

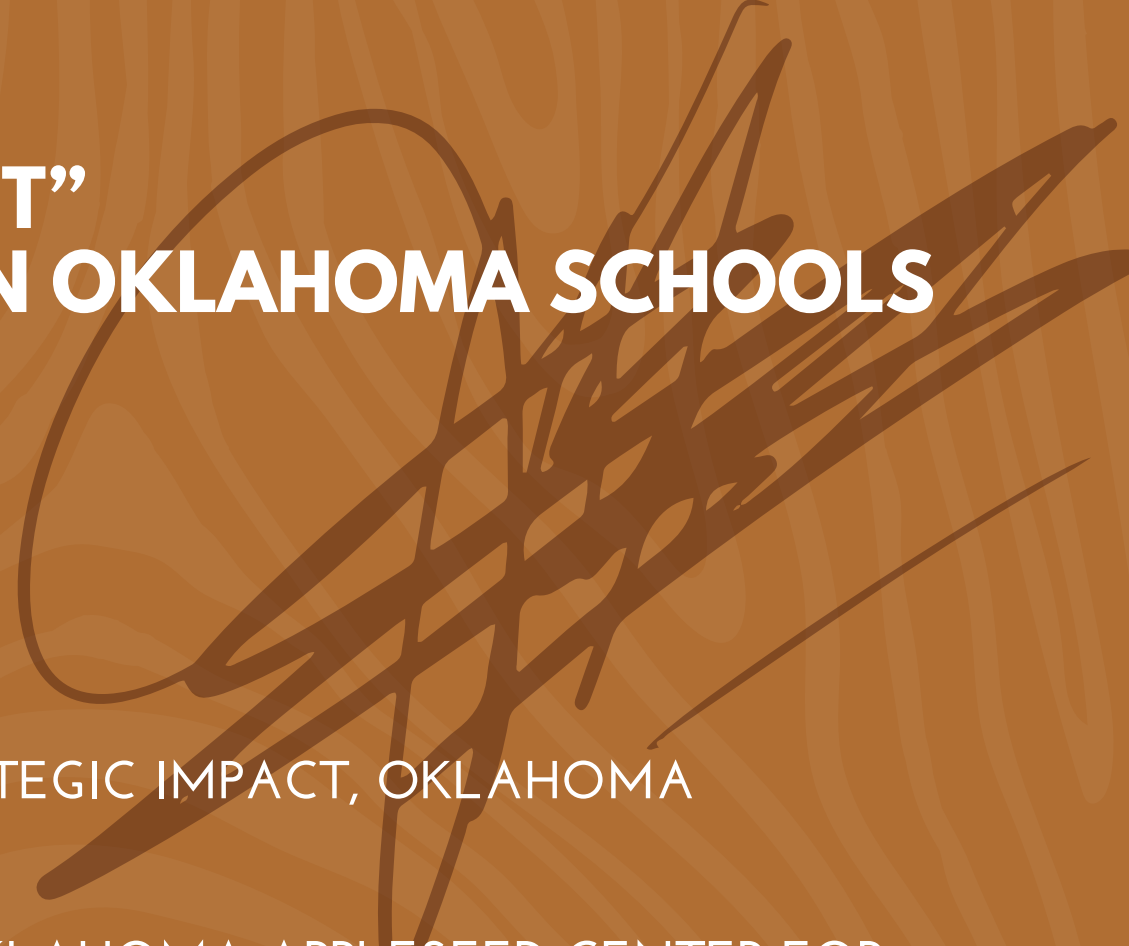


OCT. 2023

"WE DON'T HIT"

ENDING CORPORAL PUNISHMENT IN
OKLAHOMA SCHOOLS

“WE DON’T HIT” ENDING CORPORAL PUNISHMENT IN OKLAHOMA SCHOOLS



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PURPOSE AND SCOPE

THIS REPORT REVIEWS AND ANALYZES AVAILABLE CORPORAL PUNISHMENT DATA REPORTED TO THE FEDERAL GOVERNMENT FROM PUBLIC SCHOOLS IN OKLAHOMA, AS WELL AS OTHER AVAILABLE DATA.

THE PURPOSE OF THIS REPORT IS TO PROVIDE A RELIABLE, FACTUAL ACCOUNT OF THE PREVALENCE AND USAGE OF CORPORAL PUNISHMENT IN OKLAHOMA'S PUBLIC SCHOOLS.

THIS REPORT LAYS OUT THE HISTORY OF ADVOCACY IN OKLAHOMA SURROUNDING REMOVING CORPORAL PUNISHMENT FROM SCHOOLS, AS WELL AS THE CURRENT EFFORTS TO REDUCE AND CURTAIL CORPORAL PUNISHMENT ACROSS THE STATE.





**THIS REPORT IS DEDICATED TO FRAN MORRIS -
A STEADFAST AND EFFECTIVE ADVOCATE
FOR OKLAHOMA'S CHILDREN.**

**FRAN AND HER ORGANIZING EFFORTS
SUCCESSFULLY REMOVED CORPORAL
PUNISHMENT FROM MANY OKLAHOMA
SCHOOL DISTRICTS THROUGH THE LATE
1980'S AND EARLY 1990'S.**

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EXECUTIVE SUMMARY

Corporal punishment is defined in Oklahoma Statutes as “*the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.*” This report from Oklahoma Appleseed shows that Oklahoma remains one of a shrinking number of states that continues to allow the deliberate infliction of physical pain against children in a public school setting. Thirty-three states have legally prohibited school corporal punishment, and it is practiced rarely or never in several others.

Oklahoma ranked 5th among the states in the number of students who were subjected to corporal punishment in 2017-18, the last year for which we have national data.

In schools where it continues to be practiced, 7.5 percent of children were subjected to corporal punishment in 2017.

Historically, school corporal punishment was common in American schools, but a growing consensus has emerged in recent decades that its practice is both harmful and unnecessary. As one comprehensive study of the research on corporal punishment concludes, “there is substantial research evidence that physical punishment puts children at risk for negative outcomes, including increased aggression, antisocial behavior, mental health problems, and physical injury.” Children in Oklahoma are legally protected from corporal punishment in various settings other than public and private K-12 schools: in Head Start programs, child care centers, family child homes, home foster care, group homes and institutions, and juvenile detention facilities. The same behavior that is permitted as disciplinary action when inflicted by a teacher or administrator on a student would be considered child abuse if inflicted outside of school, even by parents, and would be prohibited as criminal assault or battery if inflicted upon adults in the same community.

As the American Academy of Pediatrics, one of several dozen national organizations of health and education professionals that has long supported an end to school corporal punishment, asserts, “Children cannot learn when they do not feel safe... There are many alternatives to corporal punishment at our disposal that are effective and nonviolent.” Despite concerns from some proponents of corporal punishment that its absence fosters an increase in delinquent behavior, states that have banned corporal punishment from their schools have not seen a subsequent increase in juvenile crime over time; in reality, juvenile crime rates have fallen alongside the declining use of corporal punishment in Oklahoma and across the country.

Efforts to abolish corporal punishment in Oklahoma schools have been mounted since the 1980s. While these efforts have failed to produce a statewide ban, considerable progress has been made in reducing its prevalence. There were fewer than 4,000 reported incidents of corporal punishment in Oklahoma in 2018, compared to over 50,000 in 1986. Just 137 school districts out of 512 practiced corporal punishment on one or more students in 2017-18; these districts, which are overwhelmingly smaller and rural, enrolled just 1 in 7 of the total public school population. At the school site level, the persistence of corporal punishment is even less common: only 199 of some 1,800 schools continued to inflict corporal punishment in 2017-18, and these schools represented only 7 percent of total school enrollment.

Oklahoma schools that continue to practice corporal punishment have a high concentration of Native American students, and Native students accounted for nearly one in four (24.4%) of those students who received corporal punishment in 2017-18.

This fact is of special concern given the troubling history of Native American education in Oklahoma, where as one former boarding school student has testified, “First they cut my hair, then they made me eat soap and then they beat me for speaking my language.” By contrast, few of the urban and suburban districts with large African-American student populations still practice corporal punishment; still, our report finds that Black students are two-and-a-half-times more likely to be subject to corporal punishment than their share of the student population in schools where corporal punishment is still practiced.

While Oklahoma law allows for corporal punishment against most schoolchildren, state statute prohibits its use against students with the most serious cognitive disabilities, unless expressly authorized by the student’s parents, and regulations passed by the State Department of Education in 2020 prohibited corporal punishment against all special needs students served by an IEP (Individual Education Plan). Nonetheless, state data showed dozens of districts continuing to impose corporal punishment on special needs children a year after the regulations took effect; one district that had total enrollment of just over 250 students reported inflicting corporal punishment on 26 students with disabilities in 2021-22. An attempt to bring state law into conformity with the State Department of Education regulations by protecting all children with special needs from being subject to corporal punishment failed to make it through the Legislature in 2023.

Over three-and-a-half decades ago, when a small group of advocates working to protect Oklahoma children first took on the cause of ending school corporal punishment, the idea that schools could function safely and effectively without rods and paddles may have seemed hopelessly naive. But over time we have learned more about the physical pain and emotional trauma that being swatted by a teacher or principal can inflict on a child, and we have made great strides in developing effective nonviolent means of disciplining students and instructing them in proper behavior. Accordingly, this report calls on the Oklahoma Legislature to follow the lead of the vast majority of democratic nations, American states, and Oklahoma school districts by banning corporal punishment in all public schools.

Today Oklahoma has the opportunity to have every one of our schools send the message we want every one of our children to learn: We don’t hit.

“First they cut my hair, then they made me eat soap and then they beat me for speaking my language.”

—Joe Wheeler, Native American student on his experience at Riverside, the nation’s oldest federally operated American Indian Boarding School located near Anadarko, OK.¹

- In 1989, Sharon, the mother of three children attending Tulsa Public Schools, wrote to the chairs of Task Force 2000, a citizen’s committee that developed the recommendations for school reforms that later turned into House Bill 1017. Sharon shared that her daughter started kindergarten “believing she was a person who deserved to be respected. Valued. Loved and cared-for.” One day in class, the children were standing in line. They were supposed to be facing the front. Sharon’s little girl turned part way around to look at something in the room behind her. The teacher spanked her for her misbehavior.

Getting into the car after school that day, Sharon’s daughter said two things her mother would never forget: “Mommy, I must be a very bad person.” And, “I guess teachers just hate me.”²

- A 9-year-old boy in Drumright was paddled by his school principal in 2000 after the child was alleged to have stolen a marker and written his name on a desk. The paddling left bruises that lasted more than a week, according to the doctor who treated the youngster. The principal acknowledged failing to follow a district policy requiring that parents be notified and give approval prior to inflicting corporal punishment. The principal was ultimately fired and the case was turned over to the Creek County District Attorney’s office.³
- K.L. was an eighth-grade student at Twin Hills Public Schools near Beggs, Oklahoma, in 2012. “I had a male teacher who used a wooden paddle on me four times. Each time was harder than the last, not even hitting my butt region. My mother had put a safeguard in place that required she be called before any punishment could be inflicted,” she said. “However, this teacher did not notify the front office, my mother or even the principal. I was absolutely treated unfairly. ... Being an opinionated girl at a young age gave an adult

¹ Addison Kliever, Miranda Mahmud and Brooklyn Wayland, “Kill the Indian, Save the Man: Remembering the Stories of Indian Boarding Schools,” ENID NEWS, Mar 10, 2020, https://www.enidnews.com/oklahoma/remembering-the-stories-of-indian-boarding-schools/article_2dab0af4-62f2-11ea-8b72-63670b5a9f9b.html

² Letter from Sharon Clark to George Singer, Chairman, Task Force 2000, September 23, 1989 Fran Morris Collection, Research on Corporal Punishment in Schools, Boxes 4-6 [2013.520], OKLAHOMA HISTORICAL SOCIETY.

³ Brett Morgan, “Principal Fired Over Paddling,” TULSA WORLD, March 1, 2000 https://tulsaworld.com/archive/principal-fired-over-paddling/article_df1ba508-b0fc-5bd1-b433-d1931b6cdef3.html

man the ‘ammunition’ to inflict severe pain on a 12-year-old. There was no allowance for an advocate to step in or even my own mother. I absolutely was not given a chance to plead my case. Not only was I thoroughly embarrassed by what I was [put] through at such a young age, I had a very large adult man loom over me and aim to hurt a private area of my body. This created a massive distrust for male teachers.”⁴

- An Oklahoma boy with Asperger's Syndrome, a form of high-functioning autism, was paddled when he was five years old. His grandmother observed that the punishment was meted out as a direct result of her grandson exhibiting behavior normal for his condition: “Kids on the autism spectrum are very sensitive to noise and external stimulation. He was spinning, turning around in the middle of the floor with his arms out. A little girl walked into his hands. The principal said he'd hit her, and spanked him for it.”⁵

The above cases are just a very few of the tens of thousands of instances of corporal punishment inflicted upon children in Oklahoma schools over recent decades, but they speak to the pain and trauma that being hit by persons in authority can cause for children over the short and long term. Corporal punishment is defined in Oklahoma Statute as “*the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.*”⁶ Corporal punishment is legally prohibited in Oklahoma in most settings, including in child care centers, group homes, juvenile detention centers, and military facilities - but it continues to be permitted in schools.

