Prevent Child Abuse America®

CORPORAL PUNISHMENT IN PUBLIC SCHOOLS IN THE UNITED STATES: AN OVERVIEW OF STATE POLICY

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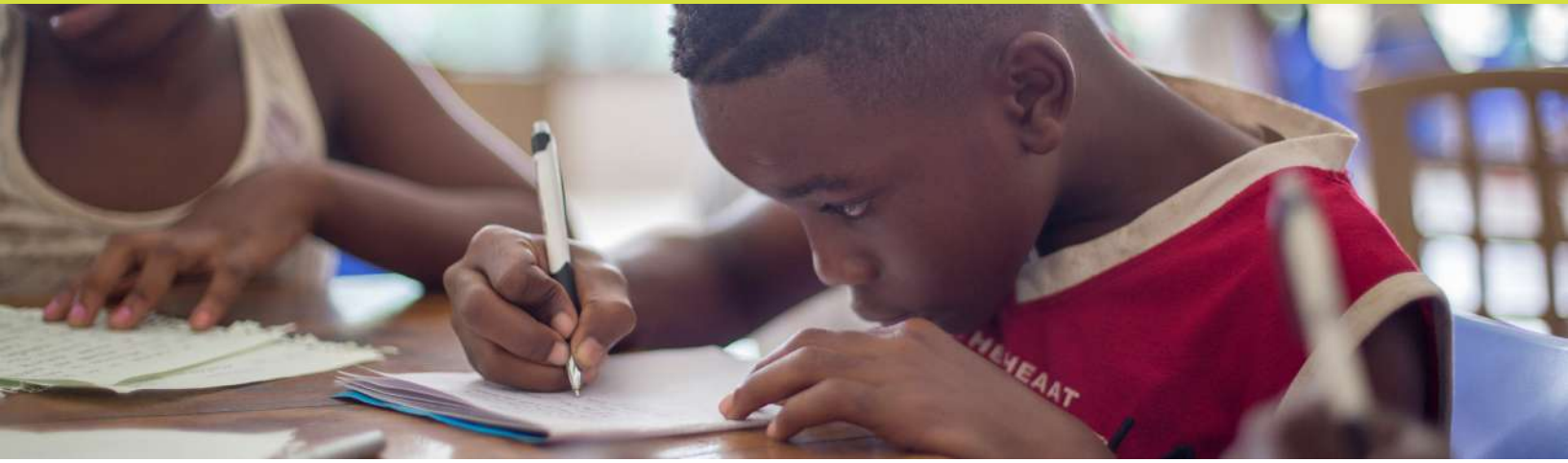


Children have tremendous potential – which our society needs – and which we have a shared obligation to foster and protect. This includes educational opportunities for children in a safe, supportive, and productive school environment for all learners. Prevent Child Abuse America supports policies, systems, and guidelines that promote safe environments in which students' emotional, physical, and general well-being are protected and promoted. Many children across the academic and developmental spectrum experience abuse, threats of harm, and other adversities while in school. Creating safe school environments for all students by advocating for evidence-based policies and promoting positive social norms is foundational to our comprehensive approach to child abuse prevention.

Corporal Punishment

Corporal Punishment (CP), synonymous with physical punishment including spanking, smacking, paddling, and others, refers to the use of physical force to cause pain with the intention of influencing behavior. Adult caregivers often use CP to intentionally inflict pain on a child engaging in behavior deemed unacceptable (Straus & Donnelly, 2017). The implicit goal of CP is two-fold. First, the adult inflicting CP seeks to end a child's unacceptable behavior with the use of force and second, the adult caregiver using CP anticipates that using force will dissuade the child from engaging in unacceptable behavior in the future. Although the use of CP has been steadily declining over the last 30 years, CP as a discipline strategy among parents remains common practice (Finkelhor et al., 2019). No research study has ever documented positive child behavioral, or health outcomes associated with CP. In fact, a near consensus opinion among child development experts suggests that CP has a negative impact on child development. Negative impacts resulting from CP include increased aggression, mental health barriers, and misbehavior, weaker emotional bonds with caregivers, and decreased self-esteem, (Gershoff, 2002; Gershoff et al., 2018; Gershoff & Grogan-Kaylor, 2016). Many organizations, including the American Academy of Child & Adolescent Psychiatry and the American Academy of Pediatrics, have issued guidance recommending against CP. The American Academy of Pediatrics strengthened its opposition to the practice with policy guidance published in 2018 recommending that pediatricians advise parents that CP is an ineffective form of discipline that carries substantial risk of future emotional and behavioral problems (American Academy of Child and Adolescent Psychiatry and Child Maltreatment and Violence Committee, 2012; Sege, 2018).

