

**Bill Testimony for HB 17-1038 – Corporal Punishment Prohibition**

Good afternoon Madame Chair and members of the committee. My name is Bill Jaeger, and I am the Vice President of Early Childhood Initiatives at the Colorado Children’s Campaign and appreciate the opportunity to testify in support of HB 17-1038 regarding corporal punishment in public schools, child care, and specialized group homes.

Corporal punishment is the use of physical force with the intention of causing a child to experience pain so as to correct their misbehavior. Corporal punishment in public schools is currently legal in 19 states, and over 160,000 children in these states are subject to corporal punishment in schools each year. Colorado is one of those 19 states and, according to the 2011-12 Office for Civil Rights Data Collection (the most recent year) is still occurring in our public schools.

In many ways, the fact that we allow our public schools to administer corporal punishment is striking in comparison to the other areas of our society where we have outlawed it. Corporal punishment of adults has been banned in U.S. prisons and U.S. military training facilities (Block, 1997; *Jackson v. Bishop*, 1968). In most states, it is also banned in child care centers, residential treatment facilities, and juvenile detention facilities (Bitensky, 2006). Indeed, 12 of the 19 states that currently allow corporal punishment in schools have banned it from other publicly funded settings that care for children, suggesting that these states already recognize the harm corporal punishment can pose to children. It is also worth noting that it is against the law in all states to beat an animal, with such behavior leading to injury of the animal being a felony offense in most states (Otto, 2005).

We are pleased to join with many prominent faith-based, medical, and education organizations to encourage you to eliminate corporal punishment from our educational settings. These include the National Association of State Departments of Education (2015), National Association of Elementary School Principals (2013)), the American Academy of Pediatrics (1984), American Medical Association (1985)), the American Psychological Association (1975)), American Bar Association (1985)), Prevent Child Abuse America (2013), the U.S. Department of Defense’s Office of Dependents Overseas, the United Methodist Church (2008) and the General Assembly of the Presbyterian Church.

We also appreciate the bill’s efforts to codify existing regulations regarding licensed child care and group homes. Especially in the early years, licensed providers of care are entrusted with implementing research-based approaches to guiding young children and inflicting pain to modify the behavior of very young children in paid child care has no research-base to support its practice.

We urge your support of HB 1048 and I would be happy to answer any questions you might have.

### **If asked about behaviors escalating in schools**

Contrary to the arguments by defenders of school corporal punishment that banning it would result in an increase in misbehavior and delinquent activity (Dubanoski, Inaba, & Gerkewicz, 1983; Medway & Smircic, 1992), states that have banned corporal punishment from their schools have not seen a subsequent increase in juvenile crime over time (Gershoff et al., 2015). Therefore, no evidence exists that removing corporal punishment from schools creates a statewide permissive environment where youth fail to control their behavior.

### **Other Background Information**

Nationally, Black children, boys, and children with disabilities seem to be disproportionately punished.

Most corporal punishment involves elementary school students (North Carolina Department of Public Instruction, 2015).

In Colorado, statewide, of the 485 students receiving corporal punishment that year, 66 percent were Hispanic, 5 percent were African-American, and 24 percent were white. The remaining 5 percent were either Asian-American, Native-American, or mixed-race. That year, approximately 32 percent of students enrolled in Colorado public schools were Hispanic, 5 percent were African-American, and 56 percent were white.

Approximately 20 percent of the students receiving corporal punishment in Colorado that year were disabled (in possession of either a 504 plan for students with physical disabilities or an Individualized Education Plan, or IEP).

### **Corporal Punishment in Colorado Schools**

<b>School District</b>	<b>2011-12</b>	<b>School (number of students impacted)</b>
Aguilar Reorganized SD No. 6	6	Aguilar Elementary (6)
Center Consolidated	9	Haskin Elementary (9)
Cherry Creek SD No. 5	4	Horizon MS (2), Prairie MS (2)
Cheyenne Mountain No. 12	2	Skyway Park Elementary (2)
Delta County Joint District No. 50	2	Hotchkiss Elementary (2)
Gunnison Watershed SD RE1J	5	Gunnison Elementary (5)
Pueblo SD No. 60	2	Spann Elementary (2)
Sheridan SD	431	Alice Terry Elementary (46), Fort Logan Elementary (90), Sheridan HS (147), Sheridan MS (148)
Thompson SD R-2J	17	Turner MS (17)
Weld County SD RE-7	7	Platte Valley MS (7)
<b>Total Students Subjected</b>	<b>485</b>	

