Dear Governors and Chief State School Officers:

As Governors and Chief State School Officers, you know that public schools are crucial places for nurturing the unique gifts of all children and developing the knowledge and skills they need to grow and thrive in our democracy, and I appreciate the work you are doing — from early learning to postsecondary education — to support our schools in this mission. To fulfill this mission of promoting the positive development of our youth, a school must first ensure that no harm occurs to the children and young people entrusted into its care. It is for this reason that I write to you, to call your attention to a practice in some schools — the use of corporal punishment — which is harmful, ineffective, and often disproportionately applied to students of color and students with disabilities, and which states have the power to change.

If you have not already, I urge you to eliminate this practice from your schools, and instead promote supportive, effective disciplinary measures. Many of you, and your districts and educators, are leading the way in terms of rethinking how to create positive school climates and improve discipline practices in your schools, and eliminating corporal punishment is a critical piece of that work. The use of corporal punishment can hinder the creation of a positive school climate by focusing on punitive measures to address student misbehavior rather than positive behavioral interventions and supports. Corporal punishment also teaches students that physical force is an acceptable means of solving problems, undermining efforts to promote nonviolent techniques for conflict resolution.

In-school corporal punishment generally entails school personnel intentionally inflicting pain on a child as a punishment or in an attempt to change the child’s behavior. As the accompanying map shows, today, 22 states allow the use of corporal punishment in their schools as a means to punish students or to otherwise influence student behavior. Notably, the very acts of corporal punishment that are permissible when applied to children in schools under some state laws would be prohibited as criminal assault or battery when applied to adults in the community in those very same states.

States should also be aware that in-school corporal punishment is often not applied equally to all students. Rather, the use of in-school corporal punishment tends to be associated with characteristics such as a child’s race, national origin, sex, and/or disability status. Significantly, such disparities can raise concerns of unlawful race, national origin, sex, or disability discrimination under federal law, although statistics alone would not end an inquiry. According to the Department’s Civil Rights Data Collection (CRDC), over 110,000 students were subject to corporal punishment in school during the 2013-2014 academic year. Yet in-school corporal punishment and its related harm disproportionately impact students of color. Based on the 2013-2014 CRDC, approximately 40,000 — or more than one-third — of those students who were subjected to corporal punishment are black; black students, by comparison, make up only 16 percent of the total public school student population. Similarly, in states where students were subjected to corporal punishment, black boys were 1.8 times as likely as white boys to be subject...
to corporal punishment, and black girls were 2.9 times as likely as white girls to be subject to corporal punishment.\textsuperscript{10} Disparities in the use of in-school corporal punishment are not limited to race; boys and students with disabilities experience higher rates of corporal punishment. Based on the 2013-2014 CRDC, boys represented about 80 percent of all students experiencing corporal punishment.\textsuperscript{11} Similarly, in nearly all of the states where the practice is permitted, students with disabilities were subjected to corporal punishment at higher rates than students without disabilities.\textsuperscript{12} These data and disparities shocked the conscience.

The use of corporal punishment is also ineffective as a strategy to address inappropriate behavior. When used in an attempt to compel behavioral change, corporal punishment often has antithetical results; for example, physical punishment may make a child more aggressive, defiant, and oppositional.\textsuperscript{13} Moreover, it can be detrimental to a child’s health and well-being and may have lifelong repercussions. Research shows, for example, that children who experience physical punishment are more likely to develop mental health issues, including alcohol and drug abuse or dependence, mood disorders, anxiety disorders, and other personality disorders.\textsuperscript{14} The excessive use of corporal punishment has been shown to be associated with antisocial behavior in children and later when they reach adulthood.\textsuperscript{15}

Beyond its alarming health implications, corporal punishment in school is also associated with negative academic outcomes. Research shows, for example, that corporal punishment can impact children’s cognitive functioning,\textsuperscript{16} potentially affecting verbal capacity,\textsuperscript{17} brain development,\textsuperscript{18} and the ability to solve problems effectively.\textsuperscript{19} Studies also indicate that students as young as those in preschool who experience corporal punishment tend to perform at lower levels, when compared to peers who have not been subjected to such practices, on measures of both academic achievement and social competence.\textsuperscript{20}

While some may argue that corporal punishment is a tradition in some school communities, past practice alone cannot be a sufficient rationalization for continuing to engage in actions that have been proven to have short- and long-term detrimental effects. Indeed, there are many practices which were previously legal in the United States but which we would not tolerate today. There is a growing consensus that we simply cannot condone state-sanctioned violence against children in school.

A long list of education, medical, civil rights, disabilities, and child advocacy groups, including the National Education Association, American Federation of Teachers, American Psychological Association, American Academy of Pediatrics, and many others, have also been calling for a ban on this practice and citing the harmful long-term effects on children and the need to keep physical violence out of the educational environment.\textsuperscript{21} Corporal punishment has also been banned in Head Start Programs,\textsuperscript{22} Department of Defense-run schools,\textsuperscript{23} U.S. prisons and U.S. military training facilities,\textsuperscript{24} and most juvenile detention facilities.\textsuperscript{25} As the evidence against corporal punishment mounts, so does our moral responsibility to eliminate this practice.

