

# Human Rights Watch

## Children's Rights

<https://www.hrw.org/news/2009/01/01/no-way-treat-child>

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Corporal punishment still exists in classrooms in the United States, damaging the school environment and dragging down academic achievement for hundreds of thousands of students. In 21 states, students face the threat of being struck by their teachers in the name of discipline. African-American and special education students are particularly likely to be struck.

In August 2008, Human Rights Watch and the American Civil Liberties Union jointly issued a report, *A Violent Education: Corporal Punishment of Children in US Public Schools* ([hrw.org/reports/2008/us0808/](http://hrw.org/reports/2008/us0808/)). This report, based on the most recent data available, found that 223,190 public school students were subjected to corporal punishment in the 2006-2007 school year. Almost all of these children were paddled. This disciplinary technique involves a full grown adult, usually a man, beating the child on the buttocks with a rigid wooden board. When a child is hit like this, it can cause pain, severe muscle injury, and extensive bruising.

Students generally are punished for small infractions. One sixth-grade girl was paddled for being late to gym class. She was told to bend forward and lean on a tin chair, and the male gym coach hit her repeatedly on the buttocks while the other students watched. She recalls, "He hit me so hard I felt nauseous. She had deep bruises that lasted for three weeks."

### Violence teaches violence

Hundreds of school districts allow staff members to strike students, and state legislatures provide specific legal protection for educators who injure students when using corporal punishment (see map, *Number of Students Receiving Corporal Punishment, by State*). Although some educators believe that corporal punishment is an effective way to deter students from misbehavior, including fighting, corporal punishment actually teaches students that the use of violence is acceptable. Teachers recalled how their students would become angry, resentful, or withdrawn after a paddling. Different studies suggest that children who are physically punished are more inclined to engage in aggressive conduct toward their siblings, parents, teachers, and schoolmates.

Studies also show that beatings can damage the trust between educator and student, corrode the educational environment, and leave the student unable to learn effectively. Students in violent school environments see and hear what happens to their peers: Licks would be so loud and hard you could hear [them] through the walls, recalled a recent high school graduate in Mississippi. You could hear the moans and yelling. Some studies even link corporal punishment to higher drop-out rates.

### Discrimination in the classroom

Corporal punishment in the United States disproportionately affects African-American and special education students. In the 2006-2007 school year, African-American students made up 17.1 percent of the nationwide student population, but 35.6 percent of those who were paddled. In the 13 states with the highest rates of paddling, African-American girls, for instance, were beaten at twice the rate of other girls. There is no evidence that African-American students commit disciplinary infractions at disproportionately higher rates than other students.

Some students in minority communities already face obstacles to academic success due to such factors as lack of resources and low expectations. When they are beaten disproportionately, their right to a nondiscriminatory education is violated, and further barriers to success are erected. What's worse, some students come to expect violence and degrading treatment in school. You got to be beat down, one African-American seventh-grade girl said when interviewed for the report.

The students with mental or physical disabilities that comprise the special education student population also are struck at disproportionate rates. In Texas, for example, special education students are almost twice as likely to be struck as would be predicted given their percentage of the student population. One Mississippi father said that his daughter, a girl with autism, was hit repeatedly with rulers in kindergarten, and she came to believe she should treat other children that way. Another family reported that their son was physically punished for exhibiting symptoms related to his condition. Corporal punishment damages these students' education as much as that of other students, and it also adversely affects some students' underlying mental or physical disabilities.

### Lack of recourse

Students, parents, and teachers encounter obstacles when trying to limit corporal punishment. Parents in some school districts are given methods of opting out of the use of corporal punishment on their children. However, these mechanisms are inadequate; parents reported that opt-out forms often 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 parental permission. Parents interviewed for the Human Rights Watch/ACLU study faced obstacles from administrators and school board members when they objected to corporal punishment. Teachers and principals have immunity from assault laws, and police and courts can provide no adequate redress. A number of teachers in schools that use corporal punishment said they found themselves without support for alternative discipline techniques. While the teachers were able to use better discipline methods within the confines of their own classroom, they became reluctant to send chronically misbehaving students to the principals office, knowing the students would be beaten.