Evolving Opinion of US Parents on Corporal Punishment

National surveys of US households in the late 70s and early 80s suggest that CP was a common practice. Over 75% of parents surveyed in 1975 and 1978 reported using CP with their 3 to 11-year-old children in the last year (Gelles & Straus, 1987). Research conducted by Straus and Stewart in the late 1990s suggested that this number was even higher among parents of young children with 94% of parents surveyed disclosing the use of CP with their children ages 3 to 4 years old (Straus & Stewart, 1999). Recent estimates suggest a decline in the use of CP among parents in subsequent decades (Mehus & Patrick, 2021); however, the use of the practice remains commonplace. A recent nationally representative survey of parents with children under five suggests more than half of parents believe they "ought" to use CP with their children. The majority of these parents (63%) reported the use of CP with their own children (Klevens et al., 2019). A study conducted by Finkelhor and colleagues (2019) involving parents of children 0-17 years of age found the prevalence of CP among children 0-9 years was 49% in the past year, 23% for youth 10-17, and 37% overall. Prevalence of CP among children ages 3 to 4 years remained higher than in other subgroups, with an estimated 60% of these children being exposed to CP in the last year (Finkelhor et al., 2019).

Taken together, these data suggest a steady decline in the use of CP overall. Concurrent with the decreasing use of CP is a decline in the perceived appropriateness of CP among future parents. A recent survey conducted by Prevent Child Abuse America suggests a minority (28%) of future parents intend to use CP with their children, with an additional 22% of parents unsure whether they would use CP with their future children (Klika et al., 2020).

Use of Corporal Punishment in Schools

Corporal Punishment in schools refers to any disciplinary action delivered by teachers, staff, or administrators that is physical in nature. CP in school is prevalent worldwide and includes common practices such as spanking or paddling (Gershoff, 2017). Like CP at home, school-based CP can have serious negative consequences for children and undermine the development of a safe school environment. Documented instances of serious physical harm—such as bruises, broken bones, whiplash, brain damage, and even death—following CP in school underscores the seriousness of this practice (Poole et al., 1991). Research found that the mental health and academic success of children can be negatively impacted by the presence of CP in school (Gershoff, 2017). Further, the evidence suggests that CP in schools disproportionately impacts children who are already marginalized. African American/Black children in the United States, specifically boys, are at an increased risk of being subjected to CP in school, as are children from a lower socioeconomic status, children who have already been exposed to violence at home, and children with exceptional educational needs (Heekes et al., 2022).

Data collected by the Office for Civil Rights (OCR) identified 69,492 children in grades K-12 who were subjected to corporal punishment in public schools during the 2017-2018 academic year. These data also suggest that implementation of CP was disproportionately administered to students with disabilities and Black or African American students. Students with disabilities accounted for approximately 19% of the total number of students subjected to CP that year (13,237 students), while Black or African American children accounted for 37.3% (25,229). For comparison, children with disabilities make up an estimated 14% of students nationally, while Black or African American students make up between 15% and 17% (National Center for Education Statistics, 2022; Schaeffer, 2020).

Public Support for CP in Schools

Public support for CP in schools is low among US adults with national polls estimating 65% and 77% of respondents not supportive of teachers and school staff spanking students (Crandall, 2002; Jagel, 2014). These findings are consistent even among parents who use CP at home with their own children (Crandall, 2002). Research conducted by Crandall and colleagues with ABC News suggests that disapproval for school CP was as high as 67% among parents who use CP at home with their children. When surveyed about CP in school, teachers rank CP as having the lowest effectiveness among a list of eight methods of discipline including privileges revoked, extra work, and notes sent home to parents (Little & Akin-Little, 2008).

