Chapter 2
Corporal Punishment Practice: Law, Trends, Perspective, and Research

In this chapter, selected state laws regarding corporal punishment practices will be addressed. Florida, Louisiana, Mississippi, and Texas were chosen because those states were either having frequent corporal punishment incidents, a larger portion of rural students, or rural ethnic minority students in its student population or showing considerable decrease on corporal punishment incidents over the years. State laws were found from the documents of U.S. Department of Education, research papers, and various reports on this issue. Trends of corporal punishment in schools were presented based on national reports and documents from the National Center for Education Statistics, reports, and data from the Office for Civil Rights (OCR). Perceptions of corporal punishment from multiple stakeholders, such as superintendent, school principals, teachers, psychologist, and social workers, school law specialist lawyers, students, and parents, were explored based on empirical research papers, dissertation and news articles. Perceptions of those stakeholders from across the states (e.g., Alabama, Florida, Tennessee, Mississippi, Missouri, and Texas) will be presented. Finally, a literature review of empirical studies on corporal punishment will be presented. There are very limited empirical studies on school corporal punishment policies, and many of them were examined in the international context rather than within the U.S. In this section, most research papers that were published since 2000 were presented, and research papers that were conducted both in the U.S. and other countries were examined. Research papers on school corporal punishment policies were addressed here considering analysis units, such as state, district, and school levels.

2.1 Current State Laws

Florida Florida is a state that has continuously reformed discipline policies and reduced the number of corporal punishment incidents in schools for the past years. According to the Florida Department of Education (2009), 84,495 students were

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physically punished in school during the 1987–1988, whereas 4869 students received corporal punishment during the 2007–2008 school year. While all school districts, except for one, used corporal punishment in 1987–1988, only 30 school districts remained with corporal punishment policies in the 2007–2008 school year (Florida Department of Education 2009). More recent data shows that the percentage of students who were physically punished varies across school districts. In the 2010–2011 school year, out of 78 school districts, 28 school districts allow corporal punishment, and the percentage of corporal punishment recipients ranged from 9.9 % to zero across school districts. Seven school districts administered corporal punishment to more than 4 % of students, and eight school districts physically punished to less than 1 % of students. In addition, K through 5th graders are more frequent corporal punishment recipients than 6th through 12th graders (Gagnon et al. 2014).

According to Florida statues, schools are not required to get consent from parents before administering corporal punishment, yet many Florida school districts send a form requesting parental permission. It is common for schools to use a wooden or fiberglass board for corporal punishment, but there are no specific regulations on the kinds of instruments used (O'Conner 2015).

K-12 Florida Compilation of School Discipline Laws and Regulations include procedures of corporal punishment practices (U.S. Department of Education 2015a). According to Code 1003.32:

> Corporal punishment of a public school student may only be administered by a teacher or school principal within guidelines of the school principal and according to district school board policy. Another adult must be present and must be informed in the student's presence of the reason for the punishment. Upon request, the teacher or school principal must provide the parent with a written explanation of the reason for the punishment and the name of the other adult who was present (U.S. Department of Education 2015a).

In addition, Code 1003.32 addresses that a district school board needs to have policy review to authorize the use of corporal punishment as a disciplinary purpose every 3 years. Teachers and other instructional personnel are authorized to manage student behaviours and maintain safety in classrooms and the school to ensure learning opportunities for all students in an orderly environment. Specific procedure of corporal punishment for a teacher was indicated. For example, teachers must have the approval from the principal before using corporal punishment, and a principal identifies the types of offenses for punishment and indicates authorized school personnel to administer the punishment. As mentioned clearly above, a teacher or principal implements corporal punishment while a witness is present. After the corporal punishment, a teacher or principal must provide parents with an explanation of why the student received corporal punishment in a written form with the name of the witness (U.S. Department of Education 2015a). Despite the importance of a witness, in reality, witnesses often do not know the reason for being requested to be present in the event, and why the student is being physically punished (Gagnon et al. 2014).

Louisiana Among 19 states with corporal punishment policies, Louisiana serves nearly half of ethnic minority students in rural enrollment and a relatively lower rate of corporal punishment incidents. Code 17:223 addresses corporal punishment policies in school:

> Each parish and city school board shall have discretion in the use of corporal punishment. In those cases in which a parish or city school board decides to use corporal punishment, each parish or city school board shall adopt such rules and regulations as it deems necessary to implement and control any form of corporal punishment in the schools in its district (U.S. Department of Education 2015b).