Until recent decades, school corporal punishment was broadly accepted and widely practiced in American schools. In 1977, when the United States Supreme Court ruled, in its *Ingraham v. Wright* decision that school corporal punishment is constitutional, the practice was prohibited in only two states, and some 1.5 million children were subject to corporal punishment in a given year. Currently, the situation is very different. School corporal punishment is completely banned in 33 states and rarely practiced in several others. The number of children inflicted with corporal punishment in all states in 2017-18 was less than 70,000, a 95 percent decline compared to 1978.

In most of the United States, as in most advanced countries, and indeed most of the world, it is no longer considered okay to inflict physical punishment on schoolchildren.

In contrast to the clear progress that has been made in curtailing school corporal punishment at the national level, the story in Oklahoma is decidedly mixed. On the one hand, the great majority of Oklahoma’s school districts have voluntarily chosen to end corporal punishment, to the point where fewer than 15 percent of Oklahoma students attend school where physical punishment is

⁴ Telephone interview with K.L. (June 20th, 2023).

⁵ ACLU, *Impairing Education: Corporal Punishment of Students with Disabilities in US Public Schools*, (2009) <https://www.aclu.org/impairing-education-corporal-punishment-students-disabilities-us-public-schools-html>

⁶ 70 O.S. § 13-116, emphasis ours.

still permitted. There were fewer than 4,000 reported incidents of corporal punishment in Oklahoma in 2017, compared to over 50,000 in 1986. Yet, while paddling is practiced in far fewer schools and on far fewer students than in years past, in those schools that persist in hitting children, 7.5 percent of children suffered corporal punishment in 2017. Furthermore, certain categories of students, especially Native American students and students with disabilities, are subject to corporal punishment at rates well above their share of the overall school age population.

This report argues it is time for Oklahoma to join the majority of states by declaring that it is no longer acceptable or permissible to hit schoolchildren.

The first section of the paper provides background on corporal punishment, including its definition and the broad-based consensus among education groups, health professionals, and child advocates that corporal punishment is both harmful and unnecessary. The second section examines the current status of corporal punishment nationally and in Oklahoma and reviews the efforts to ban or curtail it in this state stretching back to the 1980s. The third section digs into the data on the prevalence of school corporal punishment nationally and in Oklahoma over time and presently, and examines which students are most likely to be subject to the practice. Finally, we will conclude with recommendations calling on the Oklahoma Legislature to prohibit or curtail the use of school corporal punishment.

If Oklahoma students are to succeed academically and have full opportunities to become productive citizens, they deserve a safe, supportive school environment that is free from the threat of violence and the intentional infliction of pain, especially from the adults who we expect to help protect them and teach them appropriate forms of behavior. Our teachers and administrators should be sending the same message that parents are telling our children: We don't hit.

I. Background on Corporal Punishment

Corporal punishment is defined in Oklahoma law as “the deliberate infliction of physical pain by hitting, paddling, spanking, slapping or any other physical force used as a means of discipline.”⁷ Oklahoma’s definition is similar to that of the UN Committee on the Rights of the Child, which defines corporal punishment as “any punishment in which physical force is used and intended to cause some degree of pain or discomfort.”⁸ Both definitions emphasize both *the use of physical force* and *the intentional infliction of physical pain*.

According to the National Committee for Prevention of Child Abuse, “When corporal punishment is used repeatedly and results in serious physical harm, it is considered child abuse under the law; however, milder forms of corporal punishment are not legally considered child abuse, even though they may be harmful to children.”⁹

Oklahoma does not spell out in law or regulation what exact form corporal punishment may or may not take in schools where it is practiced. In most jurisdictions, a teacher or administrator will typically use a large wooden board or “paddle” that resembles a shaved down baseball bat to strike the buttocks of a child.¹⁰ While paddling itself can cause immediate pain and injuries, in some instances, more extreme forms of corporal punishment are employed. A 2009 report by the ACLU focused on students with disabilities discovered that these students “have been subjected to a wide range of corporal punishment, including hitting children with rulers; pinching or striking very young children; grabbing children with enough force to bruise; throwing children to the floor; and bruising or otherwise injuring children in the course of restraint.”¹¹

A. Corporal Punishment is Harmful

Corporal punishment has been studied extensively over many decades and the overwhelming consensus is that the practice is harmful. One of the foremost researchers in the field, Elizabeth Gershoff, concluded in a 2008 report:

“There is little research evidence that physical punishment improves children's behavior in the long term. In contrast, there is substantial research evidence that physical punishment puts children at

⁷ *Id.*

⁸ UN Committee on the Rights of the Child, *General Comment No. 8, The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment*, UN Doc. CRC/C/GC/8 (2006) <https://www.refworld.org/docid/460bc7772.html>

⁹ National Committee for Prevention of Child Abuse, *NCPCA Fact Sheet, Corporal Punishment and Schools*, Updated 3/90. Fran Morris Collection, *supra*, note 2.

¹⁰ Elizabeth T. Gershoff and Sarah A. Font, *Corporal Punishment in U.S. Public Schools: Prevalence, Disparities in Use, and Status in State and Federal Policy*, Soc Policy Rep. 2016; 30: 1 (2016) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5766273/>

¹¹ ACLU, *supra*, note 5.

risk for negative outcomes, including increased aggression, antisocial behavior, mental health problems, and physical injury.”¹²

B. Corporal Punishment Can Cause Physical Injuries

As U.S. Secretary of Education Miguel Cordona stated in a 2023 letter to states, “Corporal punishment can lead to serious physical pain and injury.”¹³ While light bruises are common, more serious injuries are far from rare.

*The Society for Adolescent Medicine estimated in the early 2000s that between 10,000 and 20,000 students required medical attention as a result of school corporal punishment each year.*¹⁴

Among the serious medical consequences, it has documented include severe muscle injury, extensive blood clotting (hematomas), whiplash damage, and hemorrhaging.¹⁵

Occasionally, especially egregious instances of corporal punishment led to criminal charges or lawsuits. For example, in 2001, a private school teacher in Claremore was charged with assault and battery after he struck a 12-year-old boy he suspected of passing a note in class with a three-foot dowel rod. The punishment caused “massive bruising”, according to police reports.¹⁶ In 2012, a Cordell woman filed a police report alleging her 12-year-old son sustained large bruises after being paddled at school. The county district attorney didn’t file charges because he said that instance of paddling didn’t break state law.¹⁷

C. Corporal Punishment Can Have a Lasting Impact on Development and Mental Health

For many schoolchildren, being subjected to corporal punishment can be a traumatizing event, contributing to psychological and behavioral issues that persist in a child’s later years. Professor Elizabeth Gershoff states: “A meta-analysis of 12 studies found that the frequency or severity with which children experienced physical punishment was associated with increased mental health problems in children in every study. Subsequent studies, not included in the meta- analysis, have confirmed the association of physical punishment with impairments in children's mental health,

¹² Elizabeth T. Gershoff. *Report on Physical Punishment in the United States: What Research Tells Us About Its Effects on Children*. Columbus, OH: Center for Effective Discipline (2008) <http://endcorporalpunishment.org/wp-content/uploads/key-docs/Gershoff-US-report-2008.pdf>

¹³ US Department of Education, March 24, 2023 <https://www2.ed.gov/policy/gen/guid/secletter/230324.html#fnref8>

¹⁴ Society for Adolescent Medicine. *Corporal punishment in schools: Position paper of the Society for Adolescent Medicine*. *Journal of Adolescent Health*. 32:385–393 (2003). <https://www.jahonline.org/article/S1054-139X%2803%2900042-9/fulltext>

¹⁵ Cited by ACLU, *supra*, note 5.

¹⁶ Troy Buchana, “Teacher receives sentence in corporate punishment case,” CLAREMORE PROGRESS, January 8, 2004

¹⁷ Kim Archer, “Oklahoma among 19 states that still allow paddling in public schools, but most districts don't,” TULSA WORLD, July 14, 2014 https://tulsaworld.com/news/education/oklahoma-among-states-that-still-allow-paddling-in-public-schools/article_fe41576e-1993-5c6a-8c1a-98b311efde1d.html

such as anxiety and depression, alcohol and drug use, and general psychological maladjustment.¹⁸ Similarly, Education Secretary Cardona asserted that the “research establishes that corporal punishment is associated with higher rates of mental health issues, including mood, anxiety, and other personality disorders; drug and alcohol use disorders; higher rates of aggression, antisocial behavior, and other externalizing problems and lower cognitive ability relating to verbal capacity, brain development, and academic achievement.”¹⁹ While the frequency of corporal punishment declines as children get older, a study that focused on children who experienced corporal punishment in adolescence found that they had “an increased risk later in life of depressive symptoms, suicidal thoughts, alcohol abuse, physical abuse of children, and wife beating.”²⁰

Oklahoma’s children suffer among the very highest rates of adverse childhood experiences, (ACEs) which include neglect and abuse, drug use in the home, and exposure to domestic violence.²¹

Especially for children who struggle with other forms of violence, stress, and abuse in their home lives, repeated subjection to school corporal punishment - or even a single incident - can add substantially to their accumulated trauma.

Experts in adult mental health now contend that physical punishment inflicted on children should itself be considered an adverse childhood experience.²²

D. Corporal Punishment Perpetuates a Cycle of Violence

Corporal punishment sends a clear message that violence is an acceptable means of solving problems and resolving conflict. *It is perhaps not surprising, then, that children who are subjected to corporal punishment have been found to be considerably more likely to engage in violence and abuse themselves.* A study of 8,000 U.S. families in the 1990s found that children who experience frequent corporal punishment are more likely to physically attack siblings and physically attack a spouse as an adult, among other effects.²³

¹⁸ Gershoff, *supra*, note 12, p. 15.

¹⁹ US Department of Education, *supra*, note 13.

²⁰ M.A. Strauss and G.K. Kantor, “Corporal punishment of adolescents by parents: a risk factor in the epidemiology of depression, suicide, alcohol abuse, child abuse, and wife beating,” 29 *ADOLESCENCE* 115, 543-61 (Fall 1994). <https://pubmed.ncbi.nlm.nih.gov/7832020/>

²¹ Dale Denwalt, “Oklahoma trying to overcome top rank for emotional, physical childhood trauma,” *THE OKLAHOMAN*, (Sept. 23, 2018). <https://www.oklahoman.com/story/business/columns/2018/09/23/oklahoma-trying-to-overcome-top-rank-for-emotional-physical-childhood-trauma/60499777007/>

²² See for example, Tracie O. Afifi et. al, “Spanking and adult mental health impairment: The case for the designation of spanking as an adverse childhood experience,” *CHILD ABUSE AND NEGLECT*, v. 71 (Sept. 2017), pp. 24-31 <https://www.sciencedirect.com/science/article/pii/S0145213417300145>

²³ Center for Effective Discipline/EPOCH-USA. “Hitting in Schools and Homes: A Corporal Punishment Fact Sheet for 1999” citing Murray A. Strauss, *Beating the Heil Out of Them: Corporal Punishment in American Families*, Lexington Books, 1994 Fran Morris Collection, *supra*, note 2.

E. Corporal Punishment Can Be Especially Harmful for Children with Disabilities

The unfortunate reality is that students with disabilities, especially those with cognitive disabilities such as autism or emotional disorders, may be subjected to corporal punishment for behavior associated with and directly attributable to their disability. A comprehensive 2009 study by the ACLU found that students with autism “are particularly likely to be punished for behaviors common to their condition, stemming from difficulties with appropriate social behavior.” They point to numerous examples, including a six-year-old with autism in Mississippi who was punished because he had a melt-down when his routine was changed.²⁴ The study notes that episodes of corporal punishment directly preceded children's regression in developmental terms, particularly for children with autism. The Florida parent of a seven-year-old son with an autism disorder who was physically punished reported that her son “struggles with anger. Right after the incidents, he'd have anger explosions. I still can't come up behind him and hug him. It's changed him.”²⁵

In researching corporal punishment on students with disabilities, the ACLU uncovered a wide range of abusive and shocking practices, including “hitting children with rulers; pinching or striking very young children; grabbing children with enough force to bruise; throwing children to the floor; and bruising or otherwise injuring children in the course of restraint.”²⁶

F. Corporal Punishment is Unnecessary

The physical and emotional toll of corporal punishment might be considered justified if it could be shown that the practice is a necessary or effective means of altering student behavior. However, that is far from the case.

