

# Corporal punishment is still legal in US public schools in 19 states

October 5 2016

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More than 160,000 children were disciplined using corporal punishment in public schools in the United States in the 2013-2014 school year, according to data recently released by the U.S. Department of Education. School corporal punishment, which typically involves striking a child with a wooden board or paddle, is currently legal in public schools in 19 U.S. states. A new Social Policy Report, published by the Society for Research in Child Development, has found that Black children, boys, and children with disabilities are subjected to corporal punishment with greater frequency than their peers.

The study presented in the report was conducted by Elizabeth T. Gershoff of the University of Texas at Austin and Sarah A. Font of Penn State University. It analyzes data gathered by the Office of Civil Rights of the U.S. Department of Education from 36,942 [public schools](#) in all 4,460 districts in the 19 states where school corporal punishment is legal. The study assessed which states and school districts are utilizing corporal punishment, and which [children](#) are punished using corporal punishment within these public schools.

Schoolchildren are disciplined with corporal punishment for a range of behaviors, varying from serious incidents like setting off fireworks in school, to minor behaviors like use of cell phones and not completing homework. In states where corporal punishment is legal, it can be used on children of all ages. The Society for Adolescent Medicine estimated that in 2003, when over 270,000 children were corporally punished in school, 10,000-20,000 children had to seek medical attention as a result

of corporal punishment in public schools. This included treatment for bruises, hematomas, broken bones, and nerve and muscle damage.

The Supreme Court ruled in 1977 that school corporal punishment was constitutional. At that time, only two states had banned corporal punishment in public schools. In 2016 a total of 31 states have banned it from public schools. The authors report that juvenile crime has not increased in states that have removed corporal punishment from schools. This suggests that it is possible to find appropriate ways to discipline children in schools that do not cause physical or emotional harm and, at the same time, do not result in an increase in crime. The author's note that while hitting an animal to the point of injury is a felony in most U.S. states, hitting a child to the point of injury as punishment in a public school is exempt from child maltreatment laws in most states where corporal punishment in schools is legal. This means that, in some states, a behavior that would be considered abuse when inflicted by a parent on a child cannot be prosecuted if inflicted by a school employee.

The study found that there are widespread disparities in the administration of corporal punishment by race, gender, and disability status. The researchers note that rates of misbehavior and the severity of the student's infraction do not account for these disparities.

For example:

- In Alabama and Mississippi, Black children are at least 51% more likely to be corporally punished than White children in over half of school districts.
- In eight states, boys are five times more likely to receive corporal punishment than girls in at least 20% of school districts.
- Children with disabilities are over 50% more likely to be corporally punished than their nondisabled peers in many southeastern states.

Disability status in this study is defined as students who qualified as having a disability (physical, cognitive, or emotional) under the Individuals with Disabilities Education Act [IDEA] (1990). The report [states](#) that a 2009 Human Rights Watch and ACLU publication found that school administrators sometimes use corporal punishment on children for behaviors that stem directly from their disability, including those common to autism and Tourette syndrome.

Among several implications for policymakers, the report suggests that federal agencies should consider whether the disparities in the use of [corporal punishment](#) in public schools violate civil rights law.

Provided by Society for Research in Child Development

Citation: Corporal punishment is still legal in US public schools in 19 states (2016, October 5) retrieved 24 May 2024 from <https://phys.org/news/2016-10-corporal-legal-schools-states.html>

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