According to Louisiana Department of Education, there are 17 school districts where corporal punishment is banned and 54 parish school districts where corporal punishment is allowed. During the 2009–2010 school year, 80 % out of the 54 districts actually implemented corporal punishment, and 11,520 corporal punishment incidents were reported. Over the past years, around 1 % of students were physically punished in Louisiana public schools. During the 2011–2012, 2012–2013, and 2013–2014 school years, the number of corporal punishment in 42 school districts were observed as 4525 (1.4 %), 3761 (1.1 %) and 3852 (1.2 %), respectively, when student populations ranged from 315,000 to 320,000 (Timoll 2015). Louisiana had a movement to ban corporal punishment in public school. In 2008, the Louisiana Board of Elementary and Secondary Education voted to suggest banning corporal punishment in public schools, yet some school districts still continued to use corporal punishment as a form of discipline. In 2010, the Developmental Disabilities Council prepared an agenda to legislators to prohibit corporal punishment in the Louisiana public school system, and as a result, 14 of Louisiana's agencies that serve one third of student's population banned corporal punishment (Broussard 2014). Despite the continued efforts to ban corporal punishment, legal conflicts are still remained and excessive corporal punishment toward students has been issued in 21 Louisiana state courts (Broussard 2014).

Mississippi Mississippi has the largest number of school corporal punishment incidents among the 19 states. According to the Mississippi Department of Education, the number of corporal punishment incidents slightly decreased from 39,169 in 2004–2005 to 38,967 in 2012–2013. In the 2007–2008 school year, 58,343 incidents were recorded, which is the highest from 2004–2005 to 2012–2013. As of 2010–2011, 66 % of students attended schools where corporal punishment is available (Williams-Damond 2014).

Mississippi Code Section 37-11-57 addresses legal guidelines for school personnel about discipline practices including corporal punishment (U.S. Department of Education 2015c). Corporal punishment was defined as:

> The reasonable use of physical force or physical contact by a teacher, assistant teacher, principal or assistant principal, as may be necessary to maintain discipline, to enforce a school rule, for self-protection or for the protection of other students from disruptive students.

In addition, legal actions and responsibilities in regard with corporal punishment were addressed and it clearly indicates that corporal punishment is distinguished from negligence or child abuse:

> Corporal punishment administered in a reasonable manner, or any reasonable action to maintain control and discipline of students taken by a teacher, assistant teacher, principal or assistant principal acting within the scope of his employment or function and in accordance with any state or federal laws or rules or regulations of the State Board of Education or the local school board, does not constitute negligence or child abuse. No teacher, assistant teacher, principal or assistant principal so acting shall be held liable in a suit for civil damages alleged to have been suffered by a student as a result of the administration of corporal punishment, or the taking of action to maintain control and discipline of a student, unless the court determines that the teacher, assistant teacher, principal or assistant principal acted in bad faith or with malicious purpose or in a manner exhibiting a wanton and willful disregard of human rights or safety (U.S. Department of Education 2015c).

School district policies address more specific regulations about how to implement corporal punishment. For example, corporal punishment should be used after other disciplinary methods failed to improve students' behaviours; it should be implemented in a reasonable, not malicious manner; it may be implemented by the principal while a witness (e.g., teachers or administrative staff) is present; its use in front of other students should be avoided; and other disciplinary methods (e.g., conference with parents or loss of students' privileges) can be implemented when the student refuses to receive corporal punishment (Wilson 2003). In addition, Mississippi state law also indicates a specific manner of corporal punishment practice that is administered by parents at school.

> In the event that a parent is requested to appear at the school to administer corporal punishment to a child in his or her legal custody that parent must administer such corporal punishment at the school facility under the supervision of the principal or assistant principal of the school (U.S. Department of Education 2015c).

Although corporal punishment practices have potential legal conflicts among stakeholders, Mississippi, where the most frequent corporal punishment incidents occurred, has only four state court decisions on this issue. It might imply that Mississippi state laws protect school personnel by clearly indicating the scope and manner of corporal punishment practices (Williams-Damond 2014).

Texas Texas is a state that serves the largest number of rural students and the second largest number of rural ethnic minority students among 19 states. In addition, Texas has the second largest number of school corporal punishment recipients and the largest number of corporal punishment incidents against special education students (The Civil Rights Data Collection 2011–2012, n.d.).

In the 2010–2011 school year, about 82 % of school districts in Texas implemented corporal punishment as a discipline purpose and approximately 60 % of students in Texas attended schools where corporal punishment was practiced. Most Texas school districts have corporal punishment policies based on the school board policies that were provided by the Texas Association of School Boards (TASB) (Phillips 2012). There are some factors associated with corporal punishment

recipients: location, size of district and race. Rural students are more likely to be physically punished than those in urban students. For the 2011–2012 school year, 0.89 % of urban students received corporal punishment, whereas 3.90 % of rural students received corporal punishment. In addition, on average, districts with less than a 2000 student population are more likely to permit corporal punishment, whereas districts with closer to a 15,000 student population are less likely to permit corporal punishment at school. More African American students tended to receive corporal punishment than White students, and more White students tended to receive corporal punishment than Hispanic students (Prejean 2015).