Some studies have found that physical punishment can have an immediate positive effect on children's behavioral compliance, although these findings of positive short-term effects are contradicted by other studies.²⁷ By contrast, the overwhelming preponderance of evidence finds that “physical punishment does not promote long-term, internalized compliance,” meaning that it does not change the child's behavioral tendencies.²⁸ “Most (85 percent) of the studies included in a meta-analysis found physical punishment to be associated with *less* moral internalization of norms for appropriate behavior and long-term compliance”, writes Elizabeth Gershoff.²⁹ Rather than promote greater compliance, research finds that “the more children receive corporal punishment, the more likely they are to be aggressive and to misbehave over time, over and above how aggressive or disobedient they are initially.”³⁰

²⁴ ACLU, *supra*, note 5.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Gershoff, *supra*, note 12.

²⁸ *Id.*

²⁹ *Id.*

³⁰ Gershoff and Font, *supra*, note 10.

Despite concerns from some proponents of corporal punishment that its absence fosters an increase in delinquent behavior, states that have banned corporal punishment from their schools have not seen a subsequent increase in juvenile crime over time.³¹

As the movement to prohibit corporal punishment has spread across a growing number of countries, states, school districts and schools in recent decades, it is increasingly accepted that the legitimate goals of student discipline and classroom management can be achieved without ever resorting to physical violence. The U.S. Department of Education states that, “Evidence-based strategies, such as multi-tiered systems of supports and positive behavioral interventions and supports, and other research-backed educational practices are designed to meet students' social, emotional, and mental health needs and improve school climate and safety.”³² Substantial research has found that approaches to discipline that rely on positive behavioral interventions and supports are “effective at reducing problem behavior and creating a positive learning environment for students.”³³ By contrast, the availability of physical punishment, even as a “last resort”, can serve to discourage teachers and administrators from seeking more effective forms of punishment.

Teachers everywhere, including in Oklahoma, have ample opportunities to receive training in nonviolent disciplinary approaches. Library shelves are loaded with books about successful alternatives. As early as 1990, Oklahoma had established a clearinghouse of information on efficient classroom discipline and offered in-service training to schools statewide through the Effective Classroom Management Project administered by the Oklahoma Institute for Child Advocacy.³⁴ As part of Oklahoma’s landmark education reform legislation HB 1017, state statute requires the State Department of Education “to provide each local board of education materials dealing with effective classroom discipline techniques as an alternative to the use of corporal punishment.”³⁵ This led the State Department of Education in the early 1990s to develop and distribute “Crossroads: A Handbook for Effective Classroom Management.”³⁶ Currently, Oklahoma school districts have access to trainings at no charge to promote school safety and good behavior such as Oklahoma Tiered Intervention System of Support (OTISS) and Positive Behavioral Interventions and Supports.³⁷

³¹ E.T. Gershoff, K.M. Purtell and I. Holas, CORPORAL PUNISHMENT IN U.S. PUBLIC SCHOOLS; LEGAL PRECEDENTS, CURRENT PRACTICES, AND FUTURE POLICY (Springer Briefs in Psychology Series, Advances in Child and Family Policy and Practice Subseries) (2015)

³² U.S. Department of Education, *supra*, note 13.

³³ Gershoff and Font, *supra*, note 10.

³⁴ Oklahomans Opposed to Corporal Punishment, January 15, 1990. Fran Morris Archives, *supra*, note 2

³⁵ 70 O.S. § 6-113.1.

³⁶ Oklahomans Opposed to Corporal Punishment, Alert (n.d.). Fran Morris Archives, *supra*, note 2

³⁷ Oklahoma Tiered Intervention System of Support <https://www.otiss.net/>

G. Corporal Punishment is Widely Opposed by Education, Health and Other Professionals

It is now well established that children learn best in a trusting and safe environment guided by teachers who model responsible, caring, and self-disciplined behavior. Corporal punishment simply does not fit the bill. It is no surprise, then, that the practice is widely opposed by organizations representing medical providers, mental health professionals, educators, religious groups, child advocates, lawyers, and others.

In its most recent statement reaffirming its longstanding opposition to school corporal punishment, the American Academy of Pediatrics states:

Children cannot learn when they do not feel safe... There are many alternatives to corporal punishment at our disposal that are effective and nonviolent. While a child or teen might become fearful and obedient in the short term after being struck, we know that over the long term, corporal punishment does not improve behavior and in fact leads to a number of negative effects.³⁸

Similarly, the American School Counselors Association states:

*School counselors recognize the use of corporal punishment can teach children that violence is an acceptable way to resolve differences...School counselors encourage public awareness of the consequences of corporal punishment, provide strategies on alternatives to corporal punishment and encourage **legislation prohibiting the continued use of corporal punishment.**³⁹*

In a 2016 paper, Elizabeth Gershoff and Susan Font identify thirty-four national organizations officially opposed to school corporal punishment, including the National Association of School Psychologists, National Association for State Boards of Education, National Association of Elementary School Principals, American Medical Association, American Psychological Association, Human Rights Watch, and Prevent Child Abuse America, among many others (see Appendix 1).⁴⁰ While corporal punishment is supported by some individual members of many professions and organizations, our attempt to identify any reputable organization taking an official stance in favor of school corporal punishment came up empty.

G. Corporal Punishment is Widely Prohibited in Other Settings

American society has long established that the government, or those acting on behalf of the government, may not practice corporal punishment in any setting or circumstances — other than in public schools.

³⁸ *American Academy of Pediatrics Renews its Call to End Corporal Punishment in Schools*, (Aug. 21, 2023). <https://www.aap.org/en/news-room/news-releases/aap/2023/american-academy-of-pediatrics-renews-its-call-to-end-corporal-punishment-in-schools/>

³⁹ Quoted by the U.S. Alliance to End the Hitting of Children (emphasis in original). <https://endhitting.org/partnering-organizations/>

⁴⁰ Gershoff and Font, *supra*, note 10.

As the authors of an open letter to President Bill Clinton in the 1990s opposing school corporal punishment signed by dozens of national and state organizations wrote:

There is no restriction on government power more important in distinguishing our constitutional democracy from tyranny than that which forbids the agents of civil authority to inflict battery as a routine administrative procedure. This protection has been gained by agricultural workers, factory workers, military recruits, apprentices, domestic servants, military recruits, apprentices, domestic servants, psychiatric patients, convicts, suspects under interrogation, women, the developmentally handicapped, persons of color, the elderly, homosexuals - by every group except one.

Schoolchildren should be granted the same protection against battery that is enjoyed by every other class of citizen.⁴¹

Children in Oklahoma are legally protected from corporal punishment in various settings other than public and private K-12 schools: in Head Start programs, child care centers, family child homes, home foster care, group homes and institutions, and juvenile detention facilities.⁴²

It is often noted that the same behavior that is permitted as disciplinary action when inflicted by a teacher or administrator on a student in states like Oklahoma would be considered child abuse if inflicted outside of school, even by parents, and would be prohibited as criminal assault or battery if inflicted upon adults in the same community in the same states.⁴³

H. School Corporal Punishment is Widely Opposed by the Public

A substantial majority of Americans support a prohibition on school corporal punishment. In a national survey of more than 3,000 U.S. adults conducted in 2020, 65 percent agreed that there should be a federal ban on physical punishment in schools; only 18 percent were opposed, and the rest were neutral.⁴⁴ A 2002 ABC poll found majority support for the idea that parents should be allowed to spank their own children, but just one in four (26) said grade-school teachers should be allowed to spank kids at school, compared to 72 percent who said it shouldn't be permitted. Opposition to school corporal punishment was highest (80%) among parents of grade-schoolers; interestingly, the survey found that, “even among adults who spank their own child, 67 percent say grade-school teachers should not be permitted to spank children at school.” Furthermore, even in

⁴¹ An Open Letter to President Clinton About the Civil Rights of Children, sponsored by Parents and Teachers Against Violence in Education (PTAVE) (n.d.)

⁴² Gershoff, *supra*, note 12, Appendix A, p. 27.

⁴³ Gershoff and Font, *supra*, note 10; John King, *Letter to Governors and School Officials*, (Nov. 22, 2016). <https://www2.ed.gov/documents/press-releases/11212016-corporal-punishment.pdf>

⁴⁴ Elizabeth Gershoff, “We Need a Federal Law to End Corporal Punishment in the Schools,” THE HILL, August 25, 2023 <https://thehill.com/opinion/education/4170021-we-need-a-federal-law-to-end-corporal-punishment-in-schools/><https://thehill.com/opinion/education/4170021-we-need-a-federal-law-to-end-corporal-punishment-in-schools/>

the South, where support for parents spanking their children was highest, just 35 percent believed spanking should be allowed in the schools.⁴⁵

⁴⁵ AP NEWS, “Poll: Most approve of spanking kids,” (Nov. 8, 2002).
<http://abcnews.go.com/US/story?id=90406&page=1>.

II. School Corporal Punishment Under Current law

In recent decades, most jurisdictions - internationally, nationally, and locally - have acted to prohibit school corporal punishment. In this section we will look briefly at the status of school corporal punishment internationally and across the United States, and then focus more extensively on the status of corporal punishment in Oklahoma, one of the few remaining jurisdictions that permits physical punishment of schoolchildren.

A. International Status of Corporal Punishment

Across the world, the prohibition on physical punishment against children is widely recognized in national laws. All forms of corporal punishment in schools are outlawed in 128 countries as of 2016, or some two-thirds of the nations of the world, according to the Global Initiative to End All Corporal Punishment of Children.⁴⁶ School corporal punishment is prohibited in all of Europe and in all advanced democratic countries except the United States and parts of Australia.⁷

In addition to national laws, at least seven multilateral human rights treaties condemn or prohibit all forms of physical or mental violence against all children, including corporal punishment.⁴⁷

B. Federal Law and Action

There are no federal laws or regulations related to school corporal punishment. Within the U.S. Department of Education, the Civil Rights Data Collection (CRDC) within the Office of Civil Rights collects and reports biannual state-level data on the prevalence of corporal punishment, along with other school discipline practices (see Section III).⁴⁸

In 1977, the U.S. Supreme Court, in a 5-4 decision written by Justice Lewis Powell, held that the Eighth Amendment does not prevent corporal punishment in public schools.⁴⁹ As Elizabeth Gershoff and Sarah Font note, one of Justice Powell's key arguments in that case, *Ingraham v. Wright*, was that "corporal punishment was still widely used in public schools and that the Court could 'discern no trend toward its elimination'." At the time the justices considered the case, only two states—New Jersey and Massachusetts—had banned school corporal punishment.⁵⁰ Today, corporal punishment has been banned by a majority of states, but the Court's ruling of over 45 years ago still stands.

⁴⁶ Elizabeth Gershoff, "School corporal punishment in global perspective: prevalence, outcomes, and efforts at intervention," 22 *PSYCHOLOGY, HEALTH & MEDICINE* sup1, 224–239. (2017) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5560991/>

⁴⁷ The treaties are the United Nations (U.N.) Convention on the Rights of the Child (CRC), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Torture Convention), the American Convention on Human Rights (American Convention), and the two European Social Charters. See Gershoff, *supra*, note 12.

⁴⁸ Data is available at: <https://ocrdata.ed.gov/resources/datareports>

⁴⁹ *Ingraham vs. Wright*, 430 U.S. 651 (1977).

⁵⁰ Gershoff and Font, *supra*, note 10.

