

# Human Rights Watch

## Children's Rights

### <https://www.hrw.org/news/2009/08/10/us-students-disabilities-face-corporal-punishment-higher-rates>

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ACLU and Human Rights Watch Seek Ban on Physical Discipline at School

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(New York) - Students with disabilities face corporal punishment in public schools at disproportionately high rates, says a report released today by the American Civil Liberties Union and Human Rights Watch. The physical discipline, which often includes beatings, can worsen these students' medical conditions and undermine their education, says the report, which calls for an immediate moratorium on corporal punishment in US public schools.

"Students with disabilities already face extra challenges, and being hit by teachers only makes it worse," said Alice Farmer, Aryeh Neier fellow with the ACLU and Human Rights Watch and author of the report. "Corporal punishment is abuse, any way you look at it, and it violates students' rights to a decent education."

In the 70-page report, "[Impairing Education: Corporal Punishment of Students with Disabilities in US Public Schools](#)," the ACLU and Human Rights Watch found that students with disabilities made up 18.8 percent of students who suffered corporal punishment at school during the 2006-2007 school year, although they constituted just 13.7 percent of the total nationwide student population. At least 41,972 students with disabilities were subjected to corporal punishment in US schools during that year. These numbers probably undercount the actual rate of physical discipline, since not all instances are reported or recorded.

Corporal punishment, legal in 20 states, typically takes the form of "paddling," during which an administrator or teacher hits a child repeatedly on the buttocks with a long wooden board. ACLU and Human Rights Watch interviews found that students with disabilities also suffered many other forms of corporal punishment, including beatings, spanking, slapping, pinching, being dragged across the room, and being thrown to the floor.

The report found that some students were physically abused for conduct related to their disabilities, including students with Tourette syndrome being punished for exhibiting involuntary tics and students with autism being punished for repetitive behaviors such as rocking. In some cases, corporal punishment against students with disabilities led to a worsening of their conditions. For instance, some parents reported that students with autism became violent toward themselves or others following corporal punishment.

"Corporal punishment can leave students feeling helpless, humiliated, and reluctant to return to school," said Farmer. "Physical force is ineffective, violates children's rights, and is especially egregious when used to punish students for their disabilities. More effective discipline, including positive behavioral supports, creates safe classrooms where children are able to learn."

"Impairing Education" is based on more than 200 interviews conducted by the ACLU and Human Rights Watch between December 2007 and June 2009 with experts and individuals directly affected by corporal punishment, including parents, students, teachers, administrators, and special education professionals. It calls for a complete prohibition on the use of corporal punishment against all students in US public schools and offers recommendations to Congress, the Department of Education, and local governments for implementing a moratorium on corporal punishment against students with disabilities until a full prohibition is achieved.

The use of corporal punishment is a violation of international human rights law, under which physical force may only be used against students when it is absolutely necessary to protect a child or others. In July, the US signed the UN Convention on the Rights of Persons with Disabilities (CRPD), the most comprehensive international treaty on the rights of persons with disabilities in history.

"We hope that, by signing the CRPD, the Obama administration has signaled its willingness to take the next steps to bring the US in line with international human rights standards - including immediately banning corporal punishment against students with disabilities," Farmer said.

#### Selected Witness Accounts:

Anna M., on what happened when she picked up her 7-year-old son, who has autism, from his public elementary school in Florida:

*"He was marked - top of his arms, under his arms, down his torso. He had a busted lip, which I hadn't noticed at first. He told me, They made me wash the blood off before I saw you."*

Deena S., whose son with attention deficit hyperactivity disorder (ADHD) was badly bruised from a paddling at his public middle school in Texas:

*"They were deep bruises. Not marks. They measured three inches by four inches. In the center of the bruises it was kind of clear. They ended up turning real dark. This wasn't just a little red mark, this was almost black."*

Theresa E., whose 5-year-old granddaughter with autism was physically punished at her Georgia elementary school:

*"You could see the bruising. Her whole arm was swollen by the time she got to the emergency room. Her right arm. The doctor said it looked like she'd been hit by a baseball bat or had been in a motorcycle accident.... To this day, I have no idea what they hit her with."*

Michelle R., whose son with Tourette syndrome, which causes involuntary physical tics, was punished for his condition at his public elementary school in Mississippi:

*"One of his tics was balling up his fists ... that was seen as aggression and he would get in trouble with it.... He would try to explain that it was a tic, and he couldn't control it, but they see that as him escalating it.... They had a closet and he would go in there, and that's where he was hit."*

Human Rights Watch / ACLU Joint Submission Regarding the United States Record Under the International Convention on the Elimination of All Forms of Racial Discrimination

United States Lack of Regulation Fuels Crisis of Unaffordable Insulin

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