Individual school district also sets their own discipline rules. For example, corporal punishment is applied to only secondary schools and not elementary school; the corporal punishment administrator needs be the same sex as the recipient; corporal punishment can be substituted for other discipline methods including Saturday school, in-school suspension or detention; and corporal punishment can be applied to specific types of misbehaviours, such as absence, smoking, insubordination, horseplay, being out of class without permission, or teasing (Farrell 2015).

Below are the laws and regulations regarding corporal punishment in Texas (U. S. Department of Education 2015d). Under Texas Education Code Sect. 37.0011, corporal punishment is defined as "the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline," and excludes "physical pain caused by reasonable physical activities associated with athletic training, competition, or physical education," and "the use of restraint as authorized under Sect. 37.0021." In addition, detailed guidelines were addressed to adequately implement corporal punishment:

> … a district educator may use corporal punishment to discipline a student unless the student's parent or guardian or other person having lawful control over the student has previously provided a written, signed statement prohibiting the use of corporal punishment as a method of student discipline.To prohibit the use of corporal punishment as a method of student discipline, each school year a student's parent or guardian or other person having lawful control over the student must provide a separate written, signed statement to the board of trustees of the school district in the manner established by the board.
>
> The student's parent or guardian or other person having lawful control over the student may revoke the statement provided to the board of trustees under Subsection (c) at any time during the school year by submitting a written, signed revocation to the board in the manner established by the board (U.S. Department of Education 2015d).

2.2 Trends

As of 2016, 19 states permit schools to administer corporal punishment. According to data from the Office for Civil Rights (OCR), a total of 218,466 students were physically punished in school during the 2009–2010 school year. This number is counted as 0.5 % of students out of the total public school student population, or

five students per 1000 students (Gershoff et al. 2015). Corporal punishment incidents continuously decreased over the past year. The OCR data showed that 342,038 students received corporal punishment at least once in school during the 2000–2001; 272,028 students received corporal punishment in 2004–2005; and 223,190 students were physically punished in the 2006–2007 school year (Human Rights Watch 2008). Although the number of corporal punishment recipients has deceased, there are still a considerable number of students who are physically punished in school. Furthermore, the number of such incidents is assumed greater because the same students tend to repeatedly receive corporal punishment.

While state laws permit corporal punishment in schools, school districts have the right to choose whether or not to adopt corporal punishment policies as a discipline method. Even if schools have corporal punishment policies, school personnel have the choice not to use it. Nationally representative data sets showed a decrease in the number of public schools that adopted corporal punishment policies over the past years. During the 1991–1992 school year, about 30 % of the U.S. public schools used corporal punishment, whereas about 8 % of public schools used corporal punishment during the 2009–2010 school year (National Center for Education Statistics 2010). During the 2009–2010 school year, about 11.6 % of public schools had corporal punishment and only 8.1 % of schools administered corporal punishment. In the 2007–2008 school year, corporal punishment was allowed in 12 % of public schools, and it was actually used in 9 % of public schools. During the 2005–2006 school year, 15 % of public schools allowed corporal punishment, and 11 % of public schools used it. During the 2003–2004 school year, 17 % of public schools allowed corporal punishment, and 12 % of public schools used it (National Center for Education Statistics 2015). This trend is presented in Fig. 2.1.

The frequency and decrease of corporal punishment incidents differ by state, which means that some states use corporal punishment more often than others. For example, Mississippi, Texas, Alabama and Arkansas use corporal punishment more often than other states, whereas Idaho, Kansas, and Wyoming use less corporal punishment in school (National Center for Education Statistics 2015).

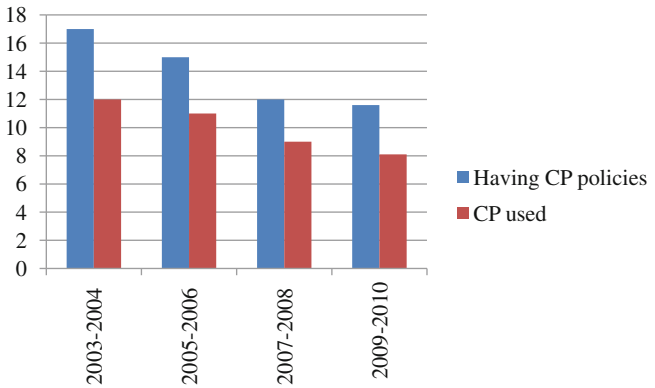


Fig. 2.1 Percentage of public schools with corporal punishment and the its usage

In Florida's case, considerable decreases in the number of school districts using corporal punishment and number of corporal punishment recipients are observed. In the 1987–1988 school year, all school districts except one administered corporal punishment, and after 20 years, only 30 school districts used corporal punishment in the 2007–2008 school year. A total of 84,495 students received corporal punishment in 1987–1988, whereas 4896 students received corporal punishment in 2007–2008 (Florida Department of Education 2009).

