

## A Violent Education

### Corporal Punishment of Children in U.S. Public Schools

Every year in the United States at least 220,000 children in public schools are subjected to corporal punishment, or “paddling.” Permitted in 21 states, the practice leaves many children injured and disengaged from the process of learning. African-American students and students with mental or physical disabilities receive corporal punishment at disproportionately high rates, creating a hostile school environment in which these students may struggle to succeed.

Although some educators believe that corporal punishment is an effective way to deter students from misbehavior—including harmful behavior like fighting—beatings hurt students, erode the trust between educators and students, and degrade the larger educational environment. Corporal punishment teaches students that violence is legitimate and rarely leads to any long-term decrease in classroom misbehavior. And corporal punishment is incompatible with human rights standards prohibiting cruel, inhuman, and degrading treatment and protecting children from physical violence and mental abuse.

This brochure summarizes *A Violent Education*, a report by Human Rights Watch and the American Civil Liberties Union.

### Corporal Punishment: A Degrading, Ineffective Disciplinary Tactic

Policymakers and educators have the important responsibility of creating an educational environment based on respect, including an effective disciplinary system. Yet for many students, “discipline” has come to mean the extensive use of violence.



Paddles made from baseball bats (keys indicate size) and standard paddle. © Alice Farmer/Human Rights Watch, 2008.

Corporal punishment in US public schools usually takes the form of paddling (also called “swats,” “pops,” or “licks”). A teacher or administrator swings a hard wooden paddle that is typically a foot-and-a-half long against the child’s buttocks, anywhere between three and 10 times. Some children interviewed by Human Rights Watch and the ACLU sustained blows to other parts of their bodies, including their hands or arms when they reached back to protect themselves.

Students can be physically punished for a wide range of misbehavior, including minor infractions such as chewing gum, being late, sleeping in class, talking back to a teacher, violating the dress code, or going to the bathroom without permission. More serious misbehavior such as fighting can also result in corporal punishment.

Paddling can happen in an office, a classroom, or elsewhere. One Mississippi teacher noted, “The principal would do it in the hallway, in the classroom, in the band room. He would patrol the hallways with a paddle.”

Students are sometimes asked to choose between corporal punishment and other forms of discipline such as suspension or detention. Children are particularly ill-equipped to make these decisions. One elementary school teacher described her pupils’ decision process: “I take the five licks because I’m nine and I want to go outside and play.” Older students choose paddling because they want to seem tough or because their parents are less likely to find out about the underlying infraction than if they receive suspension or detention.

While children should have a voice in making the policies to which they are subjected, giving children of any age a stark choice between being beaten and other forms of discipline is not appropriate. Rather, this “choice” is a form of coercion that asks vulnerable young people to trade away their right to be free from beatings by school personnel.

### **Mental and Physical Injuries from Corporal Punishment**

For hundreds of thousands of school children in the US, violence inflicted by those in authority is a regular part of their experience at school. Paddling can cause pain, humiliation, and in some cases deep bruising or other lasting physical or mental injury.

223,190 students in US public schools received corporal punishment in the 2006-2007 school year.

The Society for Adolescent Medicine has documented serious medical consequences resulting from corporal punishment, including severe muscle injury, extensive blood clotting (hematomas), whiplash damage, and hemorrhaging. Some families interviewed by Human Rights Watch and the ACLU for this report sought medical care for their children after they received corporal punishment.

- Tim L., a fifth-grader in Texas, was beaten so severely that his genitals were bruised and swollen. His mother recalled that she “had to pull the underwear off his behind from the dried blood.”
- Will T., a three-year-old boy in a public pre-kindergarten program in Texas, was paddled for taking off his shoes and for playing with an air conditioner. Will, who has diagnosed Attention Deficit Hyperactivity Disorder (ADHD), became reluctant to go to school: his mother reported that “all he would say is that ‘she [the principal] hit him with a board.’” The child sustained bruises to his hips that reached around to his navel.

