



## **Protecting Our Students in Schools Act of 2023**

### *Protecting All Students from the Dangers of Corporal Punishment*

No child should go to school with the fear that an adult will hit them or otherwise inflict physical pain on their body for the purpose of discipline – practices also known as corporal punishment. Despite the known emotional and physical harms of corporal punishment, it remains legally permissible in 23 states.<sup>i</sup> Corporal punishment can take many forms, including striking, paddling, spanking, and other forms of physical violence. Although the use of corporal punishment in schools has declined over the last decade, more than 98,000 students across preschool and K-12 schools were subject to corporal punishment according to the 2017-18 Civil Rights Data Collection (CRDC). Corporal punishment disproportionately impacts students of color, with Black and Native American students twice as likely to receive physical punishment as white students, and with Black girls subjected to the practice at four times the rate of white girls.<sup>ii</sup> Despite comprising 15 percent of total K-12 enrollment, Black students receive 37 percent of all instances of corporal punishment.<sup>iii</sup>

Corporal punishment is both ineffective and deeply harmful. The practice not only fails to decrease disciplinary issues but often results in more aggressive, defiant, and oppositional student behavior.<sup>iv</sup> Not surprisingly, corporal punishment significantly harms students' physical and emotional health, causing serious physical injury, including broken bones, bruising, and abrasions, along with causing serious mental health as well as social and emotional challenges, including depression, anxiety, increased alcohol and drug use, self-harm, and suicidal thoughts.<sup>v</sup> Corporal punishment also negatively impacts students' cognitive functioning, brain development, and the ability to problem solve, resulting in lower academic performance and higher rates of absenteeism, among other issues.<sup>vi</sup> Due to the dangers of corporal punishment, it has been banned in day care programs, mental health facilities, and military training facilities, along with other settings.<sup>viii</sup> Yet, we continue to allow the practice in schools.

The ***Protecting Our Students in Schools Act of 2023*** would prohibit corporal punishment in schools and establish a series of important and much-needed enforcement protections for students and families. Specifically the bill would:

- Prohibit the use of corporal punishment in any school that receives federal funding;
- Establish numerous enforcement protections, including a private right of action, the involvement of the attorney general and the Dept. of Education's Office for Civil Rights, and a series of rigorous reporting requirements for states and school districts; and
- Invest in alternatives by establishing a grant program to improve school climate and culture by implementing positive, proactive measures, including positive behavioral interventions and supports (PBIS), trauma-informed care, restorative justice programs, multi-tiered systems of supports, and more to reduce exclusionary and aversive discipline practices like corporal punishment.

Corporal punishment simply has no place in our schools. We cannot continue to allow adults to use physical violence against children as a way to control and discipline them. It's time Congress ended this outdated and counterproductive practice once and for all.

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<sup>i</sup> U.S. Department of Education. (Mar 24, 2023). <https://www.ed.gov/news/press-releases/us-department-education-issues-dear-colleague-letter-calling-end-corporal-punishment-schools-and-guiding-principles-school-discipline>

<sup>ii</sup> 2017-2018 Civil Rights Data Collection (CRDC)

<sup>iii</sup> Id.

<sup>iv</sup> <https://publications.aap.org/pediatrics/article-abstract/130/2/184/29954/Physical-Punishment-and-Mental-Disorders-Results?redirectedFrom=fulltext>

<sup>v</sup> <https://www.splcenter.org/20190611/striking-outlier-persistent-painful-and-problematic-practice-corporal-punishment-schools>

<sup>vi</sup> <https://www2.ed.gov/documents/press-releases/11212016-corporal-punishment.pdf>

<sup>vii</sup> Id.

<sup>viii</sup> <http://www.endcorporalpunishment.org/wp-content/uploads/country-reports/USA.pdf>;

<https://www.nytimes.com/2018/12/13/us/corporal-punishment-school-tennessee.html#:~:text=Corporal%20punishment%20is%20banned%20in,%2C%20spank%20or%20slap%3A%20school>