Analyzing SSOCS data from 1999–2000 to 2007–2008, the trends of corporal punishment policies in public schools will be further addressed in Chap. 3 by comparing school characteristics (e.g., percentage of ethnic minority students, special education students, limited English Proficient students and underachievers).

2.3 Debates on Corporal Punishment Practices: Perspectives from School Staff, Students and Parents

School corporal punishment is differently viewed and assessed from multiple stakeholders. School administrators and parents' perspectives on school corporal punishment appeared in many studies and articles, yet teachers' and students' opinions were reported in very limited articles. Teachers' perceptions on corporal punishment were revealed in many empirical studies in the international context rather than in the U.S.'s context. In this section, perceptions of stakeholders were gathered from academic journals, doctoral dissertations and news articles.

Some school principals believe that corporal punishment is an effective discipline practice when correctly used. Without getting angry, a principal should explain to the student about their misbehaviour before and after the punishment. School principals also believe that students prefer corporal punishment than other discipline. When principals allow students to choose a discipline method for their misbehaviour (e.g., suspension, parent monitor during the school day, or night school), a majority of students choose corporal punishment (Lyman 2006). Along with school principals' belief on the effectiveness of corporal punishment, school staff's own experience being physically punished as a child, religion, political and cultural factors are related to using corporal punishment. Survey results of 387 school personnel (e.g., principals, teachers, psychologist, and social workers) in Pennsylvania, Texas and New Jersey showed perception of corporal punishment practices. People who work in states, where corporal punishment is legal, tend to believe corporal punishment is effective and people with authoritarian traits are more likely to support and use corporal punishment (Bogacki et al. 2005). In Florida where corporal punishment is permitted, survey results from 200 teachers revealed that 70 % of the respondents approved of teachers' use of corporal punishment toward students, and 42.5 % of them strongly agreed to its use (Kenny 2004). In addition, they shared the benefits and convenient reasons for administrators to choose corporal punishment as a disciplinary method. Corporal punishment tends to be more frequently used by school

personnel, because it is easy to implement, fast to stop the misbehaviour and does not require a cost to train school personnel to implement. In addition, religious and cultural beliefs influence school personnel's perceptions that corporal punishment is a necessary and beneficial discipline method (Dupper and Dingus 2008; Human Rights Watch 2008; Roy 2001; Wilson 2002). Corporal punishment is strongly supported, especially by fundamentalist Protestants. People who interpret the Bible literally encourage parents to implement physical discipline to children and justify it (Dupper and Dingus 2008). Thus, using corporal punishment in the home and school is common for individuals and communities who hold such beliefs. Considering the fact that about 76 % of adults in the South are Christians and 34 % of those people are Evangelical Protestant (Pew Research Center 2016), more prevalent corporal punishment practice in the Southern regions is not surprising. Such religious impact in the South is considerable not only to individuals but also communities, politics and public policies including corporal punishment in school and criminal sentencing (Borg 1997; Ellison et al. 2003). In addition, the South is associated with a culture of violence. Southern regions have higher rates of homicide and violent crime than other regions in the U.S., and such prevalent violence in the South is related to rates of high poverty, inequality, subculture of violence, and fundamental Protestantism (Ellison et al. 2003). As the Southern culture of violence has served as a theory and a perspective in homicide research for a long time, many empirical studies examined the associated factors with Southern violence. The relationship between the South and specific type of homicide (i.e, argument homicide) was found based on data analyses from 141 cities in U.S. in 1980, 1990 and 2000 year. According to this study, cities with a greater percentage of Southern-born residents tend to have more argument homicides (Ousey and Lee 2010). Another study showed the religious impact on Southern violence. Researchers found that a positive relationship between homicide rates and percent of conservative Protestants in Southern metropolitan statistical areas, after controlling for relevant factors, such as proportion of ethnic minority, poverty rates, and percentage of young males (Ellison et al. 2003). Likewise, perception and support of corporal punishment are linked with cultural and religious factors and school corporal punishment policies are inevitably influenced by such communities.

