

Dignity in Schools Campaign TeleConference
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Corporal Punishment of Special Education Students in US Public Schools

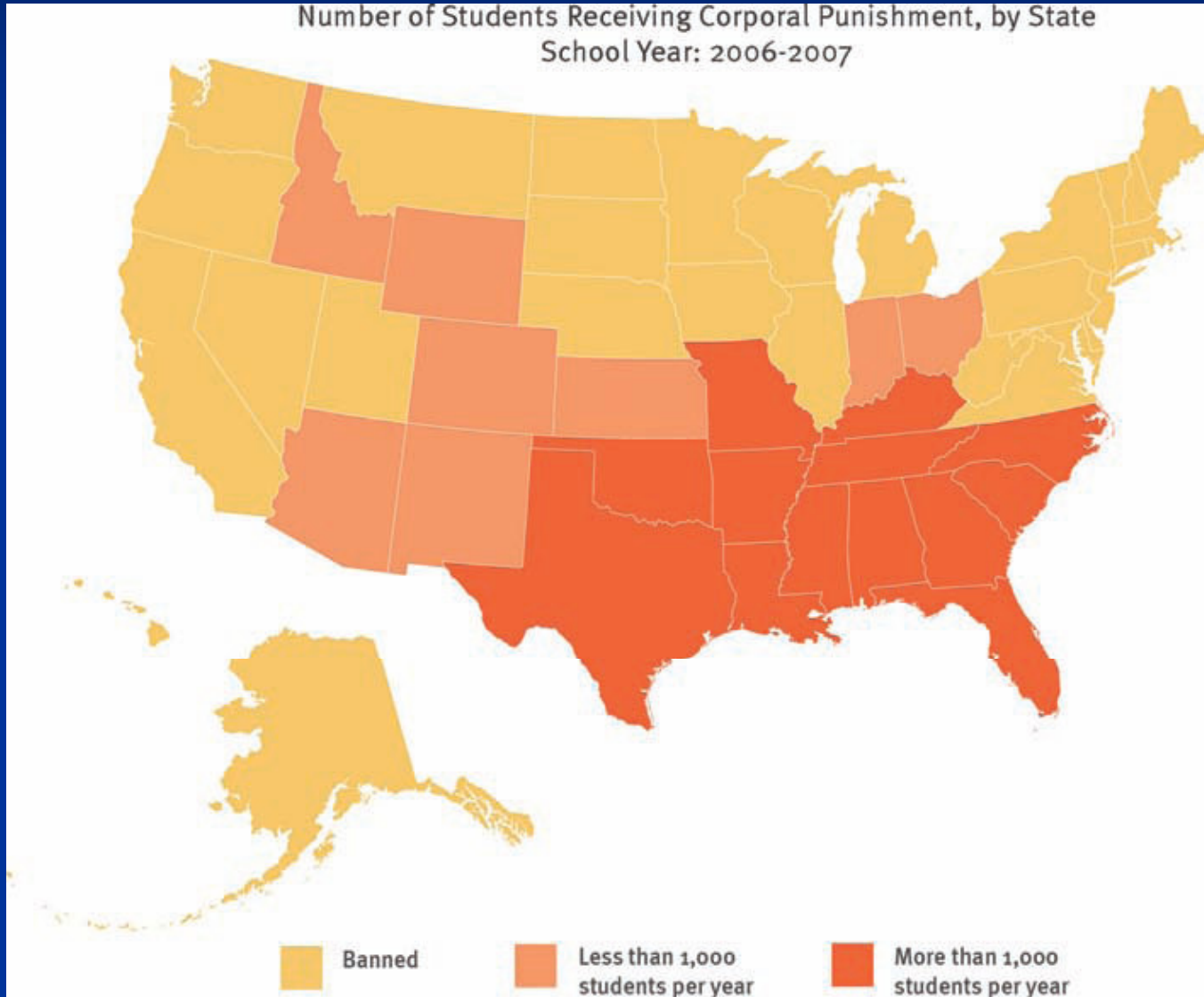
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Corporal Punishment Prevalent in US Public Schools

- In 2006-7 school year 223,190 students were paddled at least once, according to data from the US Department of Education
 - 39,093 IDEA students and 2,879 Section 504 students received corporal punishment during this time period
- African-American students and special education students are paddled at disproportionate rates
 - For instance, IDEA students make up 17.52 percent of the students paddled, even though they constitute just 12.82 percent of the nationwide student population

Corporal Punishment is Legal in 21 States

Number of Students Receiving Corporal Punishment, by State
School Year: 2006-2007



Laws and Regulations Permitting Corporal Punishment

- States that allow paddling do not adequately protect children from abusive disciplinary measures in schools
- State employees (including teachers and principals) are typically shielded from liability for official actions taken within the scope of their employment duties, as long as the action is “reasonable” and in conformity with school district policies
- I am unaware of any provisions that protect special education students from being paddled

Paddling

- Corporal punishment in US public schools almost always takes the form of paddling
 - Also called “swats,” “pops,” or “licks”
- A teacher, administrator, or coach swings a hard wooden paddle against the child’s buttocks
 - The paddle is typically a foot and a half long
 - The child usually receives 3 – 10 blows



Picture of standard paddle. © 2008 Alice Farmer/Human Rights Watch.

