



The Disproportionate Use of Corporal Punishment on African American Children in U.S. Schools

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Abstract

The United States Supreme Court ruled School Corporal Punishment (SCP) constitutional, legalizing the practice in 19 states. Annually, approximately 163,333 students are subject to this practice, and 57,000 incidents involve African American students. Moreover, the lack of Federal advocacy and public knowledge of this social problem is more likely linked to SCP mainly practiced in southern states. Through the lens of Critical Race Theory, a content analysis of SCP documents from 1996 to 2018 was collected from school districts in seven prevalent SCP states using the following terms: SCP, Black students, and Black population. This policy report examines states' SCP policies, identifies factors that influenced policies, and discusses the future of SCP. Findings suggest that SCP negatively impacted the academic achievement and future endeavors of African American students. One recommendation for a successful alternative of SCP strategies is the information involvement of relevant stakeholders and Government officials as several policies excluded members in the implementation process.

Keywords Corporal Punishment · School Corporal Punishment · SCP Policy · African American students

The Nondiscriminatory Administration of School Discipline Report revealed alarming racial disparities, with African American students constituting 39 percent of school suspensions, being three to four times more likely to face suspension than their White counterparts, and making up 15.5 percent of all public school students (Nowicki, 2018; Owen et al., 2015). However, the report failed to address the disproportionate use of School Corporal Punishment (SCP) based on race, an omission noted by scholars and civil rights agencies (King & Lhamon, 2016, U.S. Department of Education, Office for Civil Rights 2015a). Following the 1977 U.S. Supreme Court

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ruling validating SCP, extensive research documented its prevalence. Data from 2011 to 2014 indicated SCP's use in 1 to 2 million instances, with an annual impact on 110,000 to 163,333 students (U.S. Department of Education, Office for Civil Rights, Civil Rights, 2013, 2014; Gershoff et al., 2015; Nowicki, 2018). Despite a slight decline, SCP continued to disproportionately affect African American students, especially in Southern states, each defining SCP independently (Gershoff & Font, 2016). For instance, Texas Education Code Chapter 37 (2017) defined SCP as the intentional infliction of physical pain through various means (hitting, paddling, etc.).

SCP policies vary by state, with all states mandating parental consent, while some, like Florida, Georgia, and North Carolina, require written statements and witness names (Florida Statutes, 2015; Georgia Code, 2015; North Carolina General Statutes, 2015). However, these policies have led to disparities and infringed upon federal anti-discrimination laws, especially regarding race, gender, and disability status (United States Department of Education, Office for Civil Rights, 2015; Nowicki, 2018). Furthermore, students facing disproportionate SCP and perceiving it as discriminatory often exhibit negative school behaviors, lower academic achievement, and mental health issues, as observed in international studies in Jamaica and Nigeria (Dupper & Montgomery Dingus, 2008; Gershoff, 2017; Nowicki, 2018). These findings highlight the detrimental impact of SCP policies on students' overall well-being and academic performance.

Furthermore, corporal punishment is linked to adverse outcomes such as higher rates of mental health problems (Black et al., 2001a, b; Bugental et al., 2003; Gershoff, 2017; McLoyd et al., 2007; Stith et al., 2009), negative parent-child relationship and school behaviors (Coyle et al., 2002; Gershoff, 2017), low self-esteem, low academic achievement, (Berlin et al., 2009; Gershoff & Font, 2016; Gershoff, 2017), and higher risk for physical abuse (Bugental et al., 2003; Zolotor et al., 2008). In addition to the adverse micro-level outcomes, there are substantial negative macro-level outcomes associated with SCP that result from SCP's negative micro-level outcomes.

SCP's negative macro-level outcomes included the accumulated economic cost that accrued from lower achievement, lower earnings, human rights violations, and higher reliance on social services due to increasing physical and mental health needs (Gershoff, 2017). The researchers with Plan International calculated societal costs of children dropping out of school as a result of SCP in India was up to \$7.4 billion in lost benefits to society each year, which is the equivalent to 0.64% of India's GDP (Gershoff, 2017). Given that the United States is one of the 69 countries that permits SCP, and the large number of countries where SCP continues despite legal bans, the costs of SCP to both global and domestic society is staggering (Gershoff, 2017).