Trauma-Informed Schools

Despite the continued allowance of CP in some states, over the last two decades many states and school districts have begun embracing trauma-informed schooling practices. Currently, about 33 states encourage the professional development of teachers and school staff in mental health and trauma-informed care (Education Commission of the States, 2020). Additionally, 28 states require mental health and trauma education in teacher credentialing processes and professional development (Education Commission of the States, 2020). Not only is CP antithetical to the paradigm of trauma-informed schooling, but it can retraumatize children who experience, or have experienced, physical abuse.

Utilizing physical force to control or reprimand a student is at odds with the disciplinary models described in trauma-informed school resources. Trauma-informed schooling models include positive behavioral interventions and supports, social-emotional learning, multi-tiered systems of support, restorative in-school suspensions, de-escalation training for teachers and administrations, mindfulness, and family engagement tools (Eggleston et al., 2021). Trauma-informed discipline seeks to help students regulate emotions and behaviors. Conversely, CP increases externalizing behaviors (Gershoff et al., 2018), in fact, spanking and adverse childhood experiences are indistinguishable in their effects on challenging child behavior (Ma et al., 2021). These findings underscore the likelihood that children who have experienced trauma in their homes or communities are more prone to behaviors that may be considered challenging or disruptive. Thus, these trauma responses require an appropriate trauma-informed intervention (Dutil, 2020).

