



## **Parental Rights in Jeopardy: Corporal Punishment in the Public Schools**

### **The Situation**

In North Carolina, public school officials may legally hit students as a form of discipline without parental consent. However, should inadvertent injury occur, school officials may be subject to charges.

### **The Recommendation**

To respect the rights of parents and to avoid legal actions, parents should be allowed to determine if their children may be hit by school officials through the use of a specific consent form distributed at the beginning of each school year (in the few school districts that still practice corporal punishment).

### **The Take Home Points**

- Just 18 of the 115 local public school districts in North Carolina still use corporal punishment as a form of discipline.
- All 18 local districts use some form of consent procedure before corporal punishment is administered, but there is no uniform approach. Some parents report confusion in this regard, while others report receiving last-minute phone calls that seem more like ultimatums than requests for consent.
- Parents/guardians are already required to provide specific consent for school trips, participation in athletics and band, and the administration of all medicines on school grounds.
- The recommended consent procedure is already in place (by statute) for the parents/guardians of students with disabilities. The proposal is to extend that uniform consent procedure to all parents/guardians.

## **The History**

In 1985, the North Carolina General Assembly confirmed by statute that local school districts have the authority to include corporal punishment as a method of student discipline. Curiously, corporal punishment was not defined, but the intent was implied, for the statute grants immunity to school officials as long as the student does not require medical attention. Clearly, some sort of physical assault and pain was expected. Indeed, the classical definition of corporal punishment *is the deliberate infliction of pain in retribution for an offense*.

While this may seem gruesome today, in 1985 almost all the states allowed corporal punishment in the public schools, and the practice occurred in almost all the local school districts in North Carolina despite the lack of any scientific evidence to show that corporal punishment is effective.

## **The Current Picture**

Fast-forward to 2011: corporal punishment in the schools has been banned in all developed countries (and most developing countries) except the US; 30 states now ban the practice; and in North Carolina just 18 of the 115 local school districts continue to hit students. In fact, corporal punishment is banned in the military, in our prisons and jails, in child care facilities, and for children in foster care. In fact, the schools are the only place in North Carolina where an adult can strike a child who is not theirs and not be sued for assault and battery (as long as injury does not occur).

This sea change is not happenstance. It has occurred largely for two reasons. First, a growing body of research has confirmed that hitting students is not an effective form of discipline: long-term behavior is not modified and – most importantly – there is no correlation with improved educational performance. Rather, the research indicates that hitting students negatively affects their social, psychological, and educational development, while promoting pro-violent attitudes in youth and potentially contributing to the cycle of child abuse. (1, 2)

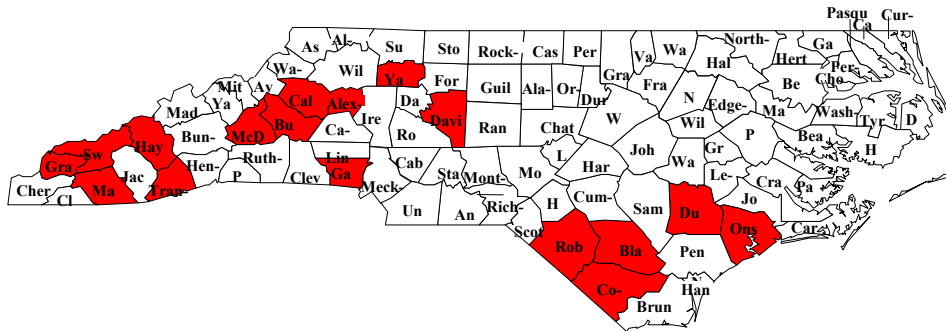
The second reason for the decline in corporal punishment in North Carolina's public schools is the leadership of the State Superintendent of Public Instruction and the State Board of Education. Neither endorses corporal punishment. Both have endorsed Positive Behavior Support, a system of school discipline which involves both students and parents in setting goals for positive behavior. This system is currently used in over 800 schools across the state, and evaluations indicate that this system results in improvement in academic performance while reducing behavioral problems in the schools. The Joint Legislative Education Oversight Committee has recommended that Positive Behavioral Support be implemented statewide as soon as practicable. (3)

Joining the Superintendent and the State Board, a growing list of education, professional and human service organizations do not endorse the use of corporal punishment in the public schools. A partial list includes:

- |   |  |
|---|--|
| Action for Children North Carolina                  | NC Association of Educators                |
| Arc of North Carolina                               | NC Association of School Administrators    |
| Autism Society of North Carolina                    | NC Foster and Adoptive Parents Association |
| Covenant with North Carolina's Children             | NC Justice Center                          |
| Disability Rights North Carolina                    | NC Parent-Teachers Association             |
| Exceptional Children's Assistance Center            | NC Pediatric Society                       |
| National Association of Social Workers (NC Chapter) | Prevent Child Abuse North Carolina         |
| NC School Psychology Association                    | SAYSO                                      |

Based on a survey recently conducted by Action for Children North Carolina, below is a map depicting the 18 local school districts that continue to administer corporal punishment. Even among these districts, the practice is waning. Four years ago, corporal punishment was administered more than 2,700 times; two years ago that number dropped to about 1,400. Last school year, the number dropped to less than 700!

### USE OF CORPORAL PUNISHMENT IN NC



■ 18 LEAs where corporal punishment is used  
 \* One of the 18 is municipal: Thomasville

The local districts that hit students in the 2009-2010 school year are listed below by the number of occurrences. Note that the top six account for more than 75% of the hitting.

Robeson	167*	Macon	30	McDowell	8
Burke	93	Bladen	29	Haywood	8
Columbus	70	Gaston	27	Transylvania	5
Yadkin	68	Caldwell	21	Alexander	2
Graham	64	Swain	21	Thomasville	2
Duplin	51	Davidson	12	Onslow	1

\*This district declined to respond to the 2009-2010 survey. Responses will be pursued through the Public Records statutes. The numbers here are for 2008-2009.

It is instructive to note that the statewide number of less than 700 occurrences of corporal punishment pales among the states that allow students to be hit. For example, the most recent data indicate that 49,000 students were hit in Texas, more than 22,000 in Arkansas, more than 38,000 in Mississippi, more than 33,000 in Alabama, etc. In this light, it is regrettable that North Carolina continues to be prominently listed among the states that allow corporal punishment. These lists may sway decisions by companies and families that are considering re-locating to our state.

## **Local Determination**

Despite all the evidence that corporal punishment is not effective, and despite the fact that the use of this outdated method of discipline is clearly on the decline in our state, it is not likely that a statewide ban on the practice will be enacted any time soon by the General Assembly. On many, many issues in our state, there is deference to “local determination.” Indeed, the Local School Boards Association, which itself does not endorse corporal punishment, continues to support the authority of local boards to make decisions regarding the practice, even though only 18 of its 115 members currently use the practice. (Presumably, this support will hold even when just one district wishes to hit students.)

## **The Appeal**

Given this unique situation, an appeal is being made to allow parents/guardians to exempt their children from corporal punishment in the public schools. Last year, the General Assembly gave this right to the parents/guardians of students with disabilities. The new appeal is to extend this right to all parents/guardians. In addition to respecting the role of parents, this would also minimize the possibility of legal charges should an injury inadvertently occur.

It appears that all 18 local districts that currently use corporal punishment provide for parental consent. However, there is no uniformity, and some parents report that they receive last-minute phone calls that seem more like ultimatums than requests for consent. To preclude this problem, the recommendation is that the current procedure used for students with disabilities be extended to the parents/guardians of all students, which calls for a specific consent form to be distributed to families at the beginning of each school year.

This would be in keeping with another generally-held principle in our state: parents have the ultimate decision-making power in protecting their children. Indeed, students cannot attend field trips without parental consent; they cannot participate in athletics or band without parental consent; they cannot receive so much as an aspirin without parental consent. Thus, it makes sense that parents have the opportunity to consent to allowing their children to be hit by school officials.

## **Endnotes:**

1. Gershoff, E. (2002) Corporal Punishment and Associated Child Behaviors and Experiences. *Psychological Bulletin*, 128, 539-579.
2. Hyman, L.A. & Perrone, D.C. (1998) The Other Side of School Violence: Educator Policies and Practices That May Contribute to Student Misbehavior. *Journal of Psychology*, 36, 7-27.
3. See website of the N.C. Department of Public Instruction. ([www.dpi.state.nc.us](http://www.dpi.state.nc.us))