



# The Center for Civil Rights Remedies

at The Civil Rights Project | *Proyecto Derechos Civiles*

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## **Report: Black students, students with disabilities among most likely to be struck in schools practicing corporal punishment**

*Civil rights groups offer new insight into practice banned in majority of states*

MONTGOMERY, Ala. – Children attending the small percentage of the nation’s public schools that allows corporal punishment face a much greater likelihood of being struck than previously understood, with black students and students with disabilities among the most likely groups to be struck, according to a report released today by the Southern Poverty Law Center (SPLC) and the Center for Civil Rights Remedies at the University of California at Los Angeles’ Civil Rights Project.

The report – [\*The Striking Outlier: The Persistent, Painful and Problematic Practice of Corporal Punishment in Schools\*](#) – provides the clearest look yet at a practice outlawed in a majority of states and, even within states that legally permit the practice in schools, ban it in a host of other public settings for children and adults. The report includes a foreword by Derrick Johnson, president and chief executive of the NAACP.

The report found that at least one in every 20 children attending schools that practice corporal punishment were struck in 2013-14 and 2015-16. Black girls were more than three times as likely to be struck as white girls (5.2 percent vs. 1.7 percent) during the 2013-14 school year. Black boys were nearly twice as likely as to be struck as white boys (14 percent vs. 7.5 percent).

Such racial disparities are troubling because other research shows that black students do not misbehave more than white students. The report also found that in more than half of the schools practicing corporal punishment, students with disabilities were struck at higher rates than those without disabilities, raising concerns that they may have been struck for behaviors arising from their disability.

“These findings show that corporal punishment disproportionately affects the nation’s most vulnerable students,” said Zoe Savitsky, SPLC deputy legal director. “It also destroys a child’s

trust in educators, which damages learning relationships. Quite simply, corporal punishment doesn't belong in schools, and states should bring schools in line with the many other institutions, from foster care to juvenile detention, that already ban the practice."

The report recommends that states ban the practice in schools and that schools use evidenced-based discipline programs as alternatives to corporal punishment rather than punitive disciplinary measures, such as out-of-school suspension.

"If an adult hit someone with a weapon, it's considered aggravated assault. An educator using violence to discipline students, however, is considered corporal punishment, and we found it's still happening over 100,000 times every year in public schools," said report co-author Amir Whitaker, researcher with the Center for Civil Rights Remedies at UCLA. "Like other forms of discipline and state-supported violence, it's disproportionately used on black students. The legacy of slavery and racial terror continues through its use, and decades of research finds the practice is extremely harmful to students."

The report's methodology differs from previous studies, which typically examine student populations at the state or school district level where corporal punishment was practiced – even when corporal punishment was only used in a small fraction of schools in those jurisdictions. That approach skews corporal punishment rates downward. This report only examined data from schools where corporal punishment was used, relying primarily on data from the U.S. Department of Education's Civil Rights Data Collection from the 2013-14 school year.

Within the schools that practice corporal punishment, the report found about 5.6 percent of students were struck during the 2013-14 school year. The rates in individual states, however, were as high as 9.3 percent (Mississippi), 7.5 percent (Arkansas) and 5.9 percent (Alabama).

What emerges is a picture of a practice that remains deeply entrenched in the South. Ten Southern states account for more than three-quarters of all corporal punishment in public schools. Just four of those states – Mississippi, Alabama, Arkansas and Texas – account for more than 70 percent.

"There are far more effective and safer ways to manage a classroom," said report co-author Dan Losen, director of the Center for Civil Rights Remedies at UCLA. "That is why most public schools in the United States ban the practice.

"This [report](#) demonstrates how in most states that still allow corporal punishment of children of color and those with disabilities are frequently struck. They bear the brunt of this outdated and ineffective practice compared to their white and nondisabled peers. Our documentation of the uneven and heavy-handed practice suggests that the use of corporal punishment is likely violating the civil rights of public school children throughout the South."

Mississippi alone is responsible for almost one-quarter of all corporal punishment. And nearly half (43.8 percent) of all black girls receiving corporal punishment in U.S. public schools in 2013-14 were in Mississippi (4,716 black girls). No other state came close to eclipsing Mississippi's corporal punishment rate of black girls.

Despite corporal punishment's ubiquity in the South, a review of the law in five Southern states that allow the practice in schools (Alabama, Florida, Georgia, Louisiana and Mississippi) found that these states not only prohibit adults from striking children in most other settings – such as child care centers, foster care settings and juvenile detention centers – but often describe corporal punishment as inappropriate, abusive and unethical in such settings, the report found.

“This data should shock our conscience,” the NAACP’s Johnson writes in the report’s foreword. He adds: “[T]he impact of corporal punishment can be devastating on a student’s ability to learn and succeed. There are much more effective ways to promote positive behavior, ways that keep students safe and in the classroom.”

Thirty-one states have banned corporal punishment in schools, according to the report. In the remaining 19 states, there are nearly 8,000 schools within districts that practice it. Of those schools, however, almost 45 percent do not use corporal punishment. This means that children attending different schools in the same district can have vastly different experiences when it comes to discipline. One school may use evidence-based practices that provide positive, corrective consequences for students. But, at a nearby school, children engaging in the same misbehavior may be struck despite research showing the practice to be ineffective and unsound for education.

### **About the Center for Civil Rights Remedies**

Center for Civil Rights Remedies (CCRR) is dedicated to improving educational opportunities and outcomes for children who have been discriminated against historically due to their race or ethnicity and who are frequently subjected to exclusionary practices such as disciplinary removal, over-representation in special education, and reduced access to a college-prep curriculum. CCRR has issued numerous reports about the use of disciplinary exclusion in California's schools, including the 2015 report, "Closing the School Discipline Gap in California: Signs of Progress." CCRR is an initiative of the Civil Rights Project/Proyecto Derechos Civiles (CRP), at UCLA. Founded in 1996, CRP is co-directed by [Gary Orfield](#) and [Patricia Gándara](#), research professors at UCLA. Its mission is to create a new generation of research in social science and law on the critical issues of civil rights and equal opportunity for racial and ethnic groups in the United States. It has monitored the success of American schools in equalizing opportunity and has been the authoritative source of segregation statistics. CRP has commissioned more than [400 studies](#), published more than [30 books](#) and issued numerous reports from authors at universities and research centers across the country.

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