Federal legislation to ban corporal punishment has been introduced regularly in Congress since 1990.⁵¹ Most recently, the Protecting Our Students in Schools Act of 2023, was introduced in Congress by Sen. Christopher Murphy (D-Conn.) and Rep. Suzanne Bonamici (D-Ore.).⁵² Although Congress has failed to take action to end school corporal punishment, the Secretaries of Education under both the Obama and Biden administrations have spoken out forcefully against the practice. In 2016, Secretary of Education John King, in a letter to Governors and Chief State School Officers, referred to corporal punishment as “harmful, ineffective, and often disproportionately applied to students of color and students with disabilities”, and urged states “to eliminate this practice from your schools, and instead promote supportive, effective disciplinary measures.”⁵³ In March 2023, Secretary Miguel Cardona issued a letter to Governors and state and local school leaders that opened as follows:

*Our nation's schools should make every effort to provide children and youth with safe and supportive environments that protect and enhance their physical, emotional, and mental well-being. Therefore, if the use of corporal punishment is permitted or practiced in schools and educational settings within your state or district, I urge you to move swiftly toward condemning and eliminating it.*⁵⁴

C. Corporal Punishment in the States

In 1867, New Jersey became the first state to ban corporal punishment in its schools, and for over a century it was the only state to do so. It was joined by Massachusetts in 1972 and Maine in 1976, before a national movement of opposition to school corporal punishment propelled a wave of other states to take similar action in the 1980s and early 1990s. By 1992, 26 states had ended corporal punishment, either by legislation, regulation, or by statewide action at the district level.⁵⁵

Since the mid-1990s, the abolitionist ranks have been joined by a steady trickle of additional states. In 2023, Idaho⁵⁶ and Colorado⁵⁷ became the 32nd and 33rd states plus the District of Columbia to ban corporal punishment.⁵⁸ Corporal punishment remains legal in 17 states, but in six of those

⁵¹ *Id.* and *School corporal punishment in the United States*, Wikipedia

https://en.wikipedia.org/wiki/School_corporal_punishment_in_the_United_States

⁵² S.1762 - Protecting our Students in Schools Act of 2023 <https://www.congress.gov/bill/118th-congress/senate-bill/1762>

⁵³ King, *supra*, note 41.

⁵⁴ <https://www2.ed.gov/policy/gen/guid/secletter/230324.html#fnref8>

⁵⁵ National Coalition to Abolish Corporal Punishment in Schools, *Corporal Punishment, Fact Sheet* (1992), Fran Morris Archives, *supra*, note 2.

⁵⁶ Becca Savransky, “Corporal punishment, restraint and seclusion as discipline will be banned in Idaho schools,” *IDAHO STATESMAN*, April 6, 2023 <https://www.idahostatesman.com/news/politics-government/state-politics/article273731975.html>

⁵⁷ Nick Coltran, “Gov. Jared Polis signs bills banning corporal punishment in schools, setting new rules on 48-hour jail holds,” *DENVER POST*, April 20, 2023 <https://www.denverpost.com/2023/04/20/colorado-bans-corporal-punishment-in-schools/>

⁵⁸ *School corporal punishment in the United States*, *supra*, note 51. This total includes North Carolina, where corporal punishment is not banned under state law but is banned by every public school district in the state as of October 2, 2018.

states (Arizona, Indiana, Kansas, Kentucky, South Carolina and Wyoming), the most recent federal data showed that corporal punishment was inflicted extremely rarely or not at all. In practice, there are now only 11 states where corporal punishment remains legal and was inflicted on more than 100 students in 2017 - Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, and Texas (see Appendix B).

It should be noted that in most states that ban school corporal punishment, the ban is restricted to public schools. In only three states does the ban extend to private schools - New Jersey (since 1867), Iowa (1989) and Maryland (2023).⁵⁹

D. Corporal Punishment in Oklahoma

i. The Push for Abolition

As a movement to put an end to school corporal punishment gathered steam across the United States in the 1980s, advocates working for the protection of children in Oklahoma placed the issue at the top of their policy agenda. This effort, led by a grassroots group founded by child advocate and well-known television personality Fran Morris called Oklahomans Opposed to Corporal Punishment (OOCOP), helped spearhead significant changes in school district policies from 1988-1994. But despite some temporary success at the state level, OOCOP and their allies ultimately fell short of a statewide ban.

The first temporary ban on corporal punishment in Oklahoma was adopted by the Choctaw-Nicomma school district, part of the Oklahoma City metropolitan area, in October 1998.⁶⁰ Norman Public Schools adopted a one-year moratorium in the spring of 1989 that was made permanent the next year,⁶¹ followed by Oklahoma City Public Schools in December 1989.⁶² A trickle of school districts followed suit, including Tulsa Union and Bartlesville, by 1991.⁶³

While a growing number of local school districts were debating whether to end the use of corporal punishment, advocates also made a major push to enact a statewide ban. In the fall of 1989, Task Force 2000, a special committee charged by the Legislature with developing comprehensive educational reforms, included abolishing corporal punishment among its recommendations.⁶⁴ However, legislative leaders considered that proposal too controversial and opted to leave it out of HB 1017, the landmark education reform bill that ultimately passed in 1990.⁶⁵ In 1991, a Tulsa

⁵⁹ School corporal punishment in the United States, *supra*, note 49.

⁶⁰ Chris Brawley, "Choctaw Bans Spankings in School," THE DAILY OKLAHOMAN, October 7, 1988. <https://www.oklahoman.com/story/news/1988/10/07/choctaw-bans-spankings-in-schools/62637220007/>

⁶¹ John Parker, "Paddling Ban Trial Called Success," THE DAILY OKLAHOMAN, February 21, 1990. <https://www.oklahoman.com/story/news/1990/02/21/paddling-ban-trial-called-success/62574379007/>

⁶² Oklahomans Opposed to Corporal Punishment, January 15, 2000. Fran Morris Collection, *supra*, note 2.

⁶³ John Martin, "School board sets 'paddling ban' vote," THE MIDWEST CITY SUN, June 6, 1991 (Available from the Fran Morris Collection, *supra*, note 2). Tulsa Public Schools and Tahlequah also banned corporal punishment by 1992.

⁶⁴ Oklahomans Opposed to Capital Punishment, Update of October 21, 1989. Fran Morris Collection, *supra*, note 2.

⁶⁵ In a handwritten response to a letter from Eva Carter, House Speaker Steve Lewis wrote: "Task Force 2000 contained many almost revolutionary recommendations. I was concerned that if I left mandatory abolition of

Democratic lawmaker, Bruce Niemi, introduced a bill, HB 1029, to abolish corporal punishment, but it went down to a resounding defeat in the House Education committee, with a majority of legislators from both parties voting against.⁶⁶

A pivotal moment in the corporal punishment debate occurred in July 1992 when the State Board of Education, under the leadership of State Superintendent Sandy Garrett, voted unanimously to approve a two-year statewide moratorium on corporal punishment.⁶⁷ The state Board's action had contradictory effects. On the one hand, it provoked fierce opposition from some rural legislators and school leaders, who challenged the Board's authority to enact the moratorium. After Sen. Frank Shurden (D-Henryetta) requested an Attorney General's opinion on the issue, Superintendent Garrett backtracked by asserting that the moratorium was only intended to be voluntary rather than mandatory.⁶⁸ A number of districts that began the year prohibiting corporal punishment voted to reinstate it once the moratorium was understood to be non-mandatory. In the 1993 legislative session, multiple bills were introduced to expressly prohibit the State Board of Education from prescribing school discipline policies or prohibiting corporal punishment. One such bill, SB 558 that gave local districts exclusive control over school discipline policies, passed the Legislature; it was vetoed by Governor David Walters, an outspoken opponent of corporal punishment, but the Senate voted unanimously to override the Governor's veto.⁶⁹

Despite these setbacks, the moratorium enacted prior to the start of the 1992-93 school year seems to have prompted a large wave of school districts to cease practicing corporal punishment. A survey conducted by the State Department of Education in January 1993 found that of 568 school districts, 244 had banned spanking, while another 173 had stopped utilizing it even though it remained on the books. Only 151 districts, mostly rural and representing some 100,000 of the state's 600,000 public school students, continued to practice corporal punishment. The State Department of Education also stated that the number of reported incidents of corporal punishment during the first half of the 1992-93 school year plummeted to 1,652, compared to an estimated 20,000 for the previous full school year.⁷⁰

corporal punishment in the bill it would become a lightning rod and diminish chances of the overall proposal getting off the ground. If this gets in the bill during the process I certainly have no problem with it." Fran Morris Collection, *supra*, note 2.

⁶⁶ Oklahomans Opposed to Corporal Punishment Newsletter, March 1991. The vote was 5 in favor, 20 against in the House Common Education committee. Fran Morris Collection, *supra*, note 2.

⁶⁷ Wayne Greene, "Corporal Punishment Outlawed in Oklahoma Schools for 2 Years," TULSA WORLD, July 31, 1992 https://tulsaworld.com/archive/corporal-punishment-outlawed-in-oklahoma-schools-for-2-years/article_a8826352-0245-5a47-bab7-22ff17911692.html

⁶⁸ *Sandy Ducks*, THE OKLAHOMA OBSERVER, September 25, 1992; Memorandum from Dr. Phil Sellars, Executive Director of Accreditation/Standards, State Department of Education to Oklahoma State Superintendents, October 8, 1992. Fran Morris Collection, *supra*, note 2.

⁶⁹ *Corporal Punishment Bill Won't Help Kids Learn*, NORMAN TRANSCRIPT, March 14, 1993; Paul English, *Walters Vetoes 9 Measures*, TULSA WORLD (n.d.). Fran Morris Collection, *supra*, note 2.

⁷⁰ Jim Killackey, *Only 151 in 568 State Schools Use Spanking*, THE DAILY OKLAHOMAN, January 29, 1993 <https://www.oklahoman.com/story/news/1993/01/29/only-151-in-568-state-schools-use-spanking/62469445007/> and Oklahomans Opposed to Corporal Punishment, September 1993; Fran Morris Collection, *supra*, note 2.

As school districts were faced with decisions about whether to adopt, reverse, or extend bans on corporal punishment, school board debates and surveys revealed widely divergent opinions. Some districts favored a ban, believing corporal punishment to be unnecessary and ineffective. For example, after Norman Public Schools initially adopted a one-year moratorium on corporal punishment, its Assistant Superintendent declared that “our discipline has not deteriorated as a result of the moratorium.”⁷¹ The school board then voted unanimously to make the ban permanent. In Enid, a high school principal, Ron Garrison, stated that his school hadn’t used corporal punishment for more than 15 years and argued: “At this age, corporal punishment is not an effective form of punishment for students. There are better ways to discipline than using a paddle.”⁷²

“We don’t use corporal punishment. I don’t feel it’s effective for remediating anything.”

—Altus High School Principal in 1991⁷³

Yet many other educators felt differently. For example, for the principal of Fairview High School, Jim Slater, corporal punishment “is good to have as an alternative. We’re not going to be beating kids or trying to injure them. (However), swats or the threats of swats have a positive effect on overall school discipline.”⁷⁴ After Muskogee Public Schools enacted a ban on corporal punishment, a survey of teachers found 320 in favor of reinstating the practice, compared to just 61 supporting the ban. The head of the local teacher’s union commented: “Ask any teacher anywhere. There is power in a paddle. It’s like a policeman and his gun. He’s not going to use it, but there’s authority there.”⁷⁵ In voting to reinstate corporal punishment, the Valliant School Board cited a survey showing overwhelming support for the practice among elementary school teachers, although middle and high school teachers were more divided. “We need discipline in our schools,” one school administrator stated. “Several parents and some teachers have said we need corporal punishment.”⁷⁶

The end of the State Board of Education’s two-year (voluntary) moratorium on corporal punishment in 1994 left in place an apparent equilibrium: by law, corporal punishment remained permitted and a matter of local authority, while in practice, most school districts, especially larger, urban districts, chose to stop engaging in corporal punishment. This same situation remains true to the present day.

⁷¹ John Parker, “Paddling Trial Ban Called Success,” THE DAILY OKLAHOMAN, (Feb. 21, 1990), <https://www.oklahoman.com/story/news/1990/02/21/paddling-ban-trial-called-success/62574379007/>

⁷² Jim Killackey, “Schools Ponder Use of Paddle,” THE DAILY OKLAHOMAN, (Dec. 26, 1991), <https://www.oklahoman.com/story/news/1991/12/26/schools-ponder-use-of-paddle/62507056007/>

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ Linda Kay Sakelaris, “Local teachers miss power of the paddle,” MUSKOGEE PHOENIX, (Jan. 17, 1993); Fran Morris Collection, *supra*, note 2.

⁷⁶ *Corporal punishment reinstated*, SOUTHEAST TIMES (Broken Bow), Oklahoma (n.d.). Fran Morris Collection, *supra*, note 2.

According to the most recent statewide data, just 137 school districts out of 512 practiced corporal punishment on one or more students in 2017-18; these districts enrolled 100,721 students, or some 1 in 7 of the total public school population.