Corporal punishment can cause severe muscle injury, extensive hematomas, and whiplash damage.

All corporal punishment, whether or not it causes significant physical injury, violates students’ rights to physical integrity and human dignity. It is degrading, humiliating, and damaging to the student’s self-esteem, making him or her feel helpless.

## A Violent School Environment

The use of corporal punishment creates a hostile and violent school environment designed to instill fear. Even students who are not punished feel its effects. A teacher reported that a principal turned on the loudspeaker while paddling a student: “It was on the intercom in every class in the school... He was trying to send a message ... [l]ike, ‘you could be next.’” One student reported that “licks would be so loud and hard you could hear it through the walls.”

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As a consequence of the helplessness and humiliation felt by students who experience corporal punishment, some students become angry: students told Human Rights Watch that it makes them want to lash out against teachers or other students. Others become depressed or withdrawn; still others become immune to the constant violence, accepting it as a part of their daily lives.

## EXECUTIVE SUMMARY

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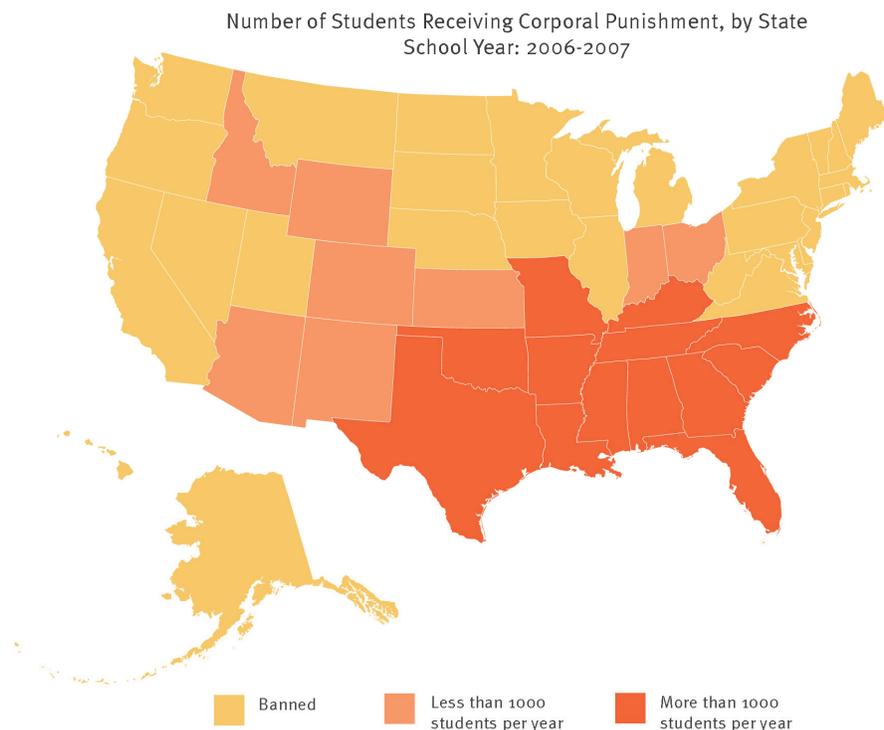
Research suggests that children who are physically punished are more inclined to engage in aggressive conduct toward their siblings, parents, teachers, and schoolmates. In addition, studies indicate that corporal punishment is rarely effective in teaching students to refrain from violent behavior in the future. As one teacher noted, “I’ve seen its ineffectiveness—the immediate impact is to get that student to stop that behavior but there is no guarantee that it [will not] continue.”

A number of teachers told us that as students are beaten, or see those around them beaten, the trust between administrators, teachers, and students is often destroyed. Over time, students may become less engaged in school and less interested in exploring and discovering new academic concepts. Studies have linked corporal punishment to a failure to thrive academically and higher rates of school dropout.

### Prevalence of Corporal Punishment in the US

According to the Office for Civil Rights (OCR) at the US Department of Education, 223,190 students nationwide received corporal punishment at least once in the 2006-2007 school year.