School staff members' own experience with physical punishments as children is also a relevant factor with using corporal punishment. In a study based on data from 176 teachers in Alabama, it showed that 84 % of participated teachers experienced corporal punishment as children, and nearly half of those teachers (48 %) were elementary school teachers. While there were no significant differences in the beliefs regarding corporal punishment within constructs of culture, law, religion, and effectiveness by a teacher's education level (e.g., bachelor degree vs. master degree), there were significant differences in constructs among teachers' experiences of corporal punishment as children. That is, teachers who experienced corporal punishment as children are more likely to believe in the cultural, legal and religious impact on using corporal punishment as well as the effectiveness of corporal punishment than teachers who did not experience corporal punishment. In addition, elementary school teachers were more likely to disagree with the

statement "corporal punishment is child abuse" than middle school teachers, and more likely to believe the effectiveness of corporal punishment than middle school teachers. Teacher's age and teaching year also showed difference in belief of the effectiveness of corporal punishment. Teacher ages 41 to 50 and teaching years of six to more than 24 years tended to believe in the effectiveness of corporal punishment than those who were younger or had less years of teaching (Wong 2010).

Educators in Tennessee showed that, in general, school personnel agreed that students' behaviours improve and discipline practices are effective when corporal punishment is available. Data from 292 teachers and administrators showed that a majority of the respondents (76.5 %) supported the use of corporal punishment in their schools, and 81.1 % of the respondents disagreed with the statement "The use of CP is useless and must not be allowed in schools." In addition, the respondents disagreed with the negative impact of corporal punishment on; student academic achievement (70.2 %); trust between students and school personnel (59.6 %); and school attendance (63.7 %). In addition, 71 % of the respondents perceived students' behaviours improved when they received corporal punishment, and 53 % of the respondents perceived that corporal punishment corrected their own behaviours when they were children. Interestingly, those perceptions differ by the school personnel's characteristics. White and male school personnel tended to support corporal punishment more than nonwhite and female school personnel (Jones 2009). Another study in West Tennessee showed that 20 elementary school principals in a suburban school district tend not to use corporal punishment, yet they perceive it as favorable (Garten 2008). In addition, this study found no statistical differences between principals' demographics and use of corporal punishment as well as number of office referrals between schools with corporal punishment and schools with no corporal punishment (Garten 2008).

A qualitative study showed different perceptions of corporal punishment policies among superintendents, Missouri professional teacher organization and school law specialist lawyers in Missouri. The participating superintendents who serve in (mostly rural) school districts with corporal punishment policies perceived that corporal punishment is not intended to beat and harm students, but get a student's attention and teach students to take responsibility for their behaviour. While the superintendents believed corporal punishment is an effective discipline method (at least for some students), they preferred schools not to use corporal punishment because of potential liability and lawsuit. In addition, they differentiated between corporal punishment and child abuse in terms of whether anger was involved and its extremity in discipline practices. One of the participating superintendents mentioned that banning corporal punishment in Missouri is more likely to be a federal-level issue:

> I think Missouri's stance is going to be based on a federal stance. If the federal government makes a big push on getting corporal punishment out of schools then Missouri will be forced to follow suit. However, if the decision on corporal punishment is left for the state to decide, I believe Missouri would keep it (Humble 2013).

Although the Tenth Amendment to the U.S. Constitution ensures individual states (rather than federal government) have the authority to administer schools (Slate et al. 1991), this statement from the participating superintendents implies that corporal punishment in public schools could not be banned in the near future in Missouri.

On the other hand, some superintendents in urban areas recognize the positive impact of corporal punishment in certain situations while also recognizing the potential of banning corporal punishment in Missouri. Superintendents who serve in (mostly urban) school districts with no corporal punishment policies perceived that corporal punishment is effective for certain students and in certain situation, and the only reason for its effectiveness is because of the "fear factor." The superintendents perceived that discipline using corporal punishment is effective only if parents trust the school system, and the decision to use corporal punishment should be left to the parents. About banning corporal punishment in Missouri, they were concerned with conservative and religious factors, but believed corporal punishment policies will eventually be banned with sufficient legislative power from large cities (Humble 2013). Along with mixed perspectives among superintendents, other associations and professionals also have mixed views on banning corporal punishment. The Missouri Professional Teacher Organization believes that whether or not to use corporal punishment policies depends on the school district. From the Missouri Professional Teacher Organization's view, prohibiting corporal punishment in Missouri will not happen, because it is a local control issue. From school law specialist lawyers' perspective, the frequency of corporal punishment will decrease, but corporal punishment policies will still remain in Missouri public schools because of political issues (Humble 2013). According to the interview results, banning corporal punishment policies in the Missouri public schools seem pessimistic because of the political impact and the majority's religious/cultural beliefs.

