



Serving All Students – Promoting a Healthier, More Supportive School Environment

**Written Testimony Presented to the U.S. House Committee on Education and Labor
Early Childhood, Elementary, and Secondary Education Subcommittee, February 16, 2022
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Intercultural Development Research Association**

Good afternoon, Chairman Sablan, Ranking Member Owens, Chairman Scott, and members of the Committee. Thank you for the opportunity to testify about how we can promote safe, culturally sustaining, and supportive school environments and protect the rights, safety, and well-being of all students.

My name is Morgan Craven, J.D., I am the National Director of Policy, Advocacy, and Community Engagement at IDRA.¹ IDRA is a national non-profit organization dedicated to promoting educational justice and achieving equal educational opportunity for every child through strong public schools that prepare students to access and succeed in college. For nearly 50 years, IDRA has provided training and technical assistance to and developed and evaluated programs in schools seeking to improve teaching quality and the educational outcomes of students, including through one of four federally-funded equity assistance centers called the IDRA EAC-*South*.² Our work focuses on the U.S. South and the challenges to education equity that persist in southern states. We have produced research and data analyses and centered young people and families in our policy advocacy related to positive school climates, equitable school funding, excellent schools for emergent bilingual students (English learners), school discipline and policing, and preparation for and success in higher education.

My work has focused on harmful school discipline and school policing policies and practices and the disproportionate impact they have on youth of color, young people with disabilities, and LGBTQ+ youth. As an attorney, I have represented students pushed out of their classrooms through exclusionary discipline. For most of my career, I have engaged in policy advocacy at the local, state, and federal levels to end the use of punitive discipline practices, stopping the criminalization of children in schools, and fostering safe and culturally-sustaining school climates for all students.

In my testimony for this hearing, I will focus on:

- What we know about the prevalence and harms of punitive and exclusionary discipline, particularly corporal punishment.

¹ www.idra.org

² www.idraeacsouth.org

- The disproportionate use of corporal punishment against Black children and students with disabilities.
- The strategies, people, and policies it takes to create safe and positive school climates and protect the well-being and the civil rights of all children.
- Why federal intervention is urgently needed to eliminate corporal punishment and other harmful school discipline and policing practices.

The Prevalence and Harms of Punitive Discipline

The term “school-to-prison pipeline” describes the ecosystem of policies, practices, laws, and beliefs about the way young people should behave and be punished in schools that results in students being pushed out of their classrooms through exclusionary and punitive discipline. That pushout increases the likelihood students will struggle academically, be held back, not graduate, and have contact with the juvenile and adult criminal legal systems.³

Pushout commonly includes in-school and out-of-school suspensions, informal classroom removals, alternative school placements, expulsions, corporal punishment, arrests, and referrals to law enforcement and courts. We know these methods harm students, not only in the long term, but also with more immediate effects, including missed classroom learning time, missed socialization opportunities with teachers and peers, trauma, and feelings of mistrust and detachment from school.⁴

In the case of corporal punishment or when school police are called, students can also experience real physical harm, including from arrests, the use of force, spanking, slapping, and paddling. Harmful punitive discipline methods are wholly ineffective. They ignore underlying needs that students (and adults) may have, create cultures of exclusion, model poor conflict resolution for all students, and rob teachers of the opportunity to do what is effective in their classrooms.

Some groups of students are disproportionately subjected to nearly all forms of punitive and exclusionary discipline. Black students and other students of color are more likely than their peers to be punished *even though they are not more likely to break school rules*. In 2017-18, Black students in this country accounted for 38% of out-of-school suspensions (one or more), though they only made up 15% of the student population.⁵

It is important to emphasize that children of color are *not* more likely to break school rules; they are simply more likely to be punished and punished harshly.⁶ Racial disproportionalities in punishment are particularly acute for discretionary, subjective, or vague “offenses,” like “disorderly conduct” or “disruption of class.” One study of almost 1 million Texas children found that 97% of school punishments were not mandatory and that racial disparities in punishments were only

³ U.S. Commission on Civil Rights. (2019). Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities. Washington, D.C. <https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>

⁴ IDRA. (2020). Unfair School Discipline – Discipline Practices in Texas Push Students Away from School – Web Story. San Antonio, Texas: IDRA. <https://idra.news/UnfairDiscipline>

⁵ U.S. Department of Education, Office of Civil Rights. (2021). An Overview of Exclusionary Discipline Practices in Public Schools for the 2017-18 School Year. <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-school-discipline.pdf>

⁶ NAACP Legal Defense and Educational Fund, Inc. (2017). Locked Out of the Classroom: How Implicit Bias Contributes to Disparities in School Discipline. https://www.naacpldf.org/files/about-us/Bias_Reportv2017_30_11_FINAL.pdf

present when adults had the discretion to identify and punish behaviors.⁷ Other studies confirm that it is adult bias, school practice, and poor policy – not student behavior – that lead to racial disparities in punishment.⁸

Similarly, LGBTQ+ students are disproportionately punished, an indication not of their behavior but of adult bias enabled by policy and school practice. And students with disabilities are disproportionately punished, even though they may need different or additional supports and interventions.⁹ Students at the intersection of multiple identities often experience even higher rates of discipline in their schools.

The data, research, and experiences of youth and families lead to a clear conclusion: dismantling the school-to-prison pipeline is an urgent education equity, civil rights, and racial justice issue.

The Prevalence and Disproportionate Use of Corporal Punishment

Corporal punishment is a particularly brutal form of punishment used in schools. It is generally defined as the intentional infliction of physical pain as a discipline method. This can include spanking, paddling, slapping, “licks,” and other forms of hitting.¹⁰ The standard paddles used to hit children would be considered weapons in any other context. They are typically 18 inches long and four inches across.¹¹ Some have holes drilled in them to reduce wind resistance and allow for faster, harder hitting.¹² Studies have found that students are often hit for minor “offenses,” like tardiness, dress code violations, failing a test, or laughing inappropriately.¹³

Currently, 19 states expressly allow corporal punishment in school: Alabama, Arkansas, Arizona, Colorado, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming. Although they do not have corporal punishment laws, schools in Washington D.C., Nevada, Washington, and New York also reported using corporal punishment in 2017-18.¹⁴

Even though some of these states have banned corporal punishment in other settings – like juvenile detention centers, foster care settings, jails, and prisons – because of the harm it can cause, they still allow it to be used in public schools, including preschools.¹⁵ Additionally, corporal

⁷ Council of State Governments Justice Center. (2011). *Breaking Schools' Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement*. <https://csjusticecenter.org/publications/breaking-schools-rules/>

⁸ See Eberhardt, J., & Okonofua, J. (2015). Two Strikes: Race and the Disciplining of Young Students. *Psychological Science*. <https://journals.sagepub.com/doi/full/10.1177/0956797615570365>

⁹ See U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection 2017-18. (2021). *An Overview of Exclusionary Discipline Practices in Public Schools for the 2017-18 School Year*. <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-school-discipline.pdf>

¹⁰ A list of state corporal punishment statutes can be found at <https://www.edweek.org/leadership/is-corporal-punishment-an-option-in-your-state/2013/08>

¹¹ See comments from Dr. Liz Gershoff. (2021). *A Virtual Briefing in Support of the Protecting our Students in Schools Act*. https://edtrust.zoom.us/rec/play/Gq1U9TF4G6-AjP_jh4SXT3nTqDD4-iCZkNPBGY0Mnu0aWz5oAKECDq-68urZh5sMUI6VDrNpDRuRVJt6.f3RmjpaG6LhNs8rF

¹² *Ibid.*

¹³ See list of infractions compiled in The Center for Civil Rights and Remedies & Southern Poverty Law Center. (2019). *The Striking Outlier: The Persistent, Painful and Problematic Practice of Corporal Punishment in Schools*. https://www.splcenter.org/sites/default/files/com_corporal_punishment_final_web_0.pdf

¹⁴ U.S. Department of Education, Office for Civil Rights. (2020). *Civil Rights Data Collection, 2017-2018*. <https://ocrdata.ed.gov/estimations/2017-2018>

¹⁵ The Center for Civil Rights and Remedies & Southern Poverty Law Center. (2019). *The Striking Outlier: The Persistent, Painful and Problematic Practice of Corporal Punishment in Schools*. https://www.splcenter.org/sites/default/files/com_corporal_punishment_final_web_0.pdf

punishment has been banned in federal programs, including Head Start and schools run by the U.S. Department of Defense.¹⁶

Across these states, **approximately 70,000 children, some in preschool, were hit in their schools at least once in the 2017-18 school year.** Some of these students were hit more than once. These numbers are (and should be) shocking. Not one child should be hit. Many people, including families and policymakers, may not even know that public schools in their states are authorized to hit children as a form of punishment.

The 10 states with the highest reported numbers of students hit in the 2017-18 school year are listed below.