*Figure 1*



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**Corporal punishment is legal in 21 states.**

While corporal punishment is legal in 21 states, Table 1 shows that it is used more heavily in some states than in others. In Texas alone, OCR data show that 49,197 students were subjected to corporal punishment during the 2006-2007 school year, more than in any other state. In Mississippi, 7.5 percent of schoolchildren were paddled at least once during that same school year, the highest percentage in the nation.

*Table 1: Nationwide Prevalence of Corporal Punishment*

State	Number of Students Paddled During the 2006-2007 School Year	State	Percentage of Students Paddled During the 2006-2007 School Year
Texas	49,197	Mississippi	7.5%
Mississippi	38,131	Arkansas	4.7%
Alabama	33,716	Alabama	4.5%
Arkansas	22,314	Oklahoma	2.3%
Georgia	18,249	Louisiana	1.7%
Tennessee	14,868	Tennessee	1.5%
Oklahoma	14,828	Georgia	1.1%
Louisiana	11,080	Texas	1.1%
Florida	7,185	Missouri	0.6%
Missouri	5,129	Florida	0.3%

Source: United States Department of Education, Office for Civil Rights, “2006 Civil Rights Data Collection.”

While these figures and rates may already appear quite high, they do not reflect the full extent of the problem. First, the federal data discussed above record the number of students who have been hit at least once each school year; the data do not record the number of times each individual student receives corporal punishment. Our research demonstrated that many students receive corporal punishment repeatedly—as often as weekly—during the school year. Second, Human Rights Watch/ACLU interviewees reported that many instances of corporal punishment are not recorded because beatings often are administered in a chaotic environment. Corporal punishment is often seen as a quick form of discipline; a former high school teacher recalled that “paddling was just a fast way to deal with it and not write it down.”

“Paddling was just a fast way to deal with [discipline] and not write it down.”

### Racial Discrimination in the Classroom

Certain minority groups—particularly African-American students—receive corporal punishment at disproportionate rates. African Americans constitute 17.1 percent of the nationwide student population, but 35.6 percent of those paddled. Even while

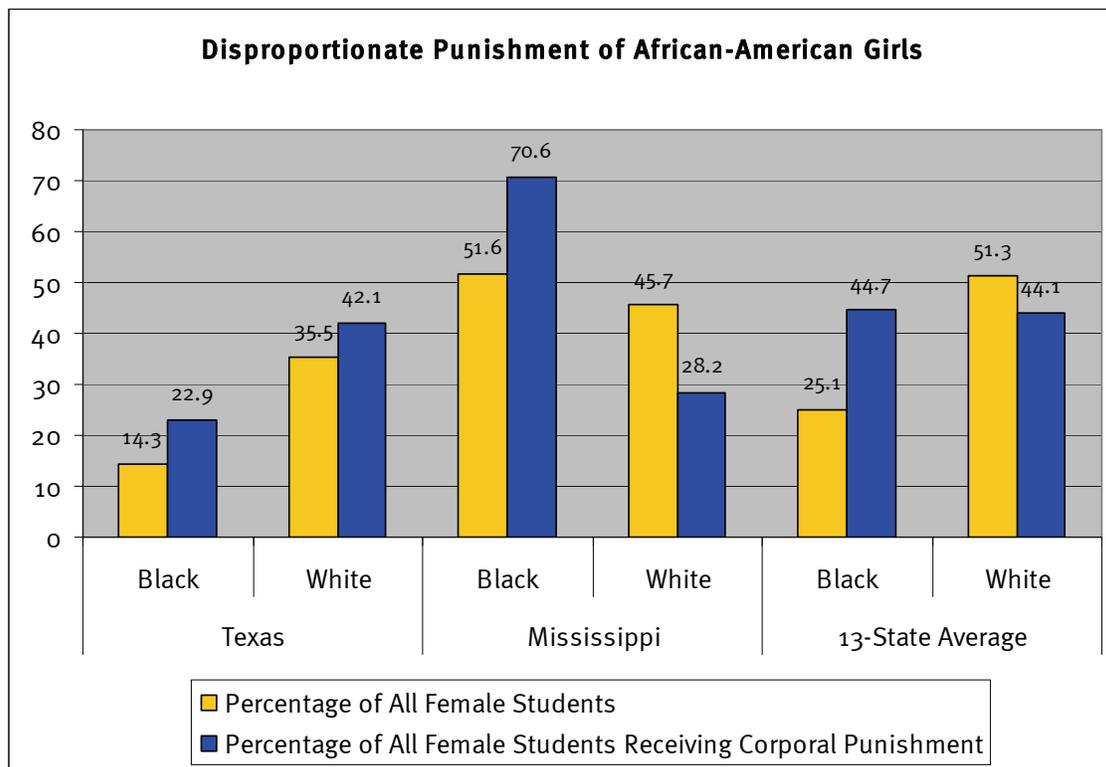
overall corporal punishment rates have declined during the last 30 years, disparate rates of physical punishment of African-American students have persisted.

