AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

CORPORAL PUNISHMENT IN SCHOOLS AND ITS EFFECT ON ACADEMIC SUCCESS

HEARING

BEFORE THE

SUBCOMMITTEE ON HEALTHY FAMILIES AND COMMUNITIES

COMMITTEE ON EDUCATION AND LABOR

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

HEARING HELD IN WASHINGTON, DC, APRIL 15, 2010

Serial No. 111–55

Printed for the use of the Committee on Education and Labor

Available on the Internet:
http://www.gpoaccess.gov/congress/house/education/index.html

U.S. GOVERNMENT PRINTING OFFICE

55–850 PDF WASHINGTON : 2010

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON EDUCATION AND LABOR

GEORGE MILLER, California, *Chairman*

Dale E. Kildee, Michigan, *Vice Chairman*
Donald M. Payne, New Jersey
Robert E. Andrews, New Jersey
Robert C. "Bobby" Scott, Virginia
Lynn C. Woolsey, California
Rubén Hinojosa, Texas
Carolyn McCarthy, New York
John F. Tierney, Massachusetts
Dennis J. Kucinich, Ohio
David Wu, Oregon
Rush D. Holt, New Jersey
Susan A. Davis, California
Raúl M. Grijalva, Arizona
Timothy H. Bishop, New York
Joe Sestak, Pennsylvania
David Loebsack, Iowa
Mazie Hirono, Hawaii
Jason Altmire, Pennsylvania
Phil Hare, Illinois
Yvette D. Clarke, New York
Joe Courtney, Connecticut
Carol Shea-Porter, New Hampshire
Marcia L. Fudge, Ohio
Jared Polis, Colorado
Paul Tonko, New York
Pedro R. Pierluisi, Puerto Rico
Gregorio Kilili Camacho Sablan, Northern Mariana Islands
Dina Titus, Nevada
Judy Chu, California

John Kline, Minnesota, *Senior Republican Member*
Thomas E. Petri, Wisconsin
Howard P. "Buck" McKeon, California
Peter Hoekstra, Michigan
Michael N. Castle, Delaware
Mark E. Souder, Indiana
Vernon J. Ehlers, Michigan
Judy Biggert, Illinois
Todd Russell Platts, Pennsylvania
Joe Wilson, South Carolina
Cathy McMorris Rodgers, Washington
Tom Price, Georgia
Rob Bishop, Utah
Brett Guthrie, Kentucky
Bill Cassidy, Louisiana
Tom McClintock, California
Duncan Hunter, California
David P. Roe, Tennessee
Glenn Thompson, Pennsylvania

Mark Zuckerman, *Staff Director*
Barrett Karr, *Republican Staff Director*

SUBCOMMITTEE ON HEALTHY FAMILIES AND COMMUNITIES

CAROLYN McCARTHY, New York, *Chairwoman*

Yvette D. Clarke, New York
Robert C. "Bobby" Scott, Virginia
Carol Shea-Porter, New Hampshire
Paul Tonko, New York
Jared Polis, Colorado
George Miller, California
Judy Chu, California

Todd Russell Platts, Pennsylvania, *Ranking Minority Member*
Howard P. "Buck" McKeon, California
Brett Guthrie, Kentucky
David P. Roe, Tennessee
Glenn Thompson, Pennsylvania

C O N T E N T S

	Page
Hearing held on April 15, 2010	1
Statement of Members:	
Guthrie, Hon. Brett a Representative in Congress from the State of Kentucky	4
Prepared statement of	5
McCarthy, Hon. Carolyn, Chairwoman, Subcommittee on Healthy Families and Communities	1
Prepared statement of	3
Additional statements:	
The American Academy of Pediatrics	46
The Dignity in Schools Campaign	48
Sean Faircloth, Executive Director, Secular Coalition for America	51
Platts, Hon. Todd Russell, Senior Republican Member, Subcommittee on Healthy Families and Communities, prepared statement of	5
Scott, Hon. Robert C. "Bobby," a Representative in Congress from the State of Virginia, questions for the record	52
Statement of Witnesses:	
Frieler, Jana, principal, Overland High School, Aurora, CO; President-Elect, National Association of Secondary School Principals	15
Prepared statement of	17
Responses to questions for the record	53
Gilbert, Wynell, teacher, Erwin High School, Center Point, AL	20
Prepared statement of	23
Responses to questions for the record	53
Greydanus, Dr. Donald E., M.D., professor of pediatrics & human development, Michigan State University College of Human Medicine; pediatrics program director, Michigan State University/Kalamazoo Center for Medical Studies	7
Prepared statement of	9
Responses to questions for the record	59
Pee, Linda, mother of student who received corporal punishment	25
Prepared statement of	27
Additional submissions:	
Responses to questions for the record	53
Prepared statement of the American Civil Liberties Union and Human Rights Watch	55
"A Violent Education: Corporal Punishment of Children in U.S. Public Schools," a report by the ACLU and Human Rights Watch, Internet address to	58
"Impairing Education: Corporal Punishment of Students With Disabilities in U.S. Public Schools," a report by the ACLU and Human Rights Watch, Internet address to	58

CORPORAL PUNISHMENT IN SCHOOLS AND ITS EFFECT ON ACADEMIC SUCCESS

Thursday, April 15, 2010
U.S. House of Representatives
Subcommittee on Healthy Families and Communities
Committee on Education and Labor
Washington, DC

The subcommittee met, pursuant to call, at 10:02 a.m., in room 2175, Rayburn House Office Building, Hon. Carolyn McCarthy [chairwoman of the subcommittee] presiding.

Present: Representatives McCarthy, Scott, Shea-Porter, Polis, Platts, and Guthrie.

Staff present: Andra Belknap, Press Assistant; Calla Brown, Staff Assistant, Education; Jody Calemine, General Counsel; Denise Forte, Director of Education Policy; Ruth Friedman, Senior Education Policy Advisor (Early Childhood); David Hartzler, Systems Administrator; Sadie Marshall, Chief Clerk; Meredith Regine, Junior Legislative Associate, Labor; Alexandria Ruiz, Staff Assistant; Kim Zarish-Becknell, Education Counsel, Subcommittee on Healthy Families; Stephanie Arras, Legislative Assistant; Kirk Boyle, General Counsel; Allison Dembeck, Professional Staff Member; Alexa Marrero, Communications Director; Brian Newell, Press Secretary; Susan Ross, Director of Education and Human Resources Policy; Mandy Schaumburg, Education Policy Counsel; and Linda Stevens, Chief Clerk/Assistant to the General Counsel.

Chairwoman MCCARTHY [presiding]. A quorum is present. The hearing of the House Committee on Education and Labor, Healthy Families and Communities Subcommittee, on "Corporal Punishment in Schools and Its Effect on Academic Success" will come to order. Before we begin, I would like everyone to take a moment to ensure that your cell phones and your BlackBerries are off.

I now recognize myself, followed by Mr. Guthrie from Kentucky, for an opening statement.

First, I would like to thank all of our witnesses for being here today. We have assembled a very knowledgeable group. They bring their personal experience and a wealth of information from research and work in the field.

Congress has not held a hearing on the use of paddling in schools since 1992. Corporal punishment refers to the application of physical pain as a method of behavior change. We are not talking about situations where a school official may need to restrain a student,

nor are we talking about using physical force as a means of protecting members of the school community subject to danger.

Ohio is the most recent state to ban this practice last summer, but corporal punishment is still legal in 20 states. According to data collected by the U.S. Department of Education's Office of Civil Rights, the use of paddling in schools has dropped each year, but there are still hundreds of thousands of students who are paddled. The most recent OCR data is from the 2006-2007 school year, which indicates that over 223,000 students were paddled in our nation.

The OCR data also indicates that minority students and students with disabilities are paddled at higher rates. The most recent available statistics show that African American students are subjected to physical punishment at school at about twice the national rate. Schoolchildren with disabilities are also subject to corporal punishment at a disproportionately high rate, approximately twice the rate of the general student population in other states. Kindergarten through 8th grade students are more likely to be paddled than high school students.

The Department of Education data may be under-counting, since they only record how many students are paddled, not how many times a student is paddled. So if a particular student is paddled multiple times, it counts as one paddling.

Students are typically hit on their buttocks with a wooden paddle, approximately 15 inches long, between two and four inches wide and one-and-a-half inch thick, with a six-inch handle at the end. The size of paddles may vary, but I have here a paddle, and this is what it looks like.

This particular paddle was sent to us from a gentleman in Texas, Jimmy Dunne, who over 20 years ago started fighting against paddling in school. I thank you for sending that. And as you can see, a lot of people, when they think of paddling, they think of the old ping-pong paddle, or they think of possibly a paddle with the ball in the end and going back and forth.

When a student is paddled, typically he or she will be told to stand with their hands on a desk or a chair, so the student is bent over, and the student is paddled on the buttocks. Sometimes paddlings occur in an office. Other times it will be more public settings, in full view of the student's classmates.

Most students are paddled for minor infractions, violating a dress code, being late for school, talking in class or in the hallway, or being disrespectful. In some school districts parents can opt-out of having their children paddled, but unfortunately, there are reports of parents' wishes being ignored, which can be very hard to prove.

As we will hear today, researchers, principals and teachers say paddling is not an effective discipline tactic. Paddling can cause immediate pain, lasting physical injury, and ongoing mental distress. We will also hear that paddling causes lower school achievement, antisocial behavior, and a tendency for school avoidance, and school dropout.

In our committee we spend a great deal of time talking about the best ways to help our students achieve better success in. How can we talk about safety in schools and not bring sanctioned hitting of our students into the conversation?

The leading Supreme Court case on corporal punishment in schools is the *Ingraham* case, which was decided over 30 years ago. This was at a time when only two states had banned corporal punishment and when the social science disfavoring corporal punishment was not as compelling as it is today.

The federal government has outlawed physical punishment in prisons, jails and medical facilities, yet our children sitting in a classroom are targets for getting hit. We know safe, effective, evidence-based strategies are available to support children who display challenging behaviors in school settings.

Hitting children in school does not help them achieve academic success. Hitting children in schools is not an effective discipline tactic. Hitting children in school does not make them feel safe in school. Instead, they feel humiliated, helpless, depressed, and angry. Hitting children teaches them that it is not a legitimate way to handle conflict.

We are adults. We shouldn't be hitting kids in schools. Instead, we, as a nation, should move toward these positive strategies when it comes to our school children. It has been 150 years since the first state banned this practice in schools. Since then, 29 states have done the same, but it is still occurring every day in our nation, and we still have hundreds of thousands of students being hit in our schools today.

Soon I will introduce legislation on this issue to end paddling in schools, which I will urge my colleagues to support. I look forward to hearing from our witnesses.

Now I would like to recognize Mr. Guthrie from Kentucky for his opening statement.

Mr. Guthrie?

[The statement of Mrs. McCarthy follows:]

Prepared Statement of Hon. Carolyn McCarthy, Chairwoman, Subcommittee on Healthy Families and Communities

First, I would like to thank all of our witnesses for being here today.

We have assembled a very knowledgeable panel.

They bring their personal experiences and a wealth of information from research and work in the field.

Congress has not held a hearing on the use of paddling in schools since 1992.

Corporal punishment refers to the application of physical pain as a method of behavior change.

We are NOT talking about situations where a school official may need to restrain a student.

Nor are we talking about using physical force as a means of protecting members of the school community subject to danger.

Ohio is the most recent state to ban this practice last summer, but corporal punishment is still legal in 20 states.

According to data collected by the U.S. Department of Education's Office of Civil Rights the use of paddling in schools has dropped each year, but there are still hundreds of thousands of students who are paddled.

The most recent OCR data is from the 2006-2007 school year, which indicates that over 223,000 students were paddled in our nation.

The OCR data also indicates that minority students, and students with disabilities are paddled at higher rates.

The most recent available statistics show that African American students are subjected to physical punishment at school at about twice the national rate.

Schoolchildren with disabilities are also subjected to corporal punishment at disproportionately high rates, approximately twice the rate of the general student population in some States.

Kindergarten through 8th grade students are more likely to be paddled than high school students.

The Department of Education data may be under counting since they only record how many students are paddled, not how many times a student is paddled.

So if a particular student is paddled multiple times, it counts as one paddling.

Students are typically hit on their buttocks with a wooden paddle, approximately 15 inches long, between two and four inches wide, and one-half inch thick, with a six-inch handle at one end.

The size of paddles can vary, but I have one here and this is what they look like.

When a student is paddled, typically he or she will be told to stand with their hands on a desk or a chair, so that the student is bent over, and the student is paddled on the buttocks.

Sometimes paddlings occur in an office other times it will be a more public setting, in full view of the student's classmates.

Most students are paddled for minor infractions, violating a dress code, being late for school, talking in class or in the hallway, or being "disrespectful."

In some school districts parents can "opt-out" of having their children paddled, but unfortunately, there are reports of parents' wishes being ignored which can be very hard to prove. As we will hear today, researchers, principals and teachers say paddling is not an effective discipline tactic.

Paddling can cause immediate pain, lasting physical injury, and on-going mental distress.

We will also hear that paddling causes lower school achievement, antisocial behavior, tendency for school avoidance, and school dropout.

In our Committee we spend a great deal of our time talking about the best ways to help our students achieve better success in schools and this practice is not one of them.

How can we talk about safety in schools and not bring sanctioned hitting of our students into the conversation?

The leading Supreme Court case on corporal punishment in schools is the *Ingraham* case which was decided over 30 years ago.

This was at a time when only two states had banned corporal punishment, and when the social science disfavoring corporal punishment was not as compelling as it is today.

The federal government has outlawed physical punishment in prisons, jails and medical facilities.

Yet our children sitting in a classroom are targets for hitting.

We know safe, effective, evidence-based strategies are available to support children who display challenging behaviors in school settings.

Hitting children in school does not help them achieve academic success.

Hitting children in school is not an effective discipline tactic.

Hitting children in school does not make them feel safe in school.

Instead, they feel humiliated, helpless, depressed, and angry.

Hitting children teaches them that it is a legitimate way to handle conflict.

We are adults.

We shouldn't be hitting kids in schools.

Instead, we, as a nation, should move toward these positive strategies when it comes to our school children.

It has been a hundred and fifty years since the first state banned this practice in schools.

Since then, 29 states have done the same.

But it is still occurring every day in our nation and we still have hundreds of thousands of students being hit in our schools.

Soon I will introduce legislation on this issue to end paddling in schools which I will urge my colleagues to support.

I look forward to hearing from our witnesses.

Mr. GUTHRIE. Thank you, Madam Chair, and good morning.

We are here today to examine corporal punishment in schools and its effect on academic success. We will look not only at questions of how corporal punishment is currently used in some states and schools, but also broader issues such as the definition of what constitutes corporal punishment.

We have a distinguished panel of witnesses. And I believe Center Point—I was born near Center Star, Alabama, but I am not sure exactly where Center Point is—probably the center of the state, but I saw that looking forward to the hearing in my birth state. We

have a distinguished panel of witnesses here today and help for the discussion.

And Representative Platts couldn't be here today. He is the ranking member of the subcommittee. He will be inserting his full opening statement into the record.

And with that, I look forward to hearing from our witnesses and the testimony examining these issues more closely, and thank you. And I yield back.

[The statement of Mr. Guthrie follows:]

Prepared Statement of Hon. Brett Guthrie, a Representative in Congress From the State of Kentucky

Thank you Madam Chair, and good morning. We're here today to examine corporal punishment in schools and its effect on academic success. We'll look not only at questions of how corporal punishment is currently used in some states and schools, but also broader issues such as the definition of what constitutes corporal punishment.

We have a distinguished panel of witnesses here today to help inform the discussion, and I thank them for joining us. Rep. Platts, the Ranking Member of this subcommittee, will be inserting his full opening statement into the hearing record. With that, I look forward to hearing from our witnesses and examining these issues more closely. Thank you, and I yield back.

Chairwoman McCARTHY. Thank you, Mr. Guthrie.

Pursuant to committee rule 7C, any member may submit an opening statement in writing at this time, which will be made part of the permanent record. Without objection, all members will have 14 days to submit additional materials or questions for the hearing record.

[The statement of Mr. Platts follows:]

Prepared Statement of Hon. Todd Russell Platts, Ranking Member, Subcommittee on Healthy Families and Communities

Good morning and welcome to our hearing. Today we will bring together experts to discuss the effects of corporal punishment on students' academic success.

When parents send their children off to school in the morning, we do so with the expectation that they will be in a safe environment and disciplined in a manner that is conducive to emotional and academic growth and achievement. Most of us can agree that corporal punishment—broadly defined as any punishment in which physical force is used to cause some degree of pain and discomfort—does not have a place in our schools.

The majority of states have recognized this, including my home state of Pennsylvania, and have banned the practice of corporal punishment in schools. These policies have been highly successful in the dramatic decrease of corporal punishment instances in our Nation's schools. The voluntary implementation of a ban in thirty states has resulted in an 85% decrease in the number of students who experience some degree of corporal punishment.

As is always central to our work on this subcommittee, it is important that we understand the academic influence of corporal punishment. Given the limited research on its effects on a student's academic performance, I very much look forward to hearing our witnesses' testimonies today. Thank you, Chairwoman McCarthy.

Chairwoman McCARTHY. I would like to briefly introduce our very distinguished panel of witnesses here with us this morning. The complete bios of the witnesses will be inserted into the record. Today we will hear from four witnesses.

And I want to thank you all again for traveling from all parts of the country to be with us here today.

In the interest of time, given the large number of witnesses today, I will keep my formal introductions short. Our first witness is Dr. Donald Greydanus.

He is a professor of pediatrics and human development at Michigan State University College of Human Medicine and director of the pediatrics residency program at Michigan State University. He received an M.D. degree from the College of Medicine and Dentistry of New Jersey and a fellowship in adolescent medicine from New York University School of Medicine and Bellevue Hospital Center.

He has published extensively on adolescent health and has 35 years of clinical and research work in caring for children and adolescents. In 2010 he received the Outstanding Achievement in Adolescent Medicine Award from the Society for Adolescent Medicine as a leading force in the field of adolescent medicine and health.

Welcome, Doctor.

Our next witness is Jana Frieler.

Mr. Polis from Colorado will introduce this witness.

Mr. POLIS. Thank you, Madam Chair.

It is my honor to introduce Jana Frieler. Jana Frieler has been in education for 23 years, including 14 years as a school administrator. She is currently the principal of Overland High School in Aurora, Colorado, where she has served since 2005. She is the daughter of a high school principal, and she followed her father's footsteps and received a bachelor's degree in Spanish and secondary education from the University of Northern Colorado and a master's degree in instructional leadership from Colorado State University.

Since becoming a principal, Frieler has been recognized frequently for her outstanding leadership, and she earned the title of Colorado's Assistant Principal of the Year in 1999. In February of 2009, She became president-elect of the National Association of Secondary School Principals. That is for next year. Frieler has been a member of the National Association of Secondary School Principals since 1996 and has served on several committees for them since she joined their board of directors in 2005. She is also on the board of the Colorado Association of Secondary School Principals for 10 years.

Yield back.

Chairwoman MCCARTHY. Thank you, Mr. Polis.

Our next witness is Ms. Wynell Gilbert. Ms. Gilbert received her B.S. degree in biology from Alabama A&M University in 1997, her M.S. degree in biology education from Alabama State University in 2002, and her educational leadership certification from Samford University in 2008. She is a national board certified teacher in the area of adolescent and young adult science. She is currently a high school teacher at Erwin High School at Center Point, Alabama, and has taught in the Jefferson County school district for 12 years.

She is a national trainer for education research and dissemination, in which she has been given the opportunity to train teachers on using effective teaching strategies to improve student learning. Currently, she serves on the executive board of the Jefferson County American Federation of Teachers.

Our final witness——

Welcome.

Our final witness is Ms. Linda Pee. She is from Hot Springs, Arkansas, and is a parent of a daughter who was paddled in school. She will discuss her experiences with the paddling system in schools.

I want to say welcome to all of you, and I thank you for that. For those of you who have not testified before Congress, let me explain the lighting system. When you start speaking, a green light will go on. When you have a minute left, a yellow light will go on. When the red light goes on, we ask you to finish up your thought or answer to a question. And please be certain as you testify, to turn on and speak into the microphones in front of you.

We will now hear from our first witness.

Doctor?

STATEMENT OF DONALD GREYDANUS, M.D., PEDIATRICS PROGRAM DIRECTOR, MICHIGAN STATE UNIVERSITY/KALAMAZOO CENTER FOR MEDICAL STUDIES

Dr. GREYDANUS. Good morning, Chairwoman McCarthy and members of this committee. It is my distinct honor to be here. This is the second time my government has called me to help. The first time was almost 40 years ago when you called me into the Vietnam War as a physician, and it was an honor to go then, and it is an honor to be here this morning as a private citizen.

I am a professor of pediatrics and human development at Michigan State University. I have studied the issue of violence in children and adolescents for over 35 years. I have researched it, and I am happy to give you not only my views, but that of the research which has been done over the past several decades.

First, the definition. It is important for you to realize that corporal punishment refers to the intentional application of physical pain to the child in an attempt to change their behavior. It is not just paddling. It includes hitting, slapping, spanking, paddling, use of belts, use of sticks, pins, placing kids in painful body postures, not letting them move, not letting them urinate, applying electrical shock, a whole variety of ingenious methods. When someone is angry at someone, they come up with a variety of methods.

It is also important, I think, for the members to understand we are not talking about defending oneself and school if a student becomes violent. We are talking about the application of physical pain by the school officials to that child in an attempt to change their behavior.

In spite of many national groups, education, civil rights and medical groups, asking for the ban of corporal punishment, it continues to exist in 20 states in our country. We are one of the few industrialized countries that allows this behavior to our children.

Experts note that there are about 1.5 million cases of physical punishment occurring, as you noted in your remarks, Chairwoman McCarthy. We don't really know exactly how many, and it depends upon how this is counted. Some experts suggest as many as 3 million cases. It is several million which occur. This results, from a medical viewpoint, in up to 20,000 children who seek medical attention because of injuries. Instead of putting the kids into school, it keeps them out of school for days, weeks, even months.

Now, why not allow local control of this? Well, there are a few things to keep in mind. One is that the current studies suggest that this occurs more often in the rural population than in the urban population, kindergarten through eighth grade, as you mentioned, versus the high school, but it occurs throughout these grades.

It occurs more often to the disadvantaged, to the non-Caucasian individual, to the African-American, to the Hispanic than to middle-class or upper-class Caucasian individual, but it can occur through all groups. The research also shows that the lowest incidence of this occurs in the states and school districts that have simply said, "Enough—no hurting of our children," and have banished this.

Now, the advocates of this have said over the years this is an effective form of changing child misbehavior. The testimony I leave for you, my extensive testimony, reviews the literature for you, the research that we and others have done. And the vast majority of the literature shows it is an ineffective method of correcting child misbehavior. It simply doesn't work. And it has major deleterious effects physically and mentally on these children to whom you inflict physical pain.

Students are hurt, and we have many reports of abrasions, severe muscle injuries, hematomas, kids who have whiplash injury. We have even had kids who have died because of this mistreatment.

There is also no evidence that punishment leads to improved control in the classroom. The literature suggests and shows the opposite is true. Children do not develop improved moral character. They do not increase the respect for teachers. They do not develop enhanced controls. In fact, the research is very clear that the opposite is occurring.

These kids become victimized. They have trouble sleeping. They develop sadness. They develop feelings of worthlessness, suicidal thoughts. They become more violent, more aggressive, angry. This committee is looking at school achievement. They develop school dysfunction. They develop lower school achievement. They have a tendency towards school avoidance. They drop out of school. They become malingerers. They develop recidivism.

You create, Madam Chairwoman, a paralysis of fear in the classroom—not just the kids that are physically hit and hurt, but the witnesses. Everyone in the classroom becomes afraid. Children are victims. Children become full of trepidation, and it completely destroys the positive atmosphere that education is important. In order for a teacher to help its students, you need a positive atmosphere. And the fear of being hit or being hit leads to the opposite.

Use of corporal punishment in the schools, and the literature on this is quite clear, falsely and perfidiously reinforce this physical aggression as an acceptable and effective means of eliminating what someone thinks is unwanted behavior in the classroom and in society. The research shows very clearly it is ineffective. It is dangerous. Teachers and principals can learn and should learn nonviolent means of classroom control.

