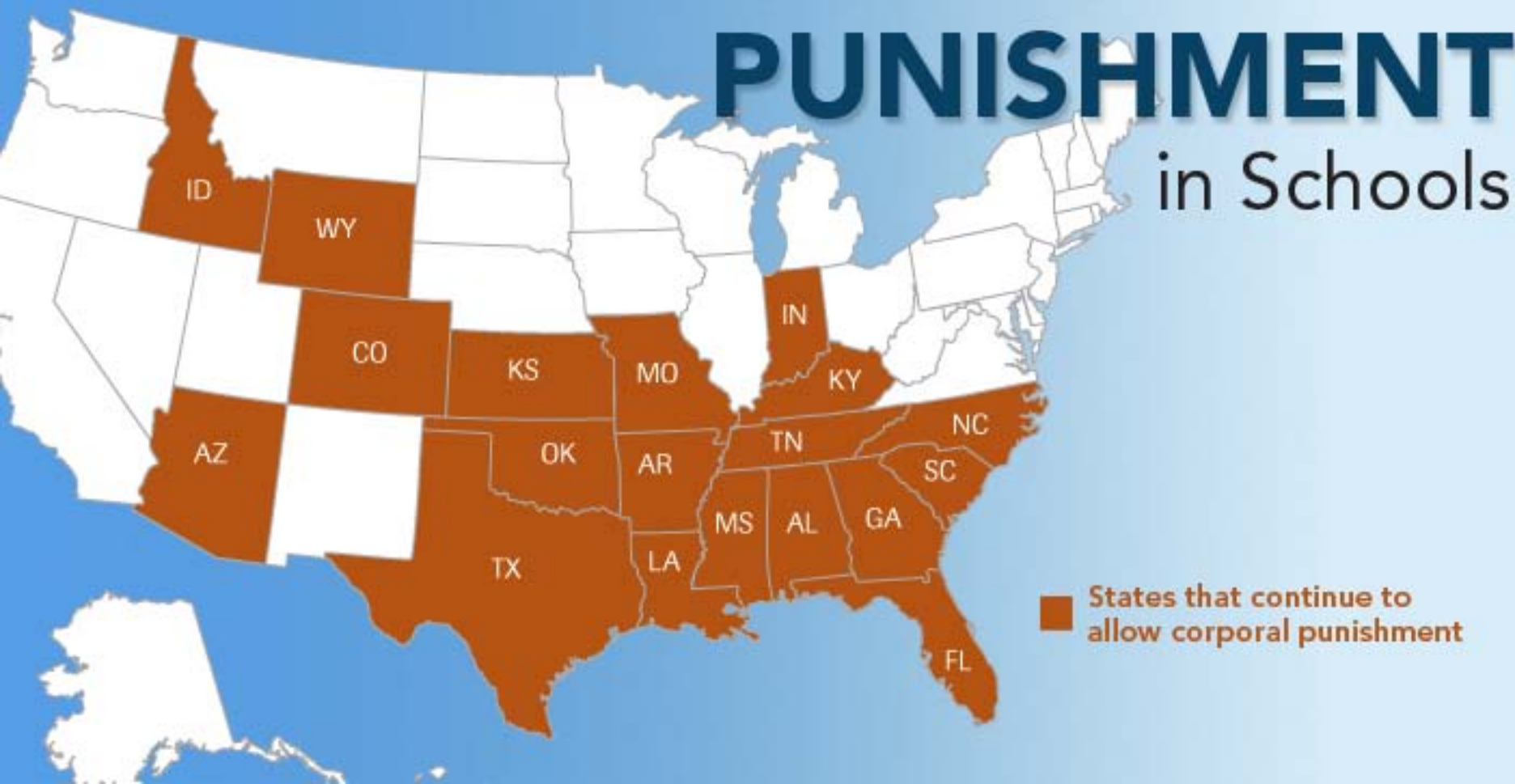


Moving Away From

CORPORAL PUNISHMENT

in Schools



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Moving Away From Corporal Punishment in Schools

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webinar will be available at
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Moving Away From Corporal Punishment in Schools

Deborah Vagins
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December 18, 2013



