



March 22, 2023

Dear Federal, State, and Local Policymakers:

On behalf of The Education Trust, the National Women's Law Center, and the more than 100 undersigned organizations, we call on federal, state, and local policymakers to eliminate the shameful practice of corporal punishment in our nation's schools. Corporal punishment in schools is not only abhorrent, harmful, and ineffective, but it is also disproportionately applied to students of color and students with disabilities. Instead of perpetuating violence against our nation's children and youth, we urge policymakers at the federal, state, and local levels to end the practice of corporal punishment in our nation's schools and ensure that all students can learn in a safe, supportive, and healthy environment.

Corporal punishment in schools refers to the act of inflicting physical pain on a student's body for the purpose of discipline, including striking, paddling, spanking, and other forms of physical violence. Although the practice of corporal punishment in schools has continued to decline over the last decade, more than 98,000 students across preschool and K-12 schools received corporal punishment according to the 2017-18 Civil Rights Data Collection (CRDC).¹ Corporal punishment is an allowable form of school discipline in 23 states, with 99% of all instances occurring in 10 states—Mississippi, Texas, Arkansas, Alabama, Oklahoma, Georgia, Tennessee, Missouri, Florida, and Louisiana—and 75% of all cases occurring in just four states—Mississippi, Texas, Arkansas, and Alabama.² Corporal punishment in schools is often employed for a variety of minor, subjective, and arbitrary infractions, including dress and hair code violations, talking in class, tardiness, truancy, poor academic performance, and more.³ Although corporal punishment in schools is legal in some states, it is often banned in other settings, such as day care programs, mental health facilities, penal institutions, and more.⁴ Furthermore, corporal punishment of *adults* has been banned in U.S. prisons and military training facilities.⁵ Allowing the practice of corporal punishment to continue in our nation's classrooms is a colossal failure of leadership.

The science is abundantly clear: corporal punishment is both ineffective and deeply harmful. Corporal punishment in schools not only fails to decrease disciplinary infractions in the classroom, but it can actually result in more aggressive, defiant, and oppositional student behavior.⁶ Furthermore, corporal punishment in schools significantly harms a student's physical and emotional health. In addition to causing serious physical injury, including broken bones, bruising, abrasions, and other serious medical complications, corporal punishment can have a significant impact on a student's mental health and

¹ K-12 schools include juvenile justice facilities, charter schools, alternative schools, and schools serving only students with disabilities. For more information, visit <https://www2.ed.gov/about/offices/list/ocr/data.html>

² According to the Department of Education's (ED) updated March 2023 resource on corporal punishment, there are 23 states that either allow corporal punishment or have not specified. Other reports, meanwhile, cite 19 states. For more information, please visit: <https://www2.ed.gov/about/offices/list/ocr/docs/corporal-punishment-part-4.pdf> and <https://www.splcenter.org/20190611/striking-outlier-persistent-painful-and-problematic-practice-corporal-punishment-schools>

³ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5766273/>

⁴ <http://www.endcorporalpunishment.org/wp-content/uploads/country-reports/USA.pdf>

⁵ <https://www.nytimes.com/2018/12/13/us/corporal-punishment-school-tennessee.html#:~:text=Corporal%20punishment%20is%20banned%20in,%2C%20spank%20or%20slap%3A%20school>

⁶ <https://publications.aap.org/pediatrics/article-abstract/130/2/184/29954/Physical-Punishment-and-Mental-Disorders-Results?redirectedFrom=fulltext>

wellbeing.⁷ For example, students who are subject to corporal punishment are more likely to experience serious mental health challenges, including depression, anxiety, increased alcohol and drug abuse, self-harm, suicidal thoughts, and more.⁸ Corporal punishment can also have a significant impact on a student's academic and long-term success; corporal punishment can negatively impact a student's cognitive functioning, brain development, and the ability to problem solve, which results in lower academic performance, higher rates of absenteeism, and more.⁹ Long term, students who experience corporal punishment in schools have an increased likelihood of involvement in the juvenile and criminal legal systems.¹⁰