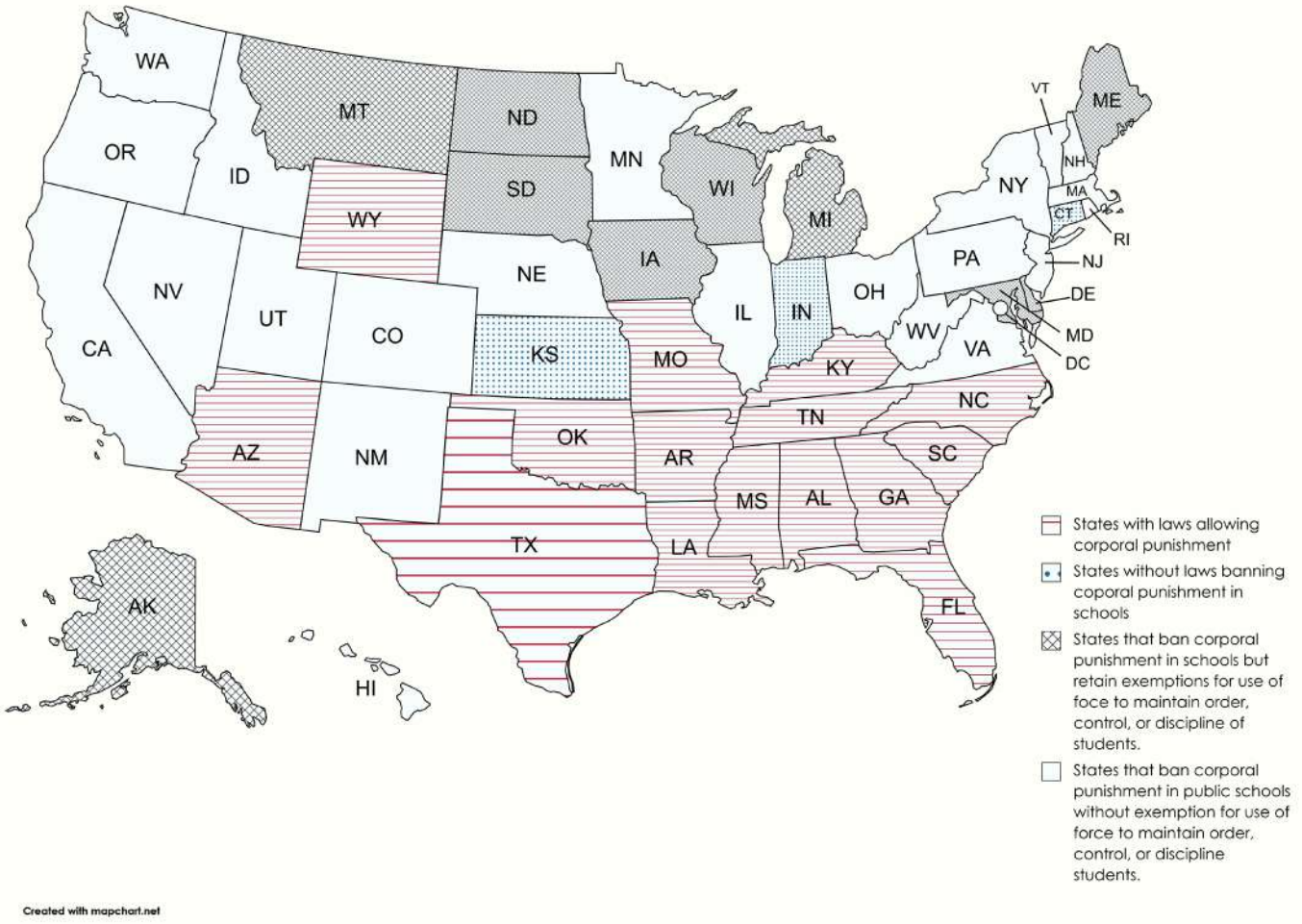
Current Review

Although trauma-informed schooling strategies are gaining in popularity and public approval of CP at home and in school is declining, there is no federal legislation in the US prohibiting the use of CP in public schools. Instead, state legislatures determine whether CP should be allowed in schools. As of 2016, 31 states had statues banning CP in school, yet 19 states had no laws prohibiting school-based CP (Gershoff & Font, 2016). The goal of this project is to provide an up-to-date examination of current state legislation on the use of CP in public schools.

Method

In fall 2021, Prevent Child Abuse America collaborated with Dr. Lisa Schelbe and her Child Maltreatment and Child Welfare class at Florida State University (SOW5656/SOW4658) to conduct a systematic review of current state-level legislation on CP in public schools. The class of 32 students, which included 14 bachelor level and 18 Master's level social work students, were divided up into five groups to collect data. Each group was assigned ten states and researched whether the state permitted or prohibited corporal punishment in public schools, checked whether the data collected by Gershoff and Font (2016) were consistent with the students' findings in the state statutes, and examined current issues and debates about corporal punishment in schools. The groups primarily utilized the search engine Justia Law to locate state statutes regarding corporal punishment. Each group submitted a paper explaining their findings.

Once the groups submitted the project paper with their results, MSW students checked the accuracy of each groups' findings. After the data check was complete, MSW students and the faculty member wrote a final report. Using this report, two doctoral students conducted a final review of legislation confirming initial findings and identifying any exception clauses that weaken or nullify bans on corporal punishment.



Please see the technical appendix for links to state statutes and details on specific findings.

Key Finding #1: Corporal punishment is not banned in 18 states

Eighteen states do not have a law banning the use of CP in public schools. **Fifteen of these states explicitly permit the use of CP in public schools, while three other states do not have any laws explicitly banning CP in public schools.**

Key Finding #2: Corporal punishment is permitted more in the South and Southwestern regions

States that explicitly permit CP in public schools are in the U.S. Census Bureau's South and Southwestern regions. These states are Alabama, Arizona, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Oklahoma, Tennessee, and Texas. The only state that explicitly permits CP in schools that is not in the South or Southwestern regions is Wyoming.

Key Finding #3: Many states that ban corporal punishment allow force to "maintain order"

All fifty states distinguish between CP and use of force by teachers and school officials to intervene in situations that threaten physical injury to self or others. Some states, however, expand permission for use of force to maintain order or control of disruptive students. **10 out of 32 states that ban CP have exceptions for use of force to maintain order or control of students.** These states are Alaska, Delaware, Iowa, Maine, Maryland, Michigan, Montana, North Dakota, South Dakota, and Wisconsin.