Because Freedom Can't Protect Itself

Overview

- Recent Statistics/Trends
- Civil and Human Rights Concerns
- Federal Efforts to Move Away from Corporal Punishment
- Alternatives to Corporal Punishment
- Conclusion

Recent Statistics

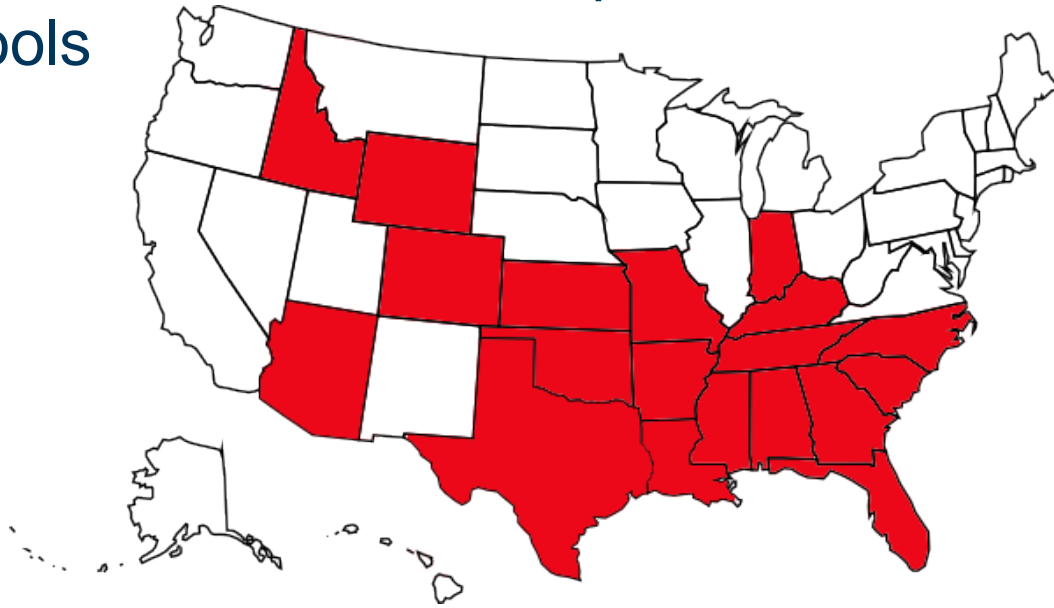
- Corporal punishment defined
 - Corporal punishment refers to paddling, spanking, or other forms of physical punishment imposed on a student. (Department of Education Civil Rights Data Collection)
 - “Any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light” -United Nations Committee on the Rights of the Child (2001)
- Corporal Punishment is a legal form of school discipline in 19 states and the U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands ([Testimony before the U.S. Virgin Islands](#) (2013))
- New Mexico most recent state to ban the practice in 2011 (N.M. STAT. ANN. Sec. 22-5-4.3 Revised June 17, 2011)
- Ohio (2009), Pennsylvania (2005), and Delaware (2003) all banned the practice in the last decade. (Oh. Rev. Code Sec. 3319.41, 22 PA Code CHS. 7 and I2, Sec. I2.5, DE Education Code Sec. 702)

Recent Statistics/Data Collection cont.

- Most recent reported national data from 2006-2007
Department of Education Civil Rights Data Collection
- Reported statistics indicate almost a quarter of a million public students in U.S. were subjected to corporal punishment (U.S. Dept. of Ed 2006-2007 [Civil Rights Data Collection](#))
- Actual incidents are believed to be much higher.
Limitations include:
 - Self Reporting
 - Number of students recorded not number of incidents
 - Private schools not required to report
 - Territories not covered in CRDC

Current Trends/Issues

- National Effort to Ban Corporal Punishment in Public Schools



31 States (White) Have Banned The Practice; 19 States (Red) Permit the Practice ([Center for Effective Discipline](#))

Currently Permitted: Alabama, Arkansas, Arizona, Colorado, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Wyoming

Current State Bans: Alaska, California, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin

Civil and Human Rights Concerns

- According to the 2006 CRDC, disproportionate use of corporal punishment on African American students and students with disabilities
- In 2006, African American students made up 17.1% of public school students, but accounted for 35.6% of those who received corporal punishment (U.S. Dept. of Ed 2006-2007 [Civil Rights Data Collection](#))
- In 2009, data shows that African American and American Indian students are twice as likely to be subjected to corporal punishment than their white peers ([Supportive School Discipline](#))
- Students with disabilities disproportionately subjected to corporal punishment, in many cases resulting from behaviors arising out of their disabilities ([A Violent Education](#) (2008) and [Impairing Education Report](#), 2009)

Civil Rights and Human Concerns cont.