A safe, supportive school environment is critical to support effective teaching and learning. I applaud the many states, districts, and educators that are leading the way in fostering positive school climates and improving discipline practices through proven strategies, such as the successful implementation of positive behavioral interventions and supports,\textsuperscript{26} as well as better
training and professional development for educators, to equip them to administer supportive school discipline approaches in nondiscriminatory and effective ways. Still others are exploring promising avenues, such as the greater involvement of mental health specialists and the use of restorative justice practices.

I am glad to recognize and support these states and districts through our “Rethink Discipline” initiative. But there is more that we can do to support the use of school discipline practices that foster safe, supportive, and productive learning environments. One critical step would be to cease the use of corporal punishment in all of our public schools. It is difficult for a school to be considered safe or supportive if its students are fearful of being physically punished by the adults who are charged with supporting their learning and their future.

School-sponsored corporal punishment is not only ineffective, it is a harmful practice, and one that disproportionately impacts students of color and students with disabilities. This practice has no place in the public schools of a modern nation that plays such an essential role in the advancement and protection of civil and human rights. Thank you for your leadership in reconsidering the use of this practice and working toward ensuring that schools are safe and supportive places where all students can thrive.

Sincerely,

/s/
John B. King, Jr.

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2 See, for example, “Supporting and Responding to Behavior: Evidence-Based Classroom Strategies for Teachers,” available at https://www.osepideasthatwork.org/evidencebasedclassroomstrategies/. In addition, materials are available on the Department’s website, including guidance, technical assistance information, and other resources, that can assist schools and educators seeking to replace corporal punishment with other, more effective discipline practices in schools. Links to those materials can be found at: http://www2.ed.gov/policy/gen/guid/school-discipline/support.html#tools.

3 Twenty-eight states and the District of Columbia have banned corporal punishment. For more information on the individual state laws governing the use of corporal punishment in schools, please visit http://www.edweek.org/ew/section/multimedia/states-ban-corporal-punishment.html. Statewide bans on corporal punishment were most recently enacted in Ohio in 2009 and New Mexico in 2011; additionally, many large urban school districts, like Atlanta, Houston, and Memphis, have banned corporal punishment even though the practice is still allowed in these districts’ states. See Anderson, Melinda D., “Where Teachers Are Still Allowed to Spank Students,” The Atlantic (December 15, 2015) at http://www.theatlantic.com/education/archive/2015/12/corporal-punishment/420420/.
National Association of School Psychologists, Position Statement on Corporal Punishment (2014), available at http://www.nasponline.org/assets/documents/Research%20and%20Policy/Position%20Statements/CorporalPunishment.pdf (defining “corporal punishment” as “the intentional infliction of pain or discomfort and/or the use of physical force upon a student with the intention of causing the student to experience bodily pain so as to correct or punish the student’s behavior.”).


There are 22 states that either expressly permit in-school corporal punishment or where no state law prohibits it (as of March 2016). The 15 states that expressly permit corporal punishment are Alabama, Arizona, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming. The seven states where no state law prohibits corporal punishment are Colorado, Idaho, Indiana, Kansas, Maine, New Hampshire, and South Dakota. The Department’s Compendium of School Discipline Laws and Regulations provides access to an online catalogue of the laws and regulations related to school discipline in each of the 50 states, the District of Columbia, and Puerto Rico and compares laws across states and jurisdictions. The tool is available at https://safesupportivelearning.ed.gov/school-discipline-compendium.


Id.

Id.

Gershoff, et al., (2015) note that “Although a substantial literature has shown that corporal punishment by parents is linked with increased behavior problems, increased mental health problems, and decreased school performance, corporal punishment by school personnel has been almost entirely unstudied.” This letter concerns only in-school use of corporal punishment. For examples of the substantial literature on corporal punishment by parents, see Human Rights Watch, et al. (2009); Gershoff, E.T., “Spanking and Child Development: We Know Enough Now to Stop Hitting Our Children,” Child Dev Perspect (2013), 7: 133–137; Sheehan, M.J. & Watson, M.W., “Reciprocal influences between maternal discipline techniques and aggression in children and adolescents,” Aggressive Behavior (2008), 34, 245–255.


26 Florida’s Positive Behavioral Interventions and Supports (PBIS) State Project, based on 2014-2015 school year data, is an example of the benefit of PBIS efforts in reducing incidences of corporal punishment. Non-PBIS implementation districts used corporal punishment 26 times more often than active implementation PBIS districts. For more information, please visit http://flpbs.fmhi.usf.edu/.

27 For more information on positive behavioral interventions and supports, please visit www.pbis.org.


29 The Department’s “Rethink Discipline” page is an online tool that contains data, graphics, and other information on the prevalence, impact, and legal implications of suspensions and expulsions; resources on effective alternatives; and ways to effectively create positive school climates. For more information on this and the Department’s school discipline guidance package, please visit www.ed.gov/school-discipline.