



## FACT OR FICTION: CORPORAL PUNISHMENT IN NORTH CAROLINA PUBLIC SCHOOLS

Each school day in North Carolina, students are hit by school personnel. Or are they? No one knows for sure, because the State Board of Education has decided not to monitor corporal punishment in the public schools.

African-American students receive a disproportionate share of corporal punishment. Or do they? No one knows for sure, because the State Board of Education has decided not to monitor corporal punishment in the public schools.

In violation of federal law, children in special education receive corporal punishment. Or do they? No one knows for sure, because the State Board of Education has decided not to monitor corporal punishment in the public schools.

Local school district policies regarding corporal punishment vary greatly. No one knows how greatly, because the State Board of Education has decided not to collect them.

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Let's suppose that your 8-year-old just returned from playing at a neighbor's, and gave you a note saying: "Your daughter started acting out a bit, so I had to slap her a few times. I hope you don't mind." You would likely be furious, and many of you would consider suing your neighbor.

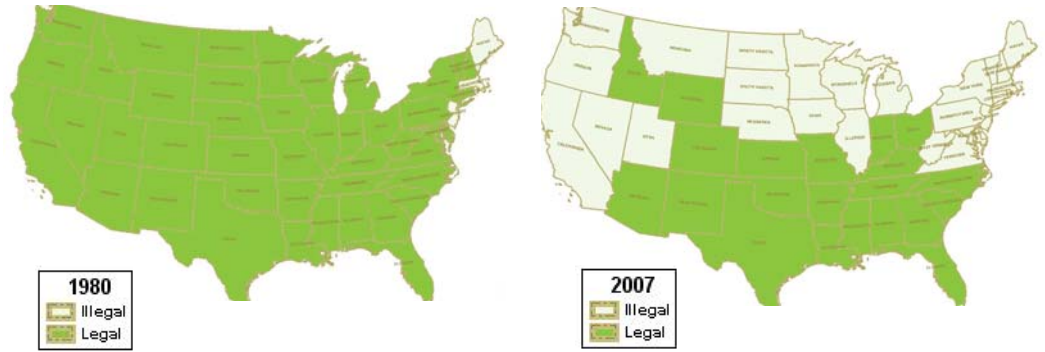
Now let's suppose that your daughter brought home essentially the same note, only this time from school. You might be upset, but you couldn't take legal action. That is because North Carolina remains one of the decreasing number of states that not only allows corporal punishment to take place in public schools, but also grants immunity from prosecution to school personnel who practice it.

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Consider this:

- ★ The U.S. and Australia are the only developed countries that allow corporal punishment in public schools.
- ★ Most developing countries—from Angola to Zimbabwe, from Malawi to Mongolia, from Turkey to Turkmenistan—have banned corporal punishment.
- ★ Twenty-nine states in the U.S. and all but one in Australia have passed bans.
- ★ Schools are the only institution in which corporal punishment remains legal. It has been banned in jails, prisons, youth development centers, mental institutions, child care centers, foster care homes, etc.
- ★ Studies show that corporal punishment negatively affects the social, psychological and educational development of students, promotes pro-violence attitudes in youth, may contribute to the cycle of child abuse and does not produce long-lasting changes in behavior.<sup>1,2</sup>
- ★ Newer approaches to influencing student behaviors—including the Positive Behavioral Support Program adopted by the N.C. Department of Public Instruction and currently in the process of being implemented statewide—are proving to be far more effective in decreasing school discipline issues.

WHERE DOES THE U.S. STAND ON CORPORAL PUNISHMENT?



Since 1980, more than half of the states have banned corporal punishment. When will North Carolina join this group?

WHERE DOES NORTH CAROLINA STAND ON CORPORAL PUNISHMENT?

In 2007, the N.C. House considered a bill to ban corporal punishment in the public schools. It failed by 16 votes (the closest a ban has ever come in our state), but nevertheless a defeat of the proposal. Under General Assembly rules, a bill to ban corporal punishment cannot be resubmitted until 2009.