- Decreased academic outcomes for victim and classmates ([Impairing Education](#) (2009))
- Does not lead to better classroom management
- Denies students' access to supportive learning environment ([A Violent Education](#) (2008))
- Society for Adolescent Medicine findings: “Deteriorating peer relationships, difficulty with concentration, lowered school achievement, antisocial behavior, intense dislike of authority, somatic complaints, a tendency for school avoidance and school drop-out, and other evidence of negative high-risk adolescent behavior.” (Society for Adolescent Medicine, *Position Paper: Corporal Punishment in Schools*)
- Contributes to the school-to-prison pipeline ([Deborah Vagins, Huffington Post](#))
- Violates human rights to freedom from cruel, inhuman, and degrading treatment

Federal Efforts to End Corporal Punishment

- **Ending Corporal Punishment in Schools Act** ([H.R. 3027](#) 112th Congress)
 - Bill Sponsor: Representative Carolyn McCarthy
 - Reintroduction Pending
 - Prohibits corporal punishment in public schools and private schools that serve students receiving federal services
 - National assessment and best practices for school discipline, including training models, technical assistance, research, and outreach
 - Grants to improve school climate and implement school-wide positive behavioral support alternatives

Federal Efforts to End Corporal Punishment cont.

- Civil Rights Data Collection- Department of Education
 - Data important to show the continued widespread use of corporal punishment
 - Data currently collected on the number of K-12 students subject to corporal punishment
 - Pending Changes ([CRDC Notice of Proposed Information Collection Requests](#))
 - Expand data collection to include number of *incidents*, to quantify instances of repeated striking of individual students
 - Include number of students and incidents at the pre-K level

Alternatives to Corporal Punishment

- Positive Behavioral Supports (PBS)
 - Evidence-based approach to school discipline that uses alternatives to corporal punishment
 - 18,000 schools across country are implementing PBS programs ([Positive Behavioral Interventions & Supports](#))
 - Improves school climate and academic outcomes by reducing school discipline referrals (Safran & Oswald, [Positive Behavior Supports: Can Schools Reshape Disciplinary Practices?](#) (2003))

Alternatives to Corporal Punishment cont.

- Successful PBS Programs
 - Integrating conflict resolution and cultural awareness into curricula ([Ending the School-to-Prison Pipeline Congressional Hearing](#) (2012))
 - Mediation, counseling and team interventions ([Dignity In Schools, A Model Code on Education and Dignity](#) (2012))
 - Training, resources, and monitoring for teachers and staff to ensure implementation of positive discipline practices and policies ([Dignity In Schools, A Model Code on Education and Dignity](#) (2012))
- Additional Resources
 - Positive Behavioral Interventions & Supports www.pbis.org
 - Dignity in Schools www.dignityinschools.org
 - Center for Effective Discipline www.stophitting.com



**For more information,
contact:**

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or read more on our website at:

[https://www.aclu.org/human-
rights/corporal-punishment-children](https://www.aclu.org/human-rights/corporal-punishment-children)



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Moving Away From Corporal Punishment in Schools



**EDUCATION WEEK WEBINAR
DECEMBER 18, 2013**

**PREPARED BY THE BOARD OFFICE: POLICY,
INTERGOVERNMENTAL AFFAIRS, AND CONSTITUENT SERVICES
AND
THE DEPARTMENT OF RESEARCH, PLANNING, AND
IMPROVEMENT
SHELBY COUNTY SCHOOLS**

Corporal Punishment

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Outline

- I. Introduction**
 - I. Outline
 - II. Data
- II. Corporal Punishment in TN and Shelby County Schools**
 - A. Definitions
 - B. Policy
 - C. Application
- III. Conclusions and Recommendations**
- IV. Policy Impacts**