Paddling continued

- Our interviews show that students of all ages – from 3 to 19 years old – are paddled in public schools
 - For instance, one family recounted that their three-year-old son with ADHD was paddled in a public pre-kindergarten program in Texas, and left badly bruised
- According to our interviews, some younger children may also be hit with other objects, including rulers, hands, and classroom toys

Paddling: Special Education Students

- Special education students are paddled like any other students; concessions are rarely if ever made for disability
- These students are frequently paddled by individuals who have no training in understanding or working with their particular needs

Corporal Punishment Prohibited Under International Human Rights Law

- Under international human rights law, corporal punishment is defined as:

“any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light.”

-UN Committee on the Rights of the Child,
General Comment 8, para.11

- The Committee on the Rights of the Child, the body charged with overseeing compliance with the UN Convention on the Rights of the Child, notes that corporal punishment usually:

“involves hitting (“smacking”, “slapping”, “spanking”) children with the hand or with an implement – a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children’s mouths out with soap or forcing them swallow hot spices.” -ibid.

- Corporal punishment is, according to the Committee, “invariably degrading” and prohibited under international human rights law

Rights of Persons With Disabilities

- Special education students have additional protection against corporal punishment through the UN Convention on the Rights of Persons with Disabilities
 - Article 16 protects children with disabilities from exploitation, violence, and abuse.
 - Abusive discipline techniques may push special education students out of school. in violation of Article 7, which states that children with disabilities should enjoy fundamental rights on an equal basis with other children, and Article 24, which states that students with disabilities have the right to an inclusive education.

Spectrum of Violence Against Special Education Students

- Corporal punishment is just one of many techniques on the spectrum of violence used against special education students.
- In interviews families have described incidents in which paddling was followed by restraint and seclusion.
 - Some restraint and seclusion techniques may be considered corporal punishment if they are meted out as punishment and are intended to cause pain
- My work primarily looks at paddling and other “hitting” techniques, including smacking, slapping, whipping, etc.
- Jane Hudson will speak next with much more detail specifically on restraint and seclusion.

Table 1: Nationwide Prevalence of Corporal Punishment: Number of Students Punished at Least Once in the 2006-2007 School Year

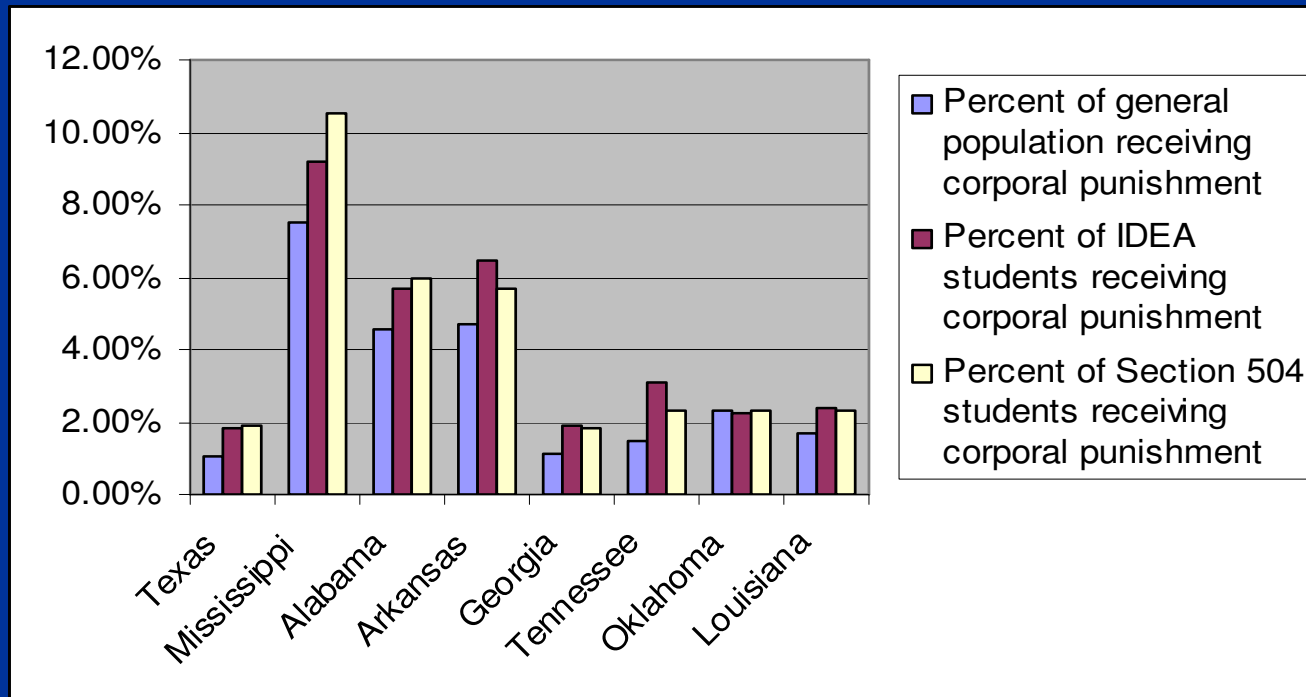
	All students	IDEA students	504 students
Texas	49,197	9,055	1,167
Mississippi	38,131	5,763	68
Alabama	33,716	4,872	239
Georgia	18,249	3,764	139
Arkansas	22,314	3,642	440
Tennessee	14,868	3,495	123
Oklahoma	14,828	2,198	51
Louisiana	11,080	1,961	502
Florida	7,185	1,276	55
Missouri	5,159	1,173	18
Kentucky	2,209	500	7
North Carolina	2,705	481	40
Ohio	672	330	0
Indiana	557	234	3
South Carolina	1,409	181	11
New Mexico	705	151	2
Kansas	50	10	1
Idaho	111	4	2
Arizona	16	2	10
Colorado	8	0	0
Wyoming	0	0	0