Key Finding #4: Recent efforts to ban corporal punishment

Between 2016 and 2023, at least seven states have proposed efforts to either completely or partially ban CP in their state. Five of these attempts have failed to pass state legislatures, while two states have successfully passed laws to ban CP in public schools. Indiana, and Louisiana introduced proposals in 2021 and 2022 to pass explicit bans on the use of CP in public schools, however, these efforts failed to pass their respective state legislatures. In Mississippi, a partial ban on CP that would have protected students with disabilities failed to pass the state legislature in 2019. A similar effort to ban the use of CP on children with disabilities in public schools in Oklahoma failed in 2023. In Maine, an effort to close a loophole that makes the state's ban on CP ambiguous failed to gain legislative support during the 2017 legislative session and was ultimately not passed.

Two states, Colorado and Idaho, have successfully passed laws banning the use of CP in public schools during the 2023 legislative session. Following an unsuccessful attempt to ban CP in public schools during the 2017 legislative session, Colorado House Bill 23-1191 banning CP in public schools successfully passed the Colorado house and Senate in March of 2023 and required the governor's signature before being passed into law at time of this writing. In Idaho, House Bill 281 signed by Governor Brad Little on April 3rd, 2023 explicitly prohibits the use of corporal punishment, restraint, and seclusion.

The U.S Secretary of Education Miguel Cardona wrote an open letter in March of 2023 to Governors, Chief State School Officers, and School District leaders urging them to end corporal punishment in schools. Secretary Cardona's call is nearly identical to a 2016 letter forwarded by then Education Secretary John B King Jr. urging state law makers to ban CP in schools. At the federal level, Senator Chris Murphy from Connecticut introduced a bill, Protecting our Students in Schools Act of 2021, to explicitly eliminate the use of CP in schools that receive federal financial assistance. This legislation, however, has stalled in the Senate with no action taken since June 2021.

Key Finding #5: Mounting efforts to expand the use of corporal punishment

Efforts to expand the use of CP have occurred in several states with mixed success. Bills proposed in both Iowa and Kansas would have expanded legal protections for the use of CP, including in public schools. In Missouri, the Cassville R-IV School District opted to reinstate the use of CP at the beginning of the 2022-2023 school year. A similar federal bill to prohibit the use of corporal punishment in schools has been proposed by U.S. Congresswoman Suzanne Bonamici. The bill, introduced in 2023, was waiting for a committee hearing at the time of writing.

Discussion

This report presents results from a recent examination of current state legislation on CP in public schools. The findings of this review are largely consistent with Gershoff & Font (2016) research, except for Connecticut, Colorado, and Idaho. Colorado and Idaho recently passed laws in 2023 banning CP in public schools within the state. Contrary to findings forward by Gershoff & Font (2016), Connecticut is identified in this review as a state without a legal ban on CP. The state of Connecticut did pass a law in 1989 prohibiting cruel and unlawful maltreatment of children by those having control and custody of the child, but stopped short of banning corporal punishment in schools explicitly (CT § 53-20(b)(1), 1989). Moreover, this review identifies language within legislation that provide exceptions for use of physical force by teachers and school staff against students for reasons other than the physical safety of students and self-protection. Language that provides exceptions for the use of force with students in the identified states weaken or nullify would-be bans on CP in public schools. This variation in language in state legislation provides new insights for policy, intervention, and social norms change efforts around the use of CP in school.

Findings from the current review identifies eighteen states that do not have a statute banning CP in schools and highlights differences in legislation within this group. Among states that do not have a ban on CP in schools, fifteen states explicitly endorse the practice. The states that explicitly permit CP in public schools are in the U.S. Census Bureau's South and Southwestern regions, except for Wyoming in the Mountain West.

This review also identifies sweeping exceptions for use of force in nearly a third of the states that ban the use of CP in public schools. All fifty states retain language within their legislation protecting teachers and school staff from liability for use of force in situations in which the physical safety of teachers or pupils are under threat. The California statute exemplifies common language outlining this exception.

An amount of force that is reasonable and necessary for a person employed by or engaged in a public school to quell a disturbance threatening physical injury to persons or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil, is not and shall not be construed to be corporal punishment within the meaning and intent of this section (CA § 5-49000-49001, 1976).