Data

- **State Laws**
 - Survey of relevant statutes in all 50 states
- **Tennessee School Districts**
 - Survey of 135 Tennessee school districts
 - Tennessee Department of Education
 - Individual district websites
- **School Discipline Incidents**
 - United States Department of Education Office of Civil Rights
 - Tennessee Department of Education

History and Context

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2004

- Memphis City Schools (MCS) bans corporal punishment for 2005-06 SY
- Shelby County Schools (SCS) maintains corporal punishment

2011

- Memphis voters approve ceding MCS charter to consolidate with SCS

2013

- MCS and SCS merge on July 1 to create new Shelby County Schools system
 - Previous school systems now known as “Legacy SCS” and “Legacy MCS”
- Joint Board bans corporal punishment from SCS

Corporal Punishment Definitions

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State Law

- Only 18 states define
 - “Intentional infliction of physical pain upon the body of a student as a disciplinary measure” (10 states)
 - “The willful infliction of, or willfully causing the infliction of, physical pain on a pupil” (4 states)
 - “Physically punishing a student for an infraction of the discipline policy” (PA)
 - “Conduct involving hitting or spanking a person with or without an object; or unreasonable physical force that causes bodily harm or substantial emotional harm” (MN)

Corporal Punishment Definitions

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Tennessee School Districts

- **No explicit Tennessee School Board Association definition**
 - “The instrument to be used in administering corporal punishment shall be approved by the principal.”
- **Individual Tennessee school district definitions vary**
 - Physical Force/Contact (3 districts)
 - Spanking (2 districts)
 - Paddling/Spanking (2 districts)
 - Paddling (20 districts)
 - TSBA Policy (73)
 - No Definition (35)

Corporal Punishment Policies

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10 Largest Tennessee School Districts

- **Prohibited (5)**
 - [Memphis City]
 - Nashville/Davidson County
 - Knox County
 - Williamson County
 - Clarksville-Montgomery County
- **Permitted, but parents must opt-in/opt out (1)**
 - Rutherford County
- **Permitted, but parents may opt out (3)**
 - Shelby County
 - Jackson-Madison County
- **Permitted (2)**
 - Hamilton County (school-by-school)
 - Sumner County

Corporal Punishment in Tennessee

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Students of Color

- More likely to receive CP
 - In the 13 southern states—including TN—where CP is most prevalent, African-American students are 1.4 times more likely to receive CP
 - African-American girls are 2.1 times more likely
- More likely to be disciplined for discretionary offenses

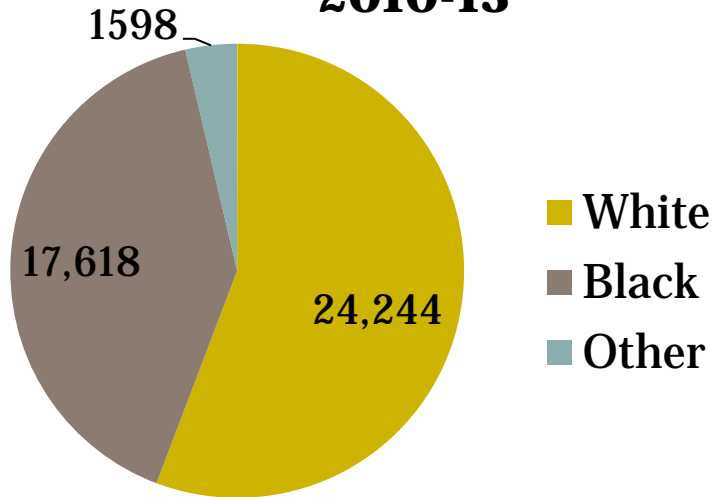
Male Students

- More likely to be subjected to CP than girls
 - 80% of students receiving CP in Tennessee
- More likely to receive different/harsher CP