Positive forms of discipline, such as counseling and mediation, are more effective in addressing students underlying issues and improving behavior in the long term. Yet, if the school does not support these forms of discipline, individual parents and teachers cannot secure appropriate discipline for their students.

### **How PTA can help**

PTA leaders should ask for a copy of their schools discipline code and any policy that deals with corporal punishment and make certain that parents know about and understand these policies. Presentations at PTA meetings, informational brochures, newsletter articles, e-mail notices, and website postings are among the ways PTAs can disseminate the policies and explain what they mean. PTAs and parents can work with others in the community to raise awareness of the dangers of policies that permit the use of corporal punishment in schools. PTAs and parents can take the lead in campaigns to change school policies to prohibit the use of corporal punishment and to make clear to students that violence in any form is not tolerated in their school.

PTAs, parents and children can write letters to their superintendents and school boards strongly objecting to the use of paddling. PTAs and parents can approach the local superintendent and the school board to discuss corporal punishment, ask for a ban, and request a timeline in which a ban will be considered. PTAs and parents can become advocates for alternative discipline systems that promote safe classrooms and academic success.

In school districts that permit paddling, as a first step, parents should find out whether their school district permits them to opt out and then do so. Parents should make strong objections if they find their instructions are ignored. If the school district does not have an opt-out form, parents should send written requests to their child's teachers and principal not to paddle their child. If parents unite in these efforts, they are more likely to bring about change in the disciplinary policies.

Parents may want to read the discipline policy with their children to make sure they know how and when school rules allow them to be paddled. But parents also should make clear to their children their objections to the policy and that they are working to change it. Parents should encourage their children to tell them every time they are paddled. If a child is injured, the parents should take the child to an emergency department or a physician, have photographs taken of the injury, and ask the physician to report the injury to their local child protective agency.

For more resources on taking action against corporal punishment, see the Center for Effective Disciplines website: <http://www.stophitting.com/advocacy/>.

### **Case Study of Corporal Punishment**

Tim L. was 10 years old in 2003, when he started the 5th grade at his public elementary school in rural east Texas. On the fourth day of school, Tim refused to run in gym class because he did not have his asthma medication. When the gym coach confronted him, Tim said, Coach sucks.

The coach then took a wooden paddle and beat Tim severely on the buttocks. Faye L., Tim's mother, reported, There was blood in his underpants I had to pull the underwear off his behind from the dried blood.

Although Tim had always been an enthusiastic student, he begged his mother not to make him get on the school bus the next day. Three days later, with his bruises still fresh, Tim was hit again, this time by a teacher, for playing with a pen during band class. His genitals were bruised and swollen. With her son physically injured and terrified of school, Faye decided he was not safe there, and began home schooling him.

Faye wanted school authorities to hold the teachers accountable. They reminded her that corporal punishment is legal in their district, and refused to take disciplinary action against the educators who had hit her son. Faye was left feeling there was no way to seek a remedy for the injuries her son had sustained, and no way to protect him from future harm. Although Tim asked to go back to school, Faye felt she couldn't guarantee his safety. How do you explain this to your son, after this? she asked. Well, I'm sorry, honey. That's all you can say.

### **Creating safe classrooms**

Corporal punishment is inconsistent with efforts to create safe, orderly classrooms where children can learn. It teaches children to respond to, and use, violence rather than reason. Positive discipline practices that respond better to students' educational and psychological needs are far more effective. Like many other national organizations, PTA supports efforts to abolish corporal punishment and efforts to develop alternative discipline programs to provide an orderly climate for learning. The National Education Association also opposes corporal punishment in schools, recommending instead disciplinary procedures that enhance high expectations and quality instruction, thereby promoting self-control and responsible behavior in students. Students in safe school environments supported by appropriate discipline can learn to change their behavior and return to class ready to learn.

Students should be in nurturing environments, not surrounded by violence. A school board member said: Think about the mental capacity that this kind of treatment leaves our children with. We are telling them we don't respect them. They leave that principal's office and they think, They don't consider me as a human being.

Corporal punishment is already prohibited in public schools in 29 states as well as in juvenile correctional facilities and foster care settings across the country. Lets give all of the children in the United States the same opportunities. Lets get rid of corporal punishment for good.

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