These districts are overwhelmingly smaller, rural districts: 102 of the 137 enrolled fewer than 1,000 students in 2017, and none were among the 25 largest districts in the state (see Appendix C for the list of districts). At the school site level, the persistence of corporal punishment is even less common: only 199 of some 1,800 schools continued to inflict corporal punishment in 2017-18, and these schools represented only 7 percent of total school enrollment (53,693 students) (see Appendix D for the list of schools).⁷⁷

ii. *Current Oklahoma Law*

Title 70 of Oklahoma Statutes, which addresses education, contains two sections of law regarding corporal punishment, and both distinguish what is permissible concerning special education students who are covered by an IEP (Individual Education Plan) under the federal Individual with Disabilities Education Act (IDEA) from what is permitted regarding other students.⁷⁸

Section 24-100.4 of Title 70 states:

D. Except concerning students on individualized education plans (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, the State Board of Education shall not have authority to prescribe student disciplinary policies for school districts or to proscribe corporal punishment in the public schools.

This language makes clear that policies regarding corporal punishment for students not covered under IDEA are left to the sole discretion of local school boards. State law also requires the State Department of Education to provide each local school board “materials dealing with effective discipline techniques as an alternative to the use of corporal punishment”,⁷⁹ and prohibits the

⁷⁷ The lists of districts and schools inflicting corporal punishment in 2017-18 was retrieved by running searches at: Civil Rights Data Collection, School and District Search <https://ocrdata.ed.gov/search/school> and <https://ocrdata.ed.gov/search/district>

⁷⁸ It is important to note that state law offers additional protections only to students with IEPs served under IDEA. There are also some students with disabilities who are served under a separate section of federal law known as Section 504. However, the vast majority of special needs students in Oklahoma - 113,497 of 123,661, or 91.8% in 2017-18 - are served under IDEA, compared to just 10,164 (8.2%) served under Section 504.

<https://ocrdata.ed.gov/assets/downloads/2017-2018/Student-Enrollment/All-Enrollment/Enrollment-Overall.xlsx>

Broadly speaking, students served under IDEA are entitled to *services* related to their disability, while students under Section 504 are entitled to *accommodations*. For a fuller discussion of the difference between IDEA and Section 504, see Pat Howey, *Key Differences Between Section 504 and IDEA*, Wright’s Law.

<https://www.wrightslaw.com/howey/504.idea.htm>

⁷⁹ 70 O.S. § 6-113.1.

State Board of Education from requiring districts to file student disciplinary action reports more than once each year.⁸⁰

The situation for students on IEPs under the Individuals with Disabilities Education Act is considerably more complex. The relevant statutory provision reads as follows:

§70-13-116. Corporal punishment prohibited on certain students.

A. School district personnel shall be prohibited from using corporal punishment on students identified with the most significant cognitive disabilities according to criteria established by the State Department of Education unless addressed in an annual individualized education program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA).

B. A waiver to the provisions of subsection A of this section shall be granted if the parent or legal guardian of a student provides written consent.

This section suggests that students who fall under the most significant cognitive disabilities - a designation which is believed to apply to fewer than 1 in 10 students with IEPs - may not be subjected to corporal punishment unless the use of corporal punishment is set out in the student's IEP or the student's parents or guardians provide written consent for the use of corporal punishment.⁸¹

In 2020, the State Board of Education approved rules that went beyond the statutory provisions regarding corporal punishment. The rule states:

Corporal punishment of students with disabilities not authorized. For all students, the State Department of Education strongly encourages Oklahoma schools to implement disciplinary policies and practices that use evidence-based, developmentally appropriate methods informed by an awareness that many students have endured Adverse Childhood Experiences (ACEs) and related trauma. As applied to students with disabilities entitled to special education services under the *Individuals with Disabilities Education Act* (IDEA), the use of corporal punishment by employees or agents of an Oklahoma public school is prohibited beginning in the 2020-2021 school year.⁸²

This rule was submitted to the Governor in February 2020, made available for public comment, and was the subject of a public hearing in March 2020, was adopted by the State Board of Education and then formally approved by Governor Kevin Stitt on June 25, 2020, and became

⁸⁰ 70 O.S. § 24-100.4 (D).

⁸¹ The waiver language in Section 13-116-B appears to be redundant, as parents of guardians must provide written acceptance of a student's IEP.

⁸² OAC Section 210:15-13-9 (d).

effective September 11, 2020.⁸³ Nonetheless, despite this clear language prohibiting the use of corporal punishment against students with disabilities, some school districts continue to practice corporate punishment against students with disabilities. According to data shared by the State Department of Education, at least 455 students covered by IDEA were subjected to corporal punishment by 63 districts in 2021-22, a year after the Department of Education’s prohibition took effect.⁸⁴ The actual number of incidents is likely higher, as some districts were undoubtedly reluctant to self-report practices that contradicted the State Department of Education’s rules. The Okemah School District had the highest number of reported incidents of corporal punishment on students with disabilities in 2021-22 with 35, followed by Calera (32), Holly Creek (26), Keota (26) and Soper (25). Notably, all of these school districts have total enrollment of fewer than 1,000 students; Holly Creek enrolled just over 250 total students, yet reported inflicting corporal punishment on 26 students with disabilities.

In part due to awareness that some districts were continuing to impose corporal punishment in violation of the State Department of Education’s regulations, legislation was introduced in 2023 by Representative John Talley (R-Stillwater), HB 1028, to incorporate the prohibition of corporal punishment on students with disabilities into state statute. The bill passed out of the House Education Committee unanimously, but when it was brought before the full House, it fell short of attaining the 51-vote majority needed for passage.⁸⁵ Although several House members spoke eloquently against corporal punishment based on their own personal and professional experiences, two members spoke against the bill: Rep. Randy Randelman (R-Eufala), a licensed psychologist who argued that while corporal punishment was unnecessary to discipline 99 percent of children, teachers needed at least the threat of spanking to keep the most unruly 1% of children in line; and Rep. Jim Olson (R-Sallisaw), who countered the opposition to corporal punishment of organizations like the American Academy of Pediatrics by invoking “a higher authority,” and referenced Biblical passages in favor of using the rod on a disobedient child.⁸⁶ After the failure of the initial attempt to ban corporal punishment against kids with disabilities, which attracted widespread media attention nationally as well as locally, Rep. Talley brought forward an amended version of the bill that sought only to do away with the option for parents to give consent for corporal punishment on students with the most serious cognitive disabilities allowed under current law. The watered-down version of the bill passed with little opposition and later passed out of a

⁸³ *Guidelines for Minimizing Seclusion and Restraint of Students*, OAC 210:15-13-9. Added at 37 Ok Reg 1194, eff 9-11-20

⁸⁴ https://www.dropbox.com/scl/fi/nebzmuy6i6f4mjbqlh1rs/ORR-23-224_Redacted-MB.pdf?rlkey=c03fpgjamoaklskrl8rhnczan&dl=0

⁸⁵ See the full legislative history and vote tallies at Oklahoma Legislature, <http://www.oklegislature.gov/BillInfo.aspx?Bill=HB1028&Session=2300>

⁸⁶ The debate on HB 1028 is available from at: <https://sg001-harmony.sliq.net/00283/harmony/en/PowerBrowser/PowerBrowserV2/20230314/-/53530?startposition=20230314091700&mediaEndTime=20230314105700&viewMode=2&globalStreamId=3> (from approximately 9:30 to 10:25).

Senate committee but eventually stalled short of final passage.⁸⁷ HB 1028 remains available for further consideration in the 2024 session.

III. Prevalence of Corporal Punishment

The Office of Civil Rights within the U.S. Department of Education has gathered and reported national and state-level data on corporal punishment since the late 1970s. Generally, data is reported every two years. Unfortunately, there doesn't seem to be a single repository of current and historical data; the data presented here for the years prior to 2011-12 was gathered from a variety of reports, news articles, studies, and fact sheets, while the more detailed data for 2011-12; 2013-14; 2015-16 and 2016-17 is from spreadsheets available through the Civil Rights Data Collection (CRDC) of the Office of Civil Rights.⁸⁸

It is important to note that all corporal punishment data collected by the government tracks the *number of students* subjected to corporal punishment in a given year, *not the number of incidents*. There is no way of knowing the percentage of students who receive corporal punishment on more than one occasion, the average number of incidents per student, or the total number of incidents. In addition, there is a general consensus that the data under-represents the actual prevalence of corporal punishment, as some schools and districts may fail to report the use of corporal punishment (and other disciplinary tactics) accurately.

A. National Prevalence of Corporal Punishment

The three most important facts about the prevalence of corporal punishment in the United States are: 1) its practice has decreased overwhelmingly and continually over recent decades, 2) the overwhelming share of incidents occur in a few states; and 3) it continues to be practiced disproportionately on students of color and students with disabilities.

i. Decreasing Number of Students Subjected to Corporal Punishment

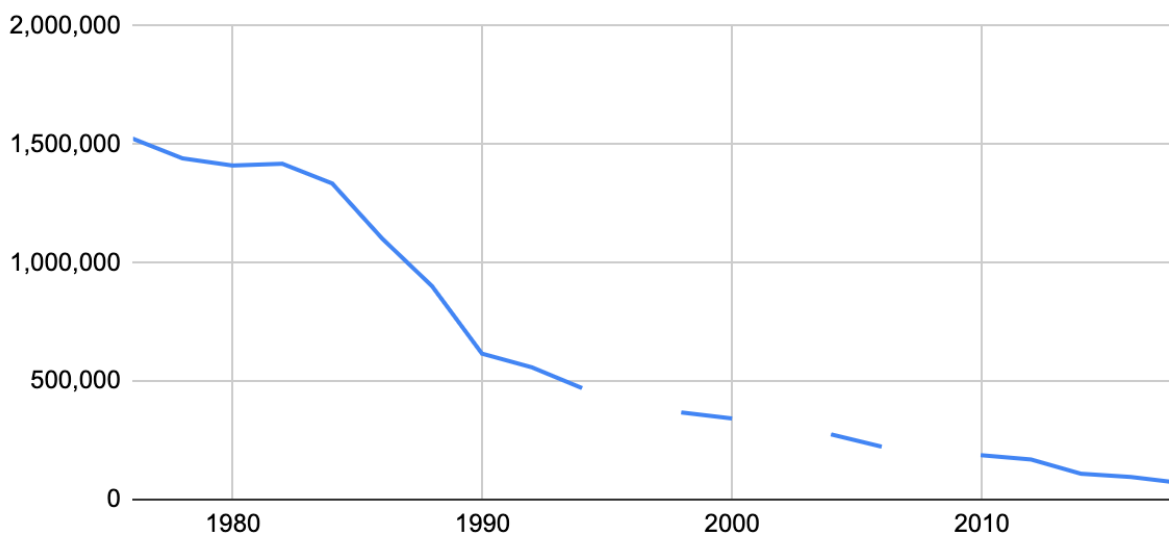
As corporal punishment has been banned in a growing number of states, and its practice has become less acceptable even where it is still permitted, the number of students subjected to corporal punishment each year has fallen dramatically and continually. As can be seen in Figure 1, in 1976, the first year data was collected, over 1.5 million students, or some 3.5% of the entire US school population, suffered corporal punishment. The number fell to under 1 million by 1988, to under 500,000 by 1994 and to under 100,000 in 2016. The most recent available figures, for 2018, was 69,472, a drop of 95% compared to 1976 and of 81% since 1998. Whereas 3.5% of students were hit in school in 1976, it was just 0.1% by 2018.⁸⁹

⁸⁷ Oklahoma Legislature, *supra*, note 82.

⁸⁸ Civil Rights Data Collection (CRDC) *supra*, note 48.

⁸⁹ Data for 1976-1984: Compiled by the National Coalition to Abolish Corporal Punishment in Schools (1994), Fran Morris Collection, *supra*, note 2; 2000-2018: CRDC, *supra*, note 46.

Number of Students Subjected to Corporal Punishment, Select Years, 1976 - 2018 (data unavailable for 1996, 2002, 2008)



Number of Students Subjected to Corporal Punishment, Select Years, 1976 - 2018

ii. *Most Incidents Occur in Just A Few States*

Corporal punishment may remain legal in 17 states as of 2023 (see Section II), but CRDC data shows that its practice is concentrated in a dwindling handful of these states. In 2017-2018, just 7 states accounted for 92% of all students subjected to corporal punishment.⁹⁰ In order of the total number of cases, these states are:

Mississippi: 20,319

Texas: 13,892

Alabama: 9,168

Arkansas: 8,932

Oklahoma: 3,968

Tennessee: 3,765

Georgia: 3,697

The CRDC showed 18 other states with at least one incident of corporal punishment (including several where the practice has been formally banned), but together these states accounted for only 5,761 students, or 8% of the national total.⁹¹

⁹⁰ CRDC, *supra*, note 48.