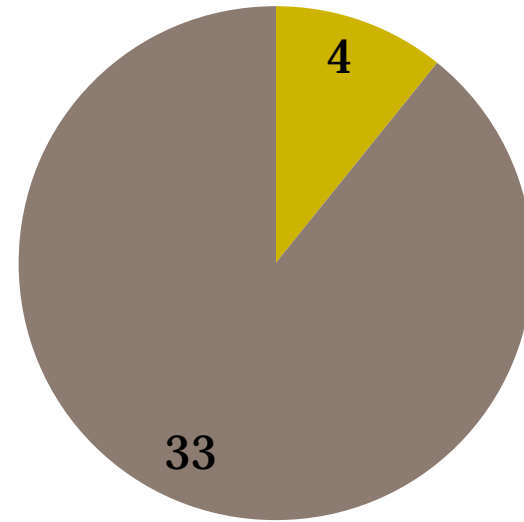
Students with Disabilities

- Disproportionately subjected to CP
 - Paddled at more than 2x the rate of the general student population in TN

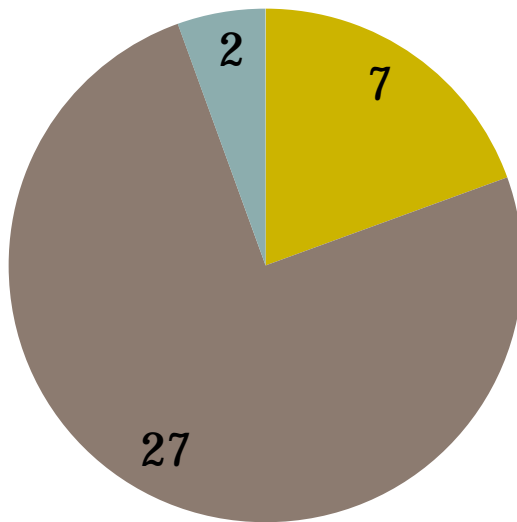
Legacy SCS Average Annual Enrollment, 2010-13