In conclusion, I come to you on several levels. I am a father of four daughters. I am a grandfather of five children. I am a pro-

fessor. I am a researcher. I am a Navy veteran, a doctor who served in the war. I urge you on multiple levels, look at the evidence that is in the research. It is very clear.

This is a rare case in my clinical experience where the emotions and the research agree, where intuitively you think hurting someone will improve them, and in fact the opposite occurs. The research shows there is no evidence that such punishment improves classroom control. It has major physical and mental impact upon our children. It doesn't improve the classroom. If you are looking at success in the classroom, it does the opposite.

If I could put next to me the children from the time this country was founded in 1776 'til today, I could put them right there, and all the children who have been hit and witnessed, they would say to you, "Please stop hitting us. We want to learn." And they would advocate for the children who are now in school today in this country and the children who will be, the millions of children who will be in school over this coming century.

They would plead with you, "Don't hit us. Don't slap us, spank us, punch us, kick us, pinch us, shake us. Please don't choke us. Please don't hit us with paddles and belts and sticks and pins. Please don't put us in closed spaces and hurt us. Please don't use electric shock on us. Please don't give us excessive exercise drills. Please help us."

So on multiple levels, both research and as a private citizen, I urge you, please, committee, protect our children and give the teachers the skills they need. And if you want improvement in the schoolroom, this is the place to start.

In closing, I am very honored to be here. And if you have questions in this regard, I am more than happy to answer them. Thank you very much.

[The statement of Dr. Greydanus follows:]

Prepared Statement of Donald E. Greydanus M.D., Professor of Pediatrics & Human Development, Michigan State University College of Human Medicine; Pediatrics Program Director, Michigan State University/Kalamazoo Center for Medical Studies

Good morning Chairwoman McCarthy and Members of the Committee. Thank you for inviting me to testify on corporal punishment in schools and its effect on children. It is my distinct honor to speak with you today. I am Donald E. Greydanus, a pediatrician, and Professor of Pediatrics & Human Development at Michigan State University as well as Pediatrics Program Director at the MSU/Kalamazoo Center for Medical Studies in Kalamazoo, Michigan. In my testimony I draw on the research in this area as well as more than 35 years of my clinical and research work in caring for children and adolescents. One focus of my research and clinical work has been on violence and its effect on our children and adolescents.

Definition of Corporal Punishment

Corporal punishment refers to intentional application of physical pain as a method of behavior change.[1] It includes a wide variety of methods such as hitting, slapping, spanking, punching, kicking, pinching, shaking, shoving, choking, use of various objects (i.e., wooden paddles, belts, sticks, pins, or others), painful body postures (such as placing in closed spaces), use of electric shock, use of excessive exercise drills, or prevention of urine or stool elimination.[2,3] The majority of children have experienced physical punishment by the time they reach adolescence.[2,3] Corporal punishment in schools does not refer to the occasional need of a school official to restrain a dangerous student or use physical force as a means of protecting members of the school community subject to imminent danger.

Prevalence of Corporal Punishment

The prevalence of corporal punishment of children in schools remains high in the United States. In spite of many education and other national groups calling for corporal punishment in schools to be banned, the United States remains one of the few industrialized countries allowing corporal punishment in 30 states.[2,21] According to the Office of Civil Rights (2007), school officials, including teachers, administered corporal punishment to 223,190 school children across the nation during the 2006-2007 school year.[8,12] Experts note that there are about 1.5 million reported cases of physical punishment in school each year, but calculate the actual number to be at least 2-3 million; as a result of such punishment, 10,000-20,000 students request subsequent medical treatment each year.[8,9,12] During this same period, the top ten states for students being hit were, in order of highest to lowest frequency: Mississippi, Arkansas, Alabama, Oklahoma, Louisiana, Tennessee, Oklahoma, Texas, Georgia, Missouri, and Florida.[9,11,20,21]

Current studies indicate that physical punishment is more common in kindergarten through eighth grade (versus high school), in rural schools (versus urban), in boys (versus girls), and in disadvantaged as well as non-Caucasian children (versus middle-class and upper-class Caucasians).[2,3,8,18-21] The lowest incidence tends to be in those states and school districts that have outlawed corporal punishment.[2,3,4,9,18-21]

Youth who attend rural southern schools and who are male or who are African-American are more likely to be victims of corporal punishment.[3,8] In fact, according to data from the US Department of Education's Office of Civil Rights, African American students comprise 17% of all public school students in the U.S., but are 36% of those who are victims of corporal punishment; this is more than twice the rate of white students. Looking at data from only the 13 states that paddle more than 1,000 per year, African-American students make up 24.8 percent of the student population but 35.9 percent of those paddled. Additionally, almost 40% of all the cases of corporal punishment occur in just two states: Texas and Mississippi; also, if one adds Arkansas, Alabama, and Georgia, these five states account for almost three quarters of all the children receiving corporal punishment in schools.[3,8]

Disciplinary Ineffectiveness of Corporal Punishment

Advocates of corporal punishment in schools generally contend that it is an effective form of correcting child misbehavior.[2] However, a review of the science in this area notes that the vast majority of the evidence leads to the conclusion that corporal punishment is an ineffective method of discipline and has major deleterious effects on the physical and mental health of those on whom it is inflicted.[1,2,4,19,20,21] As noted already, the Office of Civil Rights (2007) reports that 223,190 school children in the United States received corporal punishment during the 2006-2007 school year with estimates that include up to 3 million children and 10,000 to 20,000 requesting medical treatment.[8,12] Indeed, children and adolescents can be physically damaged by such punishment. In the case of corporal punishment in schools, many students are hurt. Medical complications may prevent students from returning to school for days, weeks, or even longer. Reported medical findings include abrasions, severe muscle injury, extensive hematomas, whiplash damage, life-threatening fat hemorrhage, and others (including death!).[8,9,12,21]

There is no clear evidence that such punishment leads to better control in the classroom.[2,10,11,13,19,21,22] Physically punishing children has never been shown to enhance moral character development, increase the student's respect for teachers or other authority figures in general, or offer greater security for the teacher.[2,6,8,19,21] Children who are subjected to corporal punishment in school, in my view, are being physically, emotionally, and mentally abused; indeed, there are no data demonstrating that students subjected to corporal punishment in schools develop enhanced social or self-control skills.[2,4,7,21]

Effect of Corporal Punishment in School on Academic Success

Hyman et. al.[4,6,21] persistently assert that approximately one-half of students who are subjected to severe punishment develop an illness called Educationally Induced Post-Traumatic Stress Disorder (EIPSD). In this disorder, there is symptomatology analogous to the Post-Traumatic Stress Disorder (PTSD). As with PTSD, EIPSD can be identified by a varying combination of symptoms characteristic of depression and anxiety. This mental health imbalance is induced by significant stress; with EIPSD the stress is the inflicted punishment. Such victimized students can have difficulty sleeping, fatigue, feelings of sadness and worthlessness, suicidal thoughts, anxiety episodes, increased anger with feelings of resentment and outbursts of aggression, deteriorating peer relationships, difficulty with concentration, lowered school achievement, antisocial behavior, intense dislike of authority, somatic complaints,

tendency for school avoidance, school drop-out, and other evidence of negative high-risk adolescent behavior.[22,23] This does not predict nor encourage academic success in our school milieu.

This work is consistent with other research concluding that punished children become more rebellious and are more likely to demonstrate vindictive behavior, seeking retribution against school officials and others in society.[9] Punishment is based on aversive techniques and produces very limited results.[21,22] A student may cease acting out in one class only to continue in others. Such a child or adolescent learns the wrong message, one of avoidance or escape from getting caught or negative ways of eluding detection for wrong doing.[24] This student very likely will learn techniques that actually lead to reduced self-control, with negative behavior characterized by more acting out, school absence, malingering, recidivism, and overt academic revocation.[4,9,12,21] Some research notes that the more corporal punishment is used in schools, the higher is the rate of student violence and homicide.[25]

Research notes that corporal punishment constructs an environment of education that can be described as unproductive, nullifying, and punitive. Children become victims, and trepidation is introduced to all in such a classroom. There is a limited (if any) sense of confidence and security; even those children who witness this type of abuse are robbed of their full learning potential.[19,21 24,26] Students who are witnesses or victims of such abuse can develop low self-esteem, magnified guilt feelings, and various anxiety symptoms; such results can have baneful results in the psychosocial and educational development of these students.[19,21,26] When studies look at the milieu of these classrooms, one finds that all are subjected to less, not more, learning. Because of fear, the nurturing of open communication, so vital to effective education, is severely spoiled in such aversive settings.

However, the use of corporal punishment is associated with increased mental health problems in children including increased psychological distress, which may lead to anxiety, depression, alcohol and drug use, and general psychological maladjustment in those to whom it is applied.[2] Also, in addition to personal distress, it may lead to vicarious learning of maladaptive methods of problem resolution by those students who witness it.

The use of corporal punishment sanctions the notion that it is meritorious to be violent toward children, thereby devaluing them in society's eyes.[2,11,19,21] It encourages children to resort to violence because they see their authority figures using it. Such practices harm children in teaching them that violence is acceptable, especially against the weak, the defenseless, and the subordinate; this is a message that can be reasonably assumed will negatively affect generations yet unborn. Violence is not acceptable and we must not support it by sanctioning its use by educational authority figures.[2,19]

Alternatives to Corporal Punishment

An important technique in maintaining classroom control is to develop a milieu of effective communication and positive reciprocal relationships between parents, students, and teachers.[21] School officials should possess a) expertise in child and adolescent development, b) generally enjoy working with children in the academic setting, c) have a strong desire to help youth learn, and d) promote an environment that clearly demonstrates that students are valued, respected, and understood. The emphasis should be on positive educational exchanges between teachers and students, not futile, contentious, win-lose contests.[2,6,8,21]

Students, as well as their parents, should be carefully involved in decision-making about school issues affecting them, including the development and implementation of educational goals and disciplinary rules, along with positive behavioral support where required. Schools should have peer support programs that utilize techniques to encourage acceptable behavior.[2]

It is critical that teachers receive adequate training and resources to help them effectively maintain classroom control without resorting to violent or aggressive techniques.[2] One way to accomplish this is to provide teachers, both during pre-service and in-service training, with the ability to employ behavior management techniques that promote pro-social classroom interactions among the students; this would also promote a positive learning environment for those students. Teachers who comprehend the deleterious short- and long-term consequences of corporal punishment may be motivated to make appropriate changes to their classroom management skills. Schools should have an ample supply of counselors in the school to help teachers provide their problem students with access to another caring adult who can promote self-management as well as anger and impulse control especially for younger children.[2,21,26]

Constitutional Challenges

Though more than half the states prohibit the use of corporal punishment in schools, federal law does not ban the practice. In the landmark case of Ingraham v. Wright,11,14 (1977) the US Supreme Court refused to impose constitutional restrictions on the practice of "reasonable" corporal punishment. The court held that corporal punishment in schools does not violate Eight Amendment rights against cruel and unusual punishment or Fourteenth Amendment rights to due process. In a subsequent case, Hall v. Tawney (1980) the Fourth Circuit Court of Appeals held that students "have a right to be free from state intrusions into the realm of personal privacy and bodily security thorough means so brutal, demeaning and harmful as literally to shock the conscience of the court." Some state laws criminalize the imposition of excessive corporal punishment, but the standard of "excessiveness" is hard for students to prove. Generally speaking, it would be easier to prove a criminal case of assault and battery than to prove that a teacher has violated a student's substantive due process rights in a particular school disciplinary action. Thus, attempts to expand students' common law rights by invoking the U.S. Constitution have been met with limited, and generally, unsatisfactory results.[9,18]

Aside from the limited success to end corporal punishment through the courts and under the U.S. Constitution, 30 states have banned corporal punishment in public and private schools through their own legislative process. By comparison, 47 states have laws banning corporal punishment in family day care settings, 44 states in group homes, 48 states in day care centers, and 49 states in home foster care (*www.stophitting.com*).

Conclusions

The use of corporal punishment in the school environment falsely and perfidiously reinforces physical aggression as an acceptable and effective means of eliminating unwanted behavior in our society. Corporal punishment in schools is an ineffective, dangerous, and unacceptable method of discipline. Nonviolent methods of classroom control should be utilized in all our school systems.[2,8,9,19,20,21] As a father of 4 daughters, a grandfather of 5 grandchildren, a Professor of Pediatrics, a medical scientist, and as a US Navy Vietnam veteran who served in the Vietnam war, I urge the committee to examine the science of this issue and understand that:

- There is no clear evidence that such punishment leads to improved control in the classroom.
- Corporal punishment has major deleterious effects on the physical and mental health of students punished in this manner.
- It severely reduces and does not enhance the academic success of students who are subjected to corporal punishment in schools.
- The use of corporal punishment in schools reinforces physical aggression and promotes violence in society.
- Corporal punishment in schools should be banned.
- Teachers should be educated in the use of alternative methods of discipline, with an emphasis on employing evidence-based behavior modification and other techniques to maintain control of the classroom without resorting to violence.

Our precious children should not be subjected in the school milieu to hitting, slapping, spanking, punching, kicking, pinching, shaking, shoving, choking, use of various objects (wooden paddles, belts, sticks, pins, or others), painful body postures (as placing in closed spaces), use of electric shock, use of excessive exercise drills, or prevention of urine or stool elimination. In closing, I wish to avail myself to you should you have specific questions for me in this regard. I thank you very much for the opportunity and honor to speak before you today.

Acknowledgement

Over the past 20 years I have used a number of consultants in my research and writing on the topic of Corporal Punishment in Schools. I acknowledge and thank these experts for their work with me:

Anne E. Blake-Dreher JD, Miller, Canfield, Paddock and Stone, P.L.C., Detroit, Michigan; Samuel Greydanus Jr. JD, Braintree, Massachusetts; Joseph R. Hawver, Esq., Hawver & Associates, PLC, Portage, Michigan; Marissa A. Holt MA, Teacher, Paramount Charter Academy, Kalamazoo, Michigan; Dilip R. Patel MD, Professor, Pediatrics & Human Development, Michigan State University College of Human Development, MSU/Kalamazoo Center for Medical Studies, Kalamazoo, Michigan; Helen D. Pratt, Ph.D, Professor, Pediatrics and Human Development, Michigan State University College of Human Medicine, Developmental-Behavioral Pediatrics Program Director, MSU/Kalamazoo Center for Medical Studies, Kalamazoo, Michigan; C. Richard Spates, Ph.D, Professor and Director of Clinical Training, Department of Psychology, Western Michigan University, Kalamazoo, Michigan.

REFERENCES

[1] Straus MA, Mouradian VE: Impulsive corporal punishment by mothers and antisocial behavior and impulsiveness of children. Behav Sci Law 1998; 16:353-374.

[2] Gershoff ET. Bitensky, SH: The case against corporal punishment of children: Converging evidence from social science research and international human rights law and implications for U.S. public policy. Psychology, Public Policy and Law. Nov 2007; 13(4): 231-272.

[3] McClure TE, May DC: Dealing with Misbehavior at Schools in Kentucky: Theoretical and contextual predictors of use of corporal punishment. Youth & Society Mar 2008; 39(3): 406-429.

[4] Hyman IA: Using research to change public policy: Reflections on 20 years of effort to eliminate corporal punishment in schools. Pediatrics 1996; 98 (Suppl):818-821.

[5] Bauman LJ, Friedman SB: Corporal punishment. Pediatric Clin No Amer 1998; 45:403-414.

[6] Hyman IA, McDowell E, Rains B: Corporal punishment and alternatives in the schools: An overview of theoretical and practical issues in National Institute of Education: Proceedings: Conference on Corporal Punishment Schools: A National Debate, February 18-20, 1977, U.S. Government Printing Office, 729 222/565, 1977.

[7] Herman DM: A statutory proposal to prohibit the infliction of violence upon children. Family Law Quarterly 1985; 19:1-52.

[8] Office for Civil Rights: 2006 civil rights data collection: Projected values for the nation. Washington, DC: U.S. Department of Education. 2007. Retrieved January 16, 2009, from *http://ocrdata.ed.gov/ocr2006rv30/xls/2006Projected.html*

[9] Poole, SR, Ushokow, MC, Nader PR, et al.: The role of the pediatrician in abolishing corporal punishment in schools. Pediatrics 1991; 88:162-7.

[10] Moelis CS: Banning corporal punishment: A crucial step toward preventing child abuse. Child Legal Rights 1988; 9:2-5.

[11] Frazier HC: Corporal and capital punishment of juveniles. Med Law 1990; 9:996-1004.

[12] Center for Effective Discipline: Discipline at School (NCACPS: U.S.: Corporal Punishment and Paddling Statistics by State and Race—2006-2007 School Year. Columbus, Ohio: Author; March, 2008. Retrieved on 1/16/09 from *http://www.stophitting.com/index.php?page=statesbanning*

[13] Goss v. Lopez, 419 U.S. 565 (1975).

[14] Ingraham v. Wright, 430 U.S. 651, 662 (1977).

[15] Hall v. Tawney, 621 F. 2d 607, 613 (4th Cir. 1980).

[16] Garcia v. Miera, 817 F. 2d. 650, 653 (10th Cir. 1987).

[17] Wise v. Pea Ridge School District, 855 F. 2d. 560 (8th Cir.1988).

[18] Neal ex rel. Neal v Fulton County Bd. of Educ., 229 F.3d 1069 (11th Cir, 2000), rehearing denied 244 F.3d 143.

[19] Lynnette R: Corporal punishment in American public schools and the Rights of the Child. J Law & Education 2001; 30:554-563.

[20] American Academy of Pediatrics Committee on School Health: Corporal punishment in schools. Position Statement. Pediatrics 2000;106:343.

[21] Greydanus DE, Pratt HD, Spates CR, Blake-Dreher AE, Greydanus-Gearhart MA, Patel DR: Corporal punishment: Position Statement of Society for Adolescent Medicine. J Adolesc Health 32:385-393, 2003.

[22] Dubanoski RA, Inaba M, Gerkewicz BA: Corporal punishment in schools: Myths, problems, and alternatives. Child Abuse Negl 1983; 7:271-8.

[23] Reinholz LK: A practical defense of corporal punishment in the schools, in National Institute of Education: Proceedings: Conference on Corporal Punishment in Schools: A National Debate, February 18-20, 1977, U.S. Government Printing Office, 729 222/565,1977.

[24] Mallot RW, Malott ME, Trojan EA: Elementary Principles of Behavior. 4th Edition. Upper Saddle River, NJ: Prentice Hall, 2000.

[25] Strauss MA: Spanking and the making of a violent society. Pediatrics 1996; 98 (Suppl): 837-841.

[26] Pratt HD, Greydanus DE: Adolescent violence: Concepts for a new millennium. Adolesc Med 2000; 11:103-125.

ADDITIONAL BIBLIOGRAPHY

1986-1987 Elementary and Secondary Civil Rights Survey, National Summary of Projected Data. Washington, DC: Office of Civil Rights, U.S. Department of Education, 1987.

1990 Elementary Secondary School Civil Rights Survey, National State Summary of Projected Data. Washington, DC: Office of Civil Rights, US Department of Education, 1992.

Abrahams N, Casey K, Daro D: Teachers' knowledge, attitudes and beliefs about child abuse and its prevention. Child Abuse Negl 1992; 16:229-238.

American Academy of Pediatrics. Committee on School Health, American

Academy of Pediatrics. Corporal punishment in schools. Position paper. Pediatrics 1986; 73:258.

American Academy of Pediatrics. Committee on School Health, American Academy of Pediatrics. Corporal punishment in schools. Position Paper. Pediatrics 1991; 88:173.

American Academy of Pediatrics Committee on Psychosocial Aspects of Child and Family Health. Guidance for effective discipline. Pediatrics 1998; 101:723-728.

American Academy of Pediatrics Committee on School Health: Corporal punishment in schools. Position Statement. Pediatrics 2000; 106:343.
Bauer GB, Dubanoski R, Yamanchi LA, et al.: Corporal punishment and the schools. Educ Urban Soc 1991; 22:285-99.
Block N, Fathman R: Convincing state legislatures to ban corporal punishment. Children's Legal Rights J 1988; 9:21-24.
Bongiovani AF: A review of research on the effects of punishment: Implications for corporal punishment in schools, in National Institute Of Education: Proceedings: Conference on Corporal Punishment in Schools: A National Debate, February 18-20, 1977, U.S. Government Printing Office, 779 222/565, 1977.
Brown WE, Payne T: Policies/practices in public school disciplines. Academic Therapy. 1988; 23:297-301.
Buntain-Ricklefs JJ, Kemper KJ, Bell M et al: Punishments: What predicts adult approval? Child Abuse Negl 18: 945, 1994.
Cameron J, Pierce WD: Reinforcement, reward, and intrinsic motivation: A meta-analysis. Reviews of Educational Research 1993; 64:363.
Carkhuff RR, Berenson PH, Pierce RM: The Skills of Teaching: Interpersonal Skills. Amhurst, MA: Human Resource Development Press, 1973.
Climinillo LM.: Discipline: The school's dilemma. Adolescence 1980; 15:1-12.
Cohen P: How can generative theories of the effects of punishment be tested? Pediatrics 1996; 98(Suppl):834-36.
Coie JD, Underwood M, Lochman JE: "Programmatic intervention with aggressive children in the school setting." In: Pepler DJ & Rubin KH (eds): The Development and Treatment of Childhood Aggression. Hillsdale, NJ: Lawrence Erlbaum Associates Inc, pp. 389-410, 1991.
Conte AE: In loco parentis: Alive and well. Education 2000; 121:195-200.
Eron LD: Research and public policy. Pediatrics 1996; 98 (Suppl):821-823.
Gainer PS, Webster SW, Champion HR: A youth violence prevention program: Description and preliminary evaluation. Arch Surg 1993; 128:303-8.
Garrison EG: Psychological maltreatment of children: An emerging focus for inquiry and concern; American Psychologist 1987; 42:157-9.
Gershoff ET: Corporal punishment by parents and associated child behaviors and experiences: A meta-analytic and theoretical review. Psychol Bull 2002; 128:539-579.
Giles-Sims J, Straus M & Sugarman D: Child, maternal and family characteristics associated with spanking. Fam Relations 1995; 44:170-176.
Graziano AM: Why we should study sub-abusive violence against children. J Interpersonal Violence 1994; 9:412.
Grossman DC, Rauh MJ, Rivara FP: Prevalence of corporal punishment among students in Washington State schools. Arch Pediatr Adolesc Med 1995; 149:529-532.
Grusec JE, Goodnow JJ: Impact of parental discipline methods on the child's internalization of values: A reconceptualization of current points of view. Develop Psychol 1994; 30:4-19.
Hart SN, Brassard MR: A major threat to children's mental health: Psychological maltreatment. American Psychologist 1887; 42:160-5.
Holden GW, Coleman SM, Schmidt KL: Why 3-year-old children get spanked: Parent and child determinants as reported by college-educated mothers. Merrill-Palmer Quarterly 1995; 41:431.
Hyman IA, Irwin A, Lally D: discipline in the 1980's: Some alternatives to corporal punishment. Children Today 1982; 11:10-13.
Hyman IA.: Eliminating corporal punishment in schools: Moving from Advocacy research to policy implementation. Child Legal Rights 1988; 9:14-20.
Hyman IA, Zelikoff W, Clarke J: Psychological and physical abuse in the schools: A paradigm for understanding postraumatic stress disorder in children and youth. J Traumatic Stress 1988; 1:243-66.
Hyman IA: Corporal punishment, psychological maltreatment, violence, and punitiveness in America: research, advocacy, and public policy. Applied Preventive Psychology 1995; 4: 113-130.
Hyman I, Dahbany A, Blum M et al.: School Discipline and School Violence: The Teacher Variance Approach Needham Heights, MA: Allyn & Bacon, 1996.
Imbrogno AR: Corporal punishment in America's public schools and the U.N. Convention of the Child: A case for nonratification. J Law & Education 2000; 29: 125-147.
Jones VF, Jones LS: Responsible Classroom Discipline: Creating Positive Learning Environments and Solving Problems. Boston, Allyn and Bacon, 1981.
Larzelere R: A review of the outcomes of parental use of nonabusive or customary physical punishment. Pediatrics 1996; 98 (Suppl): 824-828.

