

November 21, 2016

An Open Letter to Local and State Educational Agencies & Policymakers:

On behalf of the National Women's Law Center and the undersigned organizations and individuals, we call on local, state, and federal policymakers to address the damaging use of corporal punishment against our nation's schoolchildren. It is important to eliminate the use of corporal punishment in both public schools and private schools, which serve students receiving federal services, as well as assist in creating a safer learning environment for every child. Instead, we urge policymakers to ensure that our schools are places where students and educators interact in positive ways that foster students' growth and dignity.

More than 109,000 students were subjected to corporal punishment in public schools in the 2013-14 school year¹—down from 163,333 in the 2011-12 school year.² Despite the decline in instances and the many problems associated with the hitting or paddling of students, corporal punishment is a legal form of school discipline in 19 states. Corporal punishment is often used for a wide range of misbehaviors; for example, 37 percent of corporal punishment used in North Carolina during the 2013-14 school year were for minor or subjective offenses like “bus misbehavior, disrespect of staff, cell phone use, inappropriate language and other misbehaviors.”³ Aside from the infliction of pain and physical injury that often result from the use of physical punishment,⁴ these violent disciplinary methods impact students' academic achievement and long-term well-being. Harsh physical punishments do not improve students' in-school behavior or academic performance. In fact, one study found that schools in states where corporal punishment is used perform worse on national academic assessments than schools in states that prohibit corporal punishment.

Moreover, evidence indicates that corporal punishment is disproportionately applied against certain groups of students. In seven states in which corporal punishment was legal in the 2011-12 school year, Black children were three to five times more likely to be corporally punished than

¹ Alex Harwin & Sarah D. Sparks, *Corporal Punishment: Inside the Education Week Analysis*, EDUC. WEEK, Aug. 23, 2016, http://blogs.edweek.org/edweek/inside-school-research/2016/08/corporal_punishment_frequently_asked_questions.html?r=981397119.

² Elizabeth T. Gershoff & Sarah A. Font, *Corporal Punishment in U.S. Public Schools: Prevalence, Disparities in Use, and Status in State and Federal Policy*, 20 SOC. POL'Y REPORT 1, 3 (2016) available at http://www.srcd.org/sites/default/files/documents/spr_30_1.pdf.

³ *Id.*

⁴ *Id.* at 13. Numerous accounts exist of children suffering from a range of serious injuries due to school corporal punishment that often require medical treatment, including bruises, hematomas, nerve and muscle damage, cuts, and broken bones. In 2003, the Society for Adolescent Medicine estimated that between 10,000 and 20,000 students needed medical attention because objects, such as paddles were used to corporally punish students each year.

white students.⁵ Similarly, in several states in the 2011-12 school year, students with disabilities were over five times more likely to experience corporal punishment than students without disabilities.⁶ These students are often punished simply for behaviors related to their disabilities, such as autism or Tourette’s syndrome. Hitting any student should be an unacceptable practice, but the disproportionate application of corporal punishment against these populations further undermines their educational environment. Furthermore, corporal punishment of adults has been banned in U.S. prisons and military training facilities.⁷ And every state has animal cruelty laws that criminalize beating animals so long and hard that it causes injury—even while allowing students to be subject to corporal punishment.⁸

Eliminating the use of corporal punishment in schools will assist in ensuring the safety of all students and educators. Families should be allowed to protect their children and states should prohibit the use of physical punishment against students and ensure that a plan is in place to alert school personnel and parents of policies eliminating corporal punishment for students.

In addition, policymakers should also give schools and educators new tools to foster a positive school climate by encouraging the use of school-wide positive behavior supports, an evidence-based approach to school discipline proven to reduce school discipline referrals and support improved academic outcomes. Local and state educational agencies should also take advantage of grants from the Every Student Succeeds Act, which provides funds to educational agencies to develop and implement restorative justice and positive behavioral supports and interventions in classrooms and schools and train teachers and staff in these methods.

All local and state educational agencies have a significant interest in ensuring a positive learning environment for the nation’s students. By eliminating the harmful practice of corporal punishment and implementing positive, evidence-based policies, local and state leaders can help students achieve access to a safe and high-quality education.

Sincerely,

National Women’s Law Center, joined by the following organizations and individuals:

Academy on Violence and Abuse

ACLU

American Academy of Pediatrics

American Association of Child & Adolescent Psychiatry

⁵ *Id.* at 10.

⁶ *Id.* at 12.

⁷ *Id.* at 14.

⁸ Elizabeth T. Gershoff & Sarah A. Font, *Corporal Punishment in U.S. Public Schools: Prevalence, Disparities in Use, and Status in State and Federal Policy*, 20 SOC. POL’Y REPORT 1, 14 (2016). For example, Indiana bans corporal punishment of vertebrate animals under its anti-animal cruelty statute, even while it permits corporal punishment of children with objects in schools.

American Association of University Women
American Federation of Teachers, AFL-CIO
American Humanist Association
American Professional Society on the Abuse of Children
American Psychological Association
American-Arab Anti-Discrimination Committee
Americans Against Corporal Punishment in Public School
Association of University Centers on Disabilities
Attachment Parenting International, Atlanta Chapter
Barton Child Law and Policy Center, Emory Law School
Center for Civil Rights Remedies, Civil Rights Project at UCLA
Center for Effective Discipline
Champion Women
Child Safe of Central Missouri, Inc.
Children's Advocacy Institute
Children's Defense Fund
Clearinghouse on Women's Issues
Coleman Advocates for Children & Youth
Colorado Organization for Latina Opportunity and Reproductive Rights
Council of Parent Attorneys and Advocates
Dane County District Attorney's Deferred Prosecution Program
Dignity in Schools Campaign
Division 7: Developmental Psychology, American Psychological Association
Education Law Center-PA
Family Services Network
Futures Without Violence
Girls Inc.
GLSEN
Gundersen Health System
Gundersen National Child Protection Training Center
Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline (Gwinnett SToPP)
Integrated Clinical & Correctional Services
Judge David L. Bazelon Center for Mental Health Law
Lives in the Balance
Massachusetts Citizens for Children
Minnesota Communities Caring for Children, Home of Prevent Child Abuse MN
NAACP
National Alliance for Partnerships in Equity (NAPE)
National Association of School Psychologists
National Association of Secondary School Principals (NASSP)

National Autism Association
National Center for Special Education in Charter Schools
National Disability Rights Network
National Down Syndrome Congress
National Economic and Social Rights Initiative (NESRI)
National Education Association
National Organization for Women
National PTA
NC Child
NCLR (National Council of La Raza)
Nollie Jenkins Family Center, Inc.
Otto Bremer Trust Center for Safe and Healthy Children
Parent Trust for Washington Children
Partnership for Violence Free Families
Prevent Child Abuse Illinois
Project KnuckleHead
PsychHealth, Ltd.
Rights4Girls
Sargent Shriver National Center on Poverty Law
SelfWorks
SisterReach
SisterSong Women of Color Reproductive Justice Collective
Southeast Asia Resource Action Center (SEARAC)
Southern Poverty Law Center
StopSpanking.ORG
TASH
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