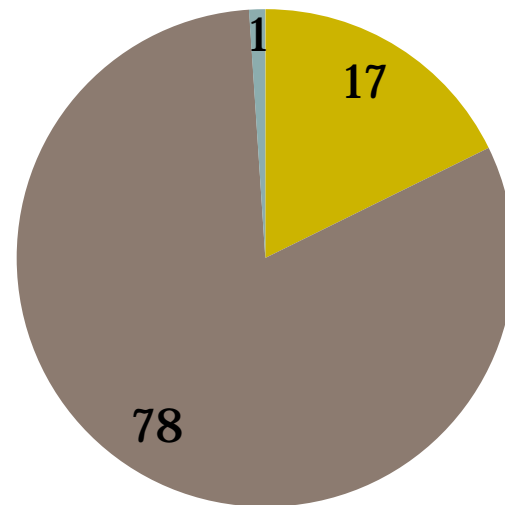
Students Receiving CP, 2012-13



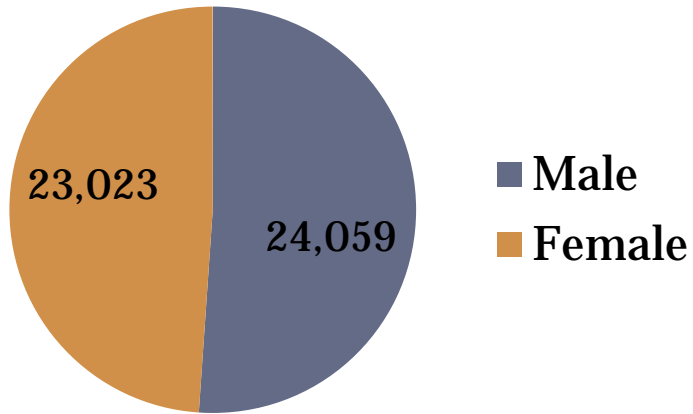
Students Receiving CP, 2011-12



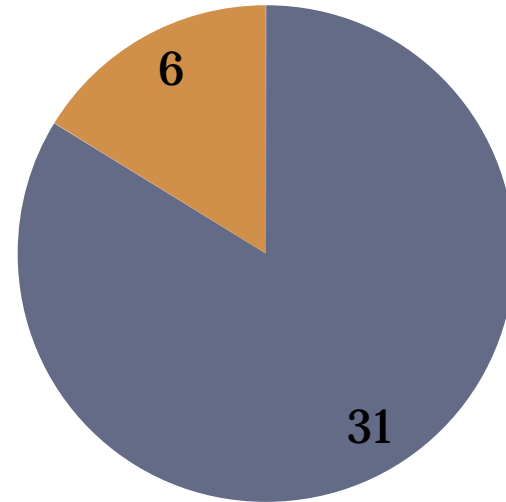
Students Receiving CP, 2010-11



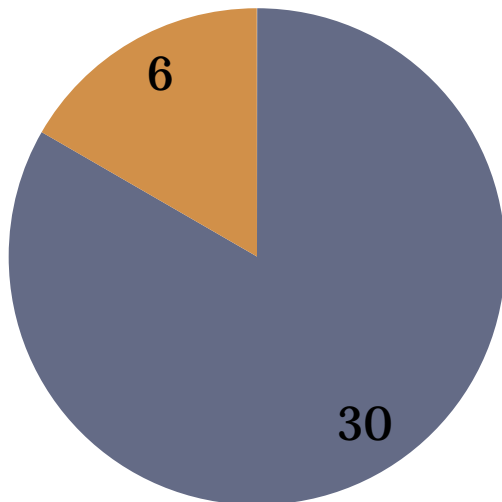
**Legacy SCS Average
Annual Enrollment
2010-13**