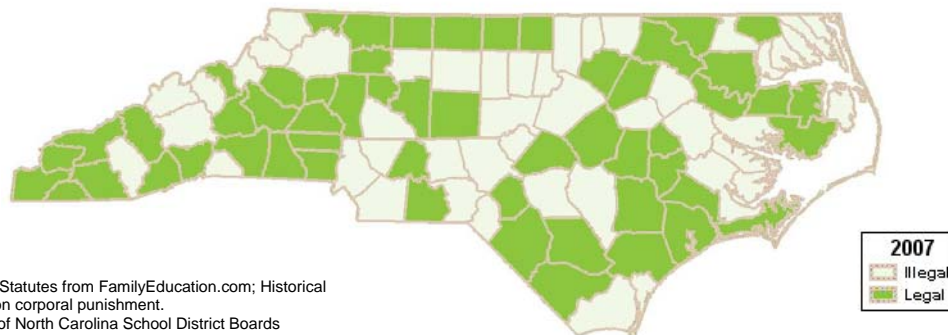
Aside from the warden who gives the final go-ahead to the administration of a lethal injection, the immunity granted to school personnel who hit students is perhaps the most awesome authority given to public officials in our state. One would hope that this authority would be matched by an equally awesome responsibility to assure that corporal punishment is practiced within safeguards. Sadly and disturbingly, this does not seem to be the case in North Carolina.

For example, the State Board of Education does not monitor corporal punishment in the public schools: local boards are not required to file their corporal punishment policies, nor are they required to report incidents of corporal punishment. Thus, no one knows if local school districts are following the minimum statutory requirements, nor what additional policies individual local boards have put in place. In fact, during the debate on the proposed legislation in 2007, it became evident that it is not known how many local boards have banned the practice.

After the 2007 legislative session, the State Board responded to Action for Children's written request for information regarding corporal punishment by saying simply that "corporal punishment is a local issue." Further written requests to individual State Board members did not generate any response.

Absent the State Board's monitoring of corporal punishment, students at the University of North Carolina at Chapel Hill's School of Social Work took on the task of surveying all 115 local school districts. Action for Children analyzed the survey results, which are abstracted on the following pages.

*"When I was in school, I was beaten like a rented mule, and it did me good." —Rep. Ronnie Sutton, Robeson County, spoken on the N.C. House Floor while leading the effort to allow corporal punishment in public schools.*



Source for US Data: Corporal Punishment Statutes from FamilyEducation.com; Historical data based on statutes enacted by states on corporal punishment. Source for NC Data: Administrative Policy of North Carolina School District Boards

**THE STATUTORY BASIS**

North Carolina Statute 115C-391 grants authority to local boards of education to adopt policies regarding corporal punishment. If a local board decides to permit corporal punishment, just four conditions are required. In shortened form, these are:

- ★ Other students may not be present.
- ★ The student body shall be informed what types of misconduct might result in corporal punishment.
- ★ Only a teacher, substitute teacher, principal or assistant principal may administer corporal punishment, and another such person must be present.
- ★ After the fact, the student’s parent/guardian shall be informed that corporal punishment has been administered.

The statute also provides immunity to school personnel who administer corporal punishment.

- ★ Sixty districts permit corporal punishment.
- ★ Fifty-five districts ban corporal punishment.
- ★ Of the 55 with bans, the policies published by five districts do not include explicit bans. However, they include language indicating that corporal punishment is “highly discouraged.” In addition, these policies do not include the four conditions required by state law (see text box above). Thus, it is assumed that a ban is effectively in place. If corporal punishment is indeed practiced, then these districts are in violation of state law.
- ★ It is noteworthy that the most populous school districts have banned corporal punishment. Thus, between 70-80 percent of public school students are not subject to corporal punishment.