"OCR's data tracks the number of children, not the instances of discipline; multiple instances of corporal punishment of the same child are not represented in the data" (Social Policy Report - pg. 7)

Table 1. List of the states that have banned corporal punishment in public schools in chronological order

State	Year	State	Year	State	Year
New Jersey*	1867	Wisconsin	1988	Utah	1992
Massachusetts	1971	Alaska	1989	Illinois	1993
Hawaii	1973	Connecticut	1989	Maryland	1993
Maine	1975	Iowa*	1989	Nevada	1993
District of Columbia	1977	Michigan	1989	Washington	1993
Rhode Island	1977	Minnesota	1989	West Virginia	1994
New Hampshire	1983	North Dakota	1989	Delaware	2003
New York	1985	Oregon	1989	Pennsylvania	2005
Vermont	1985	Virginia	1989	Ohio	2009
California	1986	South Dakota	1990	New Mexico	2011
Nebraska	1988	Montana	1991		

Source: Center for Effective Discipline (2015).

\* These two states also ban corporal punishment in private schools.

**Table 3. Number and percentage of students within each state that actually received corporal punishment in the 2011-2012 school year**

State	Total number of students receiving corporal punishment	Percent of students receiving corporal punishment
MS	32,157	7
TX	29,835	< 1
AL	27,887	4
AR	20,609	4
GA	12,792	< 1
OK	10,790	2
TN	10,756	1
MO	5,251	< 1
LA	4,678	< 1
FL	4,650	< 1
KY	1,181	< 1
IN	657	< 1
AZ	632	< 1
NC	561	< 1
CO	485	< 1
SC	183	< 1
ID	134	< 1
KS	76	< 1
WY	19	< 1
Total in states where it is legal	163,333	< 1
Total across all states	163,333	< 1

Data source: U.S. Department of Education, Office for Civil Rights (2014b).

Racial disparities in school corporal punishment are similar to those found for suspensions and expulsions, such that Black children receive all forms of school discipline at a higher rate than their White peers (American Psychological Association [APA] Zero Tolerance Task Force, 2008). Research has largely concluded that disparities in suspensions and expulsions are not explained by differences in misbehavior; rather, Black children are disciplined more severely

than their non-Black peers for the same misbehaviors (APA Zero Tolerance Task Force, 2008; Kinsler, 2011; Smith & Harper, 2015).

**The use of objects to administer corporal punishment can lead to serious injury.**

There are numerous anecdotal accounts from interviews, news stories, and legal cases (e.g., Block, 2013; *C. A. ex rel G.A. v. Morgan Co. Bd. of Educ.*, 2008; *Garcia ex rel. Garcia v. Miera*, 1987; Hardy, 2013; *Ingraham v. Wright*, 1977) of children suffering from a range of serious injuries as a result of school corporal punishment that often require medical treatment, including bruises, hematomas, nerve and muscle damage, cuts, and broken bones. The Society for Adolescent Medicine (2003) has estimated that between 10,000 and 20,000 students require medical attention as a result of school corporal punishment each year. These injuries likely result from the use of objects, such as paddles, to hit the children.

**Research has found corporal punishment is not effective at teaching children how to behave.**

Corporal punishment is not effective at increasing compliance in the short-term (Gershoff & Grogan-Kaylor, 2016) or at promoting long-term compliance and moral behavior (Regev, Gueron-Sela, & Atzaba-Poria, 2012). The more children receive corporal punishment, the more likely they are to be aggressive and to misbehave over time, over and above how aggressive or disobedient they are initially (Berlin et al., 2009; Social Policy Report V30 #1 14 Corporal Punishment in U.S. Public Schools Gershoff, Lansford, Sexton, Davis-Kean, & Sameroff, 2012; Lee, Altschul, & Gershoff, 2013). Contrary to the arguments by defenders of school corporal punishment that banning it would result in an increase in misbehavior and delinquent activity (Dubanoski, Inaba, & Gerkewicz, 1983; Medway & Smircic, 1992), states that have banned corporal punishment from their schools have not seen a subsequent increase in juvenile crime over time (Gershoff et al., 2015). Therefore, no evidence exists that removing corporal punishment from schools creates a statewide permissive environment where youth fail to control their behavior.