Some might suggest that these discrepancies exist because there is a higher percentage of African-American students in states that paddle heavily, and so they are overrepresented in national statistics on corporal punishment. Yet among the 13 states that paddle more than 1,000 students per year, African-American students are 1.4 times more likely to get paddled than would be expected given their proportion of the student body.

While girls are paddled less than boys, African-American girls are more than twice as likely to be subjected to paddling as their white counterparts. In the 13 states that paddle more than 1,000 students per year, African-American girls are 2.07 times as likely as white girls to be beaten.

African Americans constitute 17.1 percent of the nationwide student population, but 35.6 percent of those paddled.

Figure 2



Source: OCR, "Civil Rights Data Collection 2006."

These disproportionalities violate students' right to non-discrimination in access to education. In addition, they teach violence, undermine the social fabric of schools, and create a hostile environment in which students of color may struggle to succeed, and may drop out of school at higher rates. Students, teachers, and administrators are conscious of these discriminatory patterns in their day-to-day lives. A 17-year-old girl spoke of the atmosphere produced by the racially disparate use of corporal punishment at her former high school in rural Mississippi: "It feels to me like we're back in slavery."

### Special Education Students Disproportionately Beaten

Special education students—students with mental or physical disabilities—are also subjected to corporal punishment, even though the behavior that leads teachers or administrators to beat them may result from their disabilities rather than disciplinary problems. Nationwide, federal data indicate that 41,972 special education students received corporal punishment in the 2006-2007 school year.

**At least 41,972 special education students received corporal punishment in the 2006-2007 school year.**

Special education students receive corporal punishment at disproportionately high rates. For instance, in Texas, the number of special education students who were beaten in the 2006-2007 school year amounted to 18.4 percent of the total number of students who received corporal punishment statewide. However, special education students made up only 10.7 percent of the Texas student population, meaning almost twice as many were beaten as might be expected.

Corporal punishment can be particularly harmful for special education students, since it can exacerbate the student's underlying condition.

- Johnny McPhail, the father of a girl with autism in Mississippi, observed that "an autistic child never forgets a paddling. They have total recall; programming needs to be the same. If you hit her, she'd be hitting, it's hard to talk her out of it."
- Mrs. R., a special education teacher in Mississippi, witnessed a student with Asperger's Syndrome and a bipolar condition receive corporal punishment, and noted the student's adverse reaction: "He was just crying and just broke down, a kind of helplessness—I don't know what to do."

In addition to causing extensive physical and mental harm, corporal punishment can create further barriers to education for this already disadvantaged group of students.

- Louise P., a special education teacher, felt licks were especially detrimental for her students: “A lot of my kids had discipline problems. They’d universally miss first period, they’d be in the office, waiting for their licks. That would harm their education. Depending on the teacher, they’d try and make up the lesson.... But the same kids would be hard to get in after school ... [and] it was hard to get them to graduate.”