Domestic studies have highlighted the macro-level consequences of SCP, revealing alarming trends such as increased child abuse fatalities, aggression, and even homicides committed by children (Dupper & Montgomery Dingus, 2008). Moreover, SCP is linked to a range of issues, including elevated student fatalities from school shootings and a higher number of youths awaiting capital punishment within state judicial systems (Dupper & Montgomery Dingus, 2008). On a broader scale, SCP infringes upon students' Human Rights, impacting their

access and allocation to these rights (UN Committee on the Rights of the Child (CRC), 2006; Scherrer, 2012; Gershoff, 2017). Scherrer (2012) emphasized that SCP violates article 19 of the CRC, which emphasizes the necessity for protective measures against all forms of violence, ensuring the child's well-being, and providing necessary support and prevention programs. Furthermore, Article 28, paragraph 2, of the CRC emphasizes the necessity for school discipline to be administered in a manner consistent with a child's human dignity and in accordance with the Convention (UN CRC, 2006). In recognizing the various state SCP policies, negative micro/macro-level outcomes and parental preference towards the practice, CRC (2006) recommended collaboration between state parties, organizations, and parents in developing alternative methods in disciplining children.

The National Association of Social Workers (NASW) has long stood against corporal punishment, as expressed in their 1984 policy which firmly opposes its use in homes, schools, and institutions, deeming it incompatible with democratic values and the social work profession (Dupper & Montgomery Dingus, 2008). To combat SCP, NASW employed evidence-based methods such as training educators in non-violent disciplinary techniques and supporting legislation against SCP (Dupper & Montgomery Dingus, 2008; NASW et al., 2015). However, social workers grappled with the ethical challenge of balancing these interventions with cultural sensitivity, particularly in cases where cultural, religious, or ethnic child-rearing practices conflicted with these measures (Dupper & Montgomery Dingus, 2008).

Over two decades, only five more states have prohibited SCP, making a total of 31 states and the District of Columbia with bans, indicating the limited progress in challenging SCP legislatively (Gershoff & Font, 2016). Efforts by NASW, CRC, and Democratic House representative Alma Allen to confront SCP through legislation have not yielded significant results (An Act Relating to Corporal Punishment in Public Schools, 2007). Notably, southeastern states, where a substantial number of SCP incidents occur, have seen little change despite documented negative consequences. This report delves into state SCP policies, particularly their impact on African American students, explores the factors influencing SCP policies, and discusses the future trajectory of SCP in both state and federal policy contexts.

Theoretical Framework

Critical Race Theory (CRT) is pivotal in understanding societal power dynamics and the formation of social hierarchies (Christian et al., 2019; Coxshall, 2020; David Sandles, 2020; Siegel, 2020). Widely applied in social work education, CRT challenges the supposed "objectivity" of the legal system, particularly questioning color-blindness and societal relationships (Baciu, 2020). This framework delves into historical structures, revealing how unaddressed assumptions perpetuate institutionalized oppression and racism, emphasizing the need for a critical examination of race and power intersections (Baciu, 2020).

In consideration of CRT's questioning of the two key concepts "Color-blindness and the social arrangements controlling the relationship between the

members of society” (Baciu, 2020), the authors of this article have grounded the examination of SCP policies by the following questions:

1. How does color-blindness impact the disproportionate implementation of SCP policies with African American Students?
2. What are the social arrangements in SCP policies that contribute to the disproportionate implementation with African American Students?

Methods

Definition of Policy Document

Policy assessment involves evaluating authority, formality, and policy types, including non-clinical guidelines such as SCP policies, which is crucial for a comprehensive understanding of the quality of the policies with regard to being precise, current, evidence-based, and safety-oriented (Daugbjerg et al., 2009; The Heart of England NHS Foundation Trust, 2017). Given SCP’s legality in 19 states and its discretion by school superintendents, this analysis contrasts policy documents from states and districts where SCP prevalence, especially among African American students, varies significantly.

Collection of the Documents

Gathering SCP policies utilized multiple methods beginning with Gershoff and Font’s (2016) report that highlighted seven states disproportionately employing SCP on African American students, including Arkansas, Alabama, Mississippi, Florida, Georgia, Texas, and Tennessee. Subsequently, a total of 14 policy documents were randomly selected from two school districts within each of those seven states (appendix Table 1) via the U.S. Department of Education, Office of Civil Rights Data Collection (2013) and internet-based searches. Keyword searches on platforms like “Google,” “Google Scholar,” and “Ebscohost” in 2018 refined results based on SCP and Black Students in the specified states and districts, leading to the inclusion of the most recent policy documents in the content analysis.

Content Analysis of the Policy Document

Content analysis is defined as a systematic research method for categorizing large amounts of communication material into summary themes and frequencies (U.S. General Accounting Office, 1996). This content analysis consisted of a two-step process. First, the collected data were reviewed to exclude any documents that

were not specific information and goals on SCP policy. Secondly, an analysis grid was developed to combine the key themes and to analyze the content of the SCP policy documents.