**Research has found corporal punishment is associated with unintended negative consequences for children.**

Much of the research on corporal punishment has been about that administered by parents; in this large body of research, corporal punishment has been linked with a range of unintended negative outcomes (Gershoff, 2002; Gershoff & Grogan-Kaylor, 2016), including higher rates of mental health problems (Bugental, Martorell, & Barraza, 2003; McLoyd, Kaplan, Hardaway, & Wood, 2007), a more negative parent-child relationship (Coyle, Roggman, & Newland, 2002), lower cognitive ability and academic achievement (Berlin et al., 2009), and higher risk for physical abuse (Bugental et al., 2003; Zolotor et al., 2008). Only a few studies have considered academic and nonacademic outcomes associated with school corporal punishment specifically, none of which were conducted in the U.S. In a study conducted in West Africa, children who attended schools that used corporal punishment had lower scores in vocabulary and in executive functioning than children who attended schools that did not (Talwar, Carlson, & Lee, 2011). Data from the Young Lives study of four developing countries (Ethiopia, India, Peru, and Vietnam) revealed high levels of school corporal punishment at age 8 (between 20% and 80% of children in each country), and that these

experiences of school corporal punishment at age 8 predicted by age 12 lower self-efficacy and self-esteem (2 countries) as well as lower math scores (3 countries) and lower vocabulary scores (1 country) (Ogando Portela & Pells, 2015). Although these studies pertain to students outside of the U.S., their findings are consistent with the abundance of U.S.-based research finding unintended negative consequences of parental corporal punishment.

**• Schools are one of the last public institutions where corporal punishment is still legal.**

Corporal punishment of adults has been banned in U.S. prisons and U.S. military training facilities (Block, 1997; *Jackson v. Bishop*, 1968). In most states, it is also banned in child care centers, residential treatment facilities, and juvenile detention facilities (Bitensky, 2006). Indeed, 12 of the 19 states that currently allow corporal punishment in schools have banned it from other publicly funded settings that care for children, suggesting that these states already recognize the harm corporal punishment can pose to children. It is also worth noting that it is against the law in all states to beat an animal so long or hard that they are injured, with such behavior being a felony offense in most states (Otto, 2005). For example, Indiana prohibits corporal punishment of vertebrate animals under its anti-animal cruelty statute, even while it permits corporal punishment of children with objects in schools (Frank, 2013).

**Prominent national organizations oppose the use of corporal punishment in schools.**

Thirty-four prominent national organizations have publicly opposed corporal punishment in schools. Professional organizations representing a range of disciplines, including education (e.g., National Association of State Departments of Education (2015), National Association of Elementary School Principals (2013)), medicine (e.g., American Academy of Pediatrics (1984), American Medical Association (1985)), mental health (e.g., American Psychological Association (1975)), and law (e.g., American Bar Association (1985)), have issued statements or policy guidance opposing school corporal punishment and calling for its abolition.

In a statement, the Society for Adolescent Medicine called school corporal punishment “an ineffective, dangerous, and unacceptable method of discipline” (2003, p. 391). Nonprofit organizations, such as the American Civil Liberties Union and Human Rights Watch (joint statement (2010)) and Prevent Child Abuse America (2013), also oppose school corporal punishment. In addition, the Unitarian Universalist Association of Congregations (1973) and the United Methodist Church (2008) have each passed resolutions calling for an end to corporal punishment in schools, while the General Assembly of the Presbyterian Church, USA (2012) has called for an end to all corporal punishment. The full list of national organizations opposing school corporal punishment is available in Table 6.

**Table 6. List of national organizations opposed to school corporal punishment**

American Academy of Child and Adolescent Psychiatry  
American Academy of Family Physicians  
American Academy of Pediatrics  
American Bar Association  
American Civil Liberties Union  
American Humane Association  
American Medical Association  
American Psychological Association  
American Public Health Association  
American School Counselor Association  
Association for Childhood Education International  
Council for Exceptional Children  
Defense for Children International  
General Assembly of the Presbyterian Church, USA  
Human Rights Watch  
National Association of State Departments of Education  
National Association for the Education of Young Children  
National Association of Elementary School Principals  
National Association of Pediatric Nurse Practitioners  
National Association of School Nurses  
National Association of School Psychologists  
National Association of Secondary School Principals  
National Association for State Boards of Education  
National Council of Teachers of English  
National Education Association  
National Foster Parents Association  
National Mental Health Association  
National Parent Teachers Association  
National Women's Political Caucus  
Prevent Child Abuse America  
Society for Adolescent Medicine  
Unitarian Universalist General Assembly  
United Methodist Church General Assembly  
U.S. Department of Defense: Office of Dependents Schools Overseas

Note: URLs for each statement are available from the first author.

We also appreciate the bill's efforts to codify existing regulations regarding licensed child care and group homes. Especially in the early years, licensed providers of care are entrusted with implementing research-based approaches to guiding young children and inflicting pain to modify the behavior of very young children in child care has no research-base to speak of.