Principals' experience of being physically punished as children, perception of corporal punishment policies and their schools' location might be related to the actual use of corporal punishment in schools. A study based on data from 131 administrators in Mississippi showed that more than 42 % of the respondents currently administer corporal punishment in school. In addition, more than 74 % of the participated administrators reported being physically punished as children, and more than 86 % of the participants attended schools in Southeastern states. Administrators who use corporal punishment believe that teachers and society support corporal punishment as discipline purpose (Wilson 2003). Another interview result from 27 administrators in Florida showed that more than half of the participants agreed with the use of corporal punishment. Most of them grew up in communities where corporal punishment was common and shared the same religious and cultural beliefs. While they perceived that corporal punishment is not abuse and it is effective on discontinuing misbehaviours, they were concerned with potential legal conflicts with parents for misused punishments (Gagnon et al. 2014). Studies showed that administrators' experience of corporal punishment as children might lead to support of corporal punishment yet such trends do not appear in some cases. For example, an administrator who received physical corporal punishment as a student but does not use corporal punishment in her school. In her case, she

received corporal punishment because of unintentionally failing to follow directions as a student, and the corporal punishment caused her long-lasting serious injuries (Phillips 2012).

While some school personnel tend to support corporal punishment, school districts face challenges to implement corporal punishment. School districts in states where corporal punishment is allowed have struggled with legal actions from parents. Even though schools obtain parents' written permission to use corporal punishment on their children, parents do not agree with the inadequate manner and excessiveness of corporal punishment practices, threatening with corporal punishment and implementation of corporal punishment by personnel of opposite sex.

Florida is a state where corporal punishment is legal in schools, yet recently Santa Rosa County School District decided to discontinue using corporal punishment to protect school personnel from parents' legal action. Although schools require parents to give consent for applying corporal punishment to their children before its implementation, parents can file complaints for their children's physical injury caused by the punishment (Klein 2014). In addition, parents consider filing complaints for teachers' threats of implementing corporal punishment to students because the threat itself is established as a harassment, according to the Alabama State Department policy on education and bullying (Klein 2013).

As mentioned earlier, even though the state law allows corporal punishment in schools, school districts can make the decision of whether to adopt corporal punishment policies or not, and discipline practices should be implemented in accordance with school district policies. For example, in South Carolina, a middle school teacher spanked a student because the student had poor academic achievement and failed to follow directions (e.g., talking out of turn and missing a question). Because of the spank, the teacher was accused of assault and battery charges because the school district banned any form of physical force or punishment for disciplinary purposes, though corporal punishment is legal in South Carolina (Wylie 2012).

In Texas, female high school students suffered bruises from being hit with paddles by a male assistant principal. Parents complained of not only the physical punishment, but also for the fact that the administrator was not the same sex as the student, which was against the school policy. Despite parents' complaints, the school district expanded its policy to allow school personnel to physically punish students of the opposite sex, because there are a limited number of female administrators. Parents became concerned that male administrators would use too much force and that such a circumstance might send a wrong message to male students that hitting a girl is acceptable. The Texas Education agency addresses that schools can use corporal punishment unless parents forbidden it in writing and request limit of corporal punishment (e.g., one swat per semester) or alternative punishments (e.g., detention or suspension). This policy does not address gender issues between the administrator and the recipient of corporal punishment nor the recipient's minimum or maximum age. State Rep. Alma Allen asserted that "Parents can choose whether to spank their children at home," but "When you send a child to school, it should be a place to be motivated—not a place to be beaten." (Brown 2012).

Students' reactions to corporal punishment vary. A study revealed the effectiveness of corporal punishment from students' perspective. Data from 162 students in a public school in a rural area in Mississippi (Smith 2015) found that 42 % of the students agreed or strongly agreed that their behaviours changed and they decided not to commit inappropriate behaviours again after receiving corporate punishment. However, 61 % of the participating students preferred other forms of discipline after receiving corporal punishment. Such perceptions of corporal punishment did not differ by student's race, socioeconomic status measured by lunch status, gender, educational level (elementary vs. middle school), and whether or not they experience corporal punishment at home (Smith 2015). Another research showed that some students prefer to receive corporal punishment because it ends faster with no negative consequences. Although there are alternatives (e.g., out-of-school suspension), students tend to choose corporal punishment because those are counted as absences and negatively impact academic achievement. Other students refuse and resist to receive corporal punishment and in that case, administrators have the parents involved in the discipline (Gagnon et al. 2014). On the other hand, some students feel that corporal punishment is often practiced for relatively minor rule violations (e.g., throwing a thing to peer or failing school work) rather than intimidating school order or safety (Center for Effective Discipline 2015).