**HOW MANY OF  
THE 115 LOCAL  
SCHOOL  
DISTRICTS  
PERMIT  
CORPORAL  
PUNISHMENT?**

**Local Districts That Permit Corporal Punishment**

**Local Districts That Prohibit Corporal Punishment**

Alexander	Graham	Northampton
Allegheny	Greene	Onslow
Anson	Halifax	Pender
Bertie	Harnett	Person
Bladen	Haywood	Randolph
Burke	Hoke	* Roanoke Rapids
Caldwell	Hyde	Robeson
Carteret	Iredell-Statesville	Rockingham
Caswell	Mooresville	Rutherford
Catawba	Johnston	Stanly
Cherokee	Jones	Stokes
Clay	Lenoir	Surry
Cleveland	Lincoln	Swain
Columbus	Macon	* Thomasville
Davidson	Madison	Transylvania
Davie	McDowell	Tyrrell
Duplin	* Mooresville	Washington
Franklin	* Mt. Airy	Wayne
Gaston	Nash-Rocky Mount	Yadkin
Gates	* Newton-Conover	Yancey

Alamance-Burlington	Forsyth	Pitt
Ashe	Granville	Polk
* Asheboro	Guilford	Richmond
* Asheville	Henderson	Rowan-Salisbury
Beaufort	Hertford	Sampson
Brunswick	* Hickory	Scotland
Buncombe	Jackson	Union
Cabarrus	* Kannapolis	Vance
Camden	Lee	Wake
Chatham	* Lexington	Warren
* Chapel Hill-Carrboro	Martin	Watauga
* Clinton	Mecklenburg	* Weldon
Craven	Mitchell	* Whiteville
Cumberland	Montgomery	Wilkes
Currituck	Moore	Wilson
Dare	New Hanover	
Durham	Orange	
Edenton-Chowan	Pamlico	
Edgecombe	Pasquotank	
* Elkin	Perquimans	

\* City School Districts

## DEFINITIONS OF CORPORAL PUNISHMENT

- ★ A composite of dictionary entries produces the following: Corporal punishment is a disciplinary method in which a supervising adult deliberately inflicts pain upon a child in response to a child's unacceptable behavior and/or inappropriate language.
- ★ The U.S. Department of Education more succinctly defines corporal punishment as "paddling, spanking or other forms of physical punishment imposed on a student."
- ★ Surprisingly, neither North Carolina law nor State Board of Education policies offer a definition of corporal punishment. The definition and parameters of corporal punishment are left to the discretion of local school boards.
- ★ A review of the policies of the 60 districts that permit corporal punishment in North Carolina indicates that at least 25 include no such definition. Discretion is apparently pushed down to the level of each school. Thus, students within a local district may not be subject to the same forms of corporal punishment, giving rise to concerns about unfair and unequal treatment.
- ★ Many of the policies of the 35 districts in North Carolina with some form of definition are not clear with regard to the approved methods of corporal punishment. However, seven districts clearly prescribe paddling on the buttocks, and an additional 14 districts allow both spanking by hand as well as paddling. Several policies specifically prohibit shaking, as well as slapping of the face or head. There is one gruesome reminder to avoid using a whip, rod or belt.
- ★ It is noteworthy that the most complete listings of the methods of corporal punishment appear in the policies of districts in North Carolina which ban corporal punishment. Presumably, this is meant to avoid misunderstandings among school personnel, as well as to maintain legal cover. It is therefore quite ironic that many of the districts that allow corporal punishment provide no—or at best unclear—guidance in this regard.

## THE VARIATIONS IN LOCAL POLICIES

It may be shocking to most people that the paddle is still used in many local school districts. Perhaps more shocking is that only one district includes in its policies any limitation on the kind of paddle that may be used: "*Made of wood, no more than ½ in. thick and no more than 9 oz. with no holes.*" Apparently the paddles in the other districts are guided by "local discretion."

### **Conditions**

To their credit, the majority of districts that permit corporal punishment provide specific guidance that it be used sparingly. There are many references to its use "only after other methods have been tried," or "only as a last resort," or "not encouraged, use with discretion."