⁹¹ *Id.*

The Office of Civil Rights collects disciplinary data broken down by race and disability status, and the results are clear and of a long-standing nature: certain minority populations and students with disabilities are more likely to be subjected to corporal punishment than their peers.

Based on the 2017-18 data, the US Department of Education Office of Civil Rights concluded the following: Black students received corporal punishment at more than twice their rate of enrollment and American Indian or Alaska Native students received corporal punishment at almost twice their rate of enrollment.⁹² African American students account for 15.1% of the school age population in the US but 37.3% of those subjected to corporal punishment, while American Indian or Alaska Native students are just 1.0% of the student population but are 1.9% of those receiving corporal punishment. By contrast, Hispanic students, who comprise 27.2% of total school enrollment account for just 7.8% of those who are inflicted with corporal punishment.

A word of caution is in order regarding the racial data: the racial breakdown of the student population comprises the entire nation, not just those states where corporal punishment is practiced. The fact that corporal punishment still tends to be practiced in Southern states with large African American populations (e.g. Mississippi, Alabama) and not in several of the Western states with the largest Hispanic concentrations (e.g. California, Arizona, New Mexico, Nevada) helps account for some of the racial discrepancies.

The data also finds that students with disabilities are subject to corporal punishment more frequently than the general population. Students served under IDEA represented 13.2% of total student enrollment but 16.5% of the students who received corporal punishment in 2017-2018, according to the CRDC data.⁹³ Based on a careful examination of district-level data from 2011-12, Elizabeth Gershoff and Susan Font found children with disabilities were over 50% more likely to experience school corporal punishment than their peers without disabilities in 67% of school districts in Alabama, 44% in Arkansas, 34% in Georgia, 35% in Louisiana, 46% in Mississippi, and 36% in Tennessee.⁹⁴ The authors conclude that the over-representation of children with disabilities among those subject to corporal punishment “suggests that school staff are often responding to their challenging behaviors with harsh, rather than positive, disciplinary methods.”⁹⁵ However, since 2017, Mississippi and Louisiana have prohibited corporal punishment for students

⁹² US Department of Education Office of Civil Rights, *Corporal Punishment in Public Schools*, Updated March 2023. https://ocrdata.ed.gov/assets/downloads/Corporal_Punishment_Part4.pdf

⁹³ *Id.*

⁹⁴ Gershoff and Font, *supra*, note 10.

⁹⁵ *Id.*

with disabilities, while Tennessee and Oklahoma have placed additional restrictions on when it can be inflicted on students with disabilities.⁹⁶

B. Prevalence of Corporal Punishment in Oklahoma

In examining the data on the prevalence of corporal punishment in Oklahoma, one can tell two very different stories depending on the comparisons one is making. Looked at over time, the use of corporal punishment has declined substantially in Oklahoma.

But compared to surrounding states and the nation as a whole, Oklahoma continues to be one of the states where corporal punishment is used most frequently.

In 1986, it was reported that corporal punishment was inflicted on 51,306 students in Oklahoma.⁹⁷ By 2000, that number had been reduced by two-thirds to 17,754 students, and by 2018, it had fallen by more than an additional 75% to 3,968.⁹⁸ Whereas 79 students out of every 1,000 were hit in school in 1986, by 2018 the number had been reduced to just 6 out of every 1,000.

Some supporters of corporal punishment might argue that declining use of the most drastic form of school discipline would lead to increased juvenile delinquency and criminal behavior. Instead, the exact opposite has occurred. As Open Justice Oklahoma reported in 2019, “Oklahoma has experienced a massive decline in criminal arrests of youth under age 18 over the last 25 years... Since 1990, violent felonies fell by 70 percent and property felonies by 86 percent among Oklahoma youth of all races... Arrest rates of children under age 13 fell by 92 percent.”⁹⁹ This is not to argue that declining corporal punishment is itself a cause of declining youth crime, but the data does refute any notion that as the use of corporal punishment has fallen, it has led to an upsurge in crime and lawlessness among the state’s children and youth.

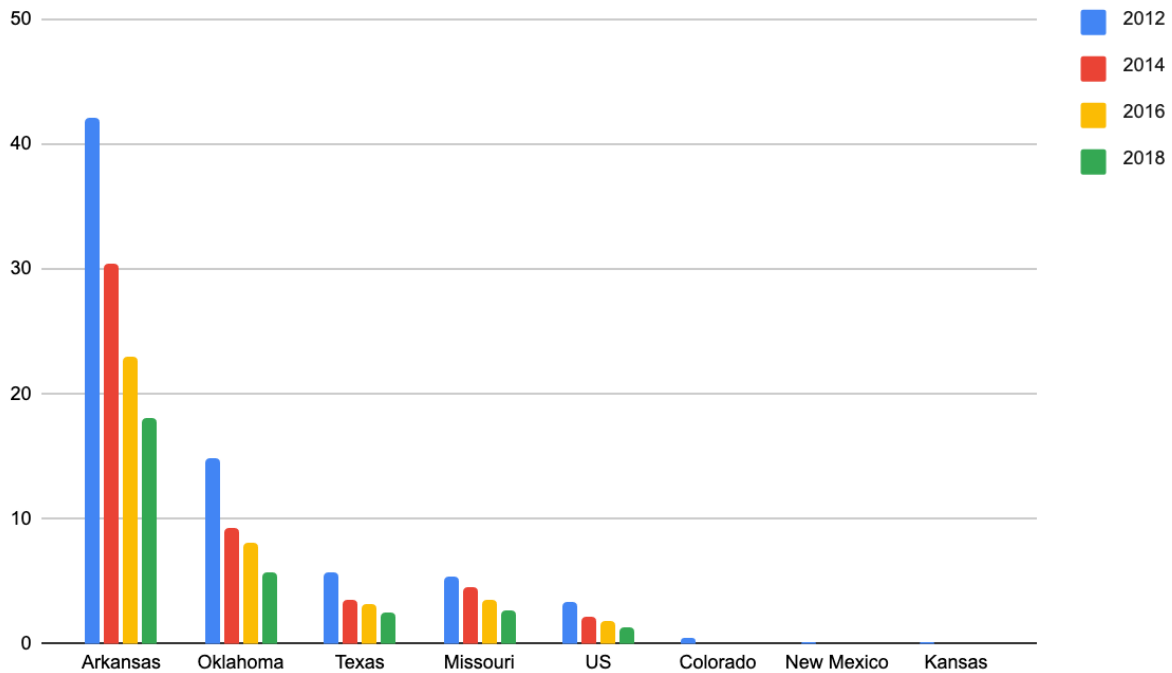
⁹⁶ School corporal punishment in the United States, *supra*, note 49.

⁹⁷ Fran Morris Collection, *supra*, note 2.

⁹⁸ CRDC, *supra*, note 48.

⁹⁹ OPEN JUSTICE OKLAHOMA, “Juvenile crime plummets in Oklahoma, but racial and local disparities remain,” (Sept. 2019), <http://openjustice.okpolicy.org/wp-content/uploads/sites/4/2019/09/OJO-Report-Juvenile-Justice-2019-Executive-Summary.pdf>

Rate of Corporal Punishment per 1,000 Students, Selected States, 2012, 2014, 2016, 2018



Despite Oklahoma’s substantial drop in corporal punishment over the past several decades, the state has long held one of the top spots in the nation in its rate of usage. In 1986, Oklahoma ranked fifth highest among the states in the rate of imposing corporal punishment¹⁰⁰; in 2018, we ranked fourth highest at a rate of 5.7 students out of every 1,000, behind only Mississippi (42.2 per 1,000), Arkansas (17.9) and Alabama (12.3). Although Texas reported a higher number of cases than Oklahoma, 13,892 compared to 3,968, its rate was lower (2.6 per 1,000) due to the state’s substantially larger school age population.

Figure X displays rates of corporal punishment per 1,000 students for Oklahoma compared to its bordering states as well as for the nation as a whole, for the last four years for which there is CRDC data (2012, 2014, 2016, 2018). One can see how even in those states that continue to practice corporal punishment, its use has declined substantially over the past decade. At the same time, Oklahoma stands out even among its neighbors as being one of the states where the practice of hitting school kids has persisted at among the highest rates, consistently trailing only Arkansas.

Another way of considering the prevalence of corporal punishment is at the district and school site level. As noted in Section II, from the data collected by the US Department of Education, we know that corporal punishment **was still practiced on one or more students in 2017-18 by 137 of 512 school districts, with a total enrollment of 100,724 students, and by 199 K-12**

¹⁰⁰ Oklahomans Opposed to Corporal Punishment, November 1, 1989. Fran Morris Collection, *supra*, note 2.

schools with a total enrollment of 53,693 students.¹⁰¹ There were 17 school districts in Oklahoma where pre-kindergarten children were subjected to corporal punishment in 2017-18.¹⁰²

Comprehensive data is not available on the number of students subjected to corporal punishment in each individual district or school. However, if we look at the total enrollment of the districts and schools that practiced corporal punishment in 2017-18, we can calculate that while the statewide rate of corporal punishment in 2017-18 in Oklahoma was 5.7 students per 1,000, in districts that practiced it, the rate was 41.5 students per 1,000, and in schools that practiced it, the rate was 75.8 per 1,000.

Finally, CRDC data also reveals important information about the demographic composition of students who are subjected to corporal punishment in Oklahoma. One fact that really jumps out is that some one in four students subjected to corporal punishment - 24.4% - are Native American, which is more than 10 percentage points higher than the Native share of the state's total school population (13.6%).

The fact that Native children in Oklahoma are so greatly overrepresented among students hit at school is of special concern given the troubling history of Native education in this state and elsewhere in the country.

The federal government operated or funded 76 boarding schools for Native American children in Oklahoma.¹⁰³ As Bah-He-Toya-Mah Davenport explains:

Beginning with the Treaty of Medicine Lodge Creek, which was enforced even though it was never ratified by the tribes, many American Indian families were required to send their children to attend non-Indian, federal government-sponsored schools. These schools forced to abandon their Native American identities, including cutting their hair, changing their names, and forbidding them from speaking their native languages. Native American children were being taken from their families to boarding schools well into the 1970s, and many of the children who attended those institutions are still living in Oklahoma as elders

¹⁰¹ Civil Rights Data Collection, School and District Search <https://ocrdata.ed.gov/search/school> and <https://ocrdata.ed.gov/search/district>

¹⁰² These 17 were: Antlers, Barnsdall, Braggs, Central, Cheyenne, Grand View, Inola, Jay, Kansas, Lane, Lone Grove, Marlow, Prague, Rattan, Shady Grove and Webber Falls <https://ocrdata.ed.gov/search/district>

¹⁰³ Molly Young, "What to Know: Federal report on Native American boarding schools," THE OKLAHOMAN, (May 18, 2022), <https://www.oklahoman.com/story/news/2022/05/18/what-know-federal-native-american-boarding-schools-report-oklahoma-indian/9795807002/>

in their tribal communities and parents and grandparents to American Indian students in Oklahoma schools.¹⁰⁴

It's important to note, however, that the greater rate at which Native American children are subjected to corporal punishment seems to be primarily a function of the fact that schools that continue to practice corporal punishment have high percentage of Native American enrollment. The chart below (Figure X) shows that Native students account for 26% of the students at schools that still practice corporal punishment, and 24.4% of those subject to corporal punishment.

As noted earlier, corporal punishment is still practiced primarily in schools in rural parts of Oklahoma, and this is especially true in regions that have larger Native populations. At the same time, corporal punishment persists far less commonly in urban and suburban school districts. This also helps explain what would seem to be a surprising anomaly with the data: although Black students are widely known to be subject disproportionately to all forms of school discipline, including corporal punishment, Black students make up just 5.6% of those subjected to corporal punishment in Oklahoma, below their 8.6 percent of the overall student punishment. This reflects the fact that Oklahoma's Black population is heavily concentrated in urban areas that have banned corporal punishment.

Nevertheless, when we look at the racial composition of the schools in which corporal punishment is practiced, we see that Black students are actually two-and-a-half-times more likely to be subject to corporal punishment than their share of those school's population.