Excessive use of force and severe physical harm from corporal punishment lead to parents' complaint and police involvement. Parents became against corporal punishment policies when it caused severe injuries to their child, even if parents gave permission to school. Parents expected improved behaviours through corporal punishment not being beaten by school staff (Lyman 2006). Parents argue that when the parents harm their own children, they take legal responsibility for their actions. Thus, it should definitely also be the case for school personnel when school staff caused physical harm to students (Center for Effective Discipline 2015). Parents having a child with disabilities have more challenges because physical disciplines are more frequently and excessively used toward students with disabilities. When corporal punishment caused injuries to their child, parents became distrustful school personnel and felt guilty for allowing the physical abuse to happen to their children (Human Rights Watch 2009).

Some school teachers, principals, and church leaders also revealed a disagreement in the effectiveness of corporal punishment. They asserted that corporal punishment encourages students to repeat the same misbehaviour; promote violent environment; cause humiliation and harm individual's dignity; and damage the relationship with teachers (Gundersen National Child Protection Training Center 2015).

In summary, principals' demographic characteristics (e.g., age, gender, educational level, and teaching years) and experience of being physically punished as children were observed as predictors of supporter and/or user of corporal punishment, though there are some mixed results. While some administrators perceived that corporal punishment is effective when the process and manner are adequate, at the same time they were concerned about potential legal conflicts caused by corporal punishment practices. Legal issues that were commonly involved in conflicts included physical injury, excessive force, inadequate process and threatening with

corporal punishment, which are against school policies. School personnel seem to less likely to reconsider corporal punishment policies from human right perspectives. The main reason for them to discourage using corporal punishment is more likely to protect school personnel from legal responsibilities. In addition, although parents allow schools to use corporal punishment on their children, they become seriously involved in whether school personnel correctly followed school policy. Some students prefer to receive corporal punishment than other discipline practices, because there is no impact on attendance and academic achievement. Some of these students even perceive their behaviours to have improved, while others perceive that corporal punishment is excessively and unfairly implemented for their misbehaviours.

2.4 A Review of Empirical Studies on Corporal Punishment

While many researchers have examined corporal punishment in the home context, very few studies on corporal punishment in schools have been conducted to date. In particular, empirical studies on school corporal punishment are very limited (Gershoff et al. 2015; Han 2011; McClure and May 2008; Owen and Wagner 2006). Most of the previous studies are conceptual papers (Andero and Stewart 2002; Dupper and Dingus 2008; Harber 2002), legal studies (Farmer and Stinson 2009/2010; McCarthy 2005; Roy 2001), historical studies (Rousmaniere 2013; Middleton 2008), literature reviews (Gershoff 2008; Northington 2007; Paolucci and Violato 2004), and theses or dissertations (Broussard 2014; Hanger 2009; Judkins 2007; Phillips 2012). Some studies address perceptions of school administrators and/or teachers on corporal punishment (Billings and Enger 1995; B, Brown 2009; M, Brown, 2009; Hanger 2009), yet school and contextual factors were little examined. In addition, more studies on school corporal punishment were found in the international context (Alyahri and Goodman 2008; B, Brown 2009; Feinstein and Mwahombela 2010; Hecker et al. 2014; Mamatey, 2010; Tafa 2002; Youssef et al. 1998) than U.S. context. Below I presented empirical studies on corporal punishment indicating the unit of analysis, such as state level, school district or school level, or individual level (e.g., school administrator). Given the limited empirical studies, I included studies conducted both in the U.S. and from other countries.

Researchers have analyzed state data and found that socioeconomic strain, social capital, poverty, resident's education level, school expenditure, children population, and religious factors are significant predictors of corporal punishment both in terms of likelihood of use and frequency of corporal punishment. Gershoff et al. (2015) examined state-level factors associated with school corporal punishment based on the data from the Kids Count Data Center and the U.S. Census Bureau. As result, nine factors out of fifteen were observed as associated factors. For example, states with a higher percentages of children in the population, a higher percentage of

children in poverty, a higher rate of child death, more adults without high school diplomas and being in a southern area are associated factors with an increased likelihood to have school corporal punishment policies. On the other hand, states with more adults with college education and a higher level of pupil expenditure in public schools are less likely to have school corporal punishment policies (Gershoff et al. 2015). Another state-level study based on multiple data sets (e.g., the 2000 Elementary and Secondary School Survey, the 2000 United States Census, and the American Religion Data Archive) showed that rates of evangelical Protestant religious adherents and social capital are closely related to the rate of corporal punishment practices in schools. In addition, evangelical religious adherents are negatively related to social capital, which is measured as level of involvement in civic and political activities, local organizations, community projects and various associations (Owen and Wagner 2006). Another interesting state-level study showed that frequent student death caused by school shootings occurred more in states where corporal punishment is permitted than in states where corporal punishment is banned, after controlling for poverty level and religious factors (Arcus 2002). Another study also showed similar findings. Analyzing national data, researchers found that a higher level of socioeconomic strain and a lower level of social capital are significant predictors of both the likelihood of using corporal punishment and the rate of corporal punishment practices (McClure and May 2008).