Moreover, corporal punishment in schools disproportionately impacts students of color and students with disabilities. For example, according to the 2017-18 CRDC, students of color, including Black and Native American students, were subjected to corporal punishment at roughly twice the rate of white students.¹¹ Black students, in particular, are subjected to corporal punishment at the highest rates. Although accounting for only 15.1% of total K-12 student enrollment, Black students receive 37.3% of all instances of corporal punishment. Furthermore, Black girls, who are often stereotyped and misperceived as “disrespectful,” “defiant,” and sexually provocative, are nearly four times more likely than white girls to receive corporal punishment, despite evidence demonstrating that they are no more likely to misbehave in school.¹² Additionally, students with disabilities are subjected to corporal punishment at disproportionate rates. For example, according to the 2017-18 CRDC, students with disabilities, defined as those served under the Individuals with Disabilities Education Act, represent 13.2% of the total K-12 student enrollment but 16.5% of the students who receive corporal punishment. Data on LGBTQ+ students' experiences with corporal punishment are not currently available, however, decades of research demonstrate that LGBTQ+ young people are subjected to discriminatory discipline practices,¹³ including elevated rates of school discipline compared to their non-LGBTQ+ peers.¹⁴ LGBTQ+ young people who are students of color and students with disabilities experience compounded disparities with regard to school discipline.¹⁵ While striking any student should never be a permissible practice in our nation's schools, the disproportionate application of corporal punishment against some of the most underserved students is particularly horrific and egregious.

Policymakers at every level of governance have a responsibility to eliminate corporal punishment in our nation's schools. At the federal level, Congress can and must pass the Protecting our Students in Schools Act, formerly H.R. 3836/S.2029, which would prohibit the practice of corporal punishment from any school that receives federal funding. The Act would also promote investment into the development of trainings and other programming focused on improving learning environments and reducing exclusionary discipline. This legislation, supported by more than 100 national, state, and local organizations, should be

⁷ <https://www.splcenter.org/20190611/striking-outlier-persistent-painful-and-problematic-practice-corporal-punishment-schools>

⁸ <https://www2.ed.gov/documents/press-releases/11212016-corporal-punishment.pdf>

⁹ Ibid

¹⁰ https://www.splcenter.org/sites/default/files/com_corporal_punishment_final_web.pdf

¹¹ <https://www2.ed.gov/about/offices/list/ocr/data.html>

¹² <https://nwlc.org/resource/black-girls-with-disabilities-deserve-accurate-representation-in-the-education-civil-rights-data-collection/> and https://edtrust.org/wp-content/uploads/2014/09/And-they-cared-How-to-create-better-safer-learning-environments-for-girls-of-color_Aug-2020.pdf

¹³ <https://www.glsen.org/research/2021-national-school-climate-survey>

¹⁴ <https://www.glsen.org/research/teasing-torment-school-climate-revisited-survey-us-seconda>; <https://onlinelibrary.wiley.com/doi/10.1111/jora.12720>; and <https://doi.org/10.1542%2Fpeds.2009-2306>

¹⁵ <https://onlinelibrary.wiley.com/doi/10.1111/jora.12720> and <https://www.glsen.org/research/educational-exclusion-drop-out-push-out-school-prison-pipeline>

a top priority for advancement in the 118th Congress.¹⁶ In addition to the federal government, states must also take decisive action to prohibit the practice of corporal punishment in our nation's schools. First, in the 23 states where corporal punishment is still permissible, legislation should be advanced in the 2023 state legislative sessions that would ban the practice from all schools. Second, in states in which corporal punishment has been banned in only public schools, these states should extend their prohibitions to include private schools as well. Finally, action must be taken at the local level to prohibit corporal punishment. For example, local school districts can end the practice of corporal punishment by explicitly prohibiting school personnel from employing the practice in the classroom.¹⁷ Whether at the federal, state, or local level, all policymakers have a role to play in eliminating this shameful practice from our schools. Every day that the practice continues is unacceptable.

Eliminating the use of corporal punishment in schools will assist in ensuring the safety and security of all students and educators. Every student has a right to learn in a safe, healthy, and inclusive learning environment. As we work to eliminate corporal punishment, policymakers should give schools and educators tools to foster a positive school climate and support students' social, emotional, and academic development, such as school-wide positive behavior supports, restorative justice interventions, multi-tiered systems of support, and more. 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 these interventions in classrooms and train teachers and staff in these methods.