Larzelere RE, Johnson B: Evaluations of the effects of Sweden's spanking ban on physical child abuses: A literature review. Psychlogical Rep 1999; 85:381-92.
Lewis C: The roots of discipline in Japanese preschools: Meeting children's needs for friendship and contribution. Advances in Early Education and Day Care 1995: 6:269-278.
McCord J: Unintended consequences of punishment. Pediatrics 98 (Suppl): 1996; 832-836.
McCormick KF: Attitudes of primary care physicians toward corporal punishment. JAMA 1992; 267:3161.
Medway FJ, Smircic JM: Willingness to use corporal punishment among school administrators in South Carolina. Psychol Rep 1992; 71:65-66.
Olson DA. : The Swedish ban of corporal punishment. Brigham Young University. Law Review 1984; 447-456.
Orentlicher D: Corporal punishment in the schools. JAMA 1992; 267:3205-3208.
Paintal S: Banning corporal punishment of children. Childhood Education 1999; 76:36-39.
Patterson GR: The aggressive child: Victim and architect of a coercive system. In: Marsh EJ, Hamerlynck LH, Handy LC, eds. Behavior Modification and Families. New York: Brunner/Mazel, 267-316, 1976.
Patterson GR, DeBaryshe BD, Ramsey E: A developmental perspective on antisocial behavior. Am Psychol 1989; 44:329.
Reitman A.: Corporal punishment in schools-The Ultimate violence. Child Legal Rights 1988; 9:6-13.
Rivara FP, Farrington DP: Prevention of violence: Role of the pediatrician. Arch Pediatr Adolesc Med 1995; 149:421-4.
Roberts MW, Powers SW: Adjusting chair timeout enforcement procedures for oppositional children. Behav Ther 1990; 21:257.
Smith JR, Brooks-Gunn J: Correlates and consequences of harsh discipline for young children. Arch Pediatr Adolesc Med 1997; 151:777-786.
Straus MA, Sugarman DB, Giles-Sims J: Spanking by parents and subsequent antisocial behavior of children. Arch Pediatr Adolesc Med 1997; 75:761-67.
Sulzer-Azaroff B, Mayer GR: Applying Behavior Analysis Procedures with Children and Youth. New York, Holt, Rinehard, and Winston, 1977.
Sulzer-Azaroff B, Mayer GR: Achieving Educational Excellence. New York, Holt, Rinehard, and Winston, 1986.
The National Center for the Study of Corporal Punishment and Alternatives. States Which Have Abolished Corporal Punishment as a Means of Discipline in the Schools. Philadelphia, PA: Temple University, 1994.
Thompson EE: The short- and long-term effects of corporal punishment on children: A meta-analytic review. Psychol Bull, 1999.
Thrasher v. General Casualty, 732 Supp 996, W.D. Wis (1990).
Wauchope BA & Straus MA: Physical punishment and physical abuse of American children: Incidence rates by age, gender and occupational class." In: MA Straus & RJ Gelles (eds): Physical violence in American families. New Brunswick, NJ: Transaction, pp. 133-148, 1990.
Weiss B, Dodge KA, Bates JE et al.: Some consequences of early harsh discipline: Child aggression and maladaptive social information processing style. Child Dev 1992; 63:1321.
Wilson FC: A look at corporal punishment and some implications of Its use. Child Abuse Negl 1982; 6:155-64.
Wolfgang CH, Glickman CD: Solving Disciplinary Problems: Strategies for Classroom Teachers. Boston, Allyn and Bacon, 1980.

Chairwoman MCCARTHY. Thank you very much, Doctor.

Ms. Frieler?

STATEMENT OF JANA FRIELER, PRINCIPAL, OVERLAND HIGH SCHOOL; PRESIDENT–ELECT, NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS

Ms. FRIELER. Good morning, Chairwoman McCarthy, Ranking Member——

Chairwoman MCCARTHY. Could you bring the mic a little bit closer to you?

Ms. FRIELER. Is that better?

Good morning. Chairwoman McCarthy, Ranking Member Platts and members of the subcommittee, thank you for inviting me to speak on the issue of corporal punishment in schools and its effects on student achievement.

My name is Jana Frieler. I am the principal of Overland High School in Aurora, Colorado. Our school is a comprehensive public suburban institution with over 2,000 students, who speak 54 different languages. We are more than a third African-American, a fourth Hispanic, and one-half of our students qualify for free and reduced lunches, yet Overland High School succeeds academically.

We offer 21 advanced placement courses and an institute for math, science and technology. Eighty-nine percent of our 2009 graduates are now participating in some form of post-secondary education this year. Such success is only possible in a supportive school environment. A culture that promotes the students' sense of belonging to the school helps them take ownership of their learning and values their voice as an important member of the school community.

As we have known since Abraham Maslow published his well-known hierarchy of needs in 1943, fundamentally, if students don't feel safe at school, they cannot learn. My comments today reflect both my personal beliefs and the position of the National Association of Secondary School Principals, the nation's largest school leadership organization, who I am honored to serve as president-elect.

NASSP has adopted a position statement opposing the use of corporal punishment based on six guiding principles. First, schools should be free from violence. Schools must engage students and not intimidate them into learning. Schools have a responsibility to model authority that is constructive, humane, and provides opportunities for growth.

Discipline must promote self-control in constructive, not harmful ways. Discipline and corporal punishment are not synonymous. Discipline should be applied consistently and fairly. The statement draws a distinction between discipline and punishment. Discipline teaches students to learn from their mistakes and handle future situations more constructively. Punishment, however, teaches students to avoid getting caught in order to escape the consequences and not change a thing about their behavior.

In my 15 years as a school administrator, I have never resorted to corporal punishment, nor do I condone the practice, preferring instead to use infractions as learning opportunities. If the student understands his or her responsibility in the matter and the consequence for the misbehavior is perceived as fair and reasonable, parents and students are much more likely to accept the outcome, regardless of the severity.

Personalization is central to the NASSP's breaking ranks school improvement framework by promoting a climate that never tolerates violence, but instead focuses on each student's success and implements a proactive approach to the discipline. Such a climate can increase attendance, reduce dropout rates, and decrease disruptive behaviors, eliminating the need for punishment-focused discipline systems.

However, proactive discipline must be a part of whole school planning and operations on a daily basis, not reactive to specific incidences of behavior. To this end NASSP supported the Keeping All Students Safe Act, which was approved by the House last month and would establish federal minimum standards on use of physical restraint or seclusion in schools.

I understand that Chairwoman McCarthy will be introducing this legislation to prohibit the use of corporal punishment in our public schools, and NASSP will support that bill as well. We who are responsible for fostering positive climate in schools welcome the support of federal legislation, and we hope that realistic funding accompanies it.

The truth is that creating such a climate is complex and challenging. We must convey clear behavioral expectations to students, staff and parents, and at all times we must keep what is in the best interest of our students at heart with fair and natural consequences designed to educate instead of punitive ones designed to exact revenge.

Programs such as school-wide positive behavior support, which is widely used in Colorado, can assist school leaders through the tracking of discipline infractions by time and type, which allows resources and human capital to be placed where they are most needed.

Dr. James Comer, one of the country's leading child psychiatrists, has stated, "No significant learning occurs without a significant relationship." Establishing this trusting relationship is even more critical to the academic development of minority students and those living in poverty, students that research shows are more likely to receive corporal punishment, if it is allowed.

The threat of physical punishment hanging over a student's head does not promote a climate of security, nor of learning. Corporal punishment is no longer tolerated in the military, prisons, or mental institutions. I strongly encourage Congress to give students the same consideration by enacting legislation that prohibits the use of corporal punishment in all schools nationwide.

Madam Chairwoman, this concludes my prepared testimony, but I would be happy to answer any questions committee members have.

[The statement of Ms. Frieler follows:]

Prepared Statement of Jana Frieler, President-Elect, National Association of Secondary School Principals

Chairwoman McCarthy, Ranking Member Platts, and members of the subcommittee, thank you for inviting me to speak on the issue of corporal punishment in schools and its effect on student achievement. My name is Jana Frieler, and I am the principal of Overland High School in Aurora, Colorado, where I have served for five years. Our school is a comprehensive, public, suburban institution with over 2,100 students who speak 54 different languages. Nearly half of our students are eligible for free and reduced-price meals. Thirty-seven percent of our students are Black, and 22% are Hispanic. Diversity is something we celebrate. Our students can take part in leadership groups to help them appreciate our differences while participating in activities that celebrate their own cultures. Overland is also a college preparatory school with 21 different Advanced Placement courses in almost every subject area and an Institute for Math, Science, and Technology. Eighty-nine percent of our students who graduated from our school in 2009 are participating in some form of postsecondary education this year.

The Cherry Creek School District, where my school is located, covers approximately 110 square miles in the southeast metropolitan boundaries of the Denver area and serves approximately 48,700 students. Our district consists of 40 elementary schools, 1 charter school, 11 middle schools, 6 high schools and 1 alternative high school.

Today, I am also appearing on behalf of the National Association of Secondary School Principals, where I serve as president-elect. In existence since 1916, NASSP is the preeminent organization of and national voice for middle level and high school principals, assistant principals, and aspiring school leaders from across the United States and more than 45 countries around the world. Our mission is to promote excellence in middle level and high school leadership.

NASSP

In 2004, the NASSP Board of Directors adopted a position statement expressing our opposition to the use of corporal punishment in middle and high schools. The board revisited that position in February 2009 and reaffirmed our commitment to the six guiding principals on which the position statement is based:

- NASSP supports the federal goal of violence-free schools stated in Goals 2000: Educate America Act (1994). Every school in the United States should be free of drugs, violence, and the unauthorized presence of firearms and alcohol.
- The fundamental need of U.S. education is to find ways of engaging today's students in the excitement of learning. Fear of pain or embarrassment has no place in that process.
- Students have the right to learn in a safe and secure environment. Schools have a responsibility to model for and teach our youth methods of exerting authority and modifying behavior that are constructive, humane, and provide opportunities for growth.
- Many proven means of discipline promote self-control and the development of appropriate socially adaptive behaviors in constructive, nonharmful ways.
- Discipline and corporal punishment are not synonymous.
- Discipline should be applied consistently and fairly.

To avoid the alienation of youth and to address the issues that lead to corporal punishment, NASSP has a long history of supporting the personalization of the school environment and student learning. We believe that school climate must be one that never tolerates violence but instead focuses on each student's success and how the school can foster a proactive approach to discipline.

In 1996, NASSP published Breaking Ranks:Changing an American Institution in which we called for sweeping change in schools. Recommendations from that and later Breaking Ranks publications focus on areas that the school principal can influence directly. Some of the recommendations that apply to this topic are:

- Schools will create small units in which anonymity is banished.
- Every student will have a personal adult advocate.
- Schools will engage students' families as partners.
- Schools, in conjunction with agencies in the community, will help coordinate the delivery of physical and mental health services.

As you can see, recommendations such as these are the proactive part of discipline and must be part of the whole school planning and operations on a daily basis.

To this end, NASSP supported legislation approved by the House last month that would establish federal minimum standards on the use of physical restraint or seclusion in schools. The Keeping All Students Safe Act (H.R. 4247) would also ensure that state-approved crisis intervention programs include evidence-based skills training related to positive behavior supports and provide grants to states implementing schoolwide positive behavior support approaches to improving school climate. I understand that Chairwoman McCarthy will be introducing legislation to prohibit the use of corporal punishment in our nation's public schools, and NASSP will support that bill as well.

Corporal Punishment in Colorado

According to the American Civil Liberties Union (ACLU), in the United States at least 220,000 children in public schools are subjected to corporal punishment, or "paddling," in response to unacceptable behavior and/or inappropriate language. A disproportionate number of these students are minorities, male students, and students with disabilities. In fact, while Black students represent only 17% of the total student population, they receive 36% of the corporal punishment, more than twice the rate of White students.

Although corporal punishment is no longer tolerated in the military, prisons, or mental institutions, the U.S. Department of Education reports that 20 states still allow corporal punishment in full or in part, including my home state of Colorado.

Long considered a "local control state," the Colorado legislature enacted the Safe Schools Act in 2004 to provide students with a safe, conducive learning environment that is free from disruptions. Each school district must develop "concisely written conduct and discipline codes that shall be enforced uniformly, fairly and consistently for all students." The district's conduct and discipline code must also include "policies and procedures for the use of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that no board shall adopt a discipline code that includes provisions that are in conflict with the [state] definition of child abuse."

While corporal punishment is allowable in Colorado, I believe its use is rare and there are reasons for this. First are the liability issues that are of great concern to school officials; regardless of the immunity laws that protect the school staff who impose such punishments, the possibility for potential litigation is great. More importantly, however, the use of corporal punishment can serve as an impediment to student learning. If students need to feel safe in order to learn, striking a child as a punishment is completely counterintuitive to establishing a culture and climate of safety and therefore inhibits the learning that should be happening.

Corporal punishment is specifically prohibited in the Cherry Creek School District, which governs my school. Every year, the Student Conduct and Discipline, Rights and Responsibilities handbook is distributed to school staff members and parents to explain the district's policies for ensuring a safe education environment. Consistent with state law and as long as it is not in conflict with the legal definition of child abuse, however, the handbook states that our discipline policies and procedures may include acts of reasonable and appropriate physical intervention or force if a student is placing him or herself or others in danger. As the principal of Overland High School, I must submit an annual report to the board of education that includes information on the number of conduct and discipline code violations that occurred at my school and list any behavior on school property "that is detrimental to the welfare or safety of other students or of school personnel, including behavior that creates a threat of physical harm to the student or to other students."

Personal Testimony

I have been a school administrator for over 15 years and, as such, have made countless decisions regarding the discipline of students. I have never resorted to corporal punishment nor do I condone the practice. I believe that discipline should not be aimed at punishment, but rather used as a learning opportunity for our students. If we focus on punishing our students through threats, coercion, or physical punishment, they may simply learn to avoid getting caught in order to escape the consequences and therefore may become doomed to repeat, not change, their behavior. If we focus on using the situation as a learning opportunity, however, we teach them instead to learn from their mistakes and how to better handle future situations in a more positive manner. Personally, I have had much success with this practice. If the student understands his or her responsibility in the matter and the consequence for the misbehavior is perceived as fair and reasonable, parents and students are much more likely to accept the outcome, regardless of its severity.

As a school administrator, I have always worked to create opportunities that are best for my students. Programs, activities and events that enhance student performance take priority, but it's important to realize that for academic growth to occur, it must take place in a supportive school environment—a culture that promotes the students' sense of belonging to the school helps them take ownership of their learning and values them as important members of the school community. This type of personalized learning environment can increase attendance, decrease dropout rates, and decrease disruptive behavior—and eliminate the need for a punishment-focused discipline system.

While my philosophy sounds simple, creating this type of school environment is, in reality, quite complex. School leaders must intentionally focus on establishing a positive, supportive school environment with policies and procedures that affect the culture and continually monitor the climate and revising it as necessary. Clear expectations regarding student behaviors must be conveyed to students, staff members, and parents. Fair and natural consequences, as opposed to punitive ones, must be employed at all times.

Programs such as schoolwide positive behavior support, widely used in Colorado, can assist school leaders by tracking of discipline infractions by type and time, which allows resources and human capital to be placed where they are most needed. School climate and culture surveys are also given to students, staff members, and parents to provide insight and valuable information as to how the school's environment is perceived by all stakeholders.

Dr. James Comer, one of the country's leading child psychiatrists, has said, "No significant learning occurs without a significant relationship." Establishing this trusting relationship is even more essential to the academic development of minority students and those living in poverty—students who research shows are more likely to receive corporal punishment if it is allowed. So while the establishment of a positive, supportive school environment is important in every school, it is paramount in schools with diverse or high-poverty populations.

Unfortunately, the wishes and best interests of adults are often the basis of decisions made in some schools. And while it is important to consider the needs of all members of the school community, decisions must be made in the best interests of the students being served. Based on my personal philosophy and experiences as well as my position as president-elect of NASSP, I offer the following recommendations to guide schools in developing a positive, supportive environment that promotes the academic growth and personal development of every student at the school:

- Abolish all policies and procedures that allow or promote corporal punishment or are focused on punitive measures.
- Help students achieve academic success through the identification of strengths and deficiencies and provide students with the instruction, interventions, and support necessary for success.
- Establish discipline policies and practices that promote growth and self-discipline and are based on fair, reasonable, and consistent rules.
- Employ disciplinary consequences that are natural, logical, and meaningful and contain an instructional or reflective component.
- When appropriate, implement personalized behavioral contracts that are collaboratively developed by school personnel, the student, and the parent(s).
- Encourage positive reinforcement of appropriate behavior.
- Establish programs that emphasize early diagnosis of social or behavioral problems and provide the students and their teachers with the appropriate interventions and support.
- Encourage programs that emphasize values, citizenship, school pride, and personal responsibility and support the mental health needs of students.
- Use school and/or community-based counseling for individuals or groups.
- Develop systems that promote strong parent-school and community-school communications and relationships.
- Provide professional development opportunities for school leaders and all staff members (teachers, support staff, bus drivers, playground aides, etc.) to gain and/or refine skills in classroom management, conflict resolution, relationship building, positive behavioral supports, etc.

In 1943, Abraham Maslow published his well known research on the hierarchy of needs. The need to feel safe is the second most important attribute after basic life needs such as food and shelter. Maslow's hierarchy tells us that if the first level is not met, progress in the second is impossible and so forth. A clear conclusion is that if a student does not feel safe, then other life functions cannot take place. The educational parallel to this research is that if students don't feel safe at school, they cannot learn; this has been supported by multiple research studies. The threat of physical punishment hanging over a student's head does not promote a climate of security or learning. For this reason and the ones I have stated previously, I firmly encourage Congress to enact legislation prohibiting the use of corporal punishment in all schools nationwide.

Madam Chairwoman, this concludes my prepared testimony, but I would be happy to answer any questions you or the other committee members may have.

Thank you again for this opportunity.

Chairwoman MCCARTHY. Thanks very much.

Ms. Gilbert?

STATEMENT OF WYNELL GILBERT, TEACHER, ERWIN HIGH SCHOOL

Ms. GILBERT. Chairwoman McCarthy and subcommittee members, it is an honor to speak before you today. I am Wynell Gilbert, a secondary school science teacher at Erwin High School in Center Point, Alabama. I am testifying today on behalf of the Jefferson County Federation of Teachers. I am also a member of the American Federation of Teachers, which for many years has been train-

ing teachers on how to run effective, orderly, safe and respectful classrooms without the use of corporal punishment.

I am here today, because I know firsthand the difference a teacher can make in the classroom without having to resort to corporal punishment. Even though corporal punishment is allowed in many Southern states, has it truly made a difference in student behavior?

Based on my experience as a teacher in a high school that was once known for its discipline problems, using corporal punishment in my opinion is comparable to sweeping dirt under the rug. The problem still exists. It is just being covered up. A paddle may teach a child to be fearful, but what happens when the child is no longer afraid?

I have been in public education for approximately 12 years. Six of these years have been spent at Erwin High School. In terms of demographics, we are a school that is approximately 93 percent African-American, 1 percent Asian, 3 percent Hispanic and 3 percent Caucasian.

Our school has a highly transient student population. Many of my students are raised in single parent homes, primarily by their mothers and/or grandparents. Most of the parents are relatively young. The majority of male students are raised in homes without their fathers, and sometimes there is little or no interaction between fathers and sons.

Some of our students are affiliated with gangs and often engage in illegal activities. We have had to deal with a lot of discipline problems in the school, and unfortunately, some of these discipline problems were handled by the use of corporal punishment with the consent of a parent. The problems were not solved, because the same behaviors continued, often with more hostility from the student.

In my classroom I have dealt with different types of misbehaviors. I can honestly say that I have never had to administer corporal punishment, nor had the desire to use it on any of my students. However, as a result of their misbehavior, some of my students did receive corporal punishment from the school administration. Unfortunately, when the students came back to my classroom, they were often hostile, and after a while, the misbehavior resumed.

As a result I became proactive in my class as opposed to being reactive. I started this process by implementing strategies that I learned through educational research and dissemination training. It is a professional development program developed by the American Federation of Teachers, which my local union provides.

Based on this training I set high behavioral expectations for my students, seek to empower them and work really hard at getting to know my students, their likes, their dislikes, and try to find the things that motivate them. As simple as this may seem, these are the strategies that have cut down on misbehavior in my classroom without the use of corporal punishment.

For example, as an incentive, I give extra credit bonus points to students who go the extra mile in class. We may do special projects as a class. I may have guest speakers come to talk to the students, and as opportunity presents itself, we may do outside experiments.

These are the things that I find help motivate my students. These incentives give them reason to come to my class and participate. In essence, these extras give students a sense of ownership and acceptance.

Even though these strategies have been successful in my classroom, there are always a few students who may act out. However, because of the tone I have set and the expectations that have been established, these misbehaviors often are minor and can be handled in the classroom.

I can recall a situation in which one of my female students would come to class with the worst attitude ever. She constantly caused problems in the classroom. Before sending her to the office, I spoke with a social worker. This is a position most schools in my district do not have, but we have been fortunate to have a social worker within our school.

I found out that this young lady had very little respect for women, because she was habitually abused by her mother and eventually was removed from her home and placed in foster care. When I realized this, I knew that harsh punishment would not solve the problem with this young lady.

I learned that she was a very good artist, so the next day in class we did an assignment in which students had to illustrate what they learn by drawing a picture. Each person in the class was assigned a role. Of course, I assigned this young lady to be the illustrator, giving her an opportunity to showcase her artwork. At the end of class I commented her on her drawing, and she was thrilled to know that I liked the picture.

We engaged in a conversation about other things that interest her, but everything circled back to art. Without going into detail about her past, she told me that drawing gave her an opportunity to escape. Seeing that this was her greatest strength, I suggested the following to her. I told her when she came to class, she had to act like a young lady to do all that was required for the class period. Then, if time allowed, I would let her draw for the last 5 to 10 minutes of class.

I didn't let her down. I kept my promise, and I maintained consistency with her. As a result, she didn't let me down and became one of my better students. In this situation corporal punishment would not have been the solution.

In addition to the things I have done in my classroom to maintain discipline through positive reinforcement, our school has been proactive with this approach as well. Among the things that have been done in place is a program called "Caught Doing Something Good," which recognizes students for doing something good in the school. For example, if a student turns in a lost wallet, the student's name is announced over the PA system at the end of the day. Students are so excited to hear their names announced that they work extra hard to be recognized for their positive behaviors.

In conclusion, corporal punishment does not work, and in my opinion should be banned. Fortunately, the principal of my school has moved away from corporal punishment unless the parent consents. Yes, we still have discipline problems, but our principal works really hard with our social worker to ensure that students

have an opportunity to improve their behavior by using positive reinforcement before other steps are taken.

Thank you, and I will be available for questions.

[The statement of Ms. Gilbert follows:]

Prepared Statement of Wynell Gilbert, Teacher, Erwin High School, Center Point, AL

Chairwoman McCarthy, Ranking Member Platts, and subcommittee members, I am Wynell Gilbert, a secondary school science teacher at Erwin High School in Center Point, Ala. I am testifying today on behalf of the Jefferson County Federation of Teachers. I am also a member of the American Federation of Teachers, which for many years has been training teachers in how to run effective, orderly, safe and respectful classrooms without the use of corporal punishment.

I am here today because I know firsthand the difference a teacher can make in the classroom without having to resort to the use of corporal punishment. Even though corporal punishment is allowed in many Southern states, has it truly made a difference in student behavior? Based on my experiences as a teacher in a high school that was once known for its discipline problems, using corporal punishment is comparable to sweeping dirt under the rug: The problem still exists; it's just being covered up. Typically, the students who caused the most problems in my classroom were the ones who were seeking attention and/or in search of acceptance. A paddle may teach a child to be fearful, but what happens when the child is no longer afraid?

I have been in public education for approximately 12 years. Six of these years have been spent at Erwin High School, near Birmingham, Ala. In terms of demographics, we are a school that is 93.1 percent African-American, 0.8 percent Asian, 3.06 percent Hispanic, and 3.31 percent Caucasian. Our school has a highly transient student population. Many of my students are raised in single-parent homes, primarily by their mothers and/or grandparents. Most of the parents are relatively young. The majority of male students are raised in homes without their fathers, and sometimes there is little or no interaction between fathers and sons. Some of our students are affiliated with gangs and often engage in illegal activities. We have had to deal with a lot of discipline problems in the school and, unfortunately, some of these discipline problems were handled by the use of corporal punishment. The problems were not solved, because the same behaviors continued, often with even more hostility.

