University of Texas at Austin
How is Corporal Punishment Administered in Schools?

• School corporal punishment is typically administered by an adult using an instrument to strike the child.
  – Paddles, switches, rulers, and many other objects are used to hit students.

• It is also administered disproportionately by gender, race, and disability status of students.
Disparities by race

Note: n = 4,460 districts; 1,243 districts had at least one school that used corporal punishment on 10 or more students. Of those, 534 were not racially diverse enough to calculate disparity ratios. Disparity ratios were calculated for 709 school districts. Ratios higher than 1 indicate that Black students were more likely to be paddled than White students.
Disparities by gender

Note: n = 4,460 districts; 1,243 districts had at least one school that used corporal punishment on 10 or more students. Disparity ratios calculated for 1,242 school districts. Ratios higher than 1 indicate that boys were more likely to be paddled than girls.
Disparities by disability status

Note: n = 4,460 districts; 1,243 districts had at least one school that used corporal punishment on 10 or more students. Of those, 54 did not have a school with adequate representation of disabled and nondisabled students. Disparity ratios calculated for 1,189 school districts. Ratios higher than 1 indicate that students with disabilities were more likely to be paddled than students without disabilities.
These Disparities are Unlawful

The systematic differential treatment of some subgroups are 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

-- protection from discrimination as a result of a disability under Section 504 of the Rehabilitation Act of 1973
There has been very little research done on school corporal punishment and children’s outcomes.

We do know from the large body of research on physical punishment by parents that it is linked clearly and consistently with worse behavior, more mental health problems, more problems in school, and a higher risk for physical abuse from parents.
What is Known About the Effects of School Corporal Punishment on Children?

• A 2015 report with data from UNICEF Young Lives study found that the more children were corporally punished in school at age 8, the smaller their gains in math achievement at age 12 in Vietnam and in both math and vocabulary in Peru.

http://www.younglives.org.uk/content/corporal-punishment-schools
What is Known About the Effects of School Corporal Punishment on Children?

• The use of objects such as wooden paddles to corporally punish children in schools increases the likelihood that they will be physically injured.

• The Society for Adolescent Medicine (2003) estimated that between 10,000 and 20,000 students required medical attention as a result of school corporal punishment each year in the U.S. alone.
Does banning corporal punishment in schools lead to increases in juvenile crime?

Does banning corporal punishment in schools lead to increases in juvenile crime?

Using FBI crime data from 1980 to 1999, we examined whether there was a change in juvenile crime in the 22 states that banned school corporal punishment during that period, compared with the states that did not pass a ban.

We found that whether a state banned school corporal punishment did not affect their juvenile crime rates, either immediately or lagged by 5 or 10 years.

School Corporal Punishment Violates Children’s Human Rights

• In 2001, the U.N. Committee on the Rights of the Child stated in General Comment No. 1 that, under the principles outlined in Articles 28 and 29 of the Convention on the Rights of the Child (CRC), “corporal punishment does not respect the inherent dignity of the child nor the strict limits on school discipline.”

The United States is one of the last countries to still permit school corporal punishment. Now banned in Paraguay. 127 countries have bans.

Thank You

Please feel free to contact me with questions or for further information:

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Legal Aspects of Corporal Punishment

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Staff Attorney, Teaching Tolerance Fellow
Southern Poverty Law Center
Overview

• CP is a form of state violence against children
  – Pepper Spray, Tasers, Restraints, etc.
• Form of school bullying, but by adults
• Perpetuated by antiquated laws
• Exacerbated by lack of resources and supports
Legal Aspects

- If an adult hit someone with a paddle, it is considered a **felony** (Aggravated Assault)
- If an educator hit a child with a paddle, it is considered discipline
- *Baker v. Owen*
- *Ingraham vs. Wright* (1977)
  - 13-year old restrained by staff
  - Given a hematoma and medical note for 11 days
- “Cruel and Unusual Punishment” only applies to those convicted of crime
Legal Aspects (cont.)

• No due process protections
• One of the only forms of discipline without parent notice
• Opt-out is the default
• Opt-in is the exception
• Difficult to sue because of statutes, consent, and *Ingraham*
Challenging Corporal Punishment

- School board vote required to change at the district level
- Administrator philosophy influences at the school level
- Cultural shift required
- Many schools only paddle black children
- Disparate Impact = Civil Rights Issue
- Joint publication with The Civil Rights Project at UCLA
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Corporal Punishment: A Persistent Practice

Required Reading from Education Week:

**Spotlight on Bullying**
This Spotlight offers school leaders practical tools and strategies for bullying prevention.

**Related Package:**
**A Persistent Practice: Corporal Punishment in U.S. Schools**
More than 109,000 students in 21 states are paddled, swatted, or otherwise physically punished in U.S. schools, according to an Education Week analysis of federal data. See which states allow the practice and read about the long-term consequences of corporal punishment on students and how schools are cutting back on it.