We once again call on federal, state, and local policymakers across the country to eliminate the shameful practice of corporal punishment in our nation's schools. By eliminating this harmful practice and implementing positive, evidence-based policies in its place, educational leaders can help ensure all students have access to a safe and high-quality education.

Sincerely,

The Education Trust
National Women's Law Center
Activists With A Purpose Plus
412 Justice
Advocates For Justice, VA
Advocating 4 Kids, Inc.
All4Ed
Alliance for Quality Education
American Atheists
American Federation of Teachers
American Humanist Association
American Psychological Association
American School Counselor Association
American Youth Policy Forum
Association of Latino Administrators and Superintendents (ALAS)
Autistic Self Advocacy Network
Baton Rouge Youth Coalition (BRYC)
Black Collective Advocacy Network

¹⁶ <https://mceachin.house.gov/media/press-releases/reps-mceachin-bonamici-sen-murphy-introduce-legislation-end-corporal-punishment>

¹⁷ It should be noted that the decision to employ corporal punishment in a school district is a voluntary choice made by that district or school. State or federal action is not required for a school district to eliminate the practice from its schools, and district leaders should not wait for state or federal action before eliminating the practice.

Black Swan Academy
Brighton Park Neighborhood Council
Center for American Progress
Center for Learner Equity (CLE)
Center for Popular Democracy
Clearinghouse on Women's Issues
Committee for Children
Communities for Just Schools Fund
Communities In Schools
Council for Exceptional Children
Council of Administrators of Special Education
Council of Parent Attorneys and Advocates
Cyrus Driver, Partnership for the Future of Learning
Dignity in Schools Campaign
Disability Law Colorado
Disability Rights Florida
Disability Rights Maryland
Diverse Learners Cooperative
E4EA/ I WILL GRADUATE
Education Reform Now
Education Reform Now New York
EduColor
Elite Educational Consulting
EveryBlackGirl Inc
Feminist Majority Foundation
First Focus on Children
Futures Without Violence
FUTURO, Inc.
Girls Inc.
GLSEN
Goddard Riverside Community Center - Options Center
Human Rights Campaign
Ibero American Action League, Inc.
IDRA
Immigrant Alliance for Justice and Equity
K. Allen Consulting
KIPP Public Schools
Learning Disabilities Association of America
Mississippi Coalition to End Corporal Punishment
NAACP
Nashville Teacher Residency
National Association of Councils on Developmental Disabilities
National Association of School Psychologists
National Association of Secondary School Principals (NASSP)
National Black Women's Justice Institute
National Center for Learning Disabilities
National Center for Parent Leadership, Advocacy and Community Empowerment (National PLACE)
National Center for Youth Law
National Disability Rights Network (NDRN)
National Down Syndrome Congress
New Leaders

New York State School Counselor Association
Nollie Jenkins Family Center, Inc.
NYC Coalition for Educating Families Together (NYC CEFT)
Options Center at Goddard Riverside Community Center
Parents Across America
Parents Organized for Public Education
Power U Center For Social Change
Public Advocacy for Kids (PAK)
S.T.A.N.D. UP
Southern Echo Inc.
Southern Education Foundation
SPAN Parent Advocacy Network
SPLC Action Fund
Stand for Children Tennessee
Statewide Education Organizing Committee
STRONG Accountable Care Community
Student Advocacy Center of Michigan
Students Deserve
Teach Plus
Teach Plus Arkansas
Teaching for Change
Tennessee School Counseling Association
Texas Kids Can't Wait
The Advocacy Institute
The Arc of the United States
The Center for Civil Rights Remedies at UCLA's Civil Rights Project
The Gault Center
The Parents' Place of MD
The Trevor Project
TNTP
United Women in Faith
Uplift MN
Urban League of Long Island, Inc
Urban League of Westchester County
Volunteer State Seal of Biliteracy
Wayfinder Foundation
YWCA of Syracuse and Onondaga County Inc
YWCA USA