Common focuses of school-level studies include the frequency of corporal punishment and perception of school staff members, and few studies directly assess the effect of school corporal punishment on students' outcomes, such as academic achievement and problem behaviours. Although some studies demonstrated that corporal punishment by the parents (or caregiver) has negative impacts on a child's cognitive development, school performance and emotional problems (Alyahri and Goodman 2008; Flynn 1999; Straus 2009; Straus and Kantor 1994), surprisingly very limited studies directly assess such impacts in the school context. Below I present empirical studies on school corporal punishment in the U.S. as well as other countries.

Little and Akin-Little (2008)'s study showed the results of a survey with 149 teachers in the Midwest, South and Southwest focusing on teachers' classroom management (e.g., classroom rules, responses to appropriate behaviours and class disruption). Descriptive statistics showed frequency of corporal punishment and teachers' perceptions of its effectiveness. Approximately 10 % of the participating teachers responded that they used corporal punishment for students' repeated problem behaviours. In addition, teachers indicated that corporal punishment is the least effective one out of six forms of disciplinary methods (Little and Akin-Little 2008). Considering school demographic characteristics and crime prevention policies, Han (2011) examined predictors of school corporal punishment. Analyzing data of 362 public schools in the U.S., she found the relationships among school safety efforts, percentages of disadvantaged students, and corporal punishment practices. The findings showed that there are fewer possibilities to use corporal punishment in schools that offer various crime prevention programs for students and teachers. When schools provide various crime prevention programs to students (e.g., counseling, mentoring, and behaviour modification intervention),

those schools are less likely to use corporal punishment. Schools that provide multiple types of teacher training programs (e.g., classroom management, positive behavioural intervention strategies and school-wide discipline policies and practices) are less likely to use corporal punishment. In addition, schools that serve more ethnic minority students and more special education students are 2.1 times and 1.8 times more likely to use corporal punishment, even after controlling for problem behaviours and school factors. In results, schools with a lack of resources and more disadvantaged students tend to use more corporal punishment than schools with more resources and fewer disadvantaged students (Han 2011).

Empirical studies outside the U.S. have also explored the effectiveness of corporal punishment and perceptions of teachers and students. A survey data from 110 teachers in South Korea revealed that a majority of middle and high school teachers supported corporal punishment (77.3 and 67.7 %, respectively). However, middle school teachers who supported corporal punishment indicated that students' problem behaviours became worse compared to the past (82.4 %). In addition, 78.7 % of teachers perceived that students were less respectful to teachers (B, Brown 2009). Youssef et al. (1998) analyzed data of 2170 middle and high school students in Egypt to examine frequency of and predictors of corporal punishment. More than 60 % of students were physically punished and male students were more frequently punished than female students (79.96 % vs. 61.53 %). Physical injury also more commonly happened to male than female students (26.45 % vs. 18.45 %), and middle school students were more likely to be physically punished than high school students (60.40 % vs. 39.60 %). In addition, undesirable behaviours (e.g., telling lies, classroom disruptions, disobedient, disrespectful acts to teachers, and verbal aggression to peers) and poor achievement were found as significant predictors of corporal punishment (Youssef et al. 1998).

Feinstein and Mwahombela (2010) collected data from 254 teachers and 194 students in Tanzania to examine corporal punishment practices in school. The results showed that teachers administered corporal punishment for students' misbehaviours, tardiness, school work, and dirty in appearance. About 75 % of teachers responded that they used corporal punishment at least once and most common forms of corporal punishment were hitting with stick and physical labor. Not only the corporal punishment recipients, but their peers also feel sadness and embarrassment when observing corporal punishment practices. Teachers reported that corporal punishment immediately deterred students' misbehaviours, but it was not effective in the long run. Participating teachers suggested not inflicting physical pain but assigning unpleasant activities (e.g., physical labor and counseling) as alternative discipline methods instead (Feinstein and Mwahombela 2010).

In summary, corporal punishment is related to students' school performance, being male, and middle school level. In addition, lack of school resources (e.g., crime prevention practices) and larger percentages of ethnic minority students and special education students are significant predictors of corporal punishment practice. Children population, education level, socioeconomic strain, level of social capital, religious factors, and a southern location were also related state-level factors of the use and frequency of corporal punishment.

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