In my classroom, I have dealt with different types of misbehaviors. I can honestly say that I have never had to administer corporal punishment nor had the desire to use it on any of my students. However, as a result of their misbehavior, some of my students did receive corporal punishment from the school administration. Unfortunately, when the students, came back to my classroom, they were often hostile, and after a while, the misbehavior resumed. As a result, I became proactive as opposed to reactive. I started this process by implementing strategies that I learned through ER&D (Educational Research and Dissemination) training, a professional development program developed by the American Federation of Teachers, which my local union provides. From this, I found that the most effective strategy was setting the tone in my own classroom.

From day one, I set high behavioral expectations for my students; I empower them by giving them an opportunity to establish their own classroom rules as long as they comply with the school's Student Code of Conduct. I make a conscious effort to get to know my students; this enables me to target the ones who may develop behavioral problems. Typically, these are the students who I want to "empower" by giving them certain responsibilities. For example, I had a young lady in my class who was always tardy; when she came to class, she always caused problems. Whenever I addressed the issue with her, she would become hostile and shut down. Of course, when she did this, it interrupted the learning process. One day, I decided to take a different approach. That day when she came in late, I asked her to file papers for me. She worked quietly in a corner. The next day, I saw her in the hall and I commented on how well she filed the papers and how she helped me out tremendously. The look on her face made me realize that this may have been the only compliment this young lady had ever received. So, she and I began to talk more, and she offered to be my student helper. This gave me an opportunity to see what she was interested in, while being able to hold some type of leverage on her. My response to her was, "You can't be my helper if you continue to come to my class late and misbehave. You have to set an example for other students." After having this conversation with her, she was the first person to arrive in my class every day.

In fact, she became one of my best students. In situations like this, oftentimes the student is referred to the office for disciplinary action, which may or may not result in corporal punishment. Would corporal punishment have benefited this young lady? Positive reinforcement got the results I wanted without the use of corporal punishment.

I work really hard at getting to know my students, thus learning their "likes" and "dislikes," and I try to find the things that motivate them. As simple as this may seem, these are the strategies that have cut down on misbehavior in my classroom, without the use of corporal punishment. For example, as an incentive, I give extra credit/bonus points to students who go the extra mile in class; we may do special projects as a class; I may have guest speakers come in to talk to the students; and if the opportunity presents itself, we may do outside experiments. These are the things that I find help motivate my students. These incentives give them a reason to come to my class and participate. In essence, these extras give students a sense of ownership and acceptance. Even though these strategies have been successful in my classroom, there are always a few students who still may act out. However, because of the tone I have set and the expectations that have been established, these misbehaviors often are minor and can be handled in the classroom. I know that I have been successful in managing my classroom because I am consistent; I provide a structured environment for my students; and I try to address any problems in the beginning before they fester.

As I recall, during my first year of teaching at this school, many of the students had very little pride, and school morale was very low. We had a lot of discipline problems, and many of our students received corporal punishment. Even though corporal punishment was administered, the discipline problems continued.

Unlike most schools in our school district, we have a full-time social worker on our campus. This individual has played a tremendous role in working with the students who are most likely to misbehave. Oftentimes, teachers are asked to refer students with repetitive misbehaviors to the social worker. These students typically are dealt with by using the Strength-Based Perspective program, which highlights the students' strengths (something positive) as opposed to their weaknesses. By using this approach, he is able to build a relationship with the student, which in turn builds trust and gives the student an opportunity to be a part of the process. The social worker's role in the school has had a very positive impact, particularly on our male students. It is very helpful that he is an African-American, so most of the students can identify with him; he has taught a lot of these young men what it means to be a man and how to avoid conflict in a positive way (whether the conflict is in the classroom or at home).

I can recall a situation in which one of my female students would come to class with the worst attitude ever; she constantly caused problems in the class. Before sending her to the office, I spoke with the social worker. I later found out that this young lady had very little respect for women because she was habitually abused by her mother and eventually was removed from her home and placed in foster care. When I realized this, I knew that a harsh punishment would not solve the problem with this young girl. I learned that she was a very good artist, so the next day in class, we did an assignment in which students had to illustrate what they had learned by drawing a picture. Each person in the class was assigned a role. Of course, I assigned this young lady to be the illustrator (giving her an opportunity to showcase her artwork). At the end of class, I commented on her drawing, and she was thrilled to know that I liked the picture. We engaged in conversation about other things that interested her, but everything circled back to art. Without going into detail about her past, she told me that drawing gave her an opportunity to escape. Seeing that this was her greatest strength, I suggested the following: I told her that when she came to class she had to act like a young lady, to do all that was required for the class period. Then, if time allowed, I would let her draw for the last five to ten 10 minutes of class. I didn't let her down, I kept my promise and I maintained consistency with her. As a result, she didn't let me down and became one of my better students. In this situation, corporal punishment would not have been a solution.

In addition to the things I have done in my classroom to maintain discipline through positive reinforcement, our school has been proactive with this approach as well. Among the things that have been put in place is a program called "Caught Doing Something Good," which recognizes students for doing something good in the school. For example, if a student turns in a lost wallet, the student's name is announced over the PA system at the end of the day. Students are so excited to hear their names announced that they work extra hard to be recognized for their positive behaviors. Even though this approach has not eliminated all discipline problems, it has given students the opportunity to build character and integrity. Three years

ago, a mentoring program titled G.U.M.B.O.S. (Greater Understanding of Multiple Blends of Students) was established. G.U.M.B.O.S. is a service organization with a very diverse group of students ranging from star athletes and scholars to students who have exhibited behavioral problems. Members of this organization are matched with students in the elementary and junior high schools to serve as mentors. Ironically, the students who caused the most behavioral problems often made the best mentors. Their behavior changed as a result of being a part of a respectable group, which gave them a sense of ownership and acceptance, and made them feel important.

I could go on and on about the different programs we offer our students to reinforce positive behavior, but I realize that time is limited. However, I can say that having these programs in place has been far more effective in maintaining discipline than using corporal punishment or other negative alternatives.

My job as a teacher is to provide my students with the necessary skills they need to be productive citizens. In most cases, these skills go beyond what is found in the textbooks. What makes me feel good about what I do day to day are the ways in which my students are able to resolve their own conflicts without the use of physical force. Most of my students come from homes in which they are used to having pain inflicted upon them to get desired results. As a result, that behavior trickles into the classroom, and they in turn begin to practice violent acts to get the results they want, which creates a bigger problem in the classroom. Taking a different approach by using other methods to show students how they can resolve conflict in a positive manner is more effective, because these are long-term life skills that everyone needs to know. More importantly, these skills build character and integrity, which is something that corporal punishment fails to do.

In sum, corporal punishment does not work and in my opinion should be banned. In each of the examples provided, it was positive reinforcement, building on student strengths, and fostering nurturing relationships between teachers and students that extinguished unwanted behaviors. Administration of corporal punishment perpetuates unnecessary reassertions of adult power and control, it humiliates students, and it results in little or no change in student behavior.

Fortunately, the principal of my school has moved away from corporal punishment. Yes, we still have discipline problems, but our principal works really hard with our social worker to ensure that students have an opportunity to improve their behavior by using positive reinforcement before other steps are taken.

As I close, I am proud to say that in 2011 we will be moving into a brand-new high school. For the first time, I will have a true science lab. I am excited and the students are excited. Moving from an antiquated building into a modern building is going to mean a lot for these students. Most importantly, they can walk into a new school with a sense of dignity and pride.

Chairwoman MCCARTHY. Thank you, Ms. Gilbert.

Ms. Pee?

STATEMENT OF LINDA PEE, PARENT OF STUDENT WHO RECEIVED CORPORAL PUNISHMENT

Ms. PEE. Chair McCarthy and members of the subcommittee, thank you for the opportunity to testify at this hearing on corporal punishment. My name is Linda Pee, and I am pleased to join you to discuss how corporal punishment had a negative effect on my daughter Audrey and how my efforts to protect her from this practice were unsuccessful.

My daughter Audrey attended school within Webster County School District in Mississippi from second until 12th grade. Audrey moved to East Webster High School in sixth grade. That first year they sent a discipline form home with Audrey, letting parents opt out of corporal punishment. You fill it out and send it back with the child, and you can check a box saying whether you don't want your child hit in school. I said it was okay for her to be punished, because it never occurred to me she would be injured from it. I thought she would be safe at school.

When Audrey was in the sixth grade, she was paddled for the first time. In general the paddles are wood and about 15 inches long with a handle at one end. The gym coach paddled her for being tardy for gym class. There were 10 kids late for class that day, and the coach lined them up and hit them on their behind in front of the other students.

When Audrey got home that day, she was pretty upset. She told me that she had gotten one lick. She had purple bruises. You could see the mark of the paddle across her buttocks. I was shocked and infuriated. I couldn't believe that one lick could make marks like that. I was so upset I called my sister, who said I needed to take her to the emergency room, and so that is what I did.

After that incident I made it clear to the school that I didn't want Audrey paddled again. I went in the next day and talked with the principal and the teacher that hit her. I made it real clear they had better not lay another hand on my child, and there weren't any problems for a few years.

But the atmosphere in the school was really one of intimidation and fear. My daughter would see children paddled all the time. She said the teacher who hit her, who became the new principal, would leave the door open so people could see that he was hitting children.

At the beginning of Audrey's 12th grade, I got a form from school asking if I gave permission for corporal punishment. I was offended they had even sent this form to my home, because I had already made it so clear in my wishes. But I completed it anyway, and I put a huge X on the box for no paddling and sent the form back to school.

In March 2007, only a few months before Audrey was to graduate, she was paddled again by this principal, the same man who was directly told before that I objected to the school using corporal punishment. She was hit for violating the dress code, because she was wearing sweatpants that fell between her knees and her ankles. She received two blows from the principal in his office, and she was paddled in first period and had bruises all over by third period.

I got her into the doctor's office, and he documented the welts and bruises. I called the superintendent and told him what happened. I didn't understand how they could paddle her when I had signed the form telling them not to. I was so upset, but the school said they couldn't find the form. I trusted the school to keep the form safe in a file.

After Audrey was paddled again, I tried everything I could to think of to protect my daughter. I went to the sheriff's department to file charges. I went to the school board meeting to talk about it. I filed a complaint with the State Department of Education, but nothing happened. And I have tried to pursue a court case, but we couldn't get anywhere. There is immunity for teachers who paddle in school.

I was left with no options. They bruised my child and injured her twice. And I tried to protect her by opting her out of this horrible type of punishment, but in the end I was unable to. This child is a gift from God that I vowed to protect.

In schools, education should be the primary focus. The school should be a safe place. There are other ways to change behavior of children in school. I remember when Audrey was in elementary school and she got in trouble for talking in class. I told the teacher, "Well, if you keep her in from recess and give her a little extra work to do, I think that will take care of that," since social time was what was important." And it did.

I don't think anyone should be hitting anyone else's children. It is not the type of decision teachers or principals should make. It is too complicated, and too much can go wrong. You can't know what mood the teacher is in, whether he is mad or swings too hard. This just shouldn't happen in school, and not to anyone's child. Thank you.

[The statement of Ms. Pee follows:]

Prepared Statement of Linda Pee, Mother of Student Who Received Corporal Punishment

Chair McCarthy, Ranking Member Platts, and Members of the Subcommittee: Thank you for the opportunity to testify at this hearing on corporal punishment and its effects on academic success. My name is Linda Pee, and I am pleased to join you today to discuss how corporal punishment had a negative effect on my daughter, Audrey, and how my efforts to protect her from the practice were unsuccessful.

I. Personal Background

I was born in Maben, Mississippi, and until July 2009, I lived in Cumberland, Mississippi. My daughter, Audrey, attended schools in the Webster County School District from second grade until twelfth grade. Audrey moved to East Webster High School in sixth grade. That first year, they sent a discipline form home with Audrey letting parents opt out of corporal punishment. You fill it out and send it back with the child, and you can tick a box saying you don't want your child hit in school. You also have to sign the handbook, stating you read the rules. I signed saying it was OK for her to be punished, because it never occurred to me she could be injured from it. I thought she would be safe in school.

II. Paddling Incidents

When Audrey was in sixth grade, she was paddled for the first time. The paddles they use look sort of like a flattened baseball bat—they're a piece of wood about 15 inches long, three inches wide, and an inch thick, with a handle at one end. The gym coach paddled her for being tardy for gym class. There were 10 kids late for class that day, and the coach lined them up and hit them on their behinds in front of the other students.

When Audrey got home that day, she was pretty upset and she told me that she had marks on her behind. When I saw the mark of the paddle, I was shocked and infuriated. I just couldn't believe it. She told me that she got one lick. I couldn't believe that one lick would make marks like that. I was so upset I called my sister, who said I needed to take her to the emergency room. So that's what I did. She had purple bruises—you could see the mark of the paddle across her buttocks.

After that incident, I made it clear to the school that I didn't want Audrey paddled again. I went in the next day and talked to the principal. I made it real clear that they'd better not lay another hand on my child. And there weren't any problems for a few years.

Audrey was an OK student—she had some trouble in math—but she had no major disciplinary incidents between sixth and twelfth grade. But the atmosphere in the school—it was really one of intimidation and fear. My daughter would see children paddled all the time. She said the principal would leave the door open so people could see that he was hitting people. Some kids get upset and angry when they see their friends paddled. And some kids become used to it, as if it was just OK to see their classmates being hit. But to me, it just doesn't seem right for kids to see that in school, for them to learn that this is OK. This practice can really injure kids, it injured my daughter.

I remember, at the beginning of Audrey's twelfth grade, I got a form from the school, asking if I gave permission for corporal punishment. I was offended they had even sent the form home, I had already been so clear in my wishes. But I completed

it anyway and sent it back—I put a huge "X" on the box for no paddling, and sent the form back to the school.

In March 2007, only a few months before Audrey was due to graduate, she was paddled again. She was hit for violating the dress code, because she was wearing sweatpants that fell between the knees and the ankles, in violation of a new rule stating that students could not show their ankles at school. She received two blows from the principal in his office. She was bruised again, she had bruises all over her behind. She was paddled in first period and she had bruises all over her by third period. I took her to the doctor's office and he documented the bruises, and we went to the sherriff's department.

Audrey didn't want to tell me what happened; she knew I was going to be mad. And I was mad, I was upset. I called the superintendent and told him what happened. I didn't understand how they could paddle her when I'd signed the form telling them not to. I was so upset. But the school said they couldn't find the form. I trusted the school to keep this document safe in its files.

After Audrey was paddled again, I tried everything I could think of to protect my daughter. I went to the sheriff's department, to file charges for assault. I went to a school board meeting and tried to talk about the issue, but nothing happened. I filed a case with the State Department of Education, but I got an email back saying I should go through the local body. And I tried to pursue a court case. But we couldn't get anywhere—there's immunity for teachers who paddle in school. I was left with no options. They bruised my child and injured her twice. I tried to protect her by opting her out of this horrible type of punishment, but in the end even doing that, I was unable to protect her and the school still hurt her.

III. Protecting My Child

In schools, education should be the primary focus. You want to feel like you're sending your child to a safe place. You certainly don't want your child injured and bruised. It's crazy. The school should be a safe place, not a place where your child gets injured.

What hurts most about this is that I tried to do everything I could to protect my child, but that wasn't enough. This child is a gift from God that I've vowed to protect. She's my life. I've been divorced for 13 years. When Audrey was growing up, it was me and her. It hurts that I feel like I haven't protected her. In the end, no parent should have to be worried about that.

There are other ways to change the behavior of children in school—that would have been better for Audrey. I remember when she was in elementary school she got in trouble for talking in class. I told the teacher, if you keep her in from recess and give her some extra work—that will take care of that. And it did, because social time was important to my daughter.

I don't think anybody should be hitting anybody else's children. It's not the type of decision teacher or principals should make—it's too complicated and too much can go wrong. You can't know what mood the teacher's in, whether he's mad and swings too hard. And you can't know how it'll affect a child, whether a child will be bruised or injured or worse. This just shouldn't happen in schools—not to anyone's child.

Chairwoman MCCARTHY. Thank you, Ms. Pee.

I think one of the issues that I certainly have a problem with is that so many of us have spent time to reduce domestic violence, child abuse in every form, whether it is on the state or the local level, and yet here we have corporal punishment still going on in this country.

I still don't understand why someone in a school, which should be a safe place to be, would still agree that corporal punishment works, to hit a child, to beat a child. That is the part I am having a hard time understanding.

I know that this will be a difficult subject for us to deal with here in Congress. I know there will be many battles going forward on why we should have corporal punishment, or it is a state right to have corporal punishment. But I believe that this is something that should be banned in this country. We are better than that. There are better ways to handle children that have discipline problems.

I guess the question that I will ask all of you on my first round, does this punishment contribute in any way, a positive way, to academic achievement or school climate? Could you sum up for me why in your opinion it is important for Congress to act to ban corporal punishment in schools. I know each of you have touched upon it, but a lot of times in 5 minutes you can't put everything out that you would like to talk about.

Doctor, if you would like to go first?

Dr. GREYDANUS. First, I think it is important to realize that this is a historical perspective. As I mentioned, when this country was founded, it was founded on principles from Europe, England particularly, where corporal punishment at that time was accepted, so it just was natural to fit in. "Well, if it is good there, let us do it here." And it was never really challenged.

People assumed, "Well, if I hit a child, they will behave." And there was very little research going on. So there has been a long history of this and a tendency to ignore the research.

I think the second point is that the research which has been done—and I think it is important to stick to that and just say it would make sense not to hit a child, but in addition, if you are interested in improving the behavior, there are some teachers, principals, whomever in the school would hit a child out of an attempt to improve them. "You are not listening to me. I want to improve you."

This may be a youngster with attention deficit disorder. This may be a youngster with other problems that is impairing their learning, and the teacher becomes frustrated, the principal becomes frustrated, and so they want to do something. And they feel—some of them—that this will improve things.

What I think Congress has to realize is that this attitude is continuing in this country. We have 20 states that still allow this, although within some of these states certain school districts have gone into this and tried to prevent this. And it is often the disadvantaged kids that get hit. When they have tried to go through the court system for a variety of reasons, they get turned away. They have not been protected.

So I think it is important for Congress to realize that there are millions of our children who are being physically hurt in this way, not just paddling, but a variety of methods. And if Congress is interested in the academic success of the children—I know they are—this is not the way to do it, that this is the opposite will occur.

And so if the school is doing something—the school officials—that is hurting the academic success of the student, they need to stop that. Schools are there to educate. I think when anyone looks at this, if they look at historical or other perspectives, they have to realize that those perspectives are wrong, that today we know from clear research, the vast majority of work done in behavioral sciences.

Now, no research is perfect. You can always take one study, and I do that as a teacher with my students, and I can say, "Let us look at this study and let us look at what is good and bad about it."

There is no perfect study, but the vast majority of the literature, which is supported by the American Medical Association, the American Academy of Pediatrics, the Society for Adolescent Medicine,

and a wide range of medical and educational and other firms have looked at the data and said, "You know, it is true. When you hurt a child," as I said in my testimony, "it destroys their ability to learn." You turn out an angry, bitter individual, who has not only physical problems, as we heard, but severe mental problems, which they carry throughout their life.

So I think that—and we are a violent enough society. The place to try to correct some of that violence is in the school. If we allow it to happen, it just—things it makes worse. And I think Congress should act, because we are now 200 and plus years of our country. It hasn't happened. So it is time to protect the children, as I said in my remarks, that are in school today and will be in school for the rest of this century. And the impact of those children on their learning will be enormous.

Chairwoman MCCARTHY. Thank you, Doctor.

Ms. Frieler?

Ms. FRIELER. You asked if there is ever a time when corporal punishment is effective. I can tell you no. In my opinion there is not.

Schools are institutions of learning. Sometimes that is textbooks and subject matter, and sometimes that is life. And where I think it is really important, schools have a responsibility to teach our young people to be productive members of society. And when you throw, like in my school, 2,100 students from many different countries together, you have to teach kids how to get along. And that is a skill that they will learn not only in school and use not only in schools, but in life.

And I think it is very important that you establish the right climate, and that is one of trust and one of security. In my testimony I mentioned the hierarchy of needs with Abraham Maslow, and it is important, because if kids don't feel safe, they can't learn.

And so I think corporal punishment impedes that. It creates an environment of fear, where that learning doesn't happen and where kids don't become productive members. They learn that violence is okay, and they carry that throughout into adult life. And that affects communities as a whole and affects our entire country as a whole.

I would urge Congress to very seriously consider abolishing corporal punishment in schools.

Chairwoman MCCARTHY. Thank you.

Ms. Gilbert?

Ms. GILBERT. Your question was did the use of corporal punishment have an effect on academic success in the classroom. And in my opinion, I think it does. My job as a classroom teacher is to ensure that all my students are successful, and if they have been administered corporal punishment, oftentimes those kids come back into the classroom, and they are hostile, which causes more problems not only for you as a teacher, but for other students that are in the classroom.

There have been several situations where I have actually talked to my students. In a lot of our kids, there is a lack of trust of the community. There is a lack of trust in the home. Many of the parents, as I mentioned in the testimony, are very young, and as a result a lot of the kids are acting out, because they want to be accept-

ed. They want to have a sense of ownership. They want to feel important. And paddling or the use of corporal punishment is not doing that.

Some kids that come from backgrounds where they have been beaten all the time, so if you administer at school, I mean, oftentimes the kids, the children have become desensitized to pain, so you are not really correcting the problem. And as Ms. Frieler mentioned earlier, we want our students, we want our children to be able to be productive citizens in society. And in doing that, you know, that goes beyond the textbook. That goes beyond the classroom lecture.

Students need to be able to solve their conflicts, know how to sit down as adults and work situations out, because, I mean, if they are in an environment where there is violence, and if the only way they learn to handle that is through violence, we are creating a cycle that could explode.

And I honestly feel that we should reconsider this. Corporal punishment should be banned. We should look at programs for parents. If we have younger parents, try to provide more parental programs to train parents how not—you really can't get into the household, but to train parents or to provide, you know, some type of support system for young parents, so that way, when they are disciplining at home, that discipline will trickle down into the classroom, where there is no issue that teachers are dealing with, because when we are facing, it is really hard as a classroom teacher to teach, and then you have discipline problems.

And then you can't counsel or you—and you end up counseling, but there are so many other issues that we need to deal with. And corporal punishment in my opinion is not the answer.

Chairwoman MCCARTHY. Ms. Pee?

Ms. PEE. I don't think there is ever an opportunity where corporal punishment is appropriate or helpful. My daughter became fearful of going to school. She was fearful of the man that injured her. With the environment of intimidation and fear, there was always the fear of am I going to do something wrong. I don't think there is ever an opportunity where it should be appropriate.

Chairwoman MCCARTHY. Thank you.

Mr. Guthrie?

Mr. GUTHRIE. Thank you. Thank you very much.

And thanks for coming to share your story, Ms. Pee. I know it is difficult sometimes and to come here and be in Washington and testify. I know that is——

Ms. PEE. Yes.

Mr. GUTHRIE. I appreciate you doing that.

And, Ms. Gilbert, thank you for the—any time you can reach in and bring something out of a student like you did with the art and make it a positive experience, I think that is great. My wife went to the University of North Alabama, so A&M was a big rival, but it was a friendly rivalry. We always loved those games. It was always fun.

And then, Ms. Frieler, you were talking earlier on punishment and discipline, and I know the difference, corporal punishment, physical punishment. And you used that term differently, and take corporal punishment off the table, but punishment and discipline.

And what would you do when a child violates the rules and the positive stuff hasn't worked? What does your school—how do you handle that? What type of disciplines, I guess, is the question.

Ms. FRIELER. Well, I would say that discipline is a lot like learning, and if the student doesn't know how to read, you provide interventions for them to make sure that the outcome is that they can read. The same thing is true with discipline. If a student doesn't understand or chooses to not follow a rule, they have a consequence. If that continues, the consequences change, based on the severity of what happens to them.

I have a whole variety of things that I can do. There is a code and conduct policy in our district that we follow, which is progressive. There is nothing in there that is physical, however, but it is a lot of communication with families.

If that doesn't work, we do have a social worker that helps us as well. There are times when we have to look at alternative placements for kids. That could be, depending on the severity of the situation, it could be a brief incarceration. It could be an expulsion.

But our district also has programs for kids who are in those kinds of situations. And, you know, most of the times once that consequence is taken care of, they come back to my school, because they know it is a fair school to come to.