Development of a Grid for the Content

A grid was developed to analyze, compare, and identify the key themes of the 14 SCP policy documents. Seven features of policy documents were selected based on prior policy analysis frameworks (Daugbjerg et al., 2009) and were used to evaluate the strengths and limitations of each SCP policy: (1) Sectors and institutions involved: in the preparation and implementation of the SCP policy, important partners include various authorities such as the U.S. Supreme Court, municipalities, educational institutions (School Board), employers (Daugbjerg et al., 2009). (2) Implementation: The policy's plan and a clear definition of the responsible party for the implementation (Daugbjerg et al., 2009). (3) Legal status refers to legally binding/non-binding documentation that is formally adopted by the government or not. As noted above, SCP is permitted by the 1977 Supreme Court decision known as *Ingraham v. Wright*. That case involved two junior high school students in Florida who were struck with a wooden paddle by their principal (Daugbjerg et al., 2009; Gershoff & Font, 2016). (4) Goals and targets: SCP goals or targets were specified for specific population groups and time (Daugbjerg et al., 2009) Specifically, target groups refer to the identified population groups targeted by the policy. (5) Timeframe: The timeframe specified for implementing the SCP policy (Daugbjerg et al., 2009). (6) Evaluation and surveillance refer to the development or continuation of an evaluation of the implementation and results of the policy (Daugbjerg et al., 2009).

Results

Overview of Collected Policy Documents

Until March 2018, an inventory of district SCP policy documents was compiled and summarized, resulting in a total of 14 documents from various states (Tennessee, Alabama, Arkansas, Texas, Georgia, Florida, and Mississippi). These documents were categorized into five types: (a) Guideline/Rules of SCP, (b) Student Advocacy Clause, (c) Parental Consent, (d) Prohibiting SCP clause, and (e) Neglect to discuss SCP. Every state had policies related to Guidelines/Rules of SCP, while four states addressed Parental Consent or Opt-out/Opt Clauses, and only one state included a Student Advocacy Clause. Seven policy documents from districts where SCP was prohibited either contained a prohibiting SCP clause or did not address SCP at all. This overview offers insights into SCP policies in the southern region of the United States (Appendix Tables 1 and 2).

Results of Content Analysis

Sectors and Institutions Involved in the Preparation of the Policy Documents

All 14 School Boards were involved in the development of their district's SCP policies; however, the extent of involvement in the development of their SCP policies varied. For example, Arkansas's Lafayette County School District's authorization of corporal punishment is approved by the Superintendent, or designated staff members, who are required to have a state-issued license as a condition of their employment (Lafayette County School District Student Handbook, 2018–2019). Alternatively, Arkansas's Arkadelphia Board of Education appoints a licensed personnel policy committee that annually reviews the student discipline policies and may make policy recommendations to the Arkadelphia School Board. However, the Board has the final decision to approve any recommended changes to student discipline policies.

Implementation

Each SCP policy document contained Guidelines/Rules for its usage. However, there were variations in how detailed the implementation plans were described. For example, some SCP policies listed quantifiable steps that would ensure this practice usage, while other policies were unclear and were left to the discretion of the administrators to determine whether the punishment was necessary. SCP policy documents were reviewed to evaluate the intended implementation process. The content analysis indicated that the district's school board and administration were responsible for the implementation of SCP policies. This analysis indicated that 3 out of 14 ($n=3$, 21%) SCP policies were found in district staff handbooks (see Appendix Table 1), ten out 14 ($n=10$, 71%) SCP policies were found in district student handbooks, and 1 out of 14 ($n=1$, 7%) SCP policies was found in district policy service website.

Legal Status

SCP remains legal in the seven states from where the policy documents originate. Nine of the 14 documents feature clauses that prohibit the use of SCP if a parent chooses to opt-out or if the district has abolished SCP as a disciplinary practice. For example, Mississippi's Holmes County Consolidated School District prohibits SCP as a disciplinary intervention.

Goals and Targets

The goals of these policy documents were to ensure the safety and conduct of all students within these districts; however, the articulation and methodology of each

SCP policy document varied. For instance, Alabama's Lowndes County School District emphasizes that "no matter the disciplinary system, any disciplinary sanction should fit the offense." Specifically, SCP is the second discipline sanction for disciplinary infractions within Lowndes County School District. Conversely, the Desoto Independent School District states that SCP is permitted in order to preserve an effective educational environment when the less stringent disciplinary measures have failed to produce the desired results. Additionally, the students were the primary SCP policy target groups; however, the administrators and parents of students ensured the execution of the SCP policy goals. For example, the Holmes County School District 2017–2018 Student Handbook addresses these target groups through Positive Behavior Interventions and Supports (PBIS) as the foundation for school relationships with students, parents, and the community. The basic tenets were (1) Be Safe, (2) Be Responsible, and (3) Be Respectful.