Table 2: Percentages of Students Receiving Corporal Punishment at Least Once in the 2006-2007 School Year

	All students	IDEA students	Section 504 students
Mississippi	7.50%	9.23%	10.56%
Arkansas	4.67%	6.47%	5.68%
Alabama	4.54%	5.68%	5.93%
Tennessee	1.47%	3.11%	2.33%
Louisiana	1.69%	2.41%	2.35%
Oklahoma	2.33%	2.26%	2.35%
Georgia	1.12%	1.91%	1.85%
Texas	1.08%	1.85%	1.87%
Missouri	0.55%	0.89%	0.33%
Kentucky	0.33%	0.48%	0.15%
Florida	0.26%	0.31%	0.23%
New Mexico	0.22%	0.28%	0.20%
North Carolina	0.19%	0.27%	0.23%
South Carolina	0.20%	0.18%	0.21%
Arizona	0.00%	0.17%	0.24%
Indiana	0.05%	0.14%	0.05%
Ohio	0.04%	0.14%	0
Kansas	0.01%	0.02%	0.06%
Idaho	0.04%	0.01%	0.06%
Colorado	0	0	0
Wyoming	0	0	0

Disparate Rates of Paddling for Special Education Students

- Among the states that paddle most heavily (Texas, Mississippi, Alabama, Arkansas, Georgia, Tennessee, Oklahoma, and Louisiana each paddle more than 10,000 children per year), special education students are paddled at higher rates in all of these states except for Oklahoma, where they are paddled at the same rate.



Undercounting

- All students – including special education students – are likely subject to corporal punishment far more often than these numbers suggest.
 - First, the data record the number of students hit each year, not the number of incidents. In other words, the data show that 223,190 individual students were beaten in the relevant school year -- of whom 39,093 were IDEA students and 2,879 were Section 504 students. However, the data do not show how many incidents of corporal punishment occurred. Because many students likely were beaten more than once in the school year – a reasonable assumption given the evidence collected from our interviewees – the overall number of beatings administered each year is undoubtedly far higher.
 - Second, the data also very likely undercount the number of students beaten each year because some school districts fail to report all incidents to the federal government. Corporal punishment is often seen as a quick form of discipline, which can be administered without much procedure and may not be written down.

Particular Problems for Special Education Students

- Punishment for manifestations of their conditions
 - Families we have interviewed note that their students receive corporal punishment for behavior associated with their disability (e.g. autism, Tourette's syndrome)
- Exacerbation of the condition by the punishment itself
 - Special education students are particularly vulnerable to lasting damage from corporal punishment, often associated with the underlying condition (e.g. autism, sickle cell)

Conclusion

- Corporal punishment against any child violates human rights law, and must not be permitted
- Special education students, given their extreme vulnerability, are particularly in need of protection
- Yet, in US public school they receive corporal punishment at disproportionately high rates
- They are often punished for manifestations of their disabilities, and the punishments themselves may exacerbate the child's underlying condition

Next Steps

- What can be done?
 - Federal legislation prohibiting corporal punishment against special education students
 - State legislation prohibiting corporal punishment against any students, or at least against special education students
 - District-wide policy change
 - Implementation of positive behavior systems (PBIS), which are essentially incompatible with corporal punishment