Mr. GUTHRIE. Do you mean incarceration for school infractions or something outside of school that is bigger than that?

Ms. FRIELER. It would depend on the severity of what happened and where it happened.

Mr. GUTHRIE. Thanks.

And then for Dr. Greydanus, I know on the studies in the physical, obviously, if you are not doing corporal punishment, you wouldn't do physical. But what about other disciplines that people have? You said that there is physical and emotional stress. So if we are looking at other disciplines used in the school, would studies say that that is causing emotional stress?

And I am just trying to figure out exactly—I know what you are saying about corporal punishment. I understand that, and I sympathize with that. I agree with that. But if we look at every other type of discipline in the school and say, "Well, that is going to cause some emotional stress," where do we draw the—what is a good play to draw lines, as you said——

Dr. GREYDANUS. Well, the big difference is with corporal punishment, you are inducing physical pain, and it is very clear that if you induce physical pain, if a larger person, a person in authority, inflicts physical pain on someone who typically is a child——

Mr. GUTHRIE. I understand. I am just saying but a non-physical punishment can still induce emotional pain.

Dr. GREYDANUS. Well, it depends——

Mr. GUTHRIE. So where do you draw the line?

Dr. GREYDANUS. Yes, I think it depends—sure—on how you are going to define the non-physical situation. Teachers spend a lifetime learning the best way of communication. What it is really boiling down to is what we have all said. Children learn in a positive classroom. They bring their problems, their issues, good or bad, into the classroom, and then there is a teacher with the support

of other teachers and the support of the principal to induce a positive milieu or environment that they can learn.

Any time you take away that positive environment, somebody yelling too much or someone in the classroom misbehaving, that certainly can disrupt that. The issue, really, is the physical pain causes both physical and emotional problems.

And then from the viewpoint of the teacher, find out what the issue is. The other issue is if there is a behavior that you don't like, is it really a problem? For example——

Mr. GUTHRIE. I think the question is, because I am going to run out of time, best practices on how to discipline, because there are kids that just won't follow the rules. And whatever reason happens, outside the home, in the home, or whatever the reasons are, I mean, what are the best practices?

Dr. GREYDANUS. If children do not obey the rules—and first that the rules are appropriate. Teachers have to establish sometimes. There was a famous court case where kids were giggling in a classroom in a hallway, just because kids will giggle, little girls, and then so——

Mr. GUTHRIE. Can you get water when you didn't get permission to get water——

Dr. GREYDANUS. Is the behavior really that a problem?

Mr. GUTHRIE. Some would say it is.

Dr. GREYDANUS. And teachers have to learn that. Now, if the behavior is, then from the principle of counseling, you have to find out why the child is "misbehaving." What is the underlying issue? Do they have attention deficit, and they can't concentrate in the classroom? Do they have dyslexia, they are unable to read? Are they in a math class where they have severe math disability? Or are they having personal problems?

Research shows that 20 percent of our children have mental health problems—depression, anxiety, a whole variety of issues. The issue is you have to find out why the child is misbehaving and then apply the appropriate treatment. Sometimes a teacher can be taught how to handle that. Sometimes, as we heard earlier, the student is beyond the control of the teacher or the school, and then we have alternatives.

No teacher can help every child, but you find out why. And I spend a lot of my time in schools or consulting with schools or kids will refer to me in my teaching practice at my university, and we find out what is the problem. We do an intensive investigation of the family, of the individual, their learning ability, their mental health, physical, and you find out.

If you find out what the issue is, you can usually devise the proper classroom. Sometimes they are in their own classroom, so—but you have to find out why. Before you hit the child—you shouldn't anyway—but before you react, you have to find out what is the problem.

The opponents against this will say, "Well, we don't have time for that." Well, that is your job as a teacher. My job is to find time to work with my patients coming in and take the time to deal with the issues. It is leadership, the teacher and the school, to take the time to find out why this youngster isn't learning.

Mr. GUTHRIE. Thanks. I believe my time——

Dr. GREYDANUS. It is a great question. It is not easy, but we can work together to do that.

Mr. GUTHRIE. Okay. Thanks.

Dr. GREYDANUS. Thank you.

Chairwoman MCCARTHY. Thank you, Mr. Guthrie.

Ms. Shea-Porter?

Ms. SHEA-PORTER. Thank you.

And thank you for your testimony today. But before I even started school, I was afraid of school, because my brothers and sisters told me that I would get beaten, and they were right. I was beaten, and I was too afraid to even pick my head up when we were taking a test or working on anything.

But one day apparently the two kids next to me, who never got a 100, got a 100, and I had a 100 also, and so they assumed that I had shared my work. And I remember that day like yesterday, that we were slapped. We wore cheat hats. We had to stand in the back. And this does stay in your memory. So I appreciate very much your being here and sharing the stories that you know.

So I wanted to ask each one of you a question.

Dr. Greydanus, I appreciate what you are doing, but what is happening with the pediatric community, with the physicians? Are they educating parents, telling them that this is something that they need to watch out for? Are they being advocates? What exactly is happening in the world of pediatricians, who are most likely to see or hear, or at least be able to ask a child?

I never told my mother, by the way. My sisters and brothers and I just told each other. We never told our parents, even though we had a good relationship with them, because we were afraid.

Dr. GREYDANUS. Well, that is a great question. I am also a member of the American Academy of Pediatrics, and I have done a lot of work with them. I—a book for them on caring for teenagers. And the answer is that a lot of education is done through American Academy of Pediatrics and to the pediatrician.

I am also a pediatric program director. I train students to become pediatricians. And in our training we spend a lot of time working with them in schools, and there is a discipline called the school physician or school pediatrician, where you actually—our students and the residents will go into the school, meet with the teachers, meet with the principals, and establish a dialogue and by their finding out what is going on.

Part of the curriculum is helping not to be a teacher and educator, but to help the parents and the child work. And I get constant referrals from kids that are school failures, doing poorly, who come into my clinic, because that is the type of work that I do, and I work with my residents, and we help them.

So, yes, I think that the busy pediatrician is aware of this issue. They counsel parents how to raise kids. We counsel. If the school asks us, we work with the kids. So I think there is a lot that we are doing in terms of trying to teach anyone that will listen—the schools, our kids, the schools themselves, to help reduce the violence that they are seeing and also find out—again, the issue is why is the child misbehaving? And find out a reason. And usually you can find out why and implement some type of a help. And pediatricians are aware of this and are certainly trying——

Ms. SHEA-PORTER. Another point is sometimes the children aren't misbehaving at all. I mean, those two kids got a 100, and I got dragged into whatever it was, and I will never know.

Dr. GREYDANUS. Yes.

Ms. SHEA-PORTER. But I——

Dr. GREYDANUS. Many of the court cases that are famous in this, from the *Ingraham* one that was mentioned, others that are in my testimony, had to do with kids giggling in a classroom.

It is also what we train the teachers, we train students, everybody, is that some "acting out" is normal behavior. It is actually when you become a teenager. In order for you to go from a child to an adult, many kids go through a phase of some rebellion, partly because their brain isn't fully developed. They develop issues with puberty. A lot of things take place, and they need someone to help them. And some acting out is simply normal. That is why——

Ms. SHEA-PORTER. I would hope that they would know that a lot of kids, as close as they might be to their parents, will not say anything and that the pediatrician—I think I was, like, 7 years old—and so, you know, it was a religious order as well, so they seemed to have flown in from above, and we were frightened of them.

So it would be very helpful if the pediatrician is included that in sort of the general, you know, conversation with kids when they are small, because they feel like they can say it. My parents were horrified when they found out.

Thank you very much.

And, Ms. Frieler, I wanted to ask you are you having any problems in your district, because you refuse to use corporal punishment? Is this something that is catching on, or is the state generally ignoring what is happening in your district?

Ms. FRIELER. I don't have any problems with that. In fact, our district policy doesn't allow it. You know, we can only use physical intervention if the student is in danger of harming themselves or somebody else. But we are not allowed to use corporal punishment. I am trying to think of an area in Colorado where it is actually there. I suspect it might be a rural area, but I know in the major metro areas of Colorado, it isn't allowed, and there are district policies against it.

Ms. SHEA-PORTER. Okay.

And I had one last question. Ms. Gilbert, is there some kind of hotline for teachers? Is there a place where teachers can call to get some extra assistance, if they really don't want to identify themselves, but they feel like they are, you know, often right on the verge of losing control? Is there a number that they can reach out and feel confident that they can get some help without actually having to identify themselves? And would that warrant that?

Ms. GILBERT. No, as of now there is not anything in place for teachers. We communicate amongst ourselves, but there is no outlet or hotline to, I guess, to vent or if there was any issues. No, we don't have that.

Ms. SHEA-PORTER. Do you think that would be helpful for those that might not want to talk right away to their peers and identify themselves?

Ms. GILBERT. I think—identify themselves in terms of being——

Ms. SHEA-PORTER. Of just feeling like they are right on the edge, you know, that they are——

Ms. GILBERT. I think it will be very helpful. I mean, I think a lot of teachers get burned out easily, because we are dealing with different issues, and if every district has its own set of issues, the teachers are beginning to get burned out a lot easier, a lot quicker. And I think a lot of it has to do with discipline issues and, you know, other things or whatever. And I think if there was a sort of hotline, that teachers could, you know, to speak out for, you know, to vent or whatever, I think that will be very helpful.

Ms. SHEA-PORTER. Thank you.

Ms. GILBERT. You are welcome.

Ms. SHEA-PORTER. I yield back.

Chairwoman MCCARTHY. Thank you.

I just want to mention that Monday I was in one of my grade schools, which had started a program a year ago. This committee deals with childhood nutrition, and some of us have been trying to push physical education in that. One of the classrooms that started just about a year ago now, 10 minutes three times a day, especially in the lower grades, they stand by their desks, and they do physical activity. With it is a lesson plan on history or, you know, they pick up rocks, but these are all exercises.

One of the questions I had to a number of the teachers was how was the discipline in the classroom. And they said it changed like night and day. Children have a lot of energy, as we all know. So there are ways that we can hopefully work towards the end that would even lessen the stress in the classroom.

Mr. Platts?

Mr. PLATTS. Thank you, Madam Chair. And I apologize for my late arrival.

Very much appreciate each of you being here today and sharing your oral testimony as well as your written testimony.

I am a parent of a seventh grader and a fifth grader, and so, Dr. Graydanus, I appreciate your statement that I think you said some acting out is normal, and we should understand and appreciate that. I can well attest to that as a parent of two very active boys, who are great students and very well behaved most of the time, but they are kids, and we need to understand that and how we respond at home and in the classroom.

I want to start, Ms. Gilbert. You talked about how you have kind of turned your classroom around and the school, and your principal has turned the process around in discipline and wish you well and understand this coming year is going to be in the new building.

Ms. GILBERT. 2011—that is the plan.

Mr. PLATTS. Yes, I hope that goes well. And that has got to be an exciting time for you as a teacher.

The engagement—one of the things that I didn't see in your written testimony, and you may have addressed this, but the engagement of parents. You mentioned that you have a very transient student population, so I am sure that is harder to make those connections with parents in that type of setting, and also single parent homes that you mentioned have a high percentage.

Is there an organized effort in your building, or is it, again, just to you as an individual teacher in how to try and engage parents

when you do have a disciplinary issue in addition to what you do with the student in the classroom, how you inform or engage a parent to hopefully complement and back up what you are doing and not erode what you are trying to do?

Ms. GILBERT. Well, as I mentioned, we do have a social worker, and the social worker has played an intricate role in trying to get parents involved. There is no set program as of now, but under the principal and the social worker have worked together on trying to create programs to get the parents more involved. Our social worker has visited homes. He has been very involved with talking to the teachers and kind of giving us feedback on some different issues that the student may be facing.

Mr. PLATTS. Yes.

Ms. GILBERT. And that kind of helps you to, I guess, deal with the situation a little bit better when you know the child's background.

Mr. PLATTS. Yes.

Ms. GILBERT. I really believe in strong parenting, and I think that, you know, we are falling from that to a certain degree. The village is no longer in existence. You have a community school. You have the parents aren't interacting with teachers in the communities, because a lot of times the teachers no longer live in the communities in which they teach, and so there is a disconnect.

You know, a lot of our kids are suffering. They have no sense of identity, no sense of character. And a lot of that goes back to if these things were instilled in them, they would respect themselves a lot better, and that is something that we are lacking in our schools and in our homes. You know, education means to bring out something, and you can't bring out something when there is nothing here. So I think getting parents involved will be a tremendous difference in what happens in the schools.

Mr. PLATTS. I couldn't agree more, and your example of the young lady that when you empowered her as your aide or, you know, student aide, and the sense of self-worth that she obviously took from helping you that she apparently wasn't getting elsewhere, and especially at home, is a perfect example of that.

And I think it is one of the challenges of schools today that all too often you are not just an educator. You are the disciplinarian. The school is the provider of the meals, health care, you know, everything. And, you know, that is a tremendous challenge, so that empowering of students, as you are doing, I think is key.

Ms. GILBERT. Can I say one more thing?

Mr. PLATTS. Yes.

Ms. GILBERT. An incident just happened last week. There was a young lady and a young man in the hallway, and they were both exchanging profanities towards each other in a playful way. Typically, you know, that meant them written up and personally taking them to the office. So I took the young lady and said, "Young ladies shouldn't respond that way. A young lady shouldn't use profanity. If you want them to respect you, you have to first respect yourself." And she said, "Okay," you know.

Well, at the end of the day we were walking out. I was with the school librarian, and this young lady touched me and she said, "You know what? You taught me something today." I mean, I want-

ed to cry, because that meant more to me than, you know, writing her up, sending her to the office——

Mr. PLATTS. Yes.

Ms. GILBERT [continuing]. And having her suspended or paddled or whatever. And that just happened last week, as a matter of fact.

Mr. PLATTS. Well, my youngest sister—I am the fourth of five, and the fifth of five, my sister Jill, is a teacher, now social worker in the school for one of my local school districts. And she is the perfect person, and it sounds like similar to you. She has a heart of gold, but she won't take anything from everybody.

And it is finding that balance of when the heart needs to come through versus, you know, the being a little more stern or strict in dealing with especially the families and, as you said, learning the environment from which some of these children are coming. And they are not learning respect and discipline at home, and you are helping to do that.

That had to be extremely rewarding to——

Ms. GILBERT. It was.

Mr. PLATTS [continuing]. End that day.

Madam Chair, if I can squeeze in.

Ms. Pee, your interactions with the school board and principal and things, obviously, not satisfactory in interaction. One of the things I am curious whether it ever came up in your dialog with the school board how to prevent what happened to your daughter, where you had clearly made your thoughts known—no, I do not want corporal punishment—especially after what happened the first time, and yet it happened.

Did they consider a reverse? You know, now they are requiring you to send a form in to give that you are okay, that they have a policy that unless they have a form on hand, they may not engage in it, so in other words it is not, you know, you coming in saying, "Hey, I disapprove," but before they could go and engage in a corporal punishment with a student, that they would have to say, "Yes, here is the form. You can engage in the punishment."

Ms. PEE. No, actually, what they did was change the policy of wherein the parent has to physically come to the school and sign the form stating they cannot receive corporal punishment.

Mr. PLATTS. So that actually is a positive. It is erring on the side of no corporal punishment unless a parent makes extra effort to come in person and—and approve it.

Ms. PEE. And if they do not want their child to receive corporal punishment. You know I am not sure——

Mr. PLATTS. The form they sign is saying they do not want it, so meaning they assume that you can engage in corporal punishment unless you come to the school and say no.

Ms. PEE. Exactly.

Mr. PLATTS. So it is the opposite of what it should be, in my opinion.

Ms. PEE. Exactly. And in my opinion as well.

Mr. PLATTS. Yes. That is pretty amazing. I would think especially today with the knowledge we have that they would err on the side of no corporal punishment unless you proactively approve it.

Ms. PEE. Yes. It seems they made it harder for those parents who do not want corporal punishment administered on their chil-

dren and made it even harder for those parents to opt out of corporal punishment.

Mr. PLATTS. Yes. Sounds like we need to get this panel to do a road trip and visit your school district——

Ms. PEE. That would be great.

Mr. PLATTS [continuing]. And share your knowledge.

Ms. PEE. That would be great.

Mr. PLATTS. I know I am over my time. I want to just thank you again and especially your written testimony. With being late for the oral testimony, to have your expertise and knowledge is very helpful. To all of you and especially in the scope within the classroom, you know, I think of teaching as a very high calling.

And I just wrote a note on a letter I signed this morning back to a constituent, who I never had, but was a teacher at my high school for 30 years. And the note on it was that I readily admit that any successes I have had has been attributable to my parents' upbringing and my education K-12 in that school district, York suburban.

And so the difference you are making, like that young lady just last week, will benefit them for the rest of their lives. So thank you.

Yield back.

Chairwoman MCCARTHY. Thank you.

Mr. Polis?

Mr. POLIS. Thank you, Madam Chair.

This has been a very educational hearing. I was very dismayed to see on the list that is an exhibit that corporal punishment U.S. schools, Colorado had eight students that were beat by their teachers or principals. I certainly hope that those teachers and principals involved lost their jobs or were reprimanded or held criminally responsible where appropriate.

But even more shockingly, some states have enormous numbers—49,000 kids in Texas were beat up at school by their other teachers or principals, and in Mississippi 38,000, which is 7.5 percent of the kids in school in Mississippi. So it seems like this practice of beating up kids in school by teachers and principals is very widespread in Mississippi. And this comes as a wake-up call to me. I will certainly be joining the chairwoman's bill as a co-sponsor.

In my experience in Colorado on the State Board of Education, I had not heard of this. And this said eight people in Colorado were beat. Hopefully, those teachers were removed.

But there must be many teachers and principals that are complicit with this in Texas and Mississippi and Alabama and Arkansas and Georgia. And they still have their jobs after beating up kids as a regular thing at school.

I just don't understand it. I mean it is completely inappropriate, so I hope that we make sure that kids feel safe at school, wherever they attend in this country, especially considering that the schools are recipients of federal dollars. I think that is an important thing to do.

But my question is about, you know, in terms of behavioral supports, there are many things that schools do to enforce discipline, the positive behavioral supports, and they are critical. And in the

testimony from Ms. Gilbert, she mentioned the important role of the school social worker in helping to improve the climate.

Now, one of the problems we face is that not all schools have social workers. It has been an area that has been cut back. And I am wondering if she can elaborate briefly on the importance of school social psychologists and the school counselors and improving student behavior and if she has any specific suggestions that Congress should address in reauthorizing ESEA.

Ms. GILBERT. I think our social worker, as I mentioned, has played an intricate role. Many of our schools in the district, we are fortunate to have a social worker because of funding. Typically, counselors on a secondary level don't have the time to counsel our kids, because they are preoccupied with testing and other paperwork, whereas before, you know, I guess years ago, their role was different.

So a lot of the kids or children, students, don't have that outlet. And having a social worker present or a school psychiatrist has been very—is helpful because it allows the children or the students to have someone to talk with. And then that person can also serve as a liaison between the students—I mean, the teachers as well as the——

I think that if Congress looked at putting more funding into schools and providing schools with a school psychologist as well as school social workers, I think a lot of things will be eliminated. And that is, you know, that is my view on that for some——

Mr. POLIS. I would open it up to the rest of the panel. You know, again, there is obviously a need. There is a way to do it, and there is a way not to, and there are many successful strategies that schools have to deal with positive behavioral support, providing a safe climate, discipline, et cetera.

What can Congress do in ESEA reauthorization to ensure the successful implementations of programs in our public schools that help to improve school safety and promote student well-being, both physical and mental? What suggestions do you have?

Dr. GREYDANUS. I can speak on a personal level. One of my four daughters that I mentioned is an elementary school teacher, and she was a consultant on one of my papers I wrote on corporal punishment in schools. And I have had long conversations with her and other teachers.

And from her and other teachers I have learned that—and the old expression it takes a village to raise a child—you can't expect a teacher all by himself, herself, to do everything. They have to have support. So if Congress, and I know you are, if the government, and I know the government is serious about academic success, you have to give the teachers enough education, but also the supports.

In those school where my daughter Marissa is an elementary school teacher, they have a social worker. They have a school counselor, someone who is identified to help. So this particular year she got a very tough class. She moved into a new school system, and the other teachers gave her the toughest kids. And I have had long talks with her. I have been her personal consultant on this. And first, do not hit them, which she wouldn't. I didn't hit my kids, and so they have learned you don't hit.

It is frustrating. It is not easy, but they have a social worker, they have a school counselor. And then what the teacher should do is also the principal, hopefully having a supportive principal, is refer them on for more help. Or the teacher can call the parent in and say, "We are having trouble. I don't know why. We need to find out what is going on."

I get a lot of referrals, for example, in that regard. So I think it has to be—and if the school says we do not have the money, then there needs to be funding. Parents need to get involved. Most parents that I have talked to, when they understand that the school needs help, would jump in and provide help.

So it is a combination of the parent being aware of this, of the school getting the funding, funding being available. If we are interested in the academic success of our children, we have to provide the teachers and principals with the help and support that they need, both educationally, but also additional people. Nobody—certainly, a doctor doesn't do his work all by himself. You have a variety of people that—you have a variety of help to do your job. They need the same thing.

Thank you.

Mr. POLIS. Thank you. Just real quickly, I just find it remarkable that while many of us here are very concerned student safety—I have a bill, the Student Nondiscrimination Act, that helped reduce—against kids—here we have situations where the teachers and principals are actually beating kids. And these are supposed to be the staff of the school that helps protect kids and provides a safe learning environment, and they are actually perpetrating acts of violence against the kids. So I truly hope that we here in Congress and the states can do something about this.

And I yield back.

Chairwoman MCCARTHY. Thank you.

Mr. Scott?

Mr. SCOTT. Thank you.

And I want to thank all of our witnesses.

Dr. Greydanus, it seems to me the evidence is so clear that it is not only not helpful, but actually counterproductive in terms of behavior modification. Does the research suggests that if our goal was to increase violence amongst children, that corporal punishment would be one of the initiatives that we would——

Dr. GREYDANUS. Yes, if your purpose is to—not that the research started out to look at that, but if the research—and again, there is a vast majority of research. You can always pick one or two papers apart. You can always take a couple of papers and say, "I looked at the students. They are physically abused. They were hurt in school, and they are okay." But the majority of the literature will suggest that that is not the case.

And again, what the research very clearly shows is that these children become very angry, and not just the children who are hit, but the witnesses. It is witness damage. There was a wonderful paper done years ago looking at post-traumatic stress disorder. As a Vietnam veteran, I certainly learned a lot about, as a doctor, treating people with that.

It is an educationally induced post-traumatic stress disorder that a number of kids get in this and become more violent, more angry.

Some kids when they get upset, they become violent. Some become suicidal and kill themselves. There are a variety of ways that human beings react to very difficult stress, much like soldiers do, much like the military——

Mr. SCOTT. But none of them sound like the reaction is very good.

Dr. GREYDANUS. The reaction is always negative for their physical health, their mental health, and certainly their academic well-being for a lifetime is really poor.

Mr. SCOTT. We know that all of the witnesses here today oppose corporal punishment. Normally, in research there is a concept called peer review. If someone had showed up today to testify in favor of corporal punishment, what would the research community say about their testimony?

Dr. GREYDANUS. They would say that they would look at a particular study. And I teach my students how to do this, because it is a good exercise. As a professor, I can take any study and show you the flaws in the study. So what you have to do is look at each study is not perfect, but where is it going? What is it saying?

There are a few studies that will say, "I looked at these kids. They had corporal punishment, and I can't find any harm." That is the minority. And when you look at those studies, they are usually not very well done. So those folks would say, "I don't believe that research. I believe the minority report." And you always have that back and forth.

What you have to do is say, "What do the experts—where do they fall in line?" And the American Academy of Pediatrics, the American Medical Association, and on and on, have said, "We believe the majority of the literature, which shows very clearly when you look at it, that these kids are harmed."

Mr. SCOTT. Now, Ms. Gilbert, you mentioned the concept of positive—excuse me—positive reinforcement. How does that compare to punishment as a strategy to change behavior?

Ms. GILBERT. Well, positive reinforcement, you are punishing a child, but typically with positive reinforcement, the one thing I have done, you know, you talk to the child. Why are you being punished? Have them articulate why they are being punished. There has to be discipline, and oftentimes there is discipline.