Ten states have expanded exception clauses for use of force in public schools to "maintain order" or "control" over students. These states are Alaska, Delaware, Iowa, Maine, Maryland, Michigan, Montana, North Dakota, South Dakota, and Wisconsin. In Alaska, for example, teachers are authorized to use "reasonable and appropriate nondeadly force upon a student" when it is deemed "reasonably necessary and appropriate to maintain order (AK § 11-81-430, 1993)." Language regarding the use of force by teachers and school staff within the bill text in Maine weakens and/or makes obsolete their ban on CP (ME § 20-A-4009, 1981). In 2017, Maine State Representative Maureen Terry introduced a bill to close this loophole. However, the bill ultimately failed in committee (Maine LD 527, 2017). In Iowa, despite a ban on CP in schools, exceptions for "physical contact" with students is deemed reasonable for "encouraging, supporting, or disciplining the student (IA § 280.21, 1989)."

Opaque policies on corporal punishment are particularly troubling given recent evidence documenting pervasive racial disparities in school discipline among marginalized student populations (Nowicki, 2018). Some evidence suggests students are being unfairly targeted for exclusionary forms of discipline because of their style of dress, hair, and music preferences (Bell, 2020). Although not explicitly CP, the use of force to discipline or maintain order disproportionately impacts children of marginalized identities. In Wisconsin, for example, 77% of all physical restraint incidents during the 2019-2020 academic year were carried out on children with disabilities, while Black or African American students were 6.7 times more likely than their peers to experience disciplinary action (Wisconsin Department of Public Instruction, 2021).

Although some critics might suggest laws permitting the use of CP in schools are relics of a bygone era, the reality is quite different. In Indiana, a state that neither endorses nor bans the use of CP in public schools, there were 16 documented cases of CP in public schools during the 2017-2018 academic year (U.S. Department of Education, Office for Civil Rights, 2018). In Tennessee, where the state legislature voted to adopt a bill mandating that school districts report their use of CP (T.C.A. § 49-6-4108(c), 2018), evidence suggests pervasive and disproportional use of CP in public schools. During the 2020-2021 academic year at least 1049 students were subjected to CP in Tennessee, 17.83% (187/1049) of which involved students with an Individualized Education Plan (IEP) or 504 plan (Tennessee Department of Education, 2022). IEP and 504 plans are designed to accommodate children with exceptional educational needs. Although students with IEP or 504 plans make up only 13% of the student population in Tennessee (Tennessee Comptroller, 2021), 17% of CP reports during academic year 2020-2021 were involving children with IEP or 504 plans. These numbers are likely underreported as less than 50% of local education agencies complied with the Tennessee state law requiring annual reports on CP (Tennessee Department of Education, 2022).

Recent efforts to ban the use of CP within public schools failed to pass their respective state legislatures. This includes a proposed law in Mississippi that would have protected students with disabilities from the use of CP (Mississippi HB1275, 2019). Efforts to reinstate CP in schools has occurred across the country, with CP successfully reinstated in one public school district (Cassville R-IV School District, 2022). Initiatives to expand or reinstate the use of corporal punishment within public school districts should be met with grave concern given the evidence demonstrating physical and developmental harm to children. The disproportionate use of corporal punishment among some subgroups of students, namely students with disabilities and students of color, violates constitutional mandates for equal educational opportunity.

Conclusion

Ample research has demonstrated extensive negative impacts of CP on child development while no research study has ever documented positive behavioral or health outcomes for children associated with CP. Yet, this state legislative review illuminates the continued use of CP within public schools. While most states (32) ban the use of CP in public schools, there remain 18 states in which CP is permitted. Federal and state data shows the continued use of the practice and highlights the disproportionate use of CP among minority children and children with disabilities. Language that allows exceptions for the use of force by teachers and staff within ten states that do ban CP in public schools raise concerns about the continued use of physical force to maintain order in public schools.

Eliminating the use of CP in schools will require a collective movement away from CP and towards trauma-informed schooling paradigms that disallow CP. Ensuring children have equal educational opportunities is necessary for children's safe development and safe school environments for all. Research has consistently demonstrated the damaging impact of CP on child development while documenting its ineffectiveness. These findings underscore the need for evidence-based policy changes at the state and federal level. The promotion of positive social norms via continued public awareness campaigns is essential to reducing the psychological, social, and academic impacts of CP.