Students hit in 2017-18 (including preschool students) ¹⁷	
State	Number of Students
Mississippi	20,388
Texas	14,264
Alabama	9,174
Arkansas	8,932
Oklahoma	4,281
Tennessee	3,768
Georgia	3,703
Missouri	2,498
Florida	1,346
Louisiana	1,316

Black Students

Like other forms of punitive discipline, corporal punishment is disproportionately used against Black students. In 2017-18, the rate of corporal punishment of Black students was twice as high as that of their white peers.¹⁸ Although they made up only 15% of the public school population that year, Black students were involved in 37.3% of corporal punishment instances.¹⁹

In Mississippi – where 25% of all instances of corporal punishment in the U.S. occur – Black children accounted for 62.9% of students corporally punished, even though they made up 49% of the student population.²⁰ Black girls received 73% of the punishments given

¹⁶ See King, J.B. (2016). Letter to States Calling for an End to Corporal Punishment. U.S. Department of Education. <https://www2.ed.gov/policy/gen/guid/school-discipline/files/corporal-punishment-dcl-11-22-2016.pdf>

¹⁷ U.S. Department of Education, Office for Civil Rights. (2020). Civil Rights Data Collection, 2017-2018. <https://ocrdata.ed.gov/estimations/2017-2018>

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

to girls in the state.²¹

The reasons for the disproportionate punishment of Black students are deep and systemic. It is worth repeating that Black students are not more likely than their peers to break school rules. Rather, educators, and administrators are more likely to hit Black children than they are other students due to policies, practices, and biases in the school discipline system.

The states where schools are most likely to use corporal punishment are in the U.S. South. One study found ties between a history of violence against Black people in these states and the likelihood of corporal punishment being used against Black children in schools today; it found that students, particularly Black students, had a higher likelihood of being hit in the counties where higher numbers of lynchings occurred in the past.²²

Other communities of color, like some Latinx communities, have also experienced traumatic histories of corporal punishment, with schools using the practice as a form of racial/ethnic discrimination and cultural and linguistic suppression. [See Appendix C for an account of the use of corporal punishment to stop students from speaking Spanish in schools.]

As with all school discipline and policing practices, ending the use of corporal punishment in schools is a critical step in protecting students' civil rights, physical safety, academic achievement, and overall well-being.

Students with Disabilities

Students with disabilities experience higher rates of corporal punishment than their peers without disabilities. National data from 2017-18 show that students with disabilities accounted for 21% of corporal punishments, even though they made up 17% of the student population.²³

This disproportionate targeting of students with disabilities is even worse when you consider that these students, according to federal law, should have access to alternative strategies and supports to address behavioral challenges. Additionally, some students may not be able to verbalize their needs in the moment or the pain and frustration they feel after being hit, making them particularly vulnerable to abuse.

Many students have intersecting identities and are exposed to even higher rates of corporal punishment in their schools. In Texas, for example, Black boys with disabilities and Black girls with disabilities are punished at higher rates than other Black children without disabilities and at higher rates than their peers of other races who have disabilities.²⁴

²¹ *Ibid.*

²² Ward, G., Petersen, N., Kupchik, A., & Pratt, J. (2021). Historic Lynching and Corporal Punishment in Contemporary Southern Schools. Social Problems. <https://ccsproject.org/2021/05/20/article-historic-lynching-and-corporal-punishment-in-contemporary-southern-schools-social-problems-by-ward-petersen-kupchik-and-pratt/>

²³ U.S. Department of Education, Office for Civil Rights. (2020). Civil Rights Data Collection, 2017-2018. <https://ocrdata.ed.gov/estimations/2017-2018>

²⁴ Craven, M. (2021). Stopping Harmful Corporal Punishment Policies in Texas. IDRA. <https://www.idra.org/wp-content/uploads/2021/06/Stopping-Harmful-Corporal-Punishment-Policies-in-Texas-June-2021-IDRA.pdf>

The Harms of Corporal Punishment

Corporal punishment has negative impacts on students and school climates, including the following.

Corporal punishment hurts students' academic outcomes.

Research shows that the use of corporal punishment in schools can limit the academic achievement of both the students being punished *and* the students who witness their peers punished.²⁵ Analyses show negative impacts on cognitive functioning,²⁶ lower performance on tests, and lower grade point averages for students who are hit in their schools.²⁷

Corporal punishment causes psychological trauma.

Students who are hit may experience trauma and low self-esteem.²⁸ When they are hit in front of their peers, they can be emotionally humiliated, feel unsafe and disempowered, and struggle with life-long depression.²⁹ As with other types of punitive discipline, corporal punishment may cause students to feel disconnected from their school communities and academic careers.

Corporal punishment causes physical harm.

Corporal punishment is designed to inflict physical pain. That is the entire purpose of the practice. Paddling, spanking, hitting, and slapping children can result in serious physical harm, including cuts, bruises, and broken bones.³⁰ As one parent in Mississippi shared, the paddling her young daughter received in school was so extreme she could not sit down without being in pain for days. The mother took her daughter to a doctor (though the school advised her not to) who was horrified at the brutality of the beating the child endured in school.³¹

Corporal punishment is ineffective and even counterproductive as a discipline or teaching tool.

There is no pedagogical value in hitting children. Research has shown that corporal punishment is not an effective way to improve behaviors,³² may exacerbate behavioral challenges, and in some cases is used when students are exhibiting completely normal, age-appropriate behaviors. When schools rely on corporal punishment, they are not using other research-based strategies that support students and promote safer school climates.

²⁵ Dupper, D.R., & Dingus, A.E.M. (2008). Corporal Punishment in U.S. Public Schools: A Continuing Challenge for School Social Workers. National Association of Social Workers, 243-250; Hyman, I. (1996). Using Research to Change Public Policy: Reflections on 20 Years of Effort to Eliminate Corporal Punishments in Schools. *Pediatrics*, 98(4), 818-821.

²⁶ MacKenzie, M.J., Nicklas, E., Waldfogel, J., & Brooks-Gunn, J. (2012). Corporal Punishment and Child Behavioral and Cognitive Outcomes through 5 Years-of-age: Evidence from a Contemporary Urban Birth Cohort Study. *Infant and Child Development*, 21(1): 3-33.

²⁷ See American Psychological Association. (2021). Corporal Punishment Does Not Belong in Schools. https://votervoices3.amazonaws.com/groups/apaadvocacy/attachments/APA_Corporal_Punishment_Fact-Sheet.pdf citing Gershoff, E.T., Sattler, K.M.P., & Holden, G.W. (2019). School Corporal Punishment and Its Associations with Achievement and Adjustment. *Journal of Applied Developmental Psychology*, 63, 1-8. doi:10.1016/j.appdev.2019.05.004

²⁸ Greydanus, D.E., Pratt, H.D., Spates, C.R., Blake-Dreher, A.E., Greydanus-Gearhart, M.A., & Patel, D.R. (2003). Corporal Punishment in Schools. *Journal of Adolescent Health*, 32, 385-393.

²⁹ Gershoff, E. (2017). School Corporal Punishment in Global Perspective: Prevalence, Outcomes, and Efforts at Intervention. *Psychology, Health & Medicine*, 22(51), 224-239.

³⁰ Gershoff, E.T., Purtell, K.M., & Holas, I. (2015). Corporal Punishment in U.S. Public Schools: Legal Precedents, Current Practices, and Future Policy. *Advances in Child and Family Policy and Practice* (pp. 1-105). doi: 10.1007/978-3-319-14818-2

³¹ See comments shared by parent advocates from Nollie Jenkins Family Center (<https://nolliejenkinsfamilycenter.org/>). (2021). A Virtual Briefing in Support of the Protecting our Students in Schools Act. https://edtrust.zoom.us/rec/play/Gq1U9TF4G6-AjP_jh4SXT3nTqDD4-iCZkNPBGY0Mnu0aWz5oAKECDg-68urZh5sMUI6VDrNpDRuRVJt6.f3RmjpaG6LhNs8rF

³² Gershoff, E.T., Goodman, G.S., Miller-Perrin, C., Holden, G.W., Jackson, Y., & Kazdin, A. (2018). The Strength of the Evidence Against Physical Punishment of Children and Its Implications for Parents, Psychologists, and Policymakers. *American Psychologist*, 73, 626-638. doi: 10.1037/amp0000327

Corporal punishment creates unsafe school climates, and it models violence to young people.

Schools that model violence as a way to address conflict (real or perceived) implicitly grant permission for students to use violence, as young people and later as adults. This can compromise interpersonal relationships³³ and perpetuate a culture where physical violence is seen as acceptable, particularly against people of color and people with disabilities who are disproportionately corporally punished.

Because of these well-documented harms, many professional organizations that focus on children’s educational, psychological, and medical health have condemned the use of corporal punishment in schools [See Appendix A].

Additionally, many local, state, and national advocacy organizations that focus on ensuring equitable educational access and excellent outcomes for students have endorsed federal legislation to end corporal punishment in schools [See Appendix B].

Strategies that Promote Safe, Culturally-sustaining, and Supportive Schools

Fortunately, we know the practices, people, and policies that work to create positive school climates and ensure the well-being and success of young people. These strategies are based on research and are an important investment. They enable schools to move away from the punitive discipline strategies, like corporal punishment, that harm students and create disturbing disparities in access to excellent and equitable educational environments.

IDRA trains teachers and administrators on using many of these strategies through the IDRA EAC-*South*. Educational entities that access these services often identify the particular area of support they need in order to address or avoid discrimination on the basis of race, gender, national origin, or religion. By far, the most requested services we receive are for help moving away from punitive discipline practices. Schools recognize that these practices are ineffective and are disproportionately used against students of color.

Based on research and the trainings, policy audits, and requests for support we have received from schools across the U.S. South, we recommend the following.