But to me, in my opinion, if you change that discipline and change it into something positive, start highlighting the child's strengths—"Well, you maybe talk in class, but you are also good at this"—and take something away from them, but at the same time, you give them something that is going to improve their learning or improve their behavior.

Mr. SCOTT. In terms of behavior modification, when you catch them doing something good and reinforce that, are they more likely do that again? Are they more likely to continue in that good practice?

Ms. GILBERT. Right.

Mr. SCOTT. Dr. Greydanus, there is a concept of primary prevention. How does that fit into this discussion?

Dr. GREYDANUS. Well, the issue, I think, in terms of avoiding prevention, violence, is to prevent the issue in the first place, to

surround a child with minimal violence in their life, whether it be in the school, the classroom.

As a pediatrician, we teach our residents, and we work with our pediatricians to look at the preventive side. It is very hard to take the child who has been physically, mentally traumatized and has reacted in a very negative way, and then turn around and fix this in a quick manner. And some of these kids are literally traumatized for life. So the way to start is as early as possible in trying to surround that individual with as much nonviolence as possible.

Now, we are a violent world, violent society. That is not easy. But the school should always be a beacon, so starting with kindergarten, teachers, principals, with other people helping them, working with these kids. If they start acting up in kindergarten, first, second grade, refer them and find out what is the problem. We surround them with prevention. That is very important. Don't wait until they are eighth, ninth, tenth, eleventh grades and they have been witnessing this for a long time.

The other thing is you can protect the witnesses. As I said earlier, that if you witness violence, that can be very traumatic to one as well, so by preventing the violence in the school system to these individuals, you are also preventing the trauma of the witnesses. You are preventing that ongoing mental health issues that sometimes you can't see the negative effects on a particular student, but the witnesses are having problems, because human personality can sometimes react in different ways. So prevention is very important.

Mr. SCOTT. And if you do a good job with primary prevention, would you also not only reduce crime, but also dropouts, teen pregnancy, and other negative outcomes?

Dr. GREYDANUS. I think that, along with many other factors, because when the child goes through several years of corporal punishment and now they are in junior high, elementary school, you have an additional issue, and it is called puberty. You have hormones increasing. You have this drive to be independent. You have this drive somewhat to be rebellious in some kids, which society has complained about for thousands of years.

And so when you come into your puberty years angry, upset, abused, it is just like a fire, and then you are adding gasoline to the fire, and it blows up in a variety of negative ways in terms of not just school dropout, but kids, what do you do when you drop out of school? These kids get more to drug abuse than others. They get more into crime. Many of these kids end up in a juvenile home, juvenile courts, jails, and so forth.

So it is like setting a pebble in a pond. It just spreads. The idea is to keep the pebble from hitting the pond, and the good you would do over this century will be enormous.

Mr. SCOTT. Could you talk about the importance of extracurricular activities? Are they important in helping modify behavior, Ms. Gilbert?

Ms. GILBERT. Well, when I first started teaching at my school, there was very low student morale. We had a football team, but it was not—they were losing, and the band didn't have uniforms and everything, so our—we are under new administration, and so the school band received new uniforms.

And more people started going out for the football team, and the school morale began to change, because the students that may have been in the streets, that may have caused problems, they had a sense of ownership. They had something that they felt important for. They were able to play football. The football team started winning.

The band started winning competitions, and the students very proud because they had new uniforms, and they could be proud of their uniforms. They could go out and perform in front of other schools.

And I think that having that outlet, you know, keeping our kids off of the streets, because typically when a child goes home, the parent is not there, and it leaves more room to get involved with unnecessary issues, whether it is illegal or, you know, illegal or whatever. I think that that has been very helpful in my situation just with other extracurricular activity for the students, you know, to do.

Ms. Frieler?

Ms. FRIELER. I would concur with that. I think that the whole issue is establishing a positive culture and climate, is getting kids to feel like they are part of the school and that school is a part of them. And the ownership piece comes in the classroom, yes, but it also comes with the extracurricular activities and feeling proud about your school and wanting to represent your school in a positive manner.

I think coaches are integral in that. A good coach can establish that kind of a feeling and that pride that a kid has in their school and how to represent their schools in that way. And once you have that pride and you have that culture and climate, the chances of having serious discipline infractions diminishes. Kids come to school because they feel good about being there. They want to represent their school in a positive light in the community as well. It has ripple effects throughout.

Dr. GREYDANUS. And let me just add to that if the child can go to school and find a teacher who is kind to them, even if they are in a negative environment for whatever reason, if they can have a teacher who values them as a human being, if they have a coach who says you are special, if they have a school counselor or social worker, even if they are in a violent other area, that add so much.

Let me give you an example, if you forgive me, from my Vietnam days. I remember being a physician on our warships, and I would counsel kids that were 18, 19 years of age in a war situation, and they would be very upset. And I found it very helpful to them to say to them, "You know how much this government cares for you? It cares for you, because it put you with captains who are very well trained, officers who are well trained. They put you, yes, in potential harm's way, but they surrounded you with people who care about you. They even care about you. They take somebody like me, a physician, who was in a private world, pluck me out of some training, and put me here to be at your beckon call 24 hours away. This government and we care so much about you. I am here, the officers are here, and we are protecting you. We are helping you."

And that sense of protection, which the school, the teachers, the coach, the principal, can surround somebody, even if the rest of

your world is negative, will have positive effects, that pond effect, for the rest of their lives. It is a beautiful thing to see, and I am sure everyone in this room has had a teacher who made them feel comfortable and make them feel happy and said, "You are special, and you can accomplish something in the world." And that is what sometimes is missing. If you hit them, it doesn't work.

Mr. SCOTT. And so how does corporal punishment fit into that concept?

Dr. GREYDANUS. I think because it doesn't. You can't say you are a special human being, but I have to make you more special. I will hit you. It doesn't work. Some people believe that, but it makes the thing worse.

Once you hit someone, you are physically abusive. Whether it is the husband to the wife or vice versa or it is somebody in authority over you, you have destroyed that whole relationship. And it will take sometimes years, a lifetime to recover from that. It is truly abusive. And as we all agree, it must be stopped. And if the local districts, states, people won't stop it, you have to step in and do it, and you have that power to do that.

Thank you.

Ms. PEE. May I respond?

One thing that I see in the South where—in Mississippi, where this has happened with my daughter, and I know other Southern states, sports are really a big thing, and sports are a good thing to keep children busy and focused and something to give them pride in.

But sometimes administrators, schools and teachers will use corporal punishment as a way to keep that child playing in that game. If they do something wrong and they can have corporal punishment or they can have in-school suspension, if they have in-school suspension, they are not allowed to play in that game. If they receive corporal punishment, then they can go play in that game that night.

And we found in the school that they are giving children the choice. They are asking the children, "Would you prefer one or two licks, or do you want to go to ISS for 2 days?" And I don't believe that should be a child's—that should not be a child's choice. They don't have the maturity level to make such choices.

Chairwoman MCCARTHY. I want to thank you all for your testimony. I am going to be closing the hearing, but if there is anyone on the panel that feels they need to add something or something that maybe we haven't covered, we haven't talked about, now is your time to speak up.

Ms. FRIELER. I would just like to say I am a parent of two children, and my kids know that I have 2,100 kids. And those are the kids in my school. And every day I walk into that school, I treat them as I would treat my own children. Parents send us their very best, and our job isn't to punish for the sake of punishment. It is to have discipline being a learning experience, and the ultimate goal of that is that they don't do the same thing again, they learn from that.

The critical piece in school is to develop that climate and culture so that that doesn't happen. And eventually when that works, the

kids take care of it themselves. You will hear kids in the hall saying, "Hey, we don't do that here." And they will help you with it.

And if you want to turn a school around, you talk to the kids and you work with the kids, because eventually the kids, they do have that pride in their school. They want to go to a place that is safe. They want to go to a place where learning takes place, and they will help you do it.

And, you know, I don't have to go to work today. I get—or I don't have to go to work every day. I get to go to work. And it is a great place to be. It is a great place to work with kids, and I think if we can focus on the positive in schools and take out that punitive piece of corporal punishment, we will be a lot better with schools.

Chairwoman MCCARTHY. Well, I want to thank everybody here. Again, for the first time since 1992, this committee has heard testimony on this very important issue. Our witnesses have told us why paddling in schools is not an effective method of discipline and how it has a negative effect on academic success. Our witnesses have given us real world examples of the problems surrounding paddling in schools, and also the solutions and better practices.

As I stated earlier, I am planning on introducing a bill that would address this issue very soon, and I look forward to working with my colleagues here on it.

I want to thank all our witnesses for being here today.

We have had a great deal of interest in this hearing, and several groups have asked to submit testimony for the record. Without objection, I would like to introduce testimony from the NEA, the PTA, the ACLU, "The School Psychologist," and NAESP, Women's Law Center, Dignity in Schools, a group which consists of 42 organizations and 31 individuals, including 15 organizations from states that allow corporal punishment, and the Secular Coalition for America. Without objection, I will submit this for the record.

[The information follows:]

Prepared Statement of the American Academy of Pediatrics

The American Academy of Pediatrics (AAP), a non-profit professional organization of 60,000 primary care pediatricians, pediatric medical sub-specialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults, appreciates this opportunity to submit testimony for the record for the April 15, 2010 hearing of the House Education and Labor Subcommittee on Healthy Families and Communities, entitled "Corporal Punishment in Schools and its Effect on Academic Success."

The American Academy of Pediatrics is unequivocally opposed to the use of corporal punishment in schools and recommends that it be abolished by law in every state. According to the Department of Education, hundreds of thousands of children are subjected to corporal punishment in public schools each year, and racial minorities and children with disabilities are subjected to corporal punishment at disproportionally high rates.[1] Corporal punishment includes, but is not limited to, a wide variety of methods of punishment, including hitting, spanking, kicking, shaking, shoving, use of various objects (wood paddles, belts, sticks), painful body postures (i.e. placing in closed spaces), and use of excessive exercise drills. Corporal punishment has already been abolished in almost all juvenile correction facilities in the United States, and yet it continues to be a common practice in elementary, middle and high schools across the country.[2]

[1] 1976-2004 Elementary and Secondary Schools Survey. Washington, DC: Office of Civil Rights, US Department of Education.

[2] American Correctional Association, "Standards for Juvenile Correctional Facilities," 3-JTS-3A-31, February 2003

Corporal punishment can cause immediate physical pain, as well as lasting injuries, including muscle damage, abrasions, lacerations, whiplash injury, serious hematomas, broken bones and other injuries that may require hospitalization.[3] In addition, corporal punishment can result in increased behavioral problems and mental distress as children are humiliated and degraded in front of their peers. Victims of corporal punishment have been shown to experience increased anger, outbursts of aggression, difficulty with concentration, lowered school achievement, and other negative behaviors.[4] For some children, corporal punishment in school may continue a cycle of similar punishment at home that contributes to an overall increase in aggressiveness in the child.

Studies have unambiguously shown that corporal punishment is an ineffective method of discipline and no evidence exists that such punishment leads to better control in the classroom.[5] Other behavioral interventions that utilize positive reinforcement techniques and reward appropriate behavior are more effective and have longer lasting impacts than corporal punishment.[6] Teachers and school administrators should be supported in receiving as much training as possible to augment their efforts to maintain effective classroom control without the use of corporal punishment.

The attached AAP policy statement, "Corporal Punishment in Schools," provides further detail and support for our recommendation of abolishing corporal punishment in all schools. The AAP commends the Subcommittee for holding this hearing and drawing more attention to the emotionally and physically damaging practice of corporal punishment.

The American Academy of Pediatrics appreciates this opportunity to submit testimony for the record. If the AAP may be of further assistance, please contact Cindy Pellegrini or Dan Gage in our Washington, D.C. office at 202/347-8600.

AMERICAN ACADEMY OF PEDIATRICS

COMMITTEE ON SCHOOL HEALTH

Corporal Punishment in Schools

ABSTRACT. The American Academy of Pediatrics recommends that corporal punishment in schools be abolished in all states by law and that alternative forms of student behavior management be used.

It is estimated that corporal punishment is administered between 1 and 2 million times a year in schools in the United States.[1] Increasingly, states are abolishing corporal punishment as a means of discipline, but statutes in some states still allow school officials to use this form of discipline.[2,4]

The American Academy of Pediatrics believes that corporal punishment may affect adversely a student's self-image and school achievement and that it may contribute to disruptive and violent student behavior.[1,5,7] Alternative methods of behavioral management have proved more effective than corporal punishment and are specifically described in the reference articles.[5,7] Physical force or constraint by a school official may be required in a limited number of carefully selected circumstances to protect students and staff from physical injury, to disarm a student, or to prevent property damage.

The American Academy of Pediatrics urges parents, educators, school administrators, school board members, legislators, and others to seek the legal prohibition by all states of corporal punishment in schools and to encourage the use of alternative methods of managing student behavior.

Committee on School Health, 1999–2000

HOWARD L. TARAS, MD, *Chairperson,*
DAVID A. CIMINO, MD; JANE W. MCGRATH, MD; ROBERT D. MURRAY, MD.

The recommendations in this statement do not indicate an exclusive course of treatment or serve as a standard of medical care. Variations, taking into account

---

[3] Cryan JR. The banning of corporal punishment in child care, school and other educative settings in the United States. Child Educ. 1987; 63:146-153.

[4] Dubanoski RA, Inaba M, Gerkewicz BA. Corporal punishment in schools (Myths, problems, and alternatives). Child Abuse Negl. 1983;7:271—278.

[5] Moelis CS. Banning corporal punishment (A crucial step toward preventing child abuse). Child Legal Rights J. 1988;9:2—5.

[6] Gainer PS, Webster SW, Champion HR. A youth violence prevention program: Description and preliminary evaluation. Arch Surg 1993; 128:303-8.

individual circumstances, may be appropriate. PEDIATRICS (ISSN 0031 4005). Copyright (c) 2000 by the American Academy of Pediatrics.

WAYNE A. YANKUS, MD; THOMAS L. YOUNG, MD.

Liaisons

Evan Pattishall III, MD American School Health Association Missy Fleming, PhD American Medical Association
Maureen Glendon, RNCS, MSN, CRNP National Association of Pediatric Nurse Associates and Practitioners
Lois Harrison-Jones, EdD American Association of School Administrators
Linda Wolfe, RN, BSN, MEd, CSN National Association of School Nurses
Jerald L. Newberry, MEd National Education Association, Health Information Network
Mary Vernon, MD, MPH Centers for Disease Control and Prevention

Consultant

Paula Duncan, MD

Staff

Su Li, MPA

ENDNOTES

[1] 1986—1987 Elementary and Secondary Schools Civil Rights Survey, National Summary of Projected Data. Washington, DC: Office of Civil Rights, US Department of Education; 1987
[2] The National Center for the Study of Corporal Punishment and Alternatives. States Which Have Abolished Corporal Punishment as a Means of Discipline in the Schools. Philadelphia, PA: Temple University; 1994
[3] Dolins JC, Christoffel KK. Reducing violent injuries: priorities for pediatrician advocacy. Pediatrics. 1994;94:638—651
[4] 1990 Elementary Secondary School Civil Rights Survey, National State Summary of Projected Data. Washington, DC: Office of Civil Rights, US Department of Education; 1992
[5] Poole SR, Ushkow MC, Nader PR, et al. The role of the pediatrician in abolishing corporal punishment in schools. Pediatrics. 1991;88:162—176
[6] Hyman IA, Wise JH, eds. Corporal Punishment in American Education: Readings in History, Practice and Alternatives. Philadelphia, PA: Temple University Press; 1979
[7] Hyman HA, McDowell E, Raines B. In: Wise JH, ed. Proceedings: Conference on Corporal Punishment in the Schools: A National Debate. Washington, DC: National Institute of Education; 1977

Prepared Statement of the Dignity in Schools Campaign

DEAR CHAIRWOMAN MCCARTHY, RANKING MEMBER PLATTS, AND SUBCOMMITTEE MEMBERS: We, the undersigned parents, students, educators, researchers, and civil rights and educational organizations, support your effort to address the important issues to be raised in the upcoming hearing, "Corporal Punishment in Schools and its Effect on Academic Success." We urge the Subcommittee on Healthy Families and Communities, in reauthorizing the Elementary and Secondary Education Act (ESEA), to devote serious attention to the impact that corporal punishment and school discipline have on the health and academic success of our nation's students and schools.

Maintaining a safe and healthy instructional climate is a critical responsibility of schools in the 21st century. Student behavior and academic achievement are inseparable, and safer schools are higher achieving schools. Unfortunately, many schools rely only on physical punishment and exclusionary practices—suspension, expulsion, and arrest—to maintain discipline and safety. Rather than contribute to a better learning environment, these practices can make matters worse for the health and success of our schools and the students in them.

Currently, twenty states allow corporal punishment in schools ("corporal punishment states"). A comparison of the academic results of these states against the rest of the country suggests that corporal punishment negatively impacts academic success. None of the corporal punishment states scored in the top twenty percent in 8th grade performance on the National Assessment of Educational Progress (NAEP). Yet sixty percent of the corporal punishment states scored below average or worse in 8th grade performance on the NAEP. Two-thirds of states that do not allow corporal punishment in schools had graduation rates above the national average in 2004, while 57% of corporal punishment states had graduation rates below the national average that year.

The use of corporal punishment in schools appears to damage the bonds between students and educators, further harming students' academic potential. The Society

for Adolescent Medicine has found that victims of corporal punishment often develop deteriorating peer relationships, difficulty with concentration, lowered school achievement, antisocial behavior, intense dislike of authority, a tendency for school avoidance and school drop-out, and other evidence of negative high-risk adolescent behavior. In many states, children receive greater protections against the use of corporal punishment in juvenile detention facilities than they do in their schools. The use of corporal punishment in schools is interfering with students' right to be treated with dignity and, as a result, is interfering with their right to a quality education.

In reviewing the effects of corporal punishment on academic success, we urge the Subcommittee to explore the ties between academic achievement and exclusionary discipline as well. While none question the need to keep schools safe, educators, researchers, and communities are questioning the efficacy of exclusionary practices such as suspensions, expulsions, and school-based arrests. Each year, over three million students are suspended and over 100,000 are expelled nationally. As Secretary Arne Duncan warned in his recent remarks in Selma, Alabama, the overuse of exclusionary practices on students of color and students with disabilities is particularly disconcerting. Media reports abound with stories of even our youngest students being expelled or arrested for what was once considered youthful misbehavior.

According to the American Psychological Association, the use of exclusionary practices does not improve behavior, but can instead increase the likelihood that students will fall behind academically, have future behavior problems, drop out of school, and become involved in the juvenile or criminal justice system. Exclusionary discipline affects not only the student being disciplined, but the health and success of the school as a whole: schools with high suspension rates score lower on state accountability tests, even when adjusting for demographic differences.

We urge the committee to take note that there are proven, cost-effective alternatives to corporal punishment and exclusion. Many US schools are implementing Positive Behavioral Interventions and Supports (PBIS), an approach that—as described in the Positive Behavior for Safe and Effective Schools Act (H.R. 2597)—is linked to greater academic achievement, significantly fewer disciplinary referrals, increased instruction time, and staff perception of a safer learning environment. Similar improvements to school climate result from complementary approaches like restorative practices and school offense protocols.

We applaud the Subcommittee's efforts to better understand the impact of corporal punishment on academic success. We urge the Subcommittee to undertake a similar review of the ties between academic achievement and the use of suspension, expulsion, and school-based arrests (we have attached the Dignity in Schools Campaign's recommendations to the House Committee on Education and Labor to that effect). School discipline should be used to maintain the health and productivity of the learning environment for students and teachers alike. When disciplinary practices interfere with academic success, they interfere with the bold goals this Subcommittee has for the futures of our children. In reauthorizing the ESEA, we urge you to address the harms these practices can cause to the health and academic success of our students and schools.

Sincerely,

THE DIGNITY IN SCHOOLS CAMPAIGN
and the following organizations and individuals:

Activists with a Purpose Plus (Grenada, MS)
Alpha Phi Fraternity, Inc., Eta Lambda Chapter (Atlanta, GA)
Alpha Phi Fraternity, Inc., Rho Kappa Lambda Chapter (Gwinnett Co., GA)
Alpha Phi Fraternity, Inc., Rho Sigma Lambda Chapter (Henry Co., GA)
American Civil Liberties Union (ACLU)
Bazelon Center for Mental Health Law Center for Effective Discipline
Charles Hamilton Houston Institute for Race & Justice at Harvard Law School
Children & Family Justice Center, Bluhm Legal Clinic, Northwestern University School of Law
Coalition for Positive Behavioral Interventions & Supports
Concerned Citizens for a Better Greenville (Greenville, MS)
Connecticut Legal Services, Inc.
Disability Law Center of Massachusetts
Education Law Center (Newark, NJ)
Educators for Social Responsibility
Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline (Gwinnett Co., GA)
International Institute for Restorative Practices
Justice4Children

Law Office of Piper A. Paul, LLC (Westport, CT)
Legal Services for Children (San Francisco, CA)
Louisiana Developmental Disabilities Council
Malcolm X Center for Self Determination (Greenville, SC)
Mental Health Advocacy Services, Inc. (Los Angeles, CA)
Mississippi Coalition for Citizens with Disabilities
Mississippi Delta Catalyst Roundtable
Multiethnic Advocates for Cultural Competence
NAACP Legal Defense & Educational Fund, Inc.
National Disability Rights Network
National Economic and Social Rights Initiative (NESRI)
National Women's Law Center
Parents Against Spanking Association
Parents United Together of Mississippi
Physicians for Social Responsibility (Sacramento, Ca)
Public Counsel (Los Angeles, CA)
Public Science Project (New York, NY)
Restorative Schools Vision Project (Sacramento, CA)
RKH Law Office (Los Angeles, CA)
South Carolina Appleseed Justice Center
South Carolina Autism Society
Southern Echo, Inc. (Jackson, MS)
Southern Poverty Law Center
Therapists for Social Responsibility (Sacramento, CA)

The following individuals are listed with their affiliations for identification purposes only:

Theresa Baradine, Parent
Deborah Barclay
William Bronston, MD
Jeanie Calenoff, Parent of a Special Needs Child
Barbara Corkrey, Attorney, Legal Aid Foundation of Los Angeles
Edith M. Cornet
Lisa Cowen
Kimberly Coffman, LMSW, Social Worker and Mother of an Autistic Child
Sheree Janelle Davenport, Mother of an Autistic Child
Anna Donnelly
Michelle Fine, Distinguished Professor, the Graduate Center of the City University of New York
John Gardner, Educational Consultant
Maria Hantzopoulos, Assistant Professor, Vassar College
Judge Brian Huff, Juvenile Court, Birmingham, Alabama
Rubina Johnson, Advocate
Veronika Kot, Parent
Monica Llorente, Advocate
Patrice Neal, PhD, FPG Child Development Institute, University of North Carolina—Chapel Hill
Gaylon James Nettles, Esq., Attorney
David Nylund, LCSW, PhD, Associate Professor of Social Work, Sacramento State University
John M. Palladino, PhD, Associate Professor, Deparment of Special Education, Eastern Michigan University
Nancy Polin, Concerned Parent
Heather Price, Educational Researcher, University of Notre Dame
Karolyn Renard, Attorney at Law, Advocate for Children with Disabilities
Augustina Reyes, Professor, College of Education, University of Houston
Marlene Sallo, Esq., Advocate
Therese Sandomierski, M.A.
Sally Sommer, Retired Teacher, Oakland Unified School District
Jeffrey Sprague, Ph.D., Co-Director, Univ. Oregon Inst. on Violence and Destructive Behavior
Julie K. Waterstone, Southwestern Law School
George E. Worley, Parent and Children's Advocate

Contact:

Matthew Cregor Safe Schools Strategist NAACP Legal Defense and Educational Fund, Inc. For the Dignity in Schools Campaign 646-515-5284 mcregor@naacpldf.org

Prepared Statement of Sean Faircloth, Executive Director, Secular Coalition for America

Thank you Chairwoman McCarthy and the other members of the Committee for this opportunity to submit written testimony as you consider whether or not to ban corporal punishment in private educational institutions.

The Secular Coalition for America is the leading organization promoting the viewpoints of nontheistic Americans and their federal policy concerns. Headquartered in Washington D.C., and founded in 2005, our mission is to increase the visibility of and respect for nontheists in the United States, and to protect and strengthen the secular character of our government as the best guarantee of freedom for all Americans. The Secular Coalition for America submits that if Congress decides that corporal punishment must be restricted, that principle must apply to religious schools exactly as it does to secular schools.