Appendix

Overview of Laws Regulating Corporal Punishment in Public Schools by State						
State	Prohibits corporal punishment in public schools?		Prohibits all use of physical force with students for any reason other than student safety and self-defense?			Link to complete state statute
	Yes	No	Yes	No	Section Link	
AL	-	X	n/a	n/a	AL Stat § 16-1-24.1	Alabama
AK	X	-	-	X	AK Stat § 11-81-430	Alaska
AZ	-	X	n/a	n/a	AZ Stat § 15-843	Arizona
AR	-	X	n/a	n/a	AR Stat § 6-17-112	Arkansas
CA	X	-	X	-	CA Stat 5-49000-49001	California
CO	X	-	n/a	n/a	CO Stat § 22-32-109.1	Colorado
CT	-	X	n/a	n/a	CT Stat § 53A-18	Connecticut
DE	X	-	-	X	DE Stat § 14-702	Delaware
FL	-	X	n/a	n/a	FL Stat § 1003-32(k)	Florida
GA	-	X	n/a	n/a	GA Stat § 20-2-731	Georgia
HI	X	-	X	-	HI Stat § 3021-A-1141	Hawaii
ID	X	-	n/a	n/a	ID Stat § 12-33-1224	Idaho
IL	X	-	X	-	IL Stat § 5/24-24	Illinois
IN	-	X	n/a	n/a	IN Stat § 20-33-8-8	Indiana
IA	X	-	-	X	IA Stat § 280.21	Iowa
KS	-	X	n/a	n/a	KS Stat § 72-61	Kansas
KY	-	X	n/a	n/a	KY Stat § 503-110	Kentucky
LA	-	X	n/a	n/a	LA Stat § 28:CXV.1315	Louisiana
ME	X	-	-	X	ME Stat § 20-A §4009	Maine
MD	X	-	-	X	MD Stat § 7-306	Maryland
MA	X	-	X	-	MA Stat § XII-71-37(G)	Massachusetts
MI	X	-	-	X	MI Stat § 380.1312	Michigan
MN	X	-	X	-	MN Stat § 121A.582	Minnesota
MS	-	X	n/a	n/a	MS Stat § 37-11-57	Mississippi
MO	-	X	n/a	n/a	MO Stat § 160.261 (8)	Missouri
MT	X	-	-	X	MT Code § 20-4-302	Montana
NE	X	-	X	-	NE Code § 79-295	Nebraska
NV	X	-	X	-	NV Rev Stat § 392.4633	Nevada
NH	X	-	X	-	NH Rev Stat § 161:14	New Hampshire
NJ	X	-	X	-	NJ Rev Stat § 18a:6-1	New Jersey

NM	X	-	X	-	NM Stat § 22-5-4.3	New Mexico
NY	X	-	X	-	NY Stat § 8-CRR-NY 19.5	New York
NC	-	X	n/a	n/a	NC § 115C-390.4	North Carolina
ND	X	-	-	X	ND § 15.1-19-02	North Dakota
OH	X	-	X	-	OH § 3319.41	Ohio
OK	-	X	n/a	n/a	O.S. § 24-100.4	Oklahoma
OR	X	-	X	-	OR § 339.250	Oregon
PA	X	-	X	-	Pa. Code § 12.5	Pennsylvania
RI	X	-	X	-	200-20-30 R.I. Code R. § 2.2)	Rhode Island
SC	-	X	n/a	n/a	SC § 59-63-260	South Carolina
SD	X	-	-	X	SD §13-32-2	South Dakota
TN	-	X	n/a	n/a	TN Stat § 49-6-4103	Tennessee
TX	-	X	n/a	n/a	TX § 37.0011	Texas
UT	X	-	X	-	UT § 53G-8-301	Utah
VT	X	-	X	-	33 V.S.A. § 3503	Vermont
VA	X	-	X	-	VA § 22.1-279.1	Virginia
WA	X	-	X	-	WA Stat § 28A-150-300	Washington
WV	X	-	X	-	WV Stat §18A-5-1	West Virginia
WI	X	X	-	X	WI Stat § 118.31	Wisconsin
WY	-	-	n/a	n/a	WY Stat § 21-4-308(b)	Wyoming
TOTAL	30/50	20/30	10/30	-	-	-

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