SB

2082

Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: SB 282

Sponsor: Kerttula

Date referred to committee: 4/11/85

Kopanen HB 480

Synopsis completed:

Fiscal note:

Further referrals: none

CONTACTS:

✓ Kerttula

✓ Steve Hale, DOE 2800 no state discipline guidelines. all local discretion

✓ ~~Roger Rhanes~~ Bob Manners 6-3090 support

✓ Don McKinnon 6-9702

✓ Bob Greene 6-1043

✓ Cindy Jacinsky 780-6300 oppose inclusion of private schools

✓ Bob Witham - 789-2235

✓ Sherry Gold

~~✓~~ Bill Brown 789-2803, 789-7348

SENATE H.E.S.S. 3/5/86

TO: BETTYE
FROM: SANDRA

SB 282 PROHIBIT CORPORAL PUNISHMENT OF STUDENTS (KERTTULA, KOPONEN HB 480)

1. PUBLIC AND PRIVATE SCHOOLS, EMPLOYEES AND CONTRACTORS
2. PHYSICAL RESTRAINT PERMITTED TO PROTECT SELF OR ANOTHER, PROTECT PROPERTY, OBTAIN POSSESSION OF A WEAPON.

CONCERNS:

1. ISSUE OF LOCAL CONTROL (47 OF 53 SCHOOL DISTRICTS HAVE POLICIES ON CORPORAL PUNISHMENT. 31 PERMIT, 14 PROHIBIT)
2. RELIGIOUS SCHOOLS ARE EXEMPT FROM STATE OVERSIGHT EXCEPT FOR HEALTH, FIRE, SANITATION, AND IMMUNIZATION STANDARDS. DOES SB 282 ERODE THIS SEPARATION, OR IS THIS A HEALTH ISSUE?
3. LANGUAGE OF BILL PROHIBITS TEACHERS (ETC.) FROM "INFLICTING OR CAUSING TO BE INFLICTED" CORPORAL PUNISHMENT. SOME ARE INTERPRETING THIS TO LIMIT PARENTS' RIGHT TO SPANK OVER SCHOOL-RELATED PROBLEMS