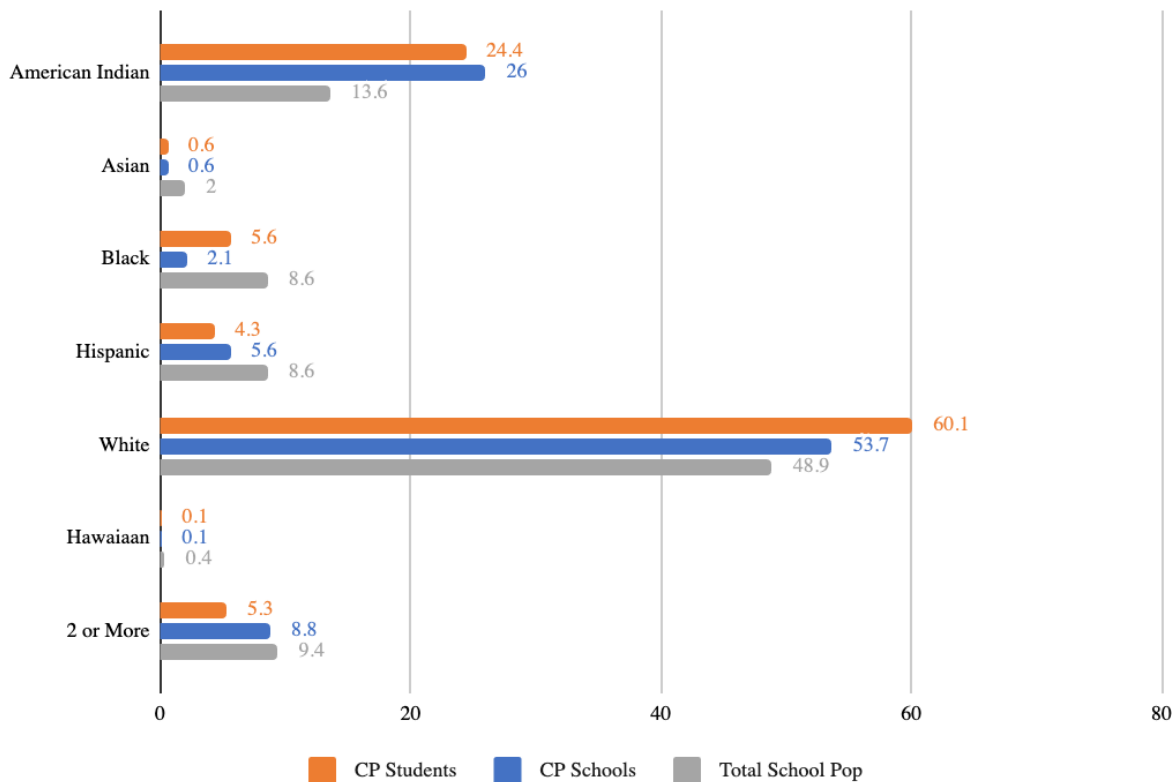
White students are also more likely to be subjected to corporal punishment than their peers in schools that continue to practice it, while Hispanic students and those who identify as two or more races are less likely.

Finally, we also see similar disparities with regards to students with disabilities. **In 2017-18, 833 of the 3,968 students subjected to corporal punishment in Oklahoma - 21.0 percent - were students with disabilities served under IDEA.** This was 4.5 percentage points higher than the overall student population of Oklahoma served under IDEA (16.5%). However, when we look just at those schools that practice corporal punishment, we see that students served under IDEA were 21.9 percent of the population. This suggests that students with disabilities were being hit proportionately to the share of the total school population in the schools they attended. We should note that this data refers to a period prior to the enactment of the State Department of

¹⁰⁴ Bah-He-Toya-Mah Davenport, *Oklahoma has a tragic history when it comes to Indian education. Here's how we're turning it around*, OKLAHOMA POLICY INSTITUTE, (Aug. 15, 2015). <https://okpolicy.org/oklahoma-has-a-tragic-history-when-it-comes-to-indian-education-heres-how-were-turning-it-around/>

Education rules that aimed to prohibit corporal punishment on special needs students. covered by IDEA.

Demographics of Schools Administering Corporal Punishment, Students Receiving Corp. Punishment, Overall OK Student Pop. 2017-18



IV. Recommendations

It is well past the time for Oklahoma to abolish corporal punishment in schools. The practice has already been banned by a large majority of nations in the world, states of the union, and districts and schools here in Oklahoma. There is absolutely no evidence establishing that schools that continue to practice corporal punishment perform better in any respect, including in terms of overall student behavior or classroom management. By contrast, there is overwhelming and longstanding evidence of the harmful effects of corporal punishment on the physical and emotional well-being of children and youth. None of our other public institutions resort to hitting those in their custody or care; our schools should not either.

Even though 39 states have already banned or stopped practicing school corporal punishment, the Oklahoma Legislature may still be reluctant to enact a total statewide ban. In that case, it should take an initial step by prohibiting corporal punishment on all students with disabilities served under

an IEP. This would only bring state statutes in conformity with the binding rules enacted by the State Department of Education in 2020, but might send a clearer signal to the dozens of districts that continue to flaunt the rule. Prohibiting corporal punishment specifically on children with disabilities can be justified because of the chance that the behavior that triggers punishment is a manifestation of the student's disability and the chance that being subject to physical punishment will be especially traumatizing for children with disabilities. The State Department of Education should also send clear and consistent guidance to all school districts found to be in violation of the prohibition on inflicting corporal punishment on students with disabilities.

Finally, whether corporal punishment is banned or not, it would be beneficial to provide additional recognition of and support for alternative forms of classroom management.

- The Legislature should enact legislation requiring school boards to incorporate positive behavior systems into individual school district discipline policies and codes of conduct.
- The Legislature should increase funding to school districts to train all staff, including teachers and para--professionals, on effective methods of school discipline (including positive behavioral supports), and to provide for behavioral analysts and counseling staff to improve the delivery of appropriate discipline to students with disabilities.
- The State Department of Education should promulgate state-wide standards requiring training of all staff, including teachers and para-professionals, on effective methods of school discipline, including positive behavioral supports, and ensure that staff are trained on the strict limits on permitted use of force in exceptional situations.

Over three-and-a-half decades ago, when a small group of advocates working to protect Oklahoma children first took on the cause of ending school corporal punishment, the idea that schools could function safely and effectively without rods and paddles may have seemed hopelessly naive. But over time we have learned more about the physical pain and emotional trauma that being swatted by a teacher or principal can inflict on a child, and we have made great strides in developing effective nonviolent means of disciplining students and instructing them in proper behavior. Today Oklahoma has the opportunity to have every one of our schools send the message we want every one of our children to learn: We don't hit.

APPENDIX A:
NATIONAL ORGANIZATIONS OPPOSED TO SCHOOL
CORPORAL PUNISHMENT

- American Academy of Child and Adolescent Psychiatry
- American Academy of Family Physicians
- American Academy of Pediatrics
- American Bar Association
- American Civil Liberties Union
- American Humane Association
- American Medical Association
- American Psychological Association
- American Public Health Association
- American School Counselor Association
- Association for Childhood Education International
- Council for Exceptional Children
- Defense for Children International
- General Assembly of the Presbyterian Church, USA

- Human Rights Watch
- National Association of State Departments of Education
- National Association for the Education of Young Children
- National Association of Elementary School Principals
- National Association of Pediatric Nurse Practitioners
- National Association of School Nurses
- National Association of School Psychologists
- National Association of Secondary School Principals
- National Association for State Boards of Education
- National Council of Teachers of English
- National Education Association
- National Foster Parents Association
- National Mental Health Association
- National Parent Teachers Association
- National Women's Political Caucus
- Prevent Child Abuse America
- Society for Adolescent Medicine
- Unitarian Universalist General Assembly

- United Methodist Church General Assembly
- U.S. Department of Defense: Office of Dependents Schools Overseas

Source: Gershoff and Font, *supra*, note 10

APPENDIX B: CURRENT STATUS OF CORPORAL PUNISHMENT IN THE U.S.

STATE	STATUS
ALABAMA	ALLOWED
ALASKA	BANNED
ARIZONA	NOT BANNED BUT MINIMAL REPORTED USE
ARKANSAS	ALLOWED
CALIFORNIA	BANNED
COLORADO	BANNED
CONNECTICUT	BANNED
DELAWARE	BANNED
DC	BANNED
FLORIDA	ALLOWED
GEORGIA	ALLOWED
HAWAII	BANNED
IDAHO	BANNED
ILLINOIS	BANNED
INDIANA	NOT BANNED BUT MINIMAL REPORTED USE
IOWA	BANNED
KANSAS	NOT BANNED BUT MINIMAL REPORTED USE
KENTUCKY	NOT BANNED BUT MINIMAL REPORTED USE
LOUISIANA	PARTIALLY BANNED (STUDENTS WITH DISABILITIES)
MAINE	BANNED
MARYLAND	BANNED
MASSACHUSETTS	BANNED
MICHIGAN	BANNED
MINNESOTA	BANNED
MISSISSIPPI	PARTIALLY BANNED (STUDENTS WITH DISABILITIES)

MISSOURI	ALLOWED
MONTANA	BANNED
NEBRASKA	BANNED
NEVADA	BANNED
NEW HAMPSHIRE	BANNED
NEW JERSEY	BANNED
NEW MEXICO	BANNED
NEW YORK	BANNED
NORTH CAROLINA	BANNED LOCALLY
NORTH DAKOTA	BANNED
OHIO	BANNED
OKLAHOMA	PARTIALLY BANNED (SOME STUDENTS WITH DISABILITIES)
OREGON	BANNED
PENNSYLVANIA	BANNED
RHODE ISLAND	BANNED
SOUTH CAROLINA	NOT BANNED BUT MINIMAL REPORTED USE
SOUTH DAKOTA	BANNED
TENNESSEE	PARTIALLY BANNED (SOME STUDENTS WITH DISABILITIES)
TEXAS	ALLOWED
UTAH	BANNED
VERMONT	BANNED
VIRGINIA	BANNED
WASHINGTON	BANNED
WEST	BANNED

VIRGINIA	
WISCONSIN	BANNED
WYOMING	NOT BANNED BUT MINIMAL REPORTED USE

SOURCE; Wikipedia, *School Corporal Punishment in the United States*, https://en.wikipedia.org/wiki/School_corporal_punishment_in_the_United_States and CRDC *Discipline Estimations by Discipline Type: Corporal Punishment*, 2017-18 https://ocrdata.ed.gov/assets/downloads/2017-2018/Discipline/Discipline/Corporal-Punishment/Corporal-Punishment_by-Disability-and-no.xlsx

APPENDIX C:

OKLAHOMA SCHOOL DISTRICTS PRACTICING CORPORAL PUNISHMENT, 2017-2018

(K-12 SCHOOLS UNLESS NOTED BY *)

District	Total Enrollment
ALINE-CLEO	144
AMBER-POCASSET	509
ANADARKO	1,684
ANTLERS*	1,011
ATOKA	878
BANNER	228
BARNSDALL*	418
BENNINGTON	357
BINGER-ONEY	339
BLAIR	290
BLANCHARD	2,043
BOKOSHE	201
BOONE-APACHE	583
BRAGGS*	152
BRAY-DOYLE	320
BRIGGS	462

BRISTOW	1,755
BROKEN BOW	1,638
BURNS FLAT- DILL CITY	629
BUTNER	227
CALVIN	162
CANEY	236
CARNEGIE	582
CARNEY	249
CENTRAL*	488
CHEYENNE*	357
CHICKASHA	2,355
CLAYTON	324
CLEVELAND	1,722
COLCORD	553
COPAN	216
CORDELL	672
COTTONWOOD	180
COWETA	3,305
CROWDER	422
DAVENPORT	376
DAVIS	1,081

DEPEW	384
DURANT	3,758
EUFAULA	1,153
FANSHAWE	89
FLETCHER	451
FLOWER MOUND	345
Fort Towson	330
FOYIL	515
FRINK- CHAMBERS	453
GANS	421
GERONIMO	333
GLENCOE	329
GLOVER**	357
GRAND VIEW**	574
GRANITE	235
GREASY	73
GUYMON	3,087
HAILEYVILLE	298
HANNA	91
HARMONY	235
HARRAH	2,226

HEALDTON	499
HEAVENER	990
HOBART	808
HODGEN	262
HOLDENVILLE	1,076
HOMINY	580
HOWE	618
HUGO	1,235
IDABEL	1,244
INOLA*	1,311
JAY*	1,636
JENNINGS	215
KANSAS*	902
KEOTA PUBLIC SCHOOL	410
KETCHUM	586
KINGFISHER	1,498
KREBS	442
KREMLIN- HILLSDALE	295
LANE*	273
LAVERNE	486
LEEDEY	232

LEXINGTON	999
LINDSAY	1,230
LONE GROVE*	1,482
MACOMB	285
MARIETTA	1,110
MARLOW*	1,429
MASON	277
MCLOUD	1,780
MEEKER	847
MERRITT	807
MILBURN	222
MONROE	106
MOUNTAIN VIEW-GOTEBO	237
MULDROW	1,422
NAVAJO	520
NEW LIMA	309
OAKS-MISSION	223
OKEENE	337
OKEMAH	827
OKLAHOMA UNION	654
PANAMA	727