States have a duty to protect children from violence in schools equally

The Supreme Court has said that because of the "high responsibility for education of its citizens, [a state] may impose reasonable regulations for the control and duration of basic education."[1] The state's interest in an informed and self-sufficient citizenry capable of participating in a democratic society is generally cited to support the regulation of private schools.[2] In 2009, 10.5% of all elementary and secondary students in America were enrolled in a private school.[3]

The state's interest in protecting children from the dangers associated with corporal punishment could not be met if some schools were exempted from the law. This is particularly true considering many influential Christian leaders such as Focus on the Family's James Dobson advocate that corporal punishment be used in both schools and homes.[4] Exempting religious private schools from a ban on corporal punishment would mean that the government is authorizing the use of physical violence as a form of punishment for children for a specific set of children. Children in religious schools are no less human—and no less equal citizens—than children anywhere else.

Exempting religious private schools from a ban on corporal punishment violates the principle of equal protection under the law. Excluding religious schools from any school regulations intended to guarantee a high-quality education or to protect children from harm impinges upon most basic right of children in these schools—the right to equality. If the state's goal is to protect children from harm resulting from corporal punishment, then there is no less restrictive way to protect children other than banning corporal punishment in all private and public schools. Children in private schools deserve the same protections as children in public schools.

Not all states apply uniform corporal punishment bans

Both New Jersey[5] and Iowa[6] have specifically outlawed corporal punishment in both private and public schools. Alaska, California, Illinois, Michigan, Nevada, New York, Utah and Washington allow corporal punishment in private schools even though they are banned in public schools. Allowing corporal punishment in private schools, despite state corporal punishment bans in public schools, unfairly privileges religious institutions over secular institutions and unconstitutionally entangles church and state—while violating the basic human rights of a distinct group of children.

Religious beliefs are no excuse for using corporal punishment

The Free Exercise Clause of the First Amendment provides great protection for religious beliefs and speech. The courts, however, have always drawn a distinction between religious beliefs and religiously-motivated conduct. While the freedom to believe is absolute, the Free Exercise Clause does not mandate that religiously-motivated conduct must be free from law. Moreover, the "conduct" involved here is hurting another human being, a child no less. What a person chooses for their own body is far different from a policy that permits harm to another essentially defenseless human being. As the Supreme Court has said, "neither the rights of religion nor the rights of parenthood are beyond limitation" and the Free Exercise clause cannot

---

[1] Wisconsin v. Yoder, 406 U.S. 205, 213 (1972). See also Board of Ed. of Cent. Sch. Dist. No.1 v. Allen, 392 U.S. 236, 246-247 (1968).

[2] Yoder at 221; Kentucky State Board v. Rudasill, 589 S.W.2d 877, 883 (1979).

[3] Snyder, Thomas D., Hoffman, Charlene M. Digest of Education Statistics 2008. NCES 2010-013, Washington, DC: United States Department of Education, Office of Educational Research and Improvement.

[4] Dobson, James C. (1996). The New Dare to Discipline. Tyndale House Publishing.

[5] N.J. Rev. Stat. §18A:6-1.

[6] IOWA CODE § 280.21

be used to justify placing children in harm's way.[7] In the case of corporal punishment in schools, the state has a compelling interest in ending corporal punishment in schools and protecting children from these practices. Numerous studies have shown that corporal punishment may trigger criminal, anti-social, violent, aggressive behavior later in life. If Congress gives credence to such studies, then they are no less credible when the results of those studies apply to religious schools.

Moreover, international regulatory bodies agree that religious values are no excuse for performing corporal punishment. The United Nations Committee on the Rights of the Child has made clear that religious values should not condone the use of corporal punishment.

"Some raise faith-based justifications for corporal punishment, suggesting that certain interpretations of religious texts not only justify its use, but provide a duty to use it. Freedom of religious belief is upheld for everyone in the International Covenant on Civil and Political Rights (Art. 18), but practice of a religion or belief must be consistent with respect for others' human dignity and physical integrity. Freedom to practice one's religion or belief may be legitimately limited in order to protect the fundamental rights and freedoms of others."[8]

Corporal punishment ban must also apply to private religious schools

The Secular Coalition for America opposes the use of government funds for religious purposes, including funding for religious schools. We agree with the founders of the United States that no individual taxpayer should be required to pay for the propagation of another's religion. If private religious schools are to be funded with taxpayer dollars, then students attending religious schools should be protected to the same extent as their public school counterparts.

We are faced with a fundamentally moral issue. If corporal punishment of children is wrong, it is just as wrong in a religious school. We encourage people of all faiths to join their secular neighbors in asking that we as a country do what is right for children uniformly and without exception.

Chairwoman McCarthy. As previously so ordered, our members will have 14 days to submit additional materials for the hearing record. Any member who wishes to submit follow-up questions in writing to our witnesses should coordinate with the majority staff within the requested time.

Without objection, this hearing is adjourned. Thank you.

[Questions submitted for the record and their responses follow:]

U.S. Congress,
[Via Facsimile],
Washington, DC, April 27, 2010.

[The following correspondence was sent to each witness]

Dear [Witness]:

Thank you for testifying at the Subcommittee on Healthy Families and Communities hearing on, "Corporal Punishment in Schools and its Effect on Academic Success," on April 15, 2010.

Committee Members have additional questions for which they would like written responses from you for the hearing record.

Representative Robert C. "Bobby" Scott (D-VA) has asked that you respond in writing to the following questions:

1. Corporal punishment is considered a violation of human rights law under several international treaties including two which the US. has ratified. Therefore, are we in violation of human rights laws by continuing to permit corporal punishment in our education system?

2. Does professional development for alternative behavior modification techniques for teachers and principals reduce corporal punishment in schools?

---

[7] Prince v. Massachusetts, U.S. Supreme Court, 1943

[8] UN Committee on the Rights of the Child (CRC), UN Committee on the Rights of the Child: General Comment No. 8, Para 29.

Please send an electronic version of your written response to the questions to the Committee staff by close of business on April 29, 2010. If you have any questions, please do not hesitate to contact the Committee.

Sincerely,

GEORGE MILLER, *Chairman.*

Responses to Mr. Scott's Questions From Ms. Frieler

1. Corporal punishment is considered a violation of human rights law under several international treaties including two which the US. has ratified. Therefore, are we in violation of human rights laws by continuing to permit corporal punishment in our education system?

In my opinion, yes. When dealing with young, impressionable students, corporal punishment does not change behavior. It is not an intervention that serves students, it is a consequence which may satisfy the adult's need for expediency but will not change a behavior. Students who experience corporal punishment also experience fear, lack of trust and possibly, injury. Obviously, those feelings are not conducive to educating students. If, adults are protected from corporal punishment from others, our children should be as well.

2. Does professional development for alternative behavior modification techniques for teachers and principals reduce corporal punishment in schools?

Yes. What is most effective is a counseling type model, one where the administration and faculty work together to create a system of consequences designed to help students learn proper comportment. This system must then be communicated with students and families and monitored continually. When there is a discipline situation, we must follow state laws and district policies. Although there may be actual programs that provide professional development for alternative behavior modification techniques, discipline is also very personal and each student is an individual and must be treated as so. This does not mean that each consequence should be different however. Continuity between those in the school who do the discipline is imperative to the student perception that things are handled fairly and that no one student receives special treatment. Administrators work with teachers to find a resolution to a discipline problem that addresses the severity of the situation as well as one that maintains the dignity of everyone involved. It is imperative that reactions and decisions are not made based on anger. Many times student misbehavior happens as a result of some external situation that an educator may not even be aware of. A counseling model where the family is involved and things are clearly explained is most effective. Developing a relationship with students and their families is critical when dealing with discipline situations. Once you understand the root cause for the behavior, you can provide a discipline consequence that is fair and will achieve the goal of teaching the student alternate ways of handling things so the behavior does not continue.

Responses to Mr. Scott's Questions From Ms. Gilbert

Corporal punishment is considered a violation of human rights law under several international treaties including two which the U.S. has ratified. Therefore, are we in violation of human rights laws by continuing to permit corporal punishment in our education system?

I do feel that corporal punishment is a violation of human rights in public schools. However, there has to be parameters set, to avoid the risk of "all" discipline in public school being considered a violation of human rights. As stated in my testimony, permitting corporal punishment in public schools, is nothing more than "sweeping dirt under the rug, the problem(s) still exist, it's just being covered up."

Does professional development for alternative behavior modification techniques for teachers and principals reduce corporal punishment in schools?

Yes, professional development for alternative behavior modification techniques for teachers and principals does reduce corporal punishment in schools. Based on my personal experience as a high school teacher, I would not have been successful in handling classroom discipline had I not taken advantage of programs such as "Managing Anti-Social Behaviors" (professional development provided my the American Federation of Teachers through Education Research and Dissemination). This program opened my eyes to new and innovative ways of handling class room discipline without the use of harsh punishment by the administration.

Responses to Mr. Scott's Questions From Ms. Pee

Thank you again for the opportunity to testify before the Healthy Families and Communities Subcommittee on the critical issue of banning corporal punishment in our public schools. Below are my responses to Mr. Scott's follow-up questions to me.

1. Corporal punishment is considered a violation of human rights law under several international treaties including two which the US has ratified. Therefore, are we in violation of human rights laws by continuing to permit corporal punishment in our education system?

While I am not a lawyer or well-versed in international human rights law, I do know that the use of corporal punishment in schools interferes with students' right to dignity and, as a result, is interfering with their right to a quality education. I have learned that educational experts have concluded that the use of corporal punishment interferes with learning, encourages children to drop out of school, and generally undermines the purposes of education as understood in international human rights law.

The story of my daughter being corporally punished was profiled in the ACLU/Human Rights Watch report, A Violent Education. I have reviewed that report, and believe and agree with their summary on pages 102-113, which answers in more detail Mr. Scott's question. The section on international obligations can be found here: *http://www.hrw.org/en/node/62078/section/12.* In this section, the ACLU and HRW detail how the US violates multiple bodies of human rights law by permitting corporal punishment in US public schools.

From this material, I have learned that international treaties, including the Convention on the Rights of the Child, the Convention against Torture, and the International Covenant on Civil and Political Rights, to which the US is party, prohibit the use of cruel, inhuman, or degrading treatment or punishment. Experts in these areas consistently have concluded that corporal punishment by school officials and teachers violates governmental obligations to protect children from physical violence and cruel treatment. Given the international consensus against corporal punishment, understand that over 100 countries prohibit the practice in schools. The same should be true of the United States.

2. Does professional development for alternative behavior modification techniques for teachers and principals reduce corporal punishment in schools?

I believe that many teachers in districts that use corporal punishment want the best for their students and may believe that corporal punishment can deter misbehavior and help educate students. Likewise, parents and children want orderly and safe school environments in which students can learn. But violence against students in the form of corporal punishment is not the answer. The practice injures students, it creates a hostile school climate, it impedes a positive environment students need in order to learn, it has been disproportionately applied against African American and disabled students, and it teaches violence as an appropriate response to problems.

There are other models and practices that can promote safe, effective discipline systems that can replace corporal punishment in schools. Like I said in my testimony, there are even simple solutions that can change the behavior of children in school without causing injuries. For example, I remember when my daughter was in elementary school she got in trouble for talking in class. I told the teacher, if you keep her in from recess and give her some extra work—that will stop the behavior you don't like right away. And it did, because social time was important to my daughter.

Better approaches to school discipline are available. For instance, I have recently learned about the practice of positive behavioral supports (PBS)—an evidence-based, comprehensive approach to school discipline rooted in responding to the underlying reasons for the student's misbehavior.

Nationwide, teachers and administrators increasingly have been using positive discipline methods that foster nurturing school cultures and allow students to thrive. With appropriate funding, training, and support, teachers and administrators can implement discipline systems that create educational environments in which every student can learn. I understand the Mr. Hare has a bill—Positive Behavior for Safe and Effective Schools Act (HR 2597)—that would promote these practices in schools. Based on my personal experiences, I strongly support legislation banning corporal punishment in schools, coupled with legislation implementing PBS programs, thereby providing teachers and schools positive alternatives to the ineffective and cruel discipline of corporal punishment.

Again, my many thanks to you, Ms. McCarthy, and the Committee for your focus on this important issue. While it is too late to protect my child from the injuries

she suffered from this destructive practice, I hope that you can quickly introduce and pass legislation banning corporal punishment in schools. Please feel free to contact me if there is anything further I can do to be helpful.

[Additional submissions of Ms. Pee follow:]

Prepared Statement of the American Civil Liberties Union and Human Rights Watch

DEAR CHAIRPERSON MCCARTHY, RANKING MEMBER PLATTS, AND MEMBERS OF THE SUBCOMMITTEE: On behalf of the American Civil Liberties Union (ACLU), its over half a million members, countless additional supporters and activists, and fifty-three affiliates nationwide and Human Rights Watch, one of the world's leading independent organizations dedicated to defending and protecting human rights, we applaud the House Education and Labor Subcommittee on Healthy Families and Communities for conducting a hearing concerning the ongoing corporal punishment of American public school children and its impact on their educational success.

The ACLU is a nationwide, non-partisan organization working daily in courts, Congress, and communities to defend and preserve the civil rights and liberties that the Constitution and laws of the United States guarantee everyone in this country. For thirty years, Human Rights Watch has investigated human rights violations wherever they occur, including in the United States, exposed the perpetrators, and advocated for change. We are pleased to submit this written statement for the record on the issue of corporal punishment in public schools—a vitally important issue affecting children's access to high-quality education and a safe and supportive learning atmosphere.

I. The Ongoing Use of Corporal Punishment in Public Schools

Each year, hundreds of thousands of students are subjected to corporal punishment in public schools.[1] Despite the many problems associated with the hitting or paddling of students, corporal punishment is a legal form of school discipline in 20 states.[2] Of these, thirteen states have reported that corporal punishment was inflicted on over one thousand students[3]—and eight states reported its use against at least ten thousand students[4]—during the 2006-2007 school year. While significant, these numbers do not tell the whole story. These statistics only reflect data which has been reported to the Department of Education and they only include the number of students who are subjected to corporal punishment during the school year, not the total number of times that an individual student has been hit over his or her educational career.[5]

Aside from the infliction of pain and the physical injuries which often result from the use physical punishments, these violent disciplinary methods also impact students' academic achievement and long-term well-being.[6] Despite significant evidence that corporal punishment is detrimental to a productive learning environment, there is currently no federal prohibition on the use of physical discipline against children in public school. In fact, children in some states receive greater protections against corporal punishment in detention facilities than they do in their public schools.[7] For this reason and others, the ACLU and HRW are encouraged that this subcommittee is seeking to address the problems stemming from corporal punishment in schools.

II. The Disproportionate Use of Corporal Punishment

Students of color and students with disabilities are disproportionately subjected to corporal punishment, hampering their access to a supportive learning environment. According to the Department of Education, while African Americans make up 17.1 percent of public school students nationwide, they accounted for 35.6 percent of those who were paddled during the 2006-2007 school year.[8] In A Violent Education and Impairing Education, two joint reports published by the ACLU and HRW detailing the effects of corporal punishment in public schools, interviewees noted the disproportionate application of corporal punishment:

- One Mississippi high school student described the administration of corporal punishment in her school this way: "every time you walk down the hall you see a black kid getting whipped. I would say out of the whole school there's only about three white kids who have gotten paddled."[9]
- A Mississippi teacher also noted the racial disparity in the administration of corporal punishment: "I've heard this said at my school and at other schools: 'This child should get less whips, it'll leave marks.' Students that are dark-skinned, it takes more to let their skin be bruised. Even with all black students, there is an imbalance: darker-skinned students get worse punishment. This really affected me, being a dark-skinned person myself."[10]

Evidence shows that students with disabilities are also disproportionally subjected to corporal punishment. The Department of Education has reported that although students with disabilities constitute 13.7 percent of all public school students, they make up 18.8 percent of those who are subjected to corporal punishment.[11] In many of these cases, students were punished for exhibiting behaviors related to their disabilities, such as autism or Tourette's syndrome.[12] The effects of corporal punishment on students with disabilities can dramatically impact their behavior and hamper their academic performance. In Impairing Education, parents and grandparents of students with disabilities noted the changes in behavior and barriers to educational achievement stemming from the use of corporal punishment:

• A grandmother of a student who has Asperger's syndrome withdrew him from his Oklahoma school in part because of the hostile environment stemming from frequent use of corporal punishment: "It made him much more introverted. He very much didn't want to go to school * * * No one's supposed to go to school to be tortured, school is supposed to be fun."[13]

• A mother of a student with autism reported that her son's behavior changed after he was struck in his Florida school: "He's an avoider by nature, before he was never aggressive. Now, he struggles with anger; right after the incidents he'd have anger explosions."[14]

Hitting any student should be an unacceptable practice, but the disproportionate application of corporal punishment further undermines the educational environment for minority groups and students with disabilities.[15] A federal prohibition on corporal punishment in public schools is necessary to protect students from the discriminatory impact and the academic harms which it brings.

III. The Impact of Corporal Punishment On Students' Academic Performance

Harsh physical punishments do not improve students' in-school behavior or academic performance. In fact, one recent study found that in states where corporal punishment is frequently used, schools have performed worse academically than those in states that prohibit corporal punishment.[16] While most states demonstrated improvements in their American College Testing (ACT) scores from 1994 to 2008, "as a group, states that paddled the most improved their scores the least."[17] At the same time "the ten states with the longest histories of forbidding corporal punishment improved the most" with improvement rates three times higher than those states which reported frequent use of corporal punishment.[18]

Many children who have been subjected to hitting, paddling or other harsh disciplinary practices have reported subsequent problems with depression, fear and anger.[19] These students frequently withdraw from school activities and disengage academically.[20] The Society for Adolescent Medicine has found that victims of corporal punishment often develop "deteriorating peer relationships, difficulty with concentration, lowered school achievement, antisocial behavior, intense dislike of authority, somatic complaints, a tendency for school avoidance and school drop-out, and other evidence of negative high-risk adolescent behavior."[21] One Mississippi student interviewed for A Violent Education described the effects of corporal punishment on his attitude towards school:

• "[Y]ou could get a paddling for almost anything. I hated it. It was used as a way to degrade, embarrass students * * * I said I'd never take another paddling, it's humiliating, it's degrading. Some teachers like to paddle students. Paddling causes you to lose respect for a person, stop listening to them."[22]

Corporal punishment places parents and teachers in positions where they may have to choose between educational advancement and students' physical well-being. For instance, some parents who learn that their children are being struck at public school find themselves without recourse, unable to effectively opt-out from the practice, and unable to obtain legal or other redress when their children have been paddled against their wishes. Ultimately some parents find that the only way they can protect their children from physical harm is to withdraw them from school altogether.[23] Similarly, teachers who work in schools where corporal punishment is administered are often reluctant to send disruptive students out of the classroom because they are afraid the students will be beaten.[24]

Moreover, a public school's use of corporal punishment affects every student in that school, including those who are not personally subjected to hitting or paddling. The prevalent use of physical violence against students creates an overall threatening school atmosphere that impacts students' ability to perform academically.[25] Often, children who experience or witness physical violence will themselves develop disruptive and violent behaviors, further disturbing their classmates' learning as well as their own.[26]

Corporal punishment is a destructive form of discipline that is ineffective in producing educational environments in which students can thrive. Rather than relying

on harsh and threatening disciplinary tactics, schools and teachers should be encouraged to develop positive behavior supports (PBS), which have proven effective in reducing the need for harsh discipline while supporting a safe and productive learning environment.[27] The Positive Behavior for Safe and Effective Schools Act (H.R. 2597) would help states and Local Education Agencies (LEAs) create positive learning environments by allowing them to use Title I funds to develop PBS practices. This bill would also require the Department of Education to provide assistance and support so that states may fully realize the potential of supportive and flexible behavior discipline practices. By abandoning ineffective and brutal disciplinary practices, and by encouraging the adoption of PBS methods, our nation can provide opportunities for all students to achieve academic success in a supportive and safe school environment.

IV. Recommendations

In order to prevent the continued use of violence against children in our schools, we recommend that Congress:

- Introduce and pass federal legislation prohibiting the use of corporal punishment in public schools, conditioned on the receipt of federal funding.
- Define corporal punishment as any punishment by which physical force is used with the intention of causing some degree of pain or discomfort, however light.
- Promote the use of positive behavioral supports by passing H.R. 2597, and provide teachers and school administrators with the tools and resources necessary to develop safe and effective methods for encouraging positive student behavior
- Provide students and their families with a private right of action to enforce their rights to be free from physical punishment and to a safe and supportive learning environment in administrative or judicial actions.
- Require all schools and LEAs to report all instances where corporal punishment is used, not just the number of students who are punished in a given year. This data should be collected and disaggregated by student subgroups to assess disproportionate application.
- Provide funding to those states which implement PBS practices so that teachers may be effectively trained to create safe and supportive school discipline plans.

V. Conclusion

The ACLU and HRW would like to thank Chairperson McCarthy and the Subcommittee on Healthy Families and Communities for their efforts to address the problems arising from corporal punishment in public schools. The use of violence against students is never an acceptable means of punishment—it harms students physically, psychologically and academically. The use of corporal punishment in schools is interfering with students' right to be treated with dignity and, as a result, is interfering with their right to a quality education. By prohibiting the use of corporal punishment and helping states to develop safe and effective behavioral practices, this Congress could help to ensure that our nation's children are able to achieve their full educational potential in a supportive learning environment.

ENDNOTES

[1] During the 2006-2007 school year, at least 223,190 students in the U.S. were subjected to corporal punishment. See U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS, CIVIL RIGHTS DATA COLLECTION 2006, *http://ocrdata.ed.gov/Projections—2006.aspx* (last accessed April 1, 2010) [hereinafter CIVIL RIGHTS DATA COLLECTION].

[2] Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming. See AMERICAN CIVIL LIBERTIES UNION & HUMAN RIGHTS WATCH, IMPAIRING EDUCATION 27 (2009), available at *http://www.aclu.org/human-rights/impairing-education-corporal-punishment-students-disabilities-us-public-schools* [hereinafter IMPAIRING EDUCATION].

[3] Alabama, Arkansas, Florida, Georgia, Kentucky, North Carolina, Oklahoma, Louisiana, Missouri, Mississippi, South Carolina, Tennessee & Texas. See id. at 27.

[4] Alabama, Arkansas, Georgia, Oklahoma, Louisiana, Mississippi, Tennessee and Texas. See id, at 27.

[5] Many school districts may fail to report corporal punishment data to the Department of Education, and many incidents may not be recorded in the first place. See AMERICAN CIVIL LIBERTIES UNION & HUMAN RIGHTS WATCH, A VIOLENT EDUCATION 45-46 (2008), available at *http://www.aclu.org/human-rights-racial-justice/violent-education-corporal-punishment-children-us-public-schools* [hereinafter A VIOLENT EDUCATION]; IMPAIRING EDUCATION, at 30-31.

[6] See generally A VIOLENT EDUCATION, at 57; IMPAIRING EDUCATION, at 4-5.

[7] Corporal punishment of children in juvenile justice facilities has been prohibited by the Courts of Appeals in several Federal Circuits. See Nelson v. Heyne, 491 F.2d 352 (7th Cir. 1974), cert. denied 417 U.S. 476 (paddling of children in juvenile detention was a violation of the Eighth Amendment's ban on cruel and unusual punishment); Morales v. Turman, 562 F.2d

993, 998 (5th Cir. 1977) (corporal punishment and physical abuse in juvenile detention facilities subject to prohibition as a violation of Eighth Amendment), rev'd on other grounds, 535 F.2d 864 (5th Cir. 1976), rev'd and remanded, 430 U.S. 322 (1977). See also, Santana v. Collazo, 533 F. Supp. 966 (D.P.R. 1982) (corporal punishment against juveniles in industrial schools and juvenile camps violates Eighth Amendment and is barred "for any reason"), aff'd in part and vacated in part, 714 F.2d 1172 (lst Cir. 1983), cert. denied, 466 U.S. 974 (1984). The American Correctional Association has also issued standards banning use of corporal punishment in juvenile facilities. See also Steven J. Martin, Staff Use of Force in United States Confinement Settings, 22 WASH. U. J.L. & POL'Y 145 (2006). In addition, corporal punishment and other harsh disciplinary practices are prohibited in publicly-funded non-medical substance abuse and long-term medical care facilities. See, e.g., 42 U.S.C. § 290jj (banning corporal punishment in "non-medical community-based facilities for children and youth."); 42 C.F.R. § 483.13 (banning corporal punishment in long-term medical care facilities).