Recommendations for Practices

There are a number of schoolwide strategies that can be used to foster positive and equitable school climates, build authentic and meaningful relationships between members of a campus community, and identify needs early. **Restorative practices**, for example, are research-based strategies that have been shown to reduce reliance on punitive discipline when adopted by the school community and implemented with fidelity.³⁴ Rather than excluding or exerting control over students and punishing behaviors, restorative practices allow educators to build inclusive

³³ Terk, J. (2010). Corporal Punishment. Archives. <https://www.texmed.org/Template.aspx?id=5662>

³⁴ Johnson, P. (September 2021). Schoolwide Restorative Justice Practices – A Guided Tour. IDRA Newsletter. <https://idra.news/nlSept21b>

environments and model meaningful accountability.³⁵ Restorative practices are used to build strong relationships and explore challenges on a daily basis *and* to respond to individual behaviors that may have caused harm. Schools can begin to implement restorative practices at any time and benefit from resources to train educators and other staff, hire restorative practice coordinators, and monitor implementation.

Other school- and district-wide models include “culturally-affirming social-emotional learning” which centers collective decision-making and recognizing and processing emotions,³⁶ multi-tiered systems of support, and Positive Behavioral Interventions and Supports (PBIS).³⁷

Schools must also work to develop **authentic student and family engagement** strategies. Strong relationships are central to student success and positive and safe school climates. Authentic engagement with students enables educators and school staff to feel more connected with the young people on their campus and recognize when they may need support. Many behaviors that are punished with punitive discipline are actually indicators of something else entirely, like the need for stable food or housing, mental health support, protection from bullying, or more challenging coursework. Understanding young people requires taking the time to build relationships with them.

Similarly, building authentic relationships with families can help schools to create a stronger, more connected campus community. Many schools struggle to build these relationships with families, particularly families of color, immigrant families, or families that speak languages other than English. We found that much of the disconnect between schools and families after the start of the COVID-19 pandemic was not solely due to a lack of access to digital devices or connectivity, but to the lack of pre-pandemic relationships between schools and families, particularly families of color. When families are involved in the policies, practice, and community of a school, they can work with educators and administrators to develop strategies to support students rather than punish them.³⁸

Recommendations for People

We must invest in the people that contribute to positive school climates and ensure students are safe and healthy. We must increase teacher diversity with educators who are well-trained in research-based school climate and discipline strategies and do not rely on exclusionary and punitive discipline methods.

Additionally, we must increase access to diverse, well-trained full-time counselors, social workers, and nurses. The need for mental and behavioral health specialists in schools is particularly acute following the onset of COVID-19, especially for poor communities and communities of color who are disproportionately impacted by the pandemic. The American School Counseling Association

³⁵ Johnson, P. (March 2019). Restorative Practices—Informal and Formal Processes for Addressing Behavior. IDRA Newsletter. <https://idra.news/Mar19d>

³⁶ See Communities for Just Schools Fund. (2020). Reclaim Social-Emotional Learning: Centering Organizing Praxis for Holistically Safe Schools. <https://www.cjsfund.org/reclaimsel>

³⁷ For a comprehensive set of recommendations on a human rights framework for schools, we recommend the Dignity in Schools Campaign's Model Code on Education and Dignity. https://dignityinschools.org/toolkit_resources/full-version-of-model-code-on-education-and-dignity/?toolkits=model-code

³⁸ See IDRA's Family Leadership in Education Model. <https://idra.news/FamLeadModel>

recommends a student-to-counselor ratio of 250:1.³⁹ Most schools were failing to meet that ratio, even before the start of the pandemic. This failure was even greater in schools with majority students of color, whose student-to-counselor ratios were higher than majority white schools.⁴⁰

This lack of support is particularly concerning when coupled with the use of punitive and exclusionary discipline and school police referrals. Data show that 14 million students in the United States attend schools with police but no counselor, school nurse, social worker, or psychologist.⁴¹ Research shows that the presence of law enforcement in schools does not increase campus safety but exacerbates harm and leads to disproportionate referrals to police for students of color and youth with disabilities.⁴² Many school systems are failing to invest in health professionals who can help to identify and address individuals' needs, provide educators with alternatives to punitive discipline, and create safer school climates.

Recommendations for Policies

School districts and schools must adopt policies that prohibit corporal punishment and other forms of punitive and exclusionary discipline, including the use of law enforcement in schools. These policies must identify and allocate funding for the tools and strategies educators and administrators can use to understand their own motivations and biases, support students, and foster positive school climates.

State policies should do the same. Unfortunately, these reforms seem stalled in the states that continue to allow corporal punishment in schools.

Why We Need Federal Intervention Now

While the majority of states do not rely on corporal punishment in schools, the ones that do seem determined to hold on to the practice despite the overwhelming evidence of its harm. Students, families, and other advocates have tried for many years to convince their states to act. Still, each year, tens of thousands of children are subjected to school-based violence that is sanctioned by the law and carried out by the very people who should be focused on the care, support, and education of students. Because their states have failed to act to protect these children, it is incumbent on the federal government to intervene through both legislative and agency action.

Ending corporal punishment and other harmful discipline and policing practices should not be debated as a states' rights issue. Protecting students from harm in their schools, particularly when those harms are disproportionately felt by students of color and student with disabilities, is consistent with the roles and responsibilities of the federal government. Those roles and responsibilities include oversight of federal funds provided to schools (through Title I, for example)

³⁹ ASCA. (no date). The Role of the School Counselor. Alexandria, Va.: American School Counselor Association. <https://www.schoolcounselor.org/getmedia/ee8b2e1b-d021-4575-982c-c84402cb2cd2/Role-Statement.pdf>

⁴⁰ See Craven, M. (2021). Building Supportive Schools from the Ground Up: Community Recommendations on Federal Relief Funds for Education. IDRA. <https://idra.news/SupportiveSchools>

⁴¹ Whitaker, A., Torres-Guillén, S., Morton, M., Jordan, H., Coyle, S., Mann, A., & Sun, W. (2019). Cops and No Counselors: How the Lack of School Mental Health Staff is Harming Students. American Civil Liberties Union. https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf

⁴² See Advancement Project. (2018). We Came to Learn: A Call to Action for Police-Free Schools.

<https://advancementproject.org/wecametolearn/>; And see Education Civil Rights Alliance & American Federation of Teachers. (2020). Police in Schools: A Background Paper. AFT. <https://edrights.org/wp-content/uploads/2020/08/PoliceInSchools-by-ECRA-and-AFT.pdf>

and intervention, including through legislative action, in discriminatory practices in schools that receive those funds.

There is no individual, local, or state interest that is more important than our collective interest in protecting children from abuse in schools. Eliminating corporal punishment in schools is an educational equity issue that must be addressed now, and you have the power to do that. We urge you to support the suite of pending bills that eliminate corporal punishment and other harmful discipline practices and invest in research-based strategies, including the following.

- **Protecting Our Students in Schools Act (POSSA - HR 3836/S.2029)** would prohibit schools that receive federal funding from using corporal punishment in schools. Additionally, it would create a grant program to provide resources to schools to adopt research-based strategies to support students.
- **Keeping All Students Safe Act (KASSA - HR 3474/S.1858)** would prohibit the use of seclusion rooms and chemical and physical restraints in schools and would provide training to school personnel in the use of safe and effective practices to support students.
- **Counseling Not Criminalization in Schools Act of 2021 (CNC - HR 4011/S.2125)** would expand the federal investment in trained school personnel who can support the academic, social, emotional, and behavioral needs of students by diverting funding from the U.S. Department of Justice (DOJ) programs that support the presence of law enforcement in schools.⁴³

Thank you for your time and attention to this important educational equity issue. Additional resources are attached.

The Intercultural Development Research Association is an independent, non-profit organization, led by Celina Moreno, J.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. IDRA strengthens and transforms public education by providing dynamic training; useful research, evaluation, and frameworks for action; timely policy analyses; and innovative materials and programs.

⁴³ For more information about the Counseling, Not Criminalization in Schools Act of 2021, see resources from GLSEN: <https://www.glsen.org/activity/counseling-not-criminalization-schools-act>

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Appendix A: Professional Medical Organizations that Oppose Use of Corporal Punishment

The following professional medical, psychiatric, and counseling associations are among those that have condemned using corporal punishment to discipline children.

- American Academy of Child and Adolescent Psychiatry
- American Academy of Family Physicians
- American Academy of Pediatrics
- American Medical Association
- American Psychological Association
- American Public Health Association
- American School Counselor Association
- Human Rights Watch
- 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 of State Boards of Education
- National Foster Parent Association
- National Mental Health Association
- National PTA
- Prevent Child Abuse America

Appendix B: List of Local, State, and National Advocacy Organizations that Support the *Protecting our Students in Schools Act of 2021*

The following local, state, and national advocacy organizations are among those that publicly support the *Protecting our Students in Schools Act of 2021*.

