



# Commission on Improving the Status of Children in Indiana

## Recommendation to the Commission

**Party Submitting Recommendation:** Commission on Improving the Status of Children: Subcommittee on School Climate and Discipline

**Date of Submission:** 10/20/2021

**Type of Action Requested:**

Legislation     Administrative Rule or Policy     Resolution of Support or Endorsement     Professional/skills development

Other: \_\_\_\_\_

**Which of the Commission's Strategic Priorities does this Recommendation help advance (check all that apply):**

Child Health and Safety     Juvenile Justice and Cross-system Youth  
 Mental Health and Substance Abuse     Educational Outcomes

**Summary of Recommendation:**

The Education Outcomes Task Force (EOTF), through a subcommittee on school climate and discipline, has studied the impact and usage of corporal punishment in schools both nationally and locally. Currently, Indiana is one of 19 states that still allows corporal punishment in schools. Two states outlaw corporal punishment at both the accredited public and nonpublic school level. The Commission recommends that legislation should be crafted to state that an employee of an accredited public school district, accredited nonpublic school, or area education agency shall not inflict, or cause to be inflicted, corporal punishment upon a student.

**Background of Recommendation:**

What is the need or problem, and how does it impact disparate populations?

According to Department of Education statistics, each year in the United States, hundreds of thousands of school children are subjected to corporal punishment in public schools. School corporal punishment is usually executed in the form of "paddling", or striking students with a wooden paddle on their buttocks or legs, which can result in abrasions, bruising, severe muscle injury, hematomas, whiplash damage, life-threatening hemorrhages, and other medical

complications that may require hospitalization. Gross racial disparity exists in the execution of corporal punishment of public school children, and African-American schoolchildren are disproportionately corporally punished. The most recent available statistics show that African-American students make up 18 percent of the national student population, but comprise 40 percent of all students subjected to physical punishment at school. Black children are nearly two-and-a-half times more likely to be corporally punished than White children, and nearly eight times more likely to be corporally punished than Hispanic children.

#### **What data, research or other information did the recommender consult to formulate this proposal?**

There are several reference points for this recommendation. Research has found that corporal punishment has proven to contribute to mental health problems for youth, lower academic scores in vocabulary and executive functioning as well as lower cognitive ability and academic overall achievement. From the Department of Education's Civil Rights Data Collection, "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." These are national numbers.

Additionally, according to research published in the Journal of Family Psychology, "Spanking is associated with higher risk for detrimental outcomes." (Gershoff & Grogan-Kaylor, 2016, p. 463) Specifically, these outcomes include more aggression, anti-social behavior, externalizing problems, internalizing problems, mental health problems, and negative relationships (Gershoff & Grogan-Kaylor, 2016, p. 463). This research concluded, "Parents who use spanking, practitioners who recommend it, and policymakers who allow it might reconsider doing so given that there is no evidence that spanking does any good for children and all evidence points to the risk of it doing harm (Gershoff & Grogan-Kaylor, 2016, p. 465).

#### **What disproportionality did the data reveal?**

In research published by the Southern Poverty Law Center and the Center for Civil Rights Remedies, "Where corporal punishment is used in schools, black students and students with disabilities are more likely to be struck by a educator." (Johnson, D. 2019, p.7)

Disproportionality data overwhelmingly stated consistently across the country that Black students, specifically male, and students with disabilities, were the sources of in-school corporal punishment. Indiana does not have a racial disproportionality disparity, with 0.06 students per 100 in Indiana who have been subject to corporal punishment both in the Black and White demographics. However, this aggregate number would not reflect that some schools use corporal punishment more than others.

This is supported by the research from the Southern Poverty Law Center and the Center for Civil Rights Remedies, where it is stated,

"Whether a child is subject to corporal punishment for misbehavior depends wholly upon policies adopted by states, and, in many cases, their individual districts and schools. Thirty-one states have banned corporal punishment in schools. In the remaining 19 states, nearly 8,000 schools lie within districts that practice it. Of those schools, however, almost 45% don't practice it. 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 and put them back on

track. But, at a nearby school children engaging in the same misbehavior may be struck.” (Southern Poverty Law Center and Center for Civil Rights Remedies, 2019, p. 10).