[8] CIVIL RIGHTS DATA COLLECTION, supra note 1. See also A VIOLENT EDUCATION, at 5 ("In the same year [2006-2007], in the 13 states with the highest rates of paddling, 1.4 times as many African American students were paddled as might be expected given their percentage of the student population. Although girls of all races were paddled less than boys, African American girls were nonetheless physically punished at more than twice the rate of their white counterparts in those 13 states during this period").

[9] A VIOLENT EDUCATION, at 72 (interview with Abrea T., Dec. 10, 2007).

[10] A VIOLENT EDUCATION, at 75-76 (interview with Catherine V., Nov. 7, 2007).

[11] In the 2006-2007 school year, 41,972 students with disabilities were subjected to corporal punishment during the 2006-2007 school year. See CIVIL RIGHTS DATA COLLECTION, supra note 1.

[12] See IMPAIRING EDUCATION, at 35-40.

[13] IMPAIRING EDUCATION, at 44 (interview with Sarah P. May 22, 2009).

[14] IMPAIRING EDUCATION, at 43 (interview with Anna M., March 9, 2009).

[15] See A VIOLENT EDUCATION, at 75.

[16] MICHAEL HICKMON, STUDY: PADDLING VS. ACT SCORES AND CIVIL IMMUNITY LEGISLATION (2008), available at *http://www.stophitting.com/index.php?page=paddlingvsact.*

[17] Id.

[18] Id.

[19] See A VIOLENT EDUCATION, at 54; IMPAIRING EDUCATION, at 42-43.

[20] See A VIOLENT EDUCATION, at 54; IMPAIRING EDUCATION, at 43-44.

[21] Society for Adolescent Medicine, Position Paper: Corporal Punishment in Schools, 32:5 J. ADOLESCENT HEALTH 385, 388 (2003).

[22] A VIOLENT EDUCATION, at 55 (interview with Sean D., Dec. 14, 2007).

[23] See IMPAIRING EDUCATION, at 6.

[24] See id. at 5.

[25] See A VIOLENT EDUCATION, at 25-29.

[26] This is often because students who have been subjected to corporal punishment have learned through their experiences that physical violence is an appropriate way to handle conflict. The American Academy of Pediatrics has noted that "corporal punishment may adversely affect a student's self-image and school achievement and it may contribute to disruptive and violent behavior." American Academy of Pediatrics, Committee on School Health, Corporal Punishment in Schools, 106:2 PEDIATRICS 343 (2000), available at *http://aappolicy.aappublications.org/cgi/content/full/pediatrics;106/2/343.*

[27] See, e.g., Stephen P. Safran & Karen Oswald, Positive Behavior Supports: Can Schools Reshape Disciplinary Practices?, 69:3 EXCEPTIONAL CHILD. 361 (2003), available at *http://www.casenex.com/casenex/cecReadings/positiveBehavior.pdf.*

["A Violent Education: Corporal Punishment of Children in U.S. Public Schools," a report by the ACLU and Human Rights Watch, may be accessed at the following Internet address:]

www.aclu.org/human-rights-racial-justice/violent-education-corporal-punishment-children-us-public-schools

---

["Impairing Education: Corporal Punishment of Students With Disabilities in US Public Schools," a report by the ACLU and Human Rights Watch, may be accessed at the following Internet address:]

www.aclu.org/human-rights/impairing-education-corporal-punishment-students-disabilities-us-public-schools

---

[Responses to Mr. Scott's questions from Dr. Greydanus follow:]

Michigan State University
Kalamazoo Center For
Medical Studies

A Partnership of

Borgess Medical Center

Bronson Methodist Hospital

Michigan State University

Pediatric Residency
Donald E. Greydanus, MD
Pediatric Program Director
Latisha N. Carter-Blanks, MD
General Pediatrics
Colette A. Gushurst, MD
Assistant Director
Clerkship Coordinator
Martin B. Drazenin, MD
Assistant Director
Endocrinology/Diabetology
Carter D. Brooks, MD
Director, Pediatric Research
Kathabina E. Elliott, MD
Hematology/Oncology
Arthur N. Feinberg, MD
Outpatient Clinic Director
J. Donald Hare, MD
General Pediatrics
Diabetology
Douglas N. Homnick, MD, MPH
Pulmonary Medicine
Manmohan K. Kamboj, MD
Endocrinology
Jeffrey S. Lobel, MD
Hematology/Oncology
John H. Marks, MD
Pulmonary Medicine
Mary D. Moore, MD
General Pediatrics
Pediatric Rheumatology
Dilip R. Patel, MD
General Pediatrics
Sports Medicine
Adolescent Medicine
Helen D. Pratt, PhD
Director of Behavioral
Developmental Pediatrics
Vinay N. Reddy, MD
General Pediatrics
Alfonso D. Torres, MD
Nephrology
Pamela D. DeMorrow, CPNP
Patricia Witta, NP

1000 Oakland Drive
Kalamazoo, Michigan 49008
Office: (269) 337-6450
Fax: (269) 337-6474

Mr. George Miller
Chairman, Committee on Education and Labor
U.S. House of Representatives
2181 Rayburn House Office Building
Washington DC 20515-6100
C/O Mr. Bryce McKibben at:
E-mail: Bryce.McKibben@mail.house.gov

Dear Mr. George Miller:

Thank you for requesting more information in regards to the issue of **Corporal Punishment in Schools**. I appreciate the interest of the Committee on this very important topic and your confidence in me in this regard. The questions are very insightful and very important to consider. If you have any further questions in this regard or in regard to issues affecting the medical or psychological health of our children in general, please feel free to contact me. In response to the two questions from **Representative Robert C. "Bobby" Scott (D-VA)**, here are my answers:

> Question #1: **Corporal punishment is considered a violation of human rights law under several international treaties including two in which the U.S. has ratified. Therefore, are we in violation of human rights laws by continuing to permit corporal punishment in our education system?**

ANSWER:

This depends on the nature of the treaties you are referring to, and whether the United States has consented to be bound by them. If the U.S. has signed on, ratified or acceded to a treaty, that, in my view, makes corporal punishment in school a crime; thus, in my view, we are definitely violating international law and fundamental principles of human rights by allowing it to occur. In my written comments to the Committee on April 15, 2010, I wrote about the **United Nations Convention on the Rights of the Child (CRC)**, which sets *minimal* international standards for the treatment of children (**See Appendix below**). The United Nations has enforcement power over ratifiers under Article 45a of the CRC. Along with local governments, nongovernmental organizations (NGOs) monitor for compliance and carry out its enforcement.

Michigan State University
Kalamazoo Center For
Medical Studies

A Partnership of

Borgess Medical Center

Bronson Methodist Hospital

Michigan State University

Pediatric Residency
Donald E. Greydanus, MD
Pediatric Program Director
Latisha N. Carter-Blakes, MD
General Pediatrics
Colette A. Gushurst, MD
Assistant Director
Clerkship Coordinator
Martin B. Drazsin, MD
Assistant Director
Endocrinology/Diabetology
Carter D. Brooks, MD
Director, Pediatric Research
Kathabina E. Elliott, MD
Hematology/Oncology
Arthur N. Feinberg, MD
Outpatient Clinic Director
J. Donald Hare, MD
General Pediatrics
Diabetology
Douglas N. Homnick, MD, MPH
Pulmonary Medicine
Manmohan K. Kamboj, MD
Endocrinology
Jeffrey S. Lobel, MD
Hematology/Oncology
John H. Marks, MD
Pulmonary Medicine
Mary D. Moore, MD
General Pediatrics
Pediatric Rheumatology
Dilip R. Patel, MD
General Pediatrics
Sports Medicine
Adolescent Medicine
Helen D. Pratt, PhD
Director of Behavioral
Developmental Pediatrics
Vinay N. Reddy, MD
General Pediatrics
Alfonso D. Torres, MD
Nephrology
Pamela D. DeMorrow, CPNP
Patricia Wita, NP

1000 Oakland Drive
Kalamazoo, Michigan 49008
Office: (269) 337-6450
Fax: (269) 337-6474

The wrinkle with CRC is that the U.S. has **not** signed onto *this* treaty. Therefore, the U.S. has **not** consented to be bound by its terms, and thus, technically, is **not** violating international law by allowing corporal punishment to continue in our schools. Along with Somalia, we are the only U.N. member nation who has **not** signed the CRC. Thus, by refusing to sign onto CRC, we may not be violating international law per se; however, 193 of 195 other countries have a higher standard for treatment of their children than we do, in my opinion. This, in my view, is unacceptable for the U.S. to continue to follow. We are a highly civilized as well as educated country and in the light of current research in this area, we simply should not allow such maltreatment of our children to continue.

Question #2: **Does professional development for alternative behavior modification techniques for teachers and principals reduce corporal punishment in schools?**

Research notes that teachers and principals can learn effective behavioral modification techniques to control children in the classroom without using methods of corporal punishment. Research also notes that such techniques are successful in controlling much unwanted behavior and reduces corporal punishment in these schools. Not all unruly children can be controlled with these techniques and then a variety of other methods must be utilized, including evaluation & management with a school counselor, psychologist, pediatrician, psychiatrist, or other counselor. Studies note that 20% of our children have a diagnosable mental illness and need specific evaluation as well as management by trained professionals **(Greydanus DE, Calles J, Patel DR: Pediatric and Adolescent Psychopharmacology: A Practical Manual for Pediatricians. Cambridge, England: Cambridge University Press, 301 pages, 2008**). Teachers and principals can work with these professionals to maximize the control as well as education of these children. If methods of corporal punishment are used on these children, their negative behavior, as noted in my testimony, will only worsen.

An important technique in maintaining classroom control is to develop a milieu of effective communication, in which the teacher displays an attitude of respect for the students. School officials can exhibit cordiality to students and an attitude that they generally enjoy working with children in the academic setting. Students must be taught in an environment that clearly states they are valued and understood. The emphasis is on *positive* educational exchanges

Michigan State University
Kalamazoo Center For
Medical Studies

A Partnership of

Borgess Medical Center

Bronson Methodist Hospital

Michigan State University

Pediatric Residency
Donald E. Greydanus, MD
Pediatric Program Director
Latisha N. Carter-Blanks, MD
General Pediatrics
Colette A. Gushurst, MD
Assistant Director
Clerkship Coordinator
Martin B. Draznin, MD
Assistant Director
Endocrinology/Diabetology
Carter D. Brooks, MD
Director, Pediatric Research
Katharina E. Elliott, MD
Hematology/Oncology
Arthur N. Feinberg, MD
Outpatient Clinic Director
J. Donald Hare, MD
General Pediatrics
Diabetology
Douglas N. Homnick, MD, MPH
Pulmonary Medicine
Manmohan K. Kamboj, MD
Endocrinology
Jeffrey S. Lobel, MD
Hematology/Oncology
John H. Marks, MD
Pulmonary Medicine
Mary D. Moore, MD
General Pediatrics
Pediatric Rheumatology
Dilip R. Patel, MD
General Pediatrics
Sports Medicine
Adolescent Medicine
Helen D. Pratt, PhD
Director of Behavioral
Developmental Pediatrics
Vinay N. Reddy, MD
General Pediatrics
Alfonso D. Torres, MD
Nephrology
Pamela D. DeMorrow, CPNP
Patricia Witta, NP

1000 Oakland Drive
Kalamazoo, Michigan 49008
Office: (269) 337-6450
Fax: (269) 337-6474

between teachers and students, not futile, contentious, win-lose contests (**Greydanus DE, Pratt HD, Spates CR, Blake-Dreher AE, Greydanus-Gearhart MA, Patel DR: Corporal punishment: Position Statement of Society for Adolescent Medicine. J Adolesc Health 32:385-393, 2003**)

Teachers can learn sound blueprints regarding student motivation and nonviolent techniques of classroom control. It is critical to present educational material that is stimulating to the students and is aimed at their ability levels. Some students may benefit from alternative academic courses, and these should be offered. Students, as well as their parents, should be carefully involved in decision-making about school issues affecting them, including educational goals and disciplinary rules. Schools should have peer support programs that utilize techniques such as Rap Groups and Sociodrama to encourage acceptable behavior. Furthermore, some evidence suggests that student self-governance offers an alternative means for constructive management of selected problem behaviors in the classroom. Parental involvement is important in this regard. (**Greydanus, 1992; 2003**)

Behavior modification techniques for classroom control can be effectively utilized by school officials. Alternative non-violent punishment includes *extinction*, *distractions* and *rewarding appropriate behavior*. Extinction is a technique that removes access to or eliminates the reinforcers that maintain inappropriate actions leading to classroom disruption. Extinction should be used in an enriched classroom environment where students have the opportunity to earn rewards and praise for appropriate behavior. A variety of nonviolent disciplinary techniques can be taught and utilized, such as soft verbal reproofs or social isolation in addition to the persistent use of rewards (as love, praise, and attention by the teacher) for appropriate behavior. Such methods can be powerful, compelling tools, changing unacceptable behavior, and helping the locus of control become placed within the student in this model. (**Greydanus, 1992; 2003**).

It is critical that our teachers as well as principals receive as much support and training as possible in their efforts to maintain effective classroom control without resorting to violent techniques. Such training should include instructions on the deleterious short- and long-term consequences of corporal punishment. Schools should have an ample supply of counselors, especially for younger children. Also, schools need to have in-school suspension facilities for students requiring such measures. Schools' policies need to allow for a wide variety of teaching and disciplinary methods that de-emphasize the necessity for corporal punishment.

Michigan State University
Kalamazoo Center For
Medical Studies

A Partnership of

Borgess Medical Center

Bronson Methodist Hospital

Michigan State University

Pediatric Residency
Donald E. Greydanus, MD
Pediatric Program Director
Latisha N. Carter-Blanks, MD
General Pediatrics
Colette A. Gushurst, MD
Assistant Director
Clerkship Coordinator
Martin B. Drazenin, MD
Assistant Director
Endocrinology/Diabetology
Carter D. Brooks, MD
Director, Pediatric Research
Katharina E. Elliott, MD
Hematology/Oncology
Arthur N. Feinberg, MD
Outpatient Clinic Director
J. Donald Hare, MD
General Pediatrics
Diabetology
Douglas N. Homnick, MD, MPH
Pulmonary Medicine
Manmohan K. Kamboj, MD
Endocrinology
Jeffrey S. Lobel, MD
Hematology/Oncology
John H. Marks, MD
Pulmonary Medicine
Mary D. Moore, MD
General Pediatrics
Pediatric Rheumatology
Dilip R. Patel, MD
General Pediatrics
Sports Medicine
Adolescent Medicine
Helen D. Pratt, PhD
Director of Behavioral
Developmental Pediatrics
Vinay N. Reddy, MD
General Pediatrics
Alfonso D. Torres, MD
Nephrology
Pamela D. DeMorrow, CPNP
Patricia Wita, NP

1000 Oakland Drive
Kalamazoo, Michigan 49008
Office: (269) 337-6450
Fax: (269) 337-6474

The input of parents and students into such policies is critical to its overall success. An effective relationship must be developed between school officials, parents, and students to develop sensible rules that have appropriate consequences when infractions inevitably occur. (**Greydanus, 1992; 2003**)

Thank you again, Mr. George Miller and Committee Members, for seeking my input, and if you have further questions in this or related issues, feel free to contact me.

Sincerely,

Donald E. Greydanus MD, Dr HC (ATHENS)
Professor, Pediatrics & Human Development
Michigan State University
College of Human Medicine
Kalamazoo & East Lansing, Michigan USA

Pediatrics Program Director
Michigan State University/
Kalamazoo Center for Medical Studies
1000 Oakland Drive
Kalamazoo, MI 49008-1284 USA
269-337-6450; Fax: 269-337-6474

e-mail: Greydanus@kcms.msu.edu

Michigan State University
Kalamazoo Center For
Medical Studies

A Partnership of

Borgess Medical Center

Bronson Methodist Hospital

Michigan State University

Pediatric Residency
Donald E. Greydanus, MD
Pediatric Program Director
Latisha N. Carter-Blanks, MD
General Pediatrics
Colette A. Gushurst, MD
Assistant Director
Clerkship Coordinator
Martin B. Drazenin, MD
Assistant Director
Endocrinology/Diabetology
Carter D. Brooks, MD
Director, Pediatric Research
Katharina E. Elliott, MD
Hematology/Oncology
Arthur N. Feinberg, MD
Outpatient Clinic Director
J. Donald Hare, MD
General Pediatrics
Diabetology
Douglas N. Homnick, MD, MPH
Pulmonary Medicine
Manmohan K. Kamboj, MD
Endocrinology
Jeffrey S. Lobel, MD
Hematology/Oncology
John H. Marks, MD
Pulmonary Medicine
Mary D. Moore, MD
General Pediatrics
Pediatric Rheumatology
Dilip R. Patel, MD
General Pediatrics
Sports Medicine
Adolescent Medicine
Helen D. Pratt, PhD
Director of Behavioral
Developmental Pediatrics
Vinay N. Reddy, MD
General Pediatrics
Alfonso D. Torres, MD
Nephrology
Pamela D. DeMorrow, CPNP
Patricia Weta, NP

1000 Oakland Drive
Kalamazoo, Michigan 49008
Office: (269) 337-6450
Fax: (269) 337-6474

ADDENDUM

APPENDIX FOR QUESTION #1:

In the international arena, the United Nations Convention on the Rights of the Child (CRC) outlines the basic human rights of children. Adopted in 1990, the CRC was developed by cultural and legal traditions throughout the world to reach a universally agreed upon minimal standard of children's rights to be respected by governments (http://www.unicef.org/crc/). Article 19 of the CRC explicitly states,

> "1. Parties shall take all appropriate legislative, administrative, social, and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
>
> 2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment, and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement."

(http://www.unicef.org/magic/briefing/uncorc.html)

As a Convention (in contrast to a Declaration), CRC is a legally binding treaty for its signatory nations, carrying the full weight of international law. As of December, 2008, 193 nations have ratified the CRC (http://treaties.un.org/Pages/ViewDetails.aspx?src=IND&id=133&chapter=4&lang=en), including every member of the United Nations except Somalia and the United States (http://www.crin.org/resources/treaties/CRC.asp?catName=International+Treatie)]

Michigan State University
Kalamazoo Center For
Medical Studies

A Partnership of

Borgess Medical Center

Bronson Methodist Hospital

Michigan State University

Pediatric Residency
Donald E. Greydanus, MD
Pediatric Program Director
Latisha N. Carter-Blanks, MD
General Pediatrics
Colette A. Gushurst, MD
Assistant Director
Clerkship Coordinator
Martin B. Dizenin, MD
Assistant Director
Endocrinology/Diabetology
Carter D. Brooks, MD
Director, Pediatric Research
Katharina E. Elliott, MD
Hematology/Oncology
Arthur N. Feinberg, MD
Outpatient Clinic Director
J. Donald Hase, MD
General Pediatrics
Diabetology
Douglas N. Hennick, MD, MPH
Pulmonary Medicine
Manmohan K. Kamboj, MD
Endocrinology
Jeffrey S. Lobel, MD
Hematology/Oncology
John H. Marks, MD
Pulmonary Medicine
Mary D. Moore, MD
General Pediatrics
Pediatric Rheumatology
Dilip R. Patel, MD
General Pediatrics
Sports Medicine
Adolescent Medicine
Helen D. Pratt, PhD
Director of Behavioral
Developmental Pediatrics
Vinay N. Reddy, MD
General Pediatrics
Alfonso D. Torres, MD
Nephrology
Pamela D. DeMorrow, CPNP
Patricia Wita, NP

1000 Oakland Drive
Kalamazoo, Michigan 49008
Office: (269) 337-6450
Fax: (269) 337-6474

REFERENCES FOR QUESTION #2:

Bauer GB, Dubanoski R, Yamanchi LA, et al: Corporal punishment and the schools. Educ Urban Soc 1991; 22:285-99.

Bongiovani AF: A review of research on the effects of punishment: Implications for corporal punishment in schools, in National Institute Of Education: Proceedings: Conference on Corporal Punishment in Schools: A National Debate, February 18-20, 1977, U.S. Government Printing Office, 779 222/565, 1977.

Brown WE, Payne T: Policies/practices in public school disciplines. Academic Therapy. 1988; 23:297-301.

Carkhuff RR, Berenson PH, Pierce RM: The Skills of Teaching: Interpersonal Skills. Amhurst, MA: Human Resource Development Press, 1973.

Dubanoski RA, Inaba M, Gerkewicz BA: Corporal punishment in schools: Myths, problems, and alternatives. Child Abuse Negl 1983; 7:271-8

Greydanus DE, Pratt HP, Greydanus SE, et al: Corporal Punishment in Schools: A Position Paper of the Society for Adolescent Medicine. J Adol Health 13(3):240-246, 1992.
Greydanus DE, Pratt HD, Spates CR, Blake-Dreher AE, Greydanus-Gearhart MA, Patel DR: Corporal punishment: Position Statement of Society for Adolescent Medicine. J Adolesc Health 32:385-393, 2003.

Greydanus DE, Calles J, Patel DR: Pediatric and Adolescent Psychopharmacology: A Practical Manual for Pediatricians. Cambridge, England: Cambridge University Press, 301 pages, 2008.

Hyman IA.: Eliminating corporal punishment in schools: Moving from Advocacy research to policy implementation. Child Legal Rights 1988; 9:14-20.

Jones VF, Jones LS: Responsible Classroom Discipline: Creating Positive Learning Environments and Solving Problems. Boston, Allyn and Bacon, 1981.

Mallot RW, Malott ME, Trojan EA: Elementary Principles of Behavior. 4th Edition. Upper Saddle River, NJ: Prentice Hall, 2000.

Michigan State University
Kalamazoo Center For
Medical Studies

A Partnership of

Borgess Medical Center

Bronson Methodist Hospital

Michigan State University

Pediatric Residency
Donald E. Greydanus, MD
Pediatric Program Director
Latisha N. Carter-Blakes, MD
General Pediatrics
Colette A. Gushurst, MD
Assistant Director
Clerkship Coordinator
Marten B. Drazenin, MD
Assistant Director
Endocrinology/Diabetology
Carter D. Brooks, MD
Director, Pediatric Research
Katharina E. Elliott, MD
Hematology/Oncology
Arthur N. Feinberg, MD
Outpatient Clinic Director
J. Donald Hare, MD
General Pediatrics
Diabetology
Douglas N. Hornick, MD, MPH
Pulmonary Medicine
Manmohan K. Kamboj, MD
Endocrinology
Jeffrey S. Lobel, MD
Hematology/Oncology
John H. Marks, MD
Pulmonary Medicine
Mary D. Moore, MD
General Pediatrics
Pediatric Rheumatology
Dilip R. Patel, MD
General Pediatrics
Sports Medicine
Adolescent Medicine
Helen D. Pratt, PhD
Director of Behavioral
Developmental Pediatrics
Vinay N. Reddy, MD
General Pediatrics
Alfonso D. Torres, MD
Nephrology
Pamela D. DeMorrow, CPNP
Patricia Wita, NP

1000 Oakland Drive
Kalamazoo, Michigan 49008
Office: (269) 337-6450
Fax: (269) 337-6474

Patterson GR: The aggressive child: Victim and architect of a coercive system. In: Marsh EJ, Hamerlynck LH, Handy LC, eds. Behavior Modification and Families. New York: Brunner/Mazel, 267-316, 1976.

Pratt HD, Greydanus DE: Violence: Concepts of its impact on children and youth. Pediatric Clin No Amer 50(5):963-1004, 2003.

Sulzer-Azaroff B, Mayer GR: Achieving Educational Excellence. New York, Holt, Rinehard, and Winston, 1986.

Sulzer-Azaroff B, Mayer GR: Applying Behavior Analysis Procedures with Children and Youth. New York, Holt, Rinehard, and Winston, 1977.

Wolfgang CH, Glickman CD: Solving Disciplinary Problems: Strategies for Classroom Teachers. Boston, Allyn and Bacon, 1980.

Zimbardo PG: Psychology and Life. Glenview, IL: Scott, Foresman, 1988.

[Whereupon, at 11:35 a.m., the subcommittee was adjourned.]

○