- American Federation of Teachers
- American Professional Society on the Abuse of Children
- American Psychological Association
- American Psychological Association Division 31
- Attachment Parenting International
- Autism Society of Texas
- Autistic Self Advocacy Network
- Center for Disability Rights
- Center for Health and Health Care in Schools
- Center for Learner Equity
- Children's Defense Fund
- Coalition of Texans with Disabilities
- Committee for Children
- Connecticut Psychological Association
- Council for Exceptional Children
- Council of Parent Attorneys and Advocates
- Crimes against Children Research Center
- Disability Rights Education & Defense Fund
- Easterseals Central Texas
- Empowering Pacific Islander Communities
- First Focus on Children
- Florida Psychological Association
- Futures Without Violence
- Georgia Appleseed Center for Law and Justice
- Georgia Psychological Association
- Girls Empowerment Network
- Girls Inc.
- GLSEN
- Intercultural Development Research Association

- International Center for Assault Prevention, Inc.
- Kentucky Psychological Association
- Legal Aid Justice Center
- Lives in the Balance
- Maine Psychological Association
- MEASURE
- Michigan Psychological Association
- Minaret Foundation
- Minnesota Psychological Association
- Missouri Psychological Association
- NAACP LDF
- National Association of Councils on Developmental Disabilities
- National Association of Pediatric Nurse Practitioners
- National Association of School Psychologists
- National Association of Secondary School Principals
- National Association of Social Workers - Texas Chapter
- National Disability Rights Network
- National Down Syndrome Congress Brain Injury Association of America
- National Education Association
- National Federation of Families
- National Initiative to End Corporal Punishment
- National Network to End Domestic Violence
- National Parents Union
- National Prevention Science Coalition to Improve Lives
- National PTA
- National Women's Law Center
- New York Society for the Prevention of Cruelty to Children
- Nollie Jenkins Family Center, Inc.
- Pennsylvania Psychological Association
- Prevent Child Abuse America
- Social Emotional Learning Alliance for Texas
- Society for Child and Family Policy and Practice (Division 37 of the American Psychological Association)

- Society of Clinical Child and Adolescent Psychology, Division 53, American Psychological Association
- Society of Pediatric Psychology, Division 54 of the American Psychological Association
- Southeast Asia Resource Action Center
- Southern Echo Inc.
- Southern Education Foundation
- SPLC Action Fund
- Texans Care for Children
- Texas Appleseed
- Texas Criminal Justice Coalition
- Texas Parent to Parent
- The Daniel Initiative
- The Dignity in Schools Campaign
- The Education Trust
- The Education Trust in Texas
- The Leadership Conference on Civil and Human Rights
- The Up Institute
- U.S. Alliance to End the Hitting of Children

Appendix C: Corporal Punishment and Spanish-Speaking Students in Texas

By Morgan Craven, J.D.

In 1918, Texas passed laws that forbade the teaching of Spanish in schools. At the time, legislators rationalized this decision by stating that the usage of Spanish impeded upon the ability of emergent bilingual students (English learners) [to learn English and “American” culture](#). In effect, these “no Spanish” rules banned the use of Spanish by Latino students in their classrooms and institutionalized decades of abusive and punitive practices, including corporal punishment.

This codified form of cultural and linguistic suppression was not addressed by the law until passage of the *Texas Bilingual Education Act* in 1969, preceded by the federal *Bilingual Education Act* of 1968. Despite the fact that the Act (Senate Bill 121) began the expansion of bilingual education in Texas schools, the schooling experiences of Spanish-speaking emergent bilingual students during that period remained difficult.

According to [Mexican American Education Study \(MAES\) reports](#), commissioned and published in the 1970s by the U.S. Commission on Civil Rights, Latino students who were caught speaking Spanish were exposed to physical abuse and other punishments, like fines and various forms of humiliation. The humiliation, physical abuse, and trauma that generations of Latino Texans experienced are remembered today. Many students who endured shame and abuse in their schools for speaking Spanish then refused to teach their own children Spanish for fear that they too would be targeted in school, [creating a cycle of internalized cultural suppression](#) (Luna, 2013; Hinojosa, Robledo Montecel, & Montemayor, 2021).

Following are memories of the corporal punishment endured by Latinos in Texas schools:

- “Most attending Bexar County schools at least through the 1960s in segregated schools suffered spankings and other consequences for speaking Spanish. This was a systemic stigma. Those oppressive/abusive practices marked us deeply in our communities throughout south Texas. Today that stigma remains as students try to ‘pass’ or, worse, having to deny their Mexicanismo in schools.”
- “‘Bend over’: The first English words I learned in first grade in 1959 in Sierra Blanca, Texas. I was monolingual Spanish so... spanked as soon as I began school. Very humiliating.”
- “I only spoke Spanish when I first attended an elementary school in the Edgewood ISD. Our hands were slapped with a ruler when we spoke Spanish. The most humiliating act was when I was asked to put my nose in the middle of a circle on the blackboard when I spoke Spanish. I think that is why I had a turned-up nose when I was very young, lol. Seriously, it affected us so much emotionally. My mother, who only spoke Spanish, felt helpless; she wanted us to learn English, but she did not want us to lose our native language. My grandfather felt the same and kept telling us we were worth two people by knowing two languages.”

Many thanks to Velma Ybarra and members of the [Mexican American Civil Rights Institute \(MACRI\)](#) for sharing their stories.

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Issue Brief

June 2021

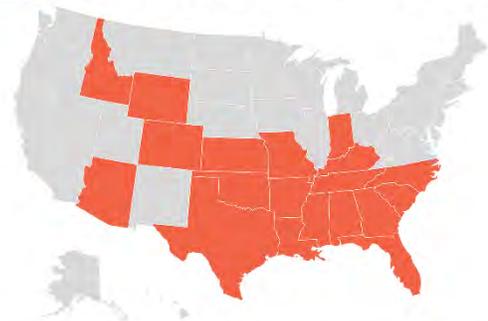
Stopping Harmful Corporal Punishment Policies in Texas

By Morgan Craven, J.D.

Texas is one of only 19 states in the United States that still allows corporal punishment in schools (including charter schools). In Texas, corporal punishment is the “**deliberate infliction of physical pain by hitting, paddling, spanking, slapping or any other physical force used as a means of discipline**” (TEC, Sec. 37.0011). A school district’s board of trustees must adopt a corporal punishment policy in order for the practice to be used in their schools.

If parents* do not want corporal punishment used against their student, they must *opt out* of their district’s policy – in writing – each school year. This requirement can present challenges for parents who do not know their district has a corporal punishment policy, do not understand the corporal punishment policy or do not fully understand what corporal punishment may actually look like for their child.

The 19 States Where Corporal Punishment is Still Legal



Corporal Punishment in Schools is Harmful

Corporal punishment harms students and prevents teachers from using research-based, effective strategies to create safe school environments for all students. Physically hurting students has been shown to have the following negative impacts.

- **Corporal punishment hurts students’ academic outcomes.** Research shows that the use of corporal punishment in schools can limit the academic achievement and success of the students being punished *and* the students who see their peers punished (Dupper & Dingus, 2008; Hyman, 1996).
- **Corporal punishment hurts students physically *and* psychologically.** Students who are hit in front of their peers may experience trauma and low self-esteem (Greydanus, et al., 2003). They can be emotionally humiliated, feel unsafe and disempowered, and struggle with life-long depression (Gershoff, 2017).

* parents, including guardians and caretakers

- **Corporal punishment policies and practices target Black students.** Like other punitive discipline strategies, including suspensions and alternative school placements that target students unfairly, corporal punishment is disproportionately used against Black students. Black students are not more likely than their peers to break school rules, yet they are more likely than their peers to be punished by teachers and administrators. While no student should experience corporal punishment, its racist and discriminatory use makes the practice even more problematic in schools.
- **Corporal punishment policies and practices target students with disabilities.** Students with disabilities experience higher rates of corporal punishment than their peers without disabilities. These violent practices hurt students and can exacerbate existing challenges that should be addressed in appropriate ways.
- **Corporal punishment teaches violence as a solution.** Schools that model violence as a way to address conflict (real or perceived) grant permission for students to use violence, as young people and later as adults. This can compromise interpersonal relationships (Terk, 2010) and perpetuate a culture where physical violence, particularly against people of color and people with disabilities, is seen as acceptable.

A number of national organizations have publicly opposed the use of corporal punishment against children, including (but not limited to):

- American Academy of Child and Adolescent Psychiatry
- American Academy of Family Physicians
- American Academy of Pediatrics
- American Bar Association
- American Civil Liberties Union
- American Medical Association
- American Psychological Association
- American Public Health Association
- American School Counselor Association
- General Assembly of the Presbyterian Church USA
- Human Rights Watch
- 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 of State Boards of Education
- National Foster Parent Association
- National Mental Health Association
- National PTA
- Prevent Child Abuse America
- United Methodist Church

Corporal Punishment in Texas Schools

For the 2017-18 school year, **1,165 Texas schools in 468 school districts reported using corporal punishment to discipline 12,754 students** (see Appendix A for a list of districts).

Of the 5.4 million students enrolled in Texas public schools during 2017-18, 483,471 (9%) were enrolled in schools that use corporal punishment as a form of discipline.

Black Students are Punished More than their Peers

Even though Black students are not more likely to break school rules than their peers, they are more likely to be punished by their teachers and school administrators. **Black students made up 10% of the student population in schools that used corporal punishment, they accounted for 17% of corporal punishment uses.** Black students also experience the highest rates of corporal punishment compared to all other racial-ethnic groups. In Texas schools using corporal punishment in 2017-18, one out of every 20 Black students was corporally punished.