### Parents and Teachers without Recourse

Parents and teachers encounter obstacles when trying to limit corporal punishment. For instance, we interviewed teachers who wanted to send chronically misbehaving students out of the classroom, but were reluctant to do so knowing the students would be paddled in the principal’s office. While some teachers believe corporal punishment is effective, others concur with academic research showing that positive forms of discipline such as counseling and mediation are more effective. Yet if the school does not support such alternative forms of discipline, individual teachers face obstacles in implementing them.

Parents in some school districts are given methods to “opt out” of corporal punishment. However, these mechanisms are inadequate; parents report that opt-out forms are ignored and that their children are beaten anyway. Parents have virtually no legal recourse when opt-out forms are ignored, or when their children are beaten severely with or without an opt-out form. Parents reported to us that school districts were unwilling to provide adequate responses, police were reluctant to investigate, and courts were unable to offer redress. After Janet Y.’s daughter was paddled in violation of an opt-out form, she commented, “I thought I had done everything to protect her. After telling them not to lay a hand on her again and signing the opt-out form, it didn’t do any good. I mean, this child is a gift from God, I’ve vowed to protect her.... It hurts that I haven’t protected her.” Some parents felt they had no recourse but to withdraw their children from school and teach them at home.

One mother said, “I thought I had done everything to protect [my daughter].... It hurts that I haven’t protected her.”

### Parents Left Unable to Protect Children

On August 18, 2003, 10-year-old Tim L. started the fifth grade at his public elementary school in rural east Texas. He received two beatings in the first two weeks of school: one for disobeying the gym coach, and one for playing with a pen during band class. He sustained deep bruising and begged his mother Faye L. not to make him get on the school bus. With her son physically injured and terrified of school, Faye decided she could not risk sending him back. She began to teach him herself, at home.

Faye wanted school authorities to hold the teachers accountable. They reminded her, however, that corporal punishment is legal in their district, and refused to take disciplinary action against the two teachers who had hit her son. When she tried to file assault charges, the police dissuaded her, saying she had to “follow school procedure.” Next, she attempted to pursue private litigation, but her claims were dismissed in court because the law provides immunity for teachers who paddle.

### Corporal Punishment and Human Rights

International instruments, including the Convention on the Rights of the Child, the Convention against Torture, and the International Covenant on Civil and Political Rights, prohibit the use of cruel, inhuman, or degrading treatment or punishment, regardless of circumstance. Experts charged with issuing definitive interpretations of international human rights treaties consistently have concluded that corporal punishment by school officials and teachers violates governmental obligations to protect children from physical violence and cruel, inhuman, and degrading treatment. Given the international consensus against corporal punishment, 106 countries prohibit the practice in schools.

Corporal punishment infringes on the right to education. Educational experts have concluded that the use of corporal punishment hinders learning, encourages children to drop out of school, and generally undermines the purposes of education as articulated in international human rights law. In addition, the disproportionate use of corporal punishment against African-American and special education students violates the right to non-discrimination in access to education in violation

of the International Convention on the Elimination of All Forms of Racial Discrimination.

Standards set by the US government and many states on corporal punishment fall far below what is required by international human rights law. Though more than half the states prohibit the use of corporal punishment in schools, federal law does not ban the practice. The US Supreme Court has declined to impose constitutional restrictions on the practice of “reasonable” corporal punishment.

**Twenty-nine states and Washington, DC, as well as 106 other countries, reject the use of corporal punishment in public schools.**

Some state laws criminalize the imposition of excessive corporal punishment, but the standard of “excessiveness” is hard to meet. While some school districts have attempted to regulate corporal punishment, for example by placing limits on the number of blows a child may receive or requiring that the paddler not beat the child in anger, these regulations have proved difficult if not impossible to enforce. Such attempts also do not address the basic fact that a child’s rights are violated whenever he or she is beaten by school authorities.