Time Frame

The SCP policy documents analyzed lacked specific time frames for goal implementation, but several included time-bound measures when SCP was used alongside suspension or expulsion. For instance, Tennessee's Tipton County District mandates a 1–2-day in-school suspension in conjunction with SCP for certain infractions. Other policies, like those in the Lowndes County School District, specify timed suspensions or expulsions for persistent maladaptive behaviors following SCP. Furthermore, step six infractions can lead to a suspension of up to 10 days.

Evaluation and Surveillance

All 14 SCP policy documents required some form of surveillance and evaluation of the practice. Typically, this included the parent being notified of the child's SCP, a signed incident report from the teacher/administrator, and another witness of the SCP being administered to ensure the safety of the student.

Discussion

This systematic analysis of 14 English-language SCP policy documents across seven states and 14 districts in the Southern US is the first of its kind, providing valuable insights for stakeholders, administrators, educators, social workers, parents, and students. These documents, mostly from 2017–2018, offer a comprehensive view of current SCP policies, highlighting both similarities and differences between states and districts. Notably, while most policies have been regularly updated, exceptions like the 22-year-old policy in Jackson County School District exist, attributed to the influence of alternative strategies and policies in other

Mississippi districts and efforts to promote community acceptance of non-corporal punishment practices (Nowicki, 2018).

The findings reveal that SCP regulations in 19 states, encompassing guidelines like The Discipline Ladder, Parental Consent, or Opt-out/Opt Clause, aim to ensure student safety and maintain a conducive learning environment (Gershoff & Font, 2016). Furthermore, the conjunction of SCP with timed disciplinary actions such as suspension and expulsions, especially against African American students, is linked to the perceived efficacy of SCP in managing behavioral issues (Townsend, 2000; Darensbourg et al., 2010; Skiba et al., 2002, 2011; Font, & Gershoff, 2017; Nowicki, 2018). Despite these intentions, the research underscores African American students' lower levels of academic achievement, as highlighted in the case of Bleckley County School District where they led in disciplinary actions, including SCP, affecting their engagement in the learning process (U.S. Department of Education, Office for Civil Rights, 2015a). These disparities, as briefly acknowledged by the U.S. Department of Education and U.S. Department of Justice (2014), indicate discriminatory practices within SCP policies, an aspect not fully explored in previous reports on school discipline disparities (U.S. Department of Education, Office for Civil Rights, 2015a, King & Lhamon, 2016). This content analysis offers a vital initial exploration of uncharted areas, highlighting policies and practices of SCP that perpetuate disproportionate impacts (Nowicki, 2018).

Implications

Policy

Since the 1977 Supreme Court ruling on the constitutionality of School Corporal Punishment (SCP) and the subsequent state-level decisions on its usage, professional organizations including the NASW, American Academy of Child and Adolescent Psychiatry, American Psychological Association, and American Academy of Pediatrics have vehemently advocated against SCP. These organizations, along with states where SCP is prohibited, have developed alternative programs and interventions to replace corporal punishment. For instance, initiatives like Maryland's "No Hitting Zone" project and its subsequent campaign, "Choosing Healthy Options In Caring for Everyone Safely (CHOICES)," have been established to promote respectful parenting, strengthen families, and protect children from harm. These efforts represent innovative strategies in education reform, addressing SCP policy implementation despite varying state stances on the practice.

Religion and Race in SCP Policy

Religion plays a crucial role in shaping attitudes and practices related to corporal punishment both at home and in schools (Religion, 2018). Studies have indicated

that less-educated conservative Protestants tend to strongly support corporal punishment, while overall support for this disciplinary method has declined among other U.S. adults (Ellison et al., 2009; Hoffmann, 2017). Factors such as cultural, socioeconomic backgrounds, racial demographics, and religious affiliations, particularly the rate of evangelical Protestant adherents, are predictive of SCP usage in states where it is practiced (Kesner et al., 2016; Font & Gershoff, 2017). Given that a significant portion of the African American population attends Historically Black Protestant churches and tends to be more accepting of SCP, further research should explore the influence of religion on stakeholders' attitudes, especially teachers, school administrators, and African American families, regarding corporal punishment. Understanding this influence could aid in addressing the disproportionate use of SCP policies on African American students and contribute to SCP policy reforms (Kesner et al., 2016; Font & Gershoff, 2017).