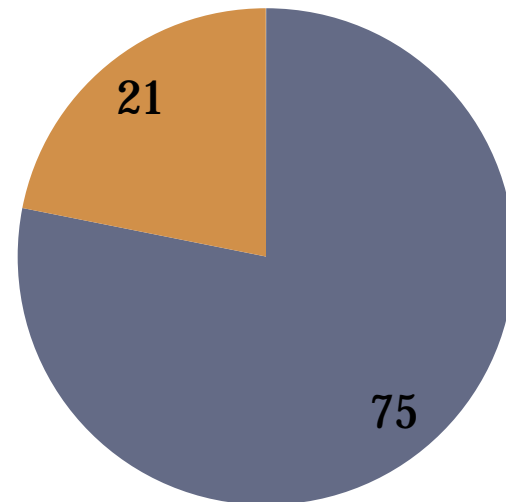
**Students Receiving CP,
2012-13**



**Students Receiving CP,
2011-12**

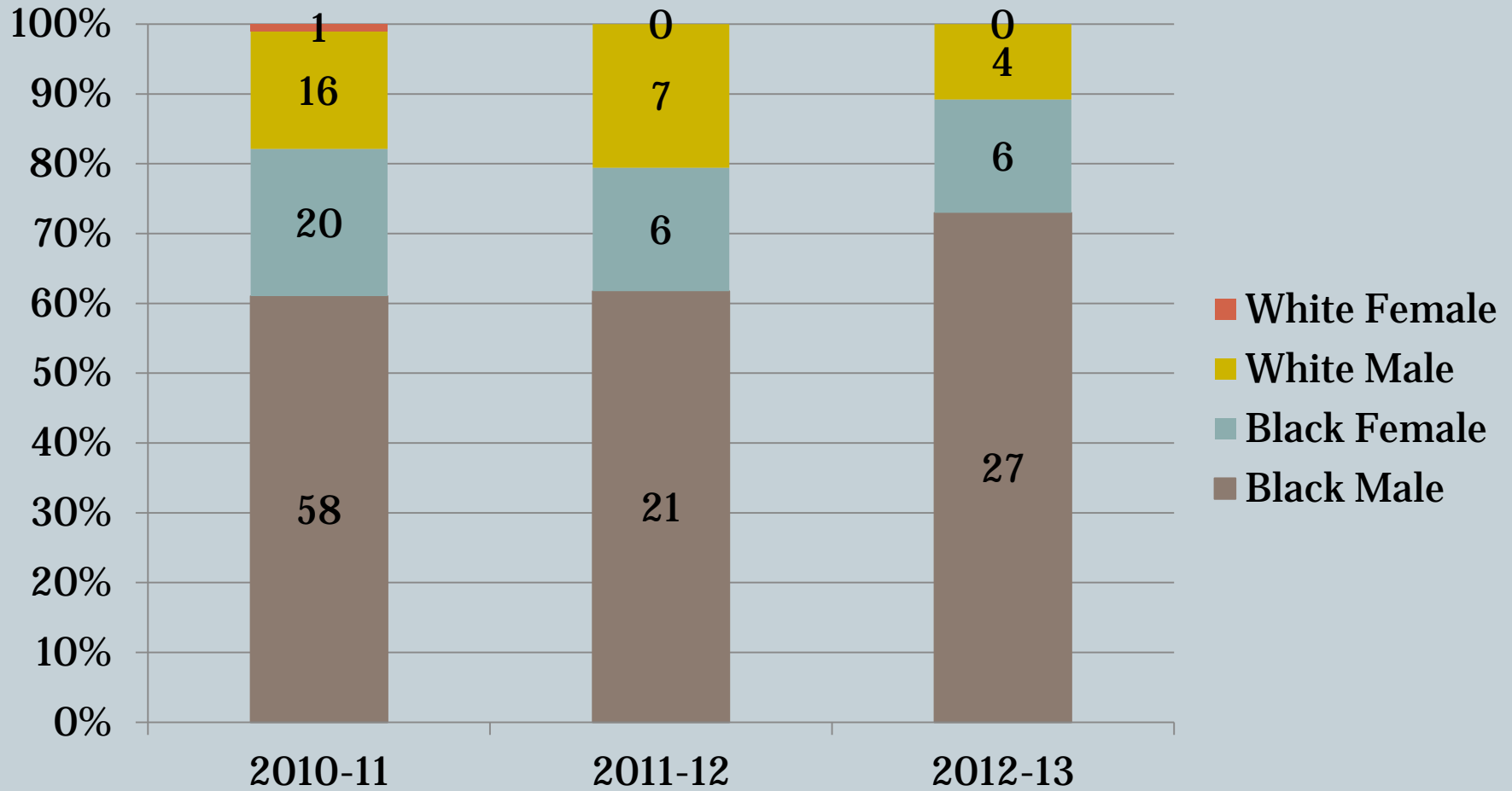


**Students Receiving CP,
2010-11**



Legacy SCS Students Subject to CP by Race and Gender (2010 - 2013)

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Conclusions

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- **Definitions of corporal punishment are not uniform, when they appear at all**
- **Policy/legal trend is away from corporal punishment**
 - Lack of evidence of efficacy
 - Evidence of negative effects
 - Evidence of bias in application
 - Professional recommendations
- **Other effective disciplinary options exist**

SCS Current Disciplinary Alternatives

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- **Positive Behavioral Interventions and Supports (PBIS)**
- **Verbal Reprimand**
- **Parent-Principal Conference**
- **Counseling**
- **Student-Teacher Conference**
- **Service Learning**
- **Community Service**
- **Mentoring**
- **Peer Mediation**
- **Group Counseling**
- **Behavior Contracts and Plans**
- **Drivers' License/Permit Revocation**
- **Loss of Privileges**
- **Before/After School Detention**
- **Saturday School**
- **In-School Suspension (ISS)**
- **Out-of School Suspension (OSS)**

SCS Administrative Recommendations

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- 1. Board repeal of Corporal Punishment policy**
- 2. Administration to continue PBIS and other current prevention, intervention and discipline strategies and practices**
- 3. Administration to convene an interdepartmental/parent/community task force on student discipline to identify District needs; evaluate current options; and recommend future strategies and solutions**

SCS Policy Impacts

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- **Student Conduct Policy (#6022)**
 - “To support positive student behavior and, when appropriate, apply reasoned discipline.”
- **Administrative Rules and Regulations (#6022)**
 - “The District shall develop and communicate a comprehensive **prevention** and intervention program. The program shall include a parental engagement component outlining strategies for parents to support the prevention of inappropriate and/or disruptive behavior in their children and participate in intervention efforts if such behavior occurs.”

SCS Prevention Programs and Initiatives

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1. Positive Behavior Intervention Program
2. Counseling Program
3. Innovative Schools
4. Gang Reduction Assistance for Saving Society's Youth (GRASSY)
5. Parent Education and Engagement

Q & A

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Moving Away From Corporal Punishment in Schools

Required Reading from *Education Week*:

[Corporal Punishment Persists in U.S. Schools](#)

Despite a wave of measures abolishing the controversial disciplinary practice, many communities are still using paddles to curb student misbehavior. Even as an increasing number of districts and states abolish the practice, corporal punishment remains a legal form of discipline in 19 states, most of them in the South, according to the Center for Effective Discipline.