PIONEER	413
PLAINVIEW	1,525
POND CREEK- HUNTER	316
POTEAU	2,469
PRAGUE**	1,038
PRESTON	557
PRUE	330
RATTAN*	512
ROCK CREEK	488
RYAN	245
SALINA	808
SEILING	452
SENTINEL	318
SEQUOYAH	1,348
SHADY POINT**	165
SOPER	372
SPIRO	1,065
STERLING	393
STIGLER	1,337
STRATFORD PUBLIC SCHOOLS	642

STROTHER	425
STUART	286
TALIHINA	578
TANNEHILL	144
TURNER	327
TUSKAHOMA	80
TUTTLE	1,948
TWIN HILLS	342
UNION CITY	320
VALLIANT	871
VANOSS	584
VELMA-ALMA	448
VIAN PUBLIC SCHOOLS	947
VINITA	1,428
WAGONER	2,379
WEBBERS FALLS*	280
WHITESBORO	228
TOTAL	100,721

*: PRE-SCHOOL AND K-12 SCHOOL(S)

** PRE-SCHOOL ONLY

APPENDIX D: SCHOOLS PRACTICING CORPORAL PUNISHMENT, 2017-2018

District	School Name	Total Enrollment
ALINE-CLEO	ALINE-CLEO ES	105
AMBER-POCASSET	AMBER-POCASSET ES	251
ANTLERS	ANTLERS HS	285
BOONE-APACHE	APACHE ES	262
BOONE-APACHE	APACHE MS	126
ATOKA	ATOKA ES	585
BANNER	BANNER PUBLIC SCHOOL	228
BARNSDALL	BARNSDALL ES	225
BARNSDALL	BARNSDALL HS	153
BROKEN BOW	BENNETT ES	304
BENNINGTON	BENNINGTON ES	252
BENNINGTON	BENNINGTON HS	105
BINGER-ONEY	BINGER-ONEY ES	227
BLAIR	BLAIR ES	213
BLAIR	BLAIR HS	77
BLANCHARD	BLANCHARD MS	451
BOKOSHE	BOKOSHE JHS	37
BRAGGS	BRAGGS HS	60
ANTLERS	BRANTLY ES	512

BRAY-DOYLE	BRAY-DOYLE ES	219
BRIGGS	BRIGGS PUBLIC SCHOOL	462
BRISTOW	BRISTOW HS	499
BUTNER	BUTNER ES	164
BUTNER	BUTNER HS	63
CALVIN	CALVIN ES	118
CANEY	CANEY ES	174
CANEY	CANEY HS	62
CARNEGIE	CARNEGIE ES	324
CARNEY	CARNEY ES	183
CENTRAL	CENTRAL ES	307
COWETA	CENTRAL ES	319
IDABEL	CENTRAL ES	363
CENTRAL	CENTRAL HS	181
WAGONER	CENTRAL INTERMEDIATE ES	320
CHEYENNE	CHEYENNE ES	275
CLEVELAND	CLEVELAND INTERMEDIATE ES	372
COLCORD	COLCORD HS	194
BRISTOW	COLLINS ES	422
COPAN	COPAN ES	141
COPAN	COPAN HS	75

CORDELL	CORDELL ES	390
CORDELL	CORDELL JHS	157
COTTONWOOD	COTTONWOOD PUBLIC SCHOOL	180
CLAYTON	CRAIN ES	219
CROWDER	CROWDER ES	301
CROWDER	CROWDER HS	121
DAVENPORT	DAVENPORT ES	283
DAVIS	DAVIS MS	304
DEPEW	DEPEW ES	245
DURANT	DURANT INTERMEDIATE ES	769
DURANT	DURANT MS	495
HOLDENVILLE	ETHEL REED ES	401
EUFAULA	EUFAULA MS	276
VINITA	EWING HALSELL MS	311
FANSHAWE	FANSHAWE PUBLIC SCHOOL	89
FLETCHER	FLETCHER HS	116
FLOWER MOUND	FLOWER MOUND PUBLIC SCHOOL	345
FORT TOWSON	FORT TOWSON ES	155
FORT TOWSON	FORT TOWSON JHS	55
FOYIL	FOYIL ES	302

FOYIL	FOYIL HS	103
FOYIL	FOYIL JHS	110
FRINK-CHAMBERS	FRINK-CHAMBERS PUBLIC SCHOOL	453
GANS	GANS ES	274
GERONIMO	GERONIMO HS	85
GERONIMO	GERONIMO MS	50
GLENCOE	GLENCOE ES	236
GLOVER	GLOVER PUBLIC SCHOOL	76
CHICKASHA	GRAND AVENUE ES	526
GRAND VIEW	GRAND VIEW PUBLIC SCHOOL	574
GRANITE	GRANITE ES	154
GRANITE	GRANITE HS	81
GREASY	GREASY PUBLIC SCHOOL	73
HAILEYVILLE	HAILEYVILLE ES	205
HANNA	HANNA ES	63
HARMONY	HARMONY PUBLIC SCHOOL	235
HEALDTON	HEALDTON ES	234
HEALDTON	HEALDTON HS	169
HEALDTON	HEALDTON MS	96

HEAVENER	HEAVENER ES	640
HEAVENER	HEAVENER HS	350
HOBART	HOBART HS	210
HODGEN	HODGEN PUBLIC SCHOOL	262
HOMINY	HORACE MANN ES	223
HOWE	HOWE ES	403
HOWE	HOWE HS	215
HUGO	HUGO INTERMEDIATE	193
IDABEL	IDABEL MS	212
IDABEL	IDABEL PRIMARY SOUTH ES	280
INOLA	INOLA ES	596
JAY	JAY ES	596
JAY	JAY UPPER ES	256
JENNINGS	JENNINGS PUBLIC SCHOOL	215
KANSAS	KANSAS ES	379
KEOTA	KEOTA ES	300
KEOTA	KEOTA HS	110
KETCHUM	KETCHUM MS	115
KREBS	KREBS PUBLIC SCHOOL	442
KREMLIN- HILLSDALE	KREMLIN-HILLSDALE HS	87

LANE	LANE PUBLIC SCHOOL	273
LAVERNE	LAVERNE ES	353
LEEDEY	LEEDEY ES	168
LEEDEY	LEEDEY HS	64
LEXINGTON	LEXINGTON MS	229
LINDSAY	LINDSAY ES	676
LINDSAY	LINDSAY MS	246
LONE GROVE	LONE GROVE PRIMARY ES	423
MACOMB	MACOMB ES	200
MARIETTA	MARIETTA ES	571
MARIETTA	MARIETTA MS	209
MARLOW	MARLOW ES	738
MARLOW	MARLOW MS	314
MASON	MASON HS	82
MCLOUD	MCLOUD JHS	266
SENTINEL	MCMURRAY ES	228
MEEKER	MEEKER ES	394
MERRITT	MERRITT ES	638
MILBURN	MILBURN ES	181
MILBURN	MILBURN HS	41
MONROE	MONROE PUBLIC SCHOOL	106

MOUNTAIN VIEW-GOTEBO	MOUNTAIN VIEW-GOTEBO ES	168
MULDROW	MULDROW ES	504
MULDROW	MULDROW MS	394
NAVAJO	NAVAJO ES	296
NEW LIMA	NEW LIMA ES	235
DURANT	NORTHWEST HEIGHTS ES	622
OAKS-MISSION	OAKS-MISSION ES	137
OAKS-MISSION	OAKS-MISSION HS	86
ANTLERS	OBUCH MS	214
OKEENE	OKEENE ES	204
OKEMAH	OKEMAH MS	169
OKEMAH	OKEMAH NOBLE CTR	123
OKLAHOMA UNION	OKLAHOMA UNION ES	320
OKLAHOMA UNION	OKLAHOMA UNION HS	200
PANAMA	PANAMA ES	419
PANAMA	PANAMA HS	216
PIONEER	PIONEER PUBLIC SCHOOL	413
PLAINVIEW	PLAINVIEW INTERMEDIATE ES	327
PLAINVIEW	PLAINVIEW MS	366

POND CREEK-HUNTER	POND CREEK-HUNTER HS	83
POND CREEK-HUNTER	POND CREEK-HUNTER MS	106
POTEAU	POTEAU PRIMARY ES	684
POTEAU	POTEAU UPPER ES	551
PRAGUE	PRAGUE ES	508
GUYMON	PRAIRIE ES	200
PRESTON	PRESTON ES	386
PRUE	PRUE ES	233
PRUE	PRUE HS	97
RATTAN	RATTAN ES	289
RATTAN	RATTAN HS	138
RATTAN	RATTAN JHS	85
ROCK CREEK	ROCK CREEK ES	342
HARRAH	RUSSELL BABB ES	373
RYAN	RYAN ES	158
RYAN	RYAN HS	87
SALINA	SALINA ES	374
SALINA	SALINA HS	268
SALINA	SALINA MS	166
GUYMON	SALYER ES	128
SEILING	SEILING JR-SR HS (JR)	96

SEQUOYAH	SEQUOYAH ES	665
SHADY POINT	SHADY POINT PUBLIC SCHOOL	165
SOPER	SOPER ES	240
SOPER	SOPER HS	132
SPIRO	SPIRO ES	543
SPIRO	SPIRO HS	300
SPIRO	SPIRO MS	222
STERLING	STERLING ES	301
STERLING	STERLING HS	92
STIGLER	STIGLER ES	516
STIGLER	STIGLER HS	422
STIGLER	STIGLER MS	399
STRATFORD PUBLIC SCHOOLS	STRATFORD ES	305
STROTHER	STROTHER ES	288
STROTHER	STROTHER HS	137
STUART	STUART ES	169
STUART	STUART HS	117
TALIHINA	TALIHINA HS	199
TALIHINA	TALIHINA JHS	65
TANNEHILL	TANNEHILL PUBLIC SCHOOL	144
HOLDENVILLE	THOMAS IES	387

TURNER	TURNER ES	239
TUSKAHOMA	TUSKAHOMA PUBLIC SCHOOL	80
TUTTLE	TUTTLE ES	384
TWIN HILLS	TWIN HILLS PUBLIC SCHOOL	342
UNION CITY	UNION CITY ES	206
UNION CITY	UNION CITY HS	114
VALLIANT	VALLIANT HS	301
VALLIANT	VALLIANT MS	150
VANOSS	VANOSS ES	430
VELMA-ALMA	VELMA-ALMA ES	219
VIAN PUBLIC SCHOOLS	VIAN ES	485
VIAN PUBLIC SCHOOLS	VIAN MS	203
WAGONER	WAGONER MS	517
DURANT	WASHINGTON IRVING ES	668
WEBBERS FALLS	WEBBERS FALLS ES	203
WHITESBORO	WHITESBORO ES	144
WHITESBORO	WHITESBORO HS	84
TOTAL		
BURNS FLAT-DILL CITY	WILL ROGERS ES	460

WAGONER	WILLIAM R. TEAGUE ES	369
TOTAL		53,693

APPENDIX E

OKLAHOMA STATUTORY LANGUAGE ON CORPORAL PUNISHMENT

§70-6-113.1. Materials on effective classroom discipline techniques to be furnished.

The State Department of Education shall provide each local board of education materials dealing with effective classroom discipline techniques as an alternative to the use of corporal punishment.

Added by Laws 1989, 1st Ex.Sess., c. 2, § 38, emerg. eff. April 25, 1990.

§70-13-116. Corporal punishment prohibited on certain students.

A. School district personnel shall be prohibited from using corporal punishment on students identified with the most significant cognitive disabilities according to criteria established by the State Department of Education unless addressed in an annual individualized education program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA).

B. A waiver to the provisions of subsection A of this section shall be granted if the parent or legal guardian of a student provides written consent.

C. As used in this section, "corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping or any other physical force used as a means of discipline.

Added by Laws 2017, c. 222, § 1, eff. Nov. 1, 2017.

§70-24-100.4. School Safety and Bullying Prevention Act - Discipline of child - Prohibition of bullying at school and online – Policy requirements

D. Except concerning students on individualized education plans (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, the State Board of Education shall not have authority to prescribe student disciplinary policies for school districts or to proscribe corporal punishment in the public schools.

The State Board of Education shall not have authority to require school districts to file student disciplinary action reports more often than once each year and shall not use disciplinary action reports in determining a school district's or school site's eligibility for program assistance including competitive grants.



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