Practice

NASW et al. (2015) spearheaded initiatives promoting nonviolent disciplinary methods, offering training for educators and parents in techniques such as positive reinforcement and verbal problem solving, supported by research and legislation prohibiting physical punishment in schools and child-care facilities. To address this issue, organizations like the Harlem Children's Zone provide essential resources, offering a comprehensive program called The Baby College, educating parents on brain and child development while emphasizing discipline over punishment (Harlem Children's Zone, 2019; Ulen, 2013). These evidence-based approaches serve as a viable strategy in countering the disproportionate use of SCP toward African American students and curbing its early adoption within African American families.

Limitations

In order to generalize to the whole population, a more comprehensive content analysis of SCP policy documents from all 19 states where SCP is legal should be examined. In addition, this was an evaluative content analysis designed to assess variances in SCP policies (Jones, 2016). This article does not discuss the current conceptualization of each identified policy, as well as the method of forming a content strategy to amend the policies (Jones, 2016).

Conclusion

The disproportionate use of School Corporal Punishment (SCP) on African American students has severe consequences, leading to lower academic achievement, diminished college and career readiness, low self-esteem, and mental health issues

(Black et al., 2001a, b; Bugental et al., 2003; DeAngelo et al., 2011; Gershoff & Font, 2016; McLoyd et al., 2007; Stith et al., 2009). This situation is exacerbated by the lax approach of 19 states towards SCP, reflecting conservative norms and cultural influences like religious beliefs and discrimination. Theoretical frameworks such as neo-libertarianism propose free market ideas as potential solutions to strategize and eliminate SCP (Smith, 2018a, b). Moreover, SCP's disproportionate use is rooted in structural violence, perpetuating institutionalized inequality and denying African American students their equal political, economic, and social rights (Winter & Leighton, 2001; NASW, 2017). Urban social work practitioners must recognize and address African American students' unique challenges in rural environments, including disparities in socioeconomic status, high rates of violent crimes, and the presence of marginalized populations (Baciu et al., 2017).

Appendix

Table 1 Description of the location and types of School Corporal Punishment (SCP) policy documents

Location of SCP policies				
Student handbook	Staff handbook	Policy service website		
<i>n</i> = 10	<i>n</i> = 3	<i>n</i> = 1		
Types of SCP policy documents				
Guideline/Rules of SCP	Student Advocacy Clause	Parental Consent Opt-out/Opt Clause	Prohibiting SCP clause	Neglected to address SCP

Table 2 Selected School District Corporal Punishment by state, policy location, and type

State	Policy location			Policy type			
	Student hand-book	Policy service website	Staff handbook	Rules of SCP	Parental consent-opt out/opt clause	Prohibit SCP	Neglected to address
Alabama							
Auburn City SD	*					*	
Lowndes County SD	*				*		
Arkansas							
Arkadelphia County SD	*						*
Lafayette County SD	*			*			
Florida							
Lafayette County SD	*			*	*		
Orange County SD			*	*			
Georgia							
Atlanta Public SD			*			*	
Bleckley County SD			*	*	*		
Mississippi							
Holmes County SD	*			*			
Oxford SD		*				*	
Tennessee							
Shelby County SD	*						*
Tipton County SD	*			*	*		
Texas							
Desoto ISD	*			*	*		
Duncanville ISD	*				*		*

SD school district, *ISD* independent school district

Acknowledgements The study was conducted with the primary goal of examining School Corporal Punishment (SCP) policies and their impact on African American students.

Declarations

Consent to Participate As this policy report does not involve human participants, the issue of informed Figure consent is not applicable. The data analyzed in this study are publicly available SCP documents from the specified time period. All data analyzed were obtained through legal and ethical means and do not require informed consent from individuals. It is important to note that while this policy report does not involve direct engagement with human participants, it addresses the rights and well-being of students, particularly African American students, who are affected by School Corporal Punishment policies. The findings and recommendations of this report are aimed at promoting awareness, understanding, and positive change in SCP policies to protect the rights and academic achievement of African American students.

Research Involving Human Participants and/or Animals This policy report is based on a content analysis of publicly available documents related to School Corporal Punishment. It does not involve direct interaction with human participants or animals. Therefore, no ethical considerations regarding the treatment of human participants or animals arise from this study. The analysis relies solely on existing data sources and does not involve any direct data collection from individuals or animals.

Conflict of Interest The authors declare no competing interests.

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