It is this "discretion," however, that can be most troublesome. In virtually all the permitting districts, decisions regarding discipline, including the use of corporal punishment, are left to the individual school principals. Thus, within a district the same misbehavior may lead to a light spanking (largely as an embarrassment) in some schools, whereas in other schools the result is a severe paddling. Issues of fairness arise.

### **Reporting**

In only 23 of the 60 permitting districts do policies call for principals to report the occurrence of corporal punishment to the superintendent's office. Thus, the concerns raised above regarding a principal's "discretion" are further enhanced. In 37 districts, not only may corporal punishment be administered disproportionately among the individual schools, but there is no official way for the superintendent to know what is happening within the district.

### **Training**

In none of the policies reviewed is there a reference to required training for school personnel who administer corporal punishment. When a paddle is being wielded, there is a fine line between inflicting enough pain to get a student's attention, yet not enough pain to result in injury. Since this risk exists, it would seem appropriate to try to reduce that risk through training.

### **Parental Permission**

Despite the fact that parents are legally required to send their children to school until age 16, state law does not allow parents to exempt their children from corporal punishment. The law requires only prior notification of policies, as well as notification of the administration of corporal punishment after it has occurred.

Seven school districts that permit corporal punishment have policies that require specific written parental permission to hit their child. If permission is not granted, school personnel use “alternate” methods of discipline.

### **Gender**

Just one district has a policy requiring that the gender of the person administering corporal punishment be the same as the recipient student. Since there are no state laws or policies with regard to gender, it must be presumed that in all other permitting districts there is the distinct probability that women are hitting male students, and that men are striking girls.

### **Clothing**

Just one district has a policy that corporal punishment may be administered only “through the student’s normal mode of dress.” Since there are no state laws or policies with regard to dress, it must be presumed that in all other permitting districts there is the possibility that students are required to remove clothing before spanking or paddling.

North Carolina remains one of a decreasing number of states in which corporal punishment in the public schools remains legal. Fortunately, each year additional local school districts within the state ban the practice. However, until there is a statewide ban, it is critical that, to protect students from inadvertent injury and to protect school districts and school staff from lawsuits, the practice of corporal punishment needs to be standardized and monitored. Therefore, it is recommended that:

- ★ Local school districts be required to report to the State Board of Education the number of times that corporal punishment has been administered by age, race, gender and special education status of the recipient students at least annually.
- ★ A standardized definition of corporal punishment be adopted that includes training for school staff that administer it, a requirement that the gender of the staff be the same as the recipient student and a restriction of corporal punishment to the use of the hand on the buttocks (spanking) to avoid injuries inherent in the use of a paddle.

Since the State Board of Education seems reluctant to deal with the issue of corporal punishment administratively, the recommendations will most likely need to be implemented through a change in the statute. These recommendations must be implemented as soon as possible. Our students deserve to be protected from injury, especially the tragedy of an inadvertent injury inflicted by school teachers and administrators.

1. Gershoff, E. (2002) Corporal Punishment and Associated Child Behaviors and Experiences. *Psychological Bulletin*, 128, 539-579.
2. Hyman, I.A. & Perrone, D.C. (1998) The Other Side of School Violence: Educator Policies and Practices that May Contribute to Student Misbehavior. *Journal of School Psychology*, 36, 7-27.

Action for Children North Carolina wishes to thank Dr. Gary Shaffer and his graduate students at the University of North Carolina at Chapel Hill’s School of Social Work who compiled local school board policies and made them available for analysis. Action for Children also wishes to acknowledge Courtney Morton, whose paper *Banning Corporal Punishment in North Carolina: Overcoming the Barriers to Establish an Effective Campaign* helped stimulate the development of this issue brief.

## RECOMMENDATIONS

## DATA SOURCES AND ACKNOWLEDGEMENTS

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This publication was funded by the Annie E. Casey Foundation. We thank the Casey Foundation for its support but acknowledge that the findings and conclusions presented in this report are those of the authors alone, and do not necessarily reflect the opinions of the funding organization.



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