

January 06, 2023

Dear Federal, State, and Local Policymakers:

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

Corporal punishment in schools refers to the act of inflicting physical pain on a student's body for the purpose of discipline, including striking, paddling, spanking, and other forms of physical violence. Although the practice of corporal punishment in schools has continued to decline over the last decade, more than 98,000 students across preschool and K-12 schools received corporal punishment according to the 2017-18 Civil Rights Data Collection (CRDC).¹ Corporal punishment is an allowable form of school discipline in 22 states, with 99% of all instances occurring in 10 states—Mississippi, Texas, Arkansas, Alabama, Oklahoma, Georgia, Tennessee, Missouri, Florida, and Louisiana—and 75% of all cases occurring in just four states—Mississippi, Texas, Arkansas, and Alabama.² Corporal punishment in schools is often employed for a variety of minor, subjective, and arbitrary infractions, including dress and hair code violations, talking in class, tardiness, truancy, poor academic performance, and more.³ Although corporal punishment in schools is legal in some states, it is often banned in other settings, such as day care programs, mental health facilities, penal institutions, and more.⁴ Furthermore, corporal punishment of *adults* has been banned in U.S. prisons and military training facilities.⁵ Allowing the practice of corporal punishment to continue in our nation's classrooms is a colossal failure of leadership.

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

² According to the Department of Education's (ED) September 2022 resource on corporal punishment, there are 22 states that either allow corporal punishment or have not specified. Other reports, meanwhile, cite 19 states. For more information, please visit: <https://www2.ed.gov/about/offices/list/ocr/docs/corporal-punishment-part-4.pdf> and <https://www.splcenter.org/20190611/striking-outlier-persistent-painful-and-problematic-practice-corporal-punishment-schools>

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

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

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

The science is abundantly clear: corporal punishment is both ineffective and deeply harmful. Corporal punishment in schools not only fails to decrease disciplinary infractions in the classroom, but it can actually result in more aggressive, defiant, and oppositional student behavior.⁶ Furthermore, corporal punishment in schools significantly harms a student's physical and emotional health. In addition to causing serious physical injury, including broken bones, bruising, abrasions, and other serious medical complications, corporal punishment can have a significant impact on a student's mental health and wellbeing.⁷ For example, students who are subject to corporal punishment are more likely to experience serious mental health challenges, including depression, anxiety, increased alcohol and drug abuse, self-harm, suicidal thoughts, and more.⁸ Corporal punishment can also have a significant impact on a student's academic and long-term success; corporal punishment can negatively impact a student's cognitive functioning, brain development, and the ability to problem solve, which results in lower academic performance, higher rates of absenteeism, and more.⁹ Long term, students who experience corporal punishment in schools have an increased likelihood of involvement in the juvenile and criminal legal systems.¹⁰

Moreover, corporal punishment in schools disproportionately impacts students of color and students with disabilities. For example, according to the 2017-18 CRDC, students of color, including Black and Native American students, were subjected to corporal punishment at roughly twice the rate of white students.¹¹ Black students, in particular, are subjected to corporal punishment at the highest rates. Although accounting for only 15.1% of total K-12 student enrollment, Black students receive 37.3% of all instances of corporal punishment. Furthermore, Black girls, who are often stereotyped and misperceived as "disrespectful," "defiant," and sexually provocative, are nearly four times more likely than white girls to receive corporal punishment, despite evidence demonstrating that they are no more likely to misbehave in school.¹² Additionally, students with disabilities are subjected to corporal punishment at disproportionate rates. For example, according to the 2017-18 CRDC, students with disabilities, defined as those served under the Individuals with Disabilities Education Act, represent 13.2% of the total K-12 student enrollment but 16.5% of the students who receive corporal punishment. Data on LGBTQ+ students' experiences with corporal punishment are not currently available, however, decades of research demonstrate that LGBTQ+ young people are subjected to

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

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

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

⁹ Ibid

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

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

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

discriminatory discipline practices,¹³ including elevated rates of school discipline compared to their non-LGBTQ+ peers.¹⁴ LGBTQ+ young people who are students of color and students with disabilities experience compounded disparities with regard to school discipline.¹⁵ While striking any student should never be a permissible practice in our nation's schools, the disproportionate application of corporal punishment against some of the most underserved students is particularly horrific and egregious.

Policymakers at every level of governance have a responsibility to eliminate corporal punishment in our nation's schools. At the federal level, Congress can and must pass the Protecting our Students in Schools Act, formerly H.R. 3836/S.2029, which would prohibit the practice of corporal punishment from any school that receives federal funding. The Act would also promote investment into the development of trainings and other programming focused on improving learning environments and reducing exclusionary discipline. This legislation, supported by more than 100 national, state, and local organizations, should be a top priority for advancement in the 118th Congress.¹⁶ In addition to the federal government, states must also take decisive action to prohibit the practice of corporal punishment in our nation's schools. First, in the 22 states where corporal punishment is still permissible, legislation should be advanced in the upcoming 2023 state legislative sessions that would ban the practice from all schools. Second, in states in which corporal punishment has been banned in only public schools, these states should extend their prohibitions to include private schools as well. Finally, action must be taken at the local level to prohibit corporal punishment. For example, local school districts can end the practice of corporal punishment by explicitly prohibiting school personnel from employing the practice in the classroom.¹⁷ Whether at the federal, state, or local level, all policymakers have a role to play in eliminating this shameful practice from our schools. Every day that the practice continues is unacceptable.

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

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

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

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

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

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

educational agencies should also take advantage of grants from the Every Student Succeeds Act, which provides funds to educational agencies to develop and implement these interventions in classrooms and train teachers and staff in these methods.

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

Sincerely,