

In 19 States, It's Still Legal to Spank Children in Public Schools

By Christina Caron

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Corporal punishment is banned in the United States' military training centers and can no longer be carried out as a sentence for a crime. It is prohibited at Head Start programs and in most juvenile detention facilities, too.

But in many states, there is one place where it is permissible to hit, spank or slap: school.

More than 106,000 children were physically punished at public schools during the 2013-14 school year, the most recent year for which national data estimates are available, according to the Education Department's Office for Civil Rights.

Although that number has declined over the years, researchers have found that black students, boys and disabled students continue to be physically punished at a greater rate than their classmates.

While bills proposing outright bans of corporal punishment have failed to gain traction, in the last two years Tennessee and Louisiana have amended their laws to protect children with disabilities, some of the states' most vulnerable people.

Here are five things to know about the practice and why it endures.

Corporal punishment is still legal in 19 states.

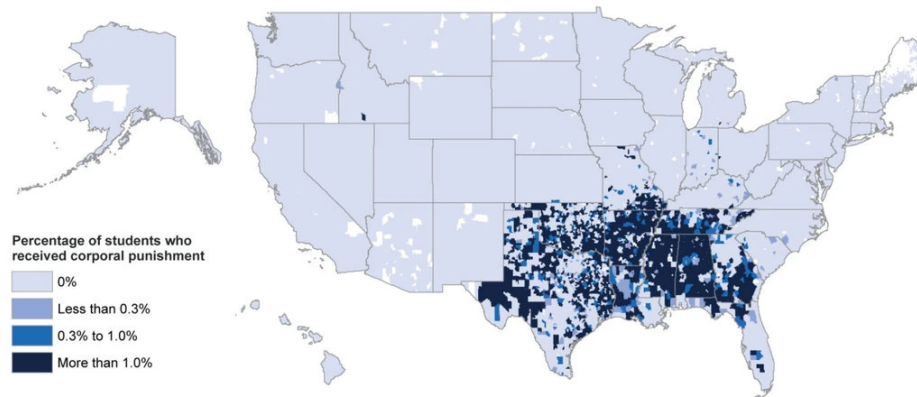
Corporal punishment, defined as paddling, spanking or other forms of physical punishment, is legal at public schools in 19 states, mainly in the South, and is also allowed at private schools in 48 states.

Students are typically spanked with paddles that measure up to two feet long and several inches wide.

This practice remains legal because of a Supreme Court decision that is more than 40 years old. In 1977, the Supreme Court ruled in *Ingraham v. Wright* that corporal punishment in public schools was constitutional, which meant that each state could make its own rules when physically disciplining students.

No other corporal punishment cases have made it on to the docket since then.

Figure 14: Percentage of Students Who Received Corporal Punishment, by School District, School Year 2013-14



Source: GAO analysis of Department of Education, Civil Rights Data Collection; MapInfo (map). | GAO-18-258

Note: In 2013-14, approximately 110,000 students, or 0.2 percent of all K-12 public school students, received corporal punishment. In this map, white space indicates locations where school district data were unavailable, or school district locations did not align with the mapping software used to generate the map. Differences in the incidence of corporal punishment may reflect differences in state laws. GAO did not do a comprehensive review of state laws in this area, but rather reviewed state corporal punishment laws only for the five states selected for site visits.

A graphic published in March by the Government Accountability Office shows where students receive corporal punishment in the United States.

Although 19 states allow corporal punishment, there are school districts within those states that reject physical punishment in favor of other forms of discipline, or that allow parents to opt out, sometimes rendering the practice nearly extinct.

In North Carolina, the last remaining school district to allow corporal punishment voted in October to ban the practice, effectively ending corporal punishment in the state — even though it is technically still permitted by law.

In certain locations, especially some rural areas, many parents find it culturally acceptable and even preferable for a child to receive a few swats rather than a suspension.

“The districts that still have corporal punishment are quite supportive of it and are convinced that it ‘works’ to change student behavior” despite the fact that “there is no research examining this question,” said Elizabeth T. Gershoff, a professor of human development and family sciences at the University of Texas at Austin who has studied corporal punishment in public schools.

Punishments are not distributed equally.

A recent Government Accountability Office report examining federal data from the 2013-14 school year found that black students, boys and disabled students are punished at greater rates than their peers. Black children, for example, were overrepresented by about 22 percentage points among students receiving corporal punishment.

An earlier study published in the journal *Social Policy Report* examined data from the 2011-12 school year and found similar disparities. In both Alabama and Mississippi, black children in some school districts were more than five times as likely to be physically punished as white

children were, the data showed.

Both analyses also demonstrated that boys were much more likely to be physically punished than girls, and that disability disparities were all too common.

Legislators are trying to shield students with disabilities.

Over the last two years, lawmakers in Tennessee and Louisiana have passed legislation banning corporal punishment among students with disabilities.

In Tennessee, officials discovered that children with disabilities were being physically punished at a higher rate than other children in about 80 percent of the state's public schools that used corporal punishment. The details were laid out in a report from the Tennessee comptroller's office of research and education accountability that used federal data to analyze four different school years.

Likewise, in Louisiana, students with disabilities were punished at disproportionately high rates.

In both states, lawmakers have tried to ban corporal punishment entirely, but they have been met with resistance.

"It's the hot potato that nobody wants to touch," said Anna Caudill, the executive director of Post Adoption Learning Services, a Tennessee-based organization that advocated passage of the bill protecting disabled students.

This is in part because "people are protective of their ability to discipline their own children in the manner they see fit," Ms. Caudill added.

In that vein, Tennessee's new law still allows the parents of disabled children to opt in to corporal punishment. It was a necessary addition in order to push through the legislation, according to State Representative Jason Powell, the bill's primary sponsor.

"That was a compromise that I was asked to make," Mr. Powell said in an interview, adding that it was one he "hated to include."

It has been nearly a decade since a state banned corporal punishment.

In 2011, New Mexico banned corporal punishment, following in the footsteps of many other states. But since then, there hasn't been another statewide ban on corporal punishment.

In December, a lawmaker in Kentucky prefiled a bill for the coming legislative session that would end the use of spanking, shaking or paddling in the state's schools. A similar bill did not pass in 2017.

Efforts have also stalled at the federal level, despite a congressional hearing held in 2010 before the House Education and Labor Subcommittee on Healthy Families and Communities.

Various bills have been introduced over the years that sought to ban corporal punishment, including one as recently as 2017. But so far, there hasn't been a debate and a vote by the full House, Dr. Gershoff said.

"I think one reason legislation has not advanced is because citizens are not aware that it still goes on," she said. Most Americans "likely assume it is illegal throughout the country."

The federal data on corporal punishment is limited.

Everything we know about corporal punishment nationwide is collected in a data set managed by the Department of Education's Office for Civil Rights.

But the federal data is somewhat narrow in scope.

Although it categorizes students by race, gender and disability status, it does not disclose the type of disability each student has.

The data also does not say what type of physical punishment the students received, whether the punishment resulted in the need for medical treatment or why the students were punished.

Some states are working to collect data beyond what the federal government requires.

Tennessee enacted a new law this year requiring schools to report additional details, including the reason for each instance of corporal punishment — data that could guide future efforts to ban corporal punishment entirely.