Corporal punishment has increasingly been prohibited by states and municipalities. In fact, 95 of the 100 largest school districts in the country have banned corporal punishment, including Houston, Dallas, Memphis, Atlanta, and Mobile County. Twenty-nine states and Washington, DC, have banned the practice, as have many school districts within states that permit corporal punishment.

### **Best Practices in Education**

Teachers in districts that use corporal punishment want the best for their students and may genuinely believe that corporal punishment can deter misbehavior and help educate students. Likewise, parents and even children want orderly, safe school environments in which students can learn. But corporal punishment is not the answer. The practice hurts students, it damages the cohesive school culture that they need in order to learn, it is discriminatory, and it teaches violence as an appropriate response to problems.

Poverty and lack of resources help create conditions that lead to corporal punishment in schools. Teachers may have overcrowded classrooms and lack resources such as counselors to assist with particularly disruptive students. These conditions do not facilitate effective discipline and may explain why some

educators feel beating students is a necessary expedient, but they do not excuse such actions.

Better approaches to school discipline are available. For instance, the School-Wide Positive Behavior Support (PBS) model, a comprehensive approach to school discipline rooted in responding to the underlying reasons for the child's misbehavior and teaching students why what they did was wrong, is currently being used in at least some school districts in 46 different states. Formal evaluations of School-Wide PBS have found improvements in student behavior and increased satisfaction among teachers because they feel more effective in their teaching. A Harvard University study in 2000 concluded that schools can implement a wide range of programs to bring about positive discipline models, "including peer courts, conflict resolution programs ... and character education programs that promote a mutually respectful and collaborative school climate and teach students and teachers how to handle and resolve conflict in appropriate ways."

Nationwide, teachers and administrators increasingly have been using positive discipline methods that foster nurturing school cultures and allow students to thrive. With appropriate funding, training, and support, teachers and administrators can implement discipline systems that create educational environments in which every student can learn.

## Recommendations

Human Rights Watch and the American Civil Liberties Union call on states and the federal government to replace corporal punishment with effective, positive discipline systems in schools so that children's human rights are protected and so that every student throughout the United States can maximize his or her academic potential.

- The president of the United States, the US Congress, state legislatures, and governors should take all necessary steps to ban the use of corporal punishment in schools. There should be no exceptions for "reasonable" force or corporal punishment "to maintain discipline."
- Until a complete ban on corporal punishment has been instituted, Congress and state legislatures, governors, and boards of education should establish an immediate moratorium on corporal punishment for special education

- students, in light of their particular vulnerability and increased risk of serious physical or psychological injury.
- Until a complete ban is adopted, state legislatures, governors, and boards of education should require school districts to respect parents' wishes not to have their children beaten by school officials, at a minimum by establishing an "opt-in" scheme requiring parents affirmatively to agree before their child can be subjected to corporal punishment.
  - State legislatures, police, district attorneys, state courts, and local school boards should remove obstacles that prevent victims of corporal punishment (and their parents) from pursuing redress. Lawmakers should repeal legislation that grants educators who use corporal punishment immunity from civil or criminal laws. Law enforcement officials and courts should treat corporal punishment complaints as any other assault complaint.
  - State boards of education, local school boards, superintendents, principals, and teachers should prohibit the use of corporal punishment in all schools and classes under their control, and provide educators with extensive training and support for effective, non-abusive discipline techniques.
  - State boards of education and local school boards should implement statistical review systems that track every instance of corporal punishment, and take measures to ensure that African-American students are not punished at disproportionate rates.

To view the research and sources upon which this summary is based, please visit the Human Rights Watch website at <http://www.hrw.org/en/content/a-violent-education>. On the website you can download free of charge the full text of *A Violent Education*. You can also listen to audio clips of children, parents, and teachers discussing their experiences with corporal punishment at <http://www.hrw.org/en/news/2008/08/19/us-end-beating-children-public-schools>.