### **What is the current response to the problem by the State of Indiana?**

Legislation has not been crafted to bring to the State legislature to end corporal punishment. At the federal level, it was introduced but the bill remains to be read and does not cover accredited nonpublic schools.

The International Child Psychological Maltreatment Summit was held in October of 2019. This was attended by approximately 45 cross-discipline professionals (including agency representatives for) to look at the impact of child psychological maltreatment and to examine ways in which to address it through awareness, intervention and prevention.

The stakeholders participating in the summit subsequently identified corporal punishment as an issue that needs to be reformed.

### **What solution is the recommender proposing, and how does it affect disparate populations?**

The proposal is for the State legislature to support and pass language banning corporal punishment by any employee of an accredited public or nonpublic school or educational agency. By passing legislation to end corporal punishment in accredited public and nonpublic schools as well as educational agencies, all populations including disparate ones will be positively impacted by not allowing the infliction of corporal punishment.

Note: The Commission could recommend that schools use the evidence-based Positive Behavior Interventions and Supports (PBIS), and training on Culturally Responsive, Trauma-Informed Practices as alternatives to corporal punishment (this would not be part of the legislation). The Positive School Discipline Institute of Indiana is a resource for schools to access for this type of training.

### **How does the solution address the disproportionality in the data?**

Due to the small number of school children in Indiana disciplined annually by means of corporal punishment (0.06%), the sample size would be too small to statistically analyze disproportionate impact of this solution. However, any legislation that eliminates an action that is well-studied and documented to have a negative impact on all students, including disparate populations, would reasonably be assumed to have only positive ramifications. While the aggregate data may look small with relation to students impacted, there are certain school districts still relying on this form of punishment and that is a concern. Additionally, nonpublic accredited entities are not required to report corporal punishment data and that information is thus not available. It can be reasonably assumed that the numbers are higher when factoring that in.

### **If a legislative request, cite the current relevant code and specify what change is being recommended.**

20-8.1-5.1-3 - Teachers can take disciplinary action necessary to promote orderly student conduct.

Add legislative language that reads that all employees of an accredited public school district, accredited nonpublic school, or area education agency shall not inflict, or cause to be inflicted, corporal punishment upon a student. For purposes of this recommendation, “corporal punishment” means the intentional physical punishment of a student. An employee’s physical contact with the body of a student shall not be considered corporal punishment if it is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the employee uses reasonable

force for the protection of the employee, the student, or other students; to obtain the possession of a weapon or other dangerous object within a student's control; or for the protection of property.

A school employee who, in the reasonable course of the employee's employment responsibilities, comes into physical contact with a student shall be granted immunity from any civil or criminal liability which might otherwise be incurred or imposed as a result of such physical contact, if the physical contact is reasonable under the circumstances and involves the following:

- a. Encouraging, supporting, or disciplining the student.
- b. Protecting the employee, the student, or other students.
- c. Obtaining possession of a weapon or other dangerous object within a student's control.
- d. Protecting employee, student, or school property.
- e. Quelling a disturbance or preventing an act threatening physical harm to any person.
- f. Removing a disruptive student from class or any area of the school premises, or from school-sponsored activities off school premises.
- g. Preventing a student from the self-infliction of harm.
- h. Self-defense

**If a policy request, cite the current relevant policy and specify what change is being recommended.**

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**If the recommendation involves an endorsement or public promotion of a specific initiative or statement, attach the document of which you are seeking the Commission's support/endorsement/promotion.**

N/A

References:

Gershoff, E. and Grogan-Kaylor, A., 2016. Spanking and child outcomes: Old controversies and new meta-analyses. *Journal of Family Psychology*, 30(4), pp.453-469.

Civil Rights Project, P.D.C.C. for C.R.R. (CCRR), & Southern Poverty Law Center. (2019). The Striking Outlier: The Persistent, Painful and Problematic Practice of Corporal Punishment in Schools. In *Civil Rights Project-Proyecto Derechos Civiles*. Civil Rights Project-Proyecto Derechos Civiles.