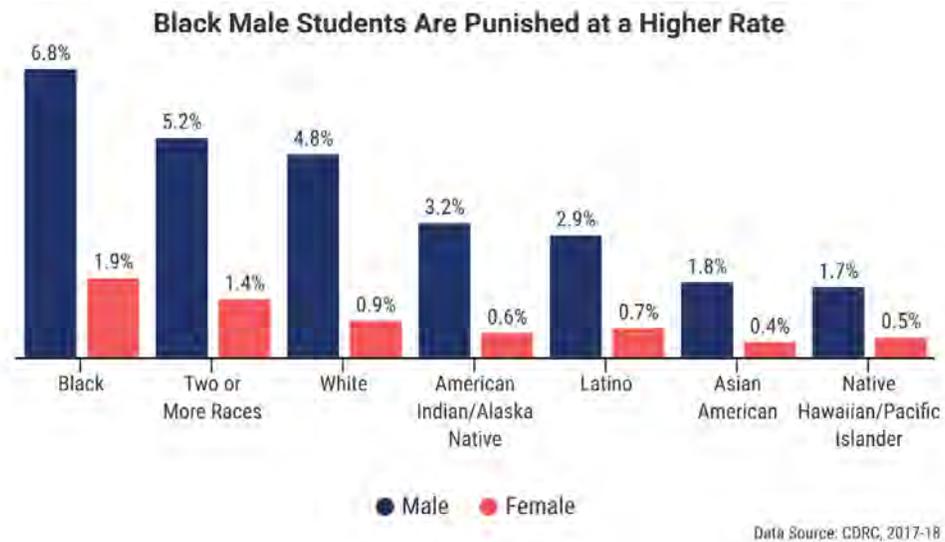
To compare: corporally punishment was inflicted upon 3.3% of students of two or more races, 3.0% of white students, 1.9% of American Indian/Alaska Native students, 1.8% of Latino students, 1.1% of Native Hawaiian/Pacific Islander students, and 1.1% of Asian American students.

Boys are Punished Most

Of the 12,754 students who experienced corporal punishment at least once during the 2017-18 school year, male students accounted for 82.4% (10,518) of all students subjected to this form of discipline.

Black Boys and Girls Experience Higher Rates of Punishment

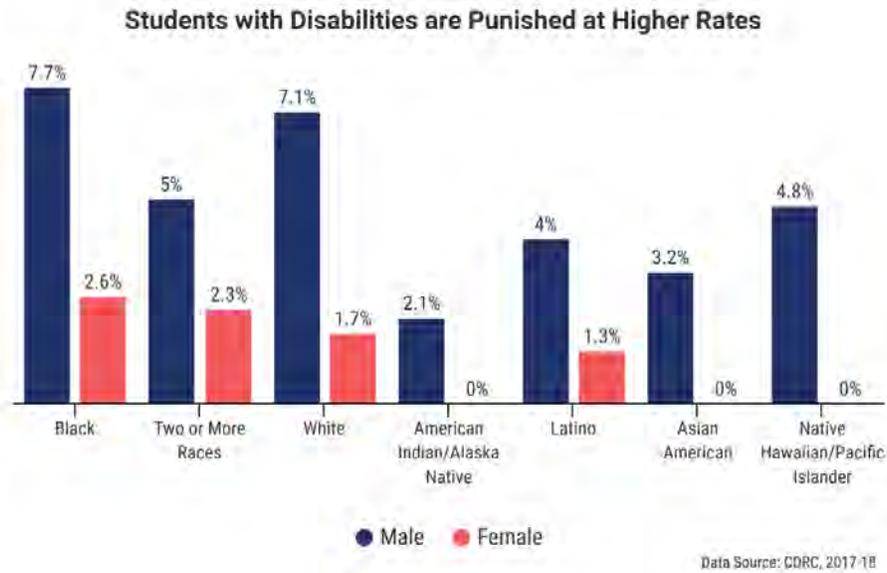
Black male students are punished at a higher rate – 6.8% – than any other group. Black female students experience corporal punishment at a higher rate than female students of other races and at a higher rate than some male groups.



Students with Disabilities are Punished at Higher Rates

Students with disabilities face higher rates of corporal punishment in Texas than their peers. Students with disabilities are punished at nearly twice the rate compared students without a disability – 4.5% compared to 2.6%.

Those rates worsen when we consider how disability intersects with race and gender. As with other punitive discipline methods, **Black boys with disabilities and Black girls with disabilities are punished at higher rates than their peers.**



Ending Corporal Punishment in Schools

The United States Congress should pass the **Protecting our Students in Schools Act**, which would ban corporal punishment in all schools that receive federal funds and create a grant program to support research-based strategies that promote positive school climates.

Though federal legislation has been filed, state legislatures still have a responsibility to act. **All states must immediately ban corporal punishment in schools.** In Texas, the legislature has repeatedly failed to protect students from assault in schools, despite recurring legislation, like HB 3879 filed by Representative Alma Allen in 2021.

Districts and charter schools should discontinue corporal punishment policies. School district boards of trustees and charter school leaders can vote to end the use of corporal punishment in their schools and districts. These policies should be paired with policies that address other harmful punitive discipline methods, including suspensions and alternative school placements, and instead enact practices that promote positive school climates.

Schools must implement alternative practices that support student growth. All schools and districts should adopt research-based, culturally-sustaining educational practices, including:

- Restorative practices and similar research-based strategies used to build strong school communities, foster authentic and meaningful relationships, and repair harm between individuals should it occur;
- Ethnic studies courses, like Mexican American Studies, African American Studies, and many others that give all students a more complete and justice-centered picture of diverse groups of people in our communities; and
- District- and school-wide cultures that focus on the strengths and assets of all students and families and employ strategies to support student and family leadership in policies and practices.

For more information on adopting strategies that ensure safe schools for all students, see IDRA EAC-South resources and request services at www.idraeacsouth.org.

• For more information about IDRA's work to end corporal punishment in schools, contact IDRA's National Director of Policy, Advocacy and Community Engagement, Morgan Craven, J.D., at morgan.craven@idra.org.

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Notes

Every other year, United States public schools are required to report corporal punishment data to the Department of Education's Office for Civil Rights (OCR). In October of 2020, OCR released its Civil Rights Data Collection (CRDC) report on the 2017-18 school year: <https://ocrdata.ed.gov/>.

The CRDC data do not present a complete picture of corporal punishment in Texas. The data are collected and published infrequently and only report the number of students that were hit in their schools, not the number of times corporal punishment was used. Some students are hit more than once, but this is not captured in the dataset. For an excellent report evaluating the last CRDC dataset and the impact of corporal punishment on students, see Southern Poverty Law Center. (2019, June 11). *The Striking Outlier: The Persistent, Painful, and Problematic Practice of Corporal Punishment in Schools*. Publication. <https://www.splcenter.org/20190611/striking-outlier-persistent-painful-and-problematic-practice-corporal-punishment-schools>.

We are grateful to Dr. Nino Rodriguez for his research and analyses in support of this brief.

The Intercultural Development Research Association is an independent, non-profit organization. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. IDRA strengthens and transforms public education by providing dynamic training; useful research, evaluation, and frameworks for action; timely policy analyses; and innovative materials and programs.

Appendix A

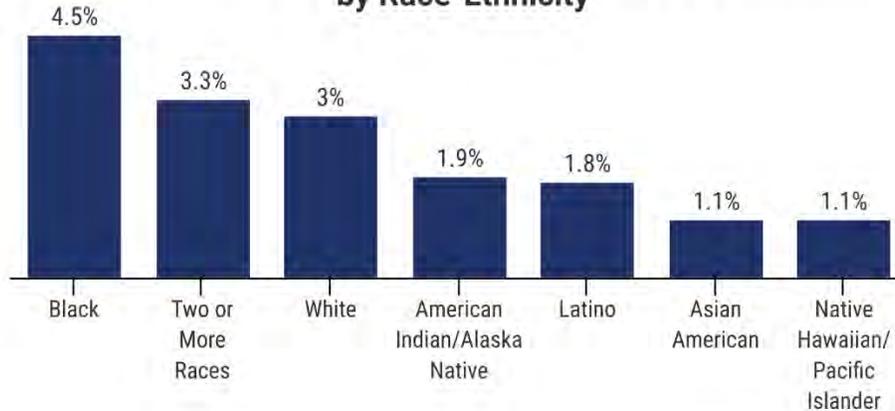
Texas School Districts & Charter Schools that Reported Using Corporal Punishment in 2017-18

Abernathy	Childress	Gordon	Kilgore	North Zulch	Snook
Albany	Chillicothe	Gorman	Kirbyville	Northside (Vernon)	Snyder
Alpine	Chilton	Graford	Klondike	O'Donnell	Somerville
Alto	Christoval	Graham	Knox City-O'Brien	Oakwood	Sonora
Alvarado	Cisco	Grandview	Kountze	Olfen	Southland
Alvord	City View	Grandview-Hopkins	Kress	Olney	Spearman
Anahuac	Claude	Granger	La Grange	Olton	Splendora
Anderson-Shiro	Cleveland	Grape Creek	La Pryor	Onalaska	Spur
Andrews	Clyde	Greenwood	Lamesa	Orange Grove	Stanton
Anson	Coahoma	Groesbeck	Lapoynor	Orangefield	Stephenville
Anton	Coldspring-Oakhurst	Hale Center	Latexo	Ore City	Sterling City
Apple Springs	Columbia-Brazoria	Hallsburg	Leary	Overton	Sudan
Aquilla	Columbus	Hamilton	Lefors	Paducah	Sulphur Springs
Aransas County	Comanche	Hamlin Collegiate	Leggett	Panhandle	Sundown
Archer City	Como-Pickton	Hamshire-Fannett	Leon	Paradise	Sunray
Arp	Connally	Hardin	Leverett's Chapel	Paris	Sweeny
Aspermont	Coolidge	Harleton	Liberty-Eylau	Pearsall	Sweetwater
Athens	Cooper	Harper	Lindsay	Pecos-Barstow-Toyah	Taft
Atlanta	Corrigan-Camden	Harrold	Lingleville	Perryton	Tahoka
Avery	Corsicana	Hart	Lipan	Petrolia	Tatum
Avinger	Crane	Hartley	Little Cypress-Mauriceville	Pettus	Teague
Azle	Crockett	Haskell	Littlefield	Pewitt	Tenaha
Bangs	Crockett County	Hawkins	Livingston	Pine Tree	Terrell County
Barbers Hill	Crosbyton	Hawley	Lohn	Plainview	Texarkana
Beckville	Cross Plains	Hearne	Lone Oak	Plemons-Stinnett-Phillips	Texas Leadership
Beeville	Cross Roads	Hemphill	Loop	Ponder	Thorndale
Bellville	Crowell	Hempstead	Loraine	Port Arthur	Three Way
Ben Bolt-Palito Blanco	Crystal City	Henderson	Louise	Post	Tidehaven
Benjamin	Cuero	Hermleigh	Lovelady	Prairiland	Timpson
Big Sandy (Dallardsville)	Cumby	Hico	Lueders-Avoca	Prairie Valley	Tom Bean
Big Spring	Cushing	Higgins	Lufkin	Priddy	Trent
Blanco	Daingerfield-Lone Star	Highland	Lumberton	Princeton	Trinidad
Blanket	Dalhart	Highland Park (Amarillo)	Madisonville	Quanah	Trinity
Bloomburg	Dawson	Hillsboro	Malakoff	Queen City	Troup
Blooming Grove	Denison	Holliday	Malta	Quinlan	Turkey-Quitaque

Blum	DeSoto	Hooks	Marshall	Rains	Union Grove
Boling	Detroit	Hubbard (DeKalb)	Mart	Ralls	Utopia
Booker	Deweyville	Hudson	Martinsville	Ranger	Van
Borden County	Diboll	Hughes Springs	Mason	Rankin	Van Vleck
Bovina	Dimmitt	Hull-Daisetta	Matagorda	Reagan County	Vega
Bowie	Dodd City	Huntington	Mathis	Red Lick	Venus
Brackett	Douglass	Ingram	Maud	Redwater	Vernon
Brazos	Dumas	Iola	May	Refugio	Victoria
Breckenridge	Early	Iowa Park	McCamey	Rio Grande City	Vidor
Brenham	East Bernard	Ira	McLean	Rio Vista	Vysehrad
Bridge City	East Chambers	Iredell	Medina	Rise Academy	Waelder
Broadus	Eastland	Irion County	Memphis	River Road	Walcott
Brock	Ector	Italy	Merkel	Rivercrest	Wall
Brookeland	Edcouch-Elsa	Itasca	Mexia	Robert Lee	Warren
Brookesmith	Edgewood	Jacksonville	Midland	Rockdale	Waskom
Brownfield	Edinburg	Jasper	Midlothian	Roosevelt	Wellington
Brownsboro	Edna	Jayton-Girard	Midway	Ropes	Wellman-Union
Brownwood	Electra	Jefferson	Milano	Roscoe Collegiate	Wells
Bryson	Ennis	Jim Ned	Miller Grove	Rosebud-Lott	West
Buckholts	Era	Joaquin	Monahans-Wickett-Pyote	Rotan	West Hardin County

Appendix B

Rates of Texas Students Receiving Corporal Punishment by Race-Ethnicity



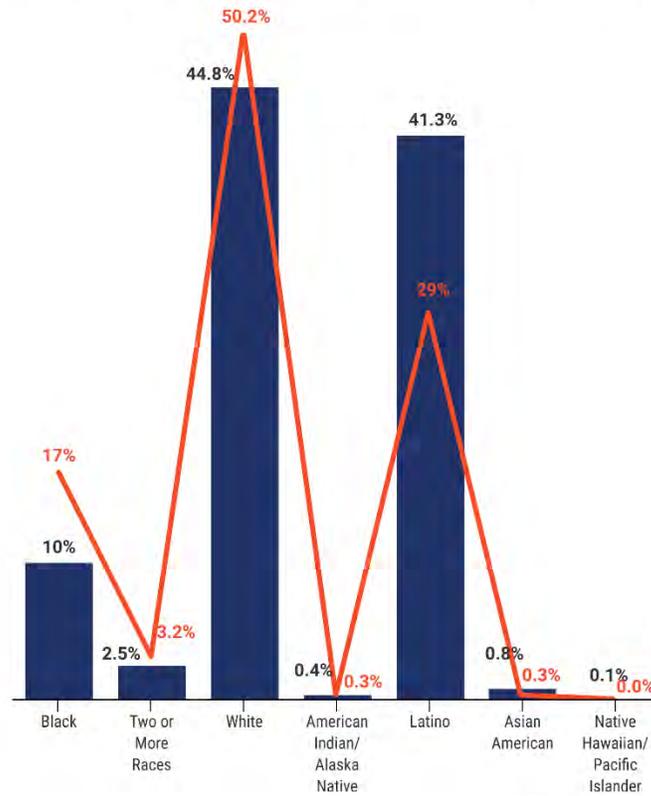
Data Source: CDRC, 2017-18

Students Receiving Corporal Punishment in Texas Schools Administering Corporal Punishment

Texas	IDEA Total Enrollment			IDEA Students Receiving Corporal Punishment			Rate of IDEA Students Receiving Corporal Punishment		
	Male	Female	Male + Females	Male	Female	Male + Females	Male	Female	Male + Females
Latino	102,656	97,111	199,767	2,983	710	3,693	2.9%	0.7%	1.8%
American Indian/Alaska Native	1,026	1,032	2,058	33	6	39	3.2%	0.6%	1.9%
Asian American	1,949	1,908	3,857	35	8	43	1.8%	0.4%	1.1%
Native Hawaiian/Pacific Islander	230	206	436	4	1	5	1.7%	0.5%	1.1%
Black	25,149	23,287	48,436	1,721	446	2,167	6.8%	1.9%	4.5%
White	112,500	104,313	216,813	5,422	982	6,404	4.8%	0.9%	3.0%
Two or More Races	6,112	5,992	320	320	83	403	5.2%	1.4%	3.3%
Total	249,622	223,849	483,471	1,772	2,336	12,754	5.9%	1.7%	4.5%

Data source: CDRC, 2017-18

Percentage of Total Enrollment and Percentage of Students Receiving Corporal Punishment by Race-Ethnicity in Texas



Data Source: CDRC, 2017-18

Students with Disabilities Receiving Corporal Punishment in Texas Schools Administering Corporal Punishment

Texas	IDEA Total Enrollment			IDEA Students Receiving Corporal Punishment			Rate of IDEA Students Receiving Corporal Punishment		
	Male	Female	Male + Females	Male	Female	Male + Females	Male	Female	Male + Females
Latino	11,084	5,499	16,583	447	73	520	4.0%	1.3%	3.1%
American Indian/Alaska Native	146	68	214	3	-	3	2.1%	0.0%	1.4%
Asian American	124	61	185	4	-	4	3.2%	0.0%	2.2%
Native Hawaiian/Pacific Islander	21	6	27	1	-	1	4.8%	0.0%	3.7%
Black	4,153	2,067	6,220	318	54	372	7.7%	2.6%	6.0%
White	13,586	7,126	20,712	958	124	1,082	7.1%	1.7%	5.2%
Two or More Races	814	396	1,210	41	9	50	5.0%	2.3%	4.1%
Total	29,928	15,223	45,151	1,772	260	2,032	5.9%	1.7%	4.5%

Data source: CDRC, 2017-18

A CALL TO END CORPORAL PUNISHMENT IN MISSISSIPPI



DECEMBER 2021

Corporal punishment includes hitting, paddling, and inflicting pain on students for the purposes of discipline, control, and sometimes even humiliation. Corporal punishment is an antiquated practice, steeped in some of the darkest parts of United States history. To allow corporal punishment in school is to condone the physical and psychological abuse of children. The use of corporal punishment raises ethical questions, not only because of its short and long-term negative effects on children, but also because it perpetuates discriminatory discipline affecting historically marginalized students who have always borne the brunt of such practices. To ensure all students attend schools that are safe and inclusive, states should prohibit the use of corporal punishment and invest in evidence-based programs and practices that build student trust and relationships among educators, their peers, and other members of their school communities. Ending corporal punishment is a pre-condition for ensuring the successful implementation of a supportive, positive school climate.

THE HISTORY, DISPARITIES, & CONSEQUENCES ASSOCIATED WITH CORPORAL PUNISHMENT

The history of corporal punishment as a discipline practice in schools chillingly recalls another physical punishment that was once common in the South—lynching, a tactic used to terrorize, traumatize, and maintain control over Black people.¹ From 1882 to 1968, over 4,000 lynchings

¹ NAACP (2021). *History of lynching in America*. Retrieved December 16, 2021 from <https://naacp.org/find-resources/history-explained/history-lynching-america>; Equal Justice Initiative.

were carried out, primarily in Southern states.² The Equal Justice Initiative calls many of these murders “racial terror lynchings,” used to enforce Jim Crow Laws, racial segregation, and white supremacy in the U.S.³ Many lynching victims were murdered for “minor social transgressions or for demanding basic rights and fair treatment.”⁴

Research has explored the connection between lynching and the current practice of corporal punishment. One study published this year in the journal *Social Problems* found that counties in the South that had the highest historic rates of lynching are significantly more likely to use corporal punishment on students today, and that relationship is especially strong for Black students.⁵ The researchers concluded that, in the Southeastern states that were studied, the practice of corporal punishment “embodies and likely perpetuates histories of racialized violence, socioeconomic marginalization, and race-based exclusion.”⁶ As one urban school board president put it, “In my mind’s eye, I see the sons and daughters of former slave owners beating the sons and daughters of former slaves.”⁷

Black students receive far more corporal punishment than their white peers. Black students were 2.5 times more likely to receive corporal punishment than white students in the 2017-2018 school year.⁸ Corporal punishment is commonly applied for minor, arbitrary infractions, such as walking on the wrong side of the hallway or laughing at an inappropriate time.⁹ Arbitrary infractions like these are subjective and give educators broad discretion to decide who gets punished and when.

When educators have broad discretion to discipline, students who have multiple, historically marginalized identities¹⁰ are often the most disproportionately impacted. For example, studies

(2017). *Lynching in America: Confronting the Legacy of Racial Terror* (3d Ed.)
<https://lynchinginamerica.eji.org/report/>.

² NAACP (2021); [Equal Justice Initiative](#) (2017).

³ [Equal Justice Initiative](#) (2017).

⁴ [Equal Justice Initiative](#) (2017).

⁵ Ward, G., Petersen, N., Kupchik, A., & Pratt, J. (2021). Historic lynching and corporal punishment in contemporary Southern schools. *Social Problems*, 68, 41-62. <https://doi.org/10.1093/socpro/spz044>.

⁶ Ward et al. (2021), p. 19.

⁷ Pernell, L. (1990). Suffering the children: 35 years of suspension, expulsion, and beatings--The price of desegregation. *Harvard Blackletter Journal*, 7, 119.

⁸ U.S. Department of Education, Office for Civil Rights. (2020). *Civil Rights Data Collection, 2017-2018*. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-2017-18.html>

⁹ Southern Poverty Law Center & Center for Civil Rights Remedies (2019). *The striking outlier: The persistent, painful and problematic practice of corporal punishment in schools*. https://www.splcenter.org/sites/default/files/com_corporal_punishment_final_web_0.pdf.

¹⁰ This concept refers to intersectionality, which is a way to evaluate the various forms of inequality that can impact a person by taking into consideration their race, gender, class, sexuality, immigration status, and other aspects of their identity. Oftentimes, those most likely to experience inequality and discrimination are those whose identities are historically marginalized. Some historically marginalized students include Black students and students with disabilities. Studies have consistently found that the risk for discrimination increases when students are members of multiple, historically marginalized identities. For example, while both Black students and students with disabilities are at risk for higher rates

show that educators often exhibit “adultification” bias when disciplining Black girls.¹¹ Adultification bias is a gendered and racial bias, where adults perceive Black girls as loud, defiant, sexually knowledgeable, and less innocent and less in need of care than white girls.¹² Combined with adultification bias, broad discretion to enforce arbitrary school policies is likely to lead to increased punishment of Black girls for normal behaviors for which educators would not usually punish white girls. This discriminatory discipline against Black girls plays out across all aspects of school discipline, including corporal punishment. In the 2015-2016 school year, Black girls were 3 times more likely than white girls to receive corporal punishment¹³—even though the data show they are no more likely to misbehave in school.¹⁴

Students with disabilities also make up a large population of students who are disproportionately targeted for corporal punishment. In the 2017-2018 school year, students with disabilities made up 21% of all instances of corporal punishment, despite comprising only 17% of the student population.¹⁵

Corporal punishment is ineffective as a pedagogical tool to improve student behavior.¹⁶ According to the American Academy of Pediatrics, corporal punishment can increase aggression and the risk of mental health disorders in children.¹⁷ In the short term, corporal punishment can result in injury necessitating medical attention; in the long term, it is associated with lower academic performance, higher rates of absenteeism, bullying, damaged student-teacher relationships, and increased likelihood of involvement in the juvenile and criminal legal systems.¹⁸ The disproportionate use of corporal punishment on Black students, particularly, can take a further toll on student mental health, as it forces Black students to confront the intergenerational trauma of racially-motivated and state-sanctioned violence in the U.S.

of suspension, Black students with disabilities are more likely to be suspended than either of the other groups alone.

¹¹ Epstein, R., Blake, J.J., González, T. (2017). *Girlhood interrupted: The erasure of Black girls' childhood*. <https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2017/08/girlhood-interrupted.pdf>.

¹² National Women's Law Center & The Education Trust (2020). “... and they cared”: *How to create better, safer learning environments for girls of color*. https://nwlc.org/wp-content/uploads/2020/08/FINAL_NWLC_EDTrust_Guide.pdf.

¹³ U.S. Department of Education, Office for Civil Rights. (2018). *Civil Rights Data Collection, 2015-2016*. Retrieved from: <https://ocrdata.ed.gov/>.

¹⁴ [Southern Poverty Law Center & Center for Civil Rights Remedies](#) (2019).

¹⁵ U.S. Department of Education, Office for Civil Rights. (2020). *Civil Rights Data Collection, 2017-2018*. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-2017-18.html>.

¹⁶ [Southern Poverty Law Center & Center for Civil Rights Remedies](#) (2019).

¹⁷ Fox, M. (2018, Nov.) *Here's what spanking does to kids. None of it is good, doctors say*. NBC News. <https://www.nbcnews.com/health/health-news/here-s-what-spanking-does-kids-none-it-good-doctors-n931306>.

¹⁸ [Southern Poverty Law Center & Center for Civil Rights Remedies](#) (2019).

A SNAPSHOT OF CORPORAL PUNISHMENT DATA IN MISSISSIPPI

From the Reconstruction Era until the Civil Rights Movement, Mississippi had one of the highest rates—if not *the highest* rate—of lynching in the United States,¹⁹ anchoring its history in state-sanctioned violence against its Black residents. Over time, this dark history and culture of violence against Black residents has made its way into Mississippi school discipline practices.

Current data show that Mississippi has the highest corporal punishment rate in the country. In the 2017-2018 school year, Mississippi enrolled 481,374 students and reported 20,309 students receiving corporal punishment. The most current data (2017-2018) from the U.S. Department of Education's Civil Rights Data Collection (CRDC) show that:

- Mississippi has the highest number of children receiving corporal punishment (20,309) of any state in the nation, representing *over 25% of all incidents of corporal punishment in the United States*.
- The number of Black students receiving corporal punishment in Mississippi (12,740) is the highest in the nation and represents *over half of the total cases of corporal punishment among Black students in the United States*.
- Black girls represent less than 50% of the school-aged girls in the state but 73.1% of the girls who were struck.
- The number of Black girls receiving corporal punishment in Mississippi (3,419) represents *more than half of the cases of corporal punishment for Black girls in the entire country* and exceeds the number of corporal punishment cases *for all girls* in any other state.
- The number of Black girls struck in Mississippi (3,419) is *more than six times greater* than the state (Arkansas) with the next highest number of corporal punishment cases for Black girls (555).
- The number of Black boys hit in Mississippi (9,321) is far higher than any other state and is *five times greater* than the total number of Black boys hit in Texas (1,721), which has a much larger population.

Mississippi's corporal punishment practices reflect major disparities for students who live at the intersection of multiple, historically marginalized identities, such as Black girls, who continue to be adultified and treated more harshly than their white counterparts. The data highlighted above show that Black girls are struck by the adults charged with their education 3 times more often than white girls. A shocking report by the Southern Poverty Law Center and the Center for Civil Rights Remedies found that “nearly half (43.8 percent) of all [B]lack girls who received corporal punishment in U.S. public schools in the 2013–14 school year were in Mississippi.”²⁰ That year,

¹⁹ NAACP (2021); [Equal Justice Initiative](#) (2017); Klein. R. (2020). Where lynching terrorized Black Americans, corporal punishment in schools lives on. https://www.huffpost.com/entry/lynching-black-americans-corporal-punishment-schools_n_5f08c837c5b63a72c3419cb2?guccounter=1

²⁰ [Southern Poverty Law Center & Center for Civil Rights Remedies](#) (2019).

Mississippi also had the “largest difference in risk for corporal punishment when comparing [B]lack girls and white girls.”²¹

Corporal punishment is prohibited in most other Mississippi state institutions, including the foster care system, resource homes, group homes, and other residential facilities.²² This widespread prohibition by other child-serving agencies is a clear acknowledgement that the State understands the harmful effects of corporal punishment, particularly for students who have experienced trauma. That clearly begs the question of why Mississippi continues the practice of corporal punishment in its schools. Rather than being first in the nation in rates of school corporal punishment, Mississippi should strive to lead in practices and programs that keep students safe while fostering their wellbeing, growth, and academic success.

RECOMMENDED ALTERNATIVES TO CORPORAL PUNISHMENT

States should ban the use of corporal punishment in schools and invest time and resources into building positive school climate and culture and fully integrating approaches that ensure holistically safe learning environments. At a minimum, states must support the full implementation of evidence-based, whole-school processes, programming, and policies, such as:

- Restorative and transformative justice
- Culturally effective, responsive, and affirming student support staff, including but not limited to counselors, social workers, psychologists, and restorative/transformative justice practitioners
- Positive Behavioral Interventions & Supports (PBIS)
- Multi-Tiered System of Supports (MTSS)
- Culturally affirming social-emotional learning
- Relationship-centered schools
- Conflict resolution and peer mediation²³
- Mentoring
- Authentic family engagement

²¹ [Southern Poverty Law Center & Center for Civil Rights Remedies](#) (2019).

²² Mississippi Division of Family and Children’s Services (2017). *Section D: Foster Care Policy*. <https://www.mdcps.ms.gov/wp-content/uploads/2017/09/DFCS-Policy-Section-D-09-11-17.pdf>; Mississippi Department of Child Protection Services (2018). *License requirements and operations standards for Congregate Care providers*. <https://www.mdcps.ms.gov/wp-content/uploads/2018/07/Congregate-Care-Final-7.24.18.pdf>.

²³ Practices like conflict resolution and peer mediation should not be used in situations such as allegations of sexual harassment, sexual assault, and dating violence. Mediation generally assumes both parties share some responsibility for the incident, requires the parties to come to a compromise, and often requires direct interaction between the abuser and the survivor. This process can imply that the survivor is somehow at fault for their abuse, re-traumatize survivors, and pressure them into inappropriate resolutions. Instead, these situations require a restorative process that is victim-centered and focused on repairing the harm caused to the victim with sufficient safeguards in place to prevent further harm to the victim.

In their report Reclaim Social-Emotional Learning: Centering Organizing Praxis for Holistically Safe Schools, Communities for Just Schools Fund and their partners—community organizers in the education justice movement, including Nollie Jenkins Family Center—offered a definition of culturally affirming social-emotional learning (SEL). This definition names what culturally affirming SEL should look like and feel like in schools.

Culturally affirming SEL is the process through which people of all ages:

- Recognize and process emotions;
- Set and strive toward personal/collective goals and liberation, while embracing failures as lessons;
- Feel and show empathy;
- Establish and maintain positive relationships with ourselves, our land, and our community;
- Make collective decisions;
- Identify the intersections between the “-isms” (including colonialism, white supremacy, anti-Blackness, homophobia, cispremacry, linguicism, ableism, and all forms of oppression); and
- Dream the world we deserve into being.

In moving to ban the use of corporal punishment in schools, states and school districts must strive to ensure that other forms of punitive and exclusionary discipline, like suspensions, expulsions, and alternative school placements, are not used in its stead. In particular, states and school districts are encouraged to work proactively to prevent an increased reliance on school resource officers or other law enforcement referrals. Also, states and school districts should closely monitor the implementation of the positive alternatives outlined above to ensure that these interventions and supports are not used as other forms of policing and control.

Schools must be places where all students feel safe and where their needs are met. We must collectively engage in the work of advancing conversations about safety beyond fear, punishment, policing, and incarceration, and towards restorative action: building relationships within our school communities with the power to prevent and heal the traumas of interpersonal and systemic violence and to nurture the inherent genius of Black and Brown youth.²⁴

²⁴ Communities for Just Schools Fund. (2018, December). *Do the harder work--Create cultures of connectedness in schools: A youth and parent organizer response to the Federal Commission on School Safety*. Retrieved from <https://www.cjsfund.org/do-the-work>.

WHO WE ARE:

The ***Federal School Discipline & Climate Coalition (FedSDC)*** is a diverse group of local community organizers, national organizations, directly impacted students, youth, families, and community members that exists to protect the interests and educational rights of Black and Brown students through a racial and educational equity lens.

Nollie Jenkins Family Center (NJFC) is a community organization based in Durant, Mississippi. Foundational to our rich history of leading youth and community organizing efforts is our unwavering commitment to educational equity and justice. Central to our organizing efforts are parent education training and support, work to dismantle the school-to-prison pipeline, and efforts to build the leadership skills of youth of color. Our efforts span from local and state to the federal level. Nollie Jenkins Family Center is:

- A member of the [Mississippi Delta Catalyst Roundtable](#);
- Founders of the [MS Coalition to End Corporal Punishment](#);
- On the steering committee of the national Dignity in Schools Campaign (DSC); and
- A member of the Federal School Discipline & Climate Coalition (FedSDC) and co-chair of the FedSDC corporal punishment working group

PROTECTING OUR STUDENTS IN SCHOOLS ACT 2021

Keep Students Safe | End Corporal Punishment
Support Best Practices

Across the country, educators, school staff, and administrators paddle, spank, slap, and hit children in their schools. Despite overwhelming evidence showing how corporal punishment harms students, many states still allow this outdated and abusive practice in schools, even as they prohibit it in other settings like foster care placements and juvenile detention centers.

In 2017-18, more than 70,000 children were struck in their schools at least once.

It is time for a federal response.

The Protecting our Students in Schools Act ends corporal punishment in schools that receive federal funding, ensures state data collection and federal enforcement, creates a private right of action for families, & establishes a grant program for schools to adopt research-based practices to support all students.

Black students are 2-3 times more likely to be hit in school than their white peers, making the elimination of corporal punishment an urgent racial justice issue.

Students with disabilities are hit at higher rates than their peers without disabilities in more than half of schools that practice corporal punishment.

Corporal punishment can cause physical and psychological trauma, impact academic achievement and attendance, and create unsafe school climates for all students.



19 States Still Have Laws Allowing Corporal Punishment in Schools

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

Washington DC, Nevada, Washington, and New York also reported using corporal punishment in 2017-18.

PROTECTING OUR STUDENTS IN SCHOOLS ACT 2021

Reports and Data Analyses

[Striking Outlier: The Persistent, Painful, and Problematic Practice of Corporal Punishment in Schools](#) (The Southern Poverty Law Center and The Center for Civil Rights Remedies, 2019)

Action Research: [Nollie Jenkins Family Center](#) & [The Mississippi Coalition to End Corporal Punishment](#)

[Fact Sheet: Corporal Punishment Does Not Belong in Public Schools](#) (American Psychological Association)

[Corporal Punishment Data Dashboard](#) (IDRA, 2021)

[Corporal Punishment in U.S. Public Schools: Prevalence, Disparities in Use, and Status in State and Federal Policy](#) (Gershoff & Font, 2016)

Resource site: [Spare the Kids](#) (Patton)

Bill Text:

[S.2029](#) | [H.R. 3836](#)

Video: [Congressional Briefing June 2021](#)

For more information and ways to support the Protecting Our Students in Schools Act, please contact the FedSDC Corporal Punishment Working Group at hello@fedcdc.org.



Endorsed by: National Disability Rights Network; National Education Association; American Federation of Teachers; American Psychological Association; SPLC Action Fund; The Education Trust; The Leadership Conference on Civil and Human Rights; National PTA; National Women's Law Center; National Down Syndrome Congress; Brain Injury Association of America; Lives in the Balance; National Association of Secondary School Principals; National Association of School Psychologists; Intercultural Development Research Association; Council of Parent Attorneys and Advocates; Autistic Self Advocacy Network; Legal Aid Justice Center; National Federation of Families; Girls Inc.; American Professional Society on the Abuse of Children; The Up Institute; Texas Appleseed; The Dignity in Schools Campaign; National Association of Councils on Developmental Disabilities; Council for Exceptional Children; National Initiative to End Corporal Punishment; U.S. Alliance to End the Hitting of Children; Crimes against Children Research Center; Prevent Child Abuse America; New York Society for the Prevention of Cruelty to Children; Center for Learner Equity; National Prevention Science Coalition to Improve Lives; Futures Without Violence; Center for Health and Health Care in Schools; Committee for Children; Center for Disability Rights; American Psychological Association Division 31; National Association of Pediatric Nurse Practitioners; Society for Child and Family Policy and Practice (Division 37 of the American Psychological Association); Attachment Parenting International; Nollie Jenkins Family Center, Inc.; Society of Clinical Child and Adolescent Psychology, Division 53, American Psychological Association; Empowering Pacific Islander Communities; Minnesota Psychological Association; Southeast Asia Resource Action Center; National Network to End Domestic Violence; Society of Pediatric Psychology, Division 54 of the American Psychological Association; GLSEN; Children's Defense Fund; Southern Echo Inc.; Southern Education Foundation; Disability Rights Education & Defense Fund; National Parents Union; Florida Psychological Association; Kentucky Psychological Association; Georgia Psychological Association; Michigan Psychological Association; Maine Psychological Association; First Focus on Children; The Daniel Initiative; NAACP LDF; Missouri Psychological Association; Connecticut Psychological Association; Pennsylvania Psychological Association; Texans Care for Children; Coalition of Texans with Disabilities; Social-Emotional Learning Alliance for Texas; Autism Society of Texas; Girls Empowerment Network; Texas Criminal Justice Coalition; MEASURE; Texas Parent to Parent; Easterseals Central Texas; Minaret Foundation; The Education Trust in Texas; National Association of Social Workers - Texas Chapter; International Center for Assault Prevention, Inc.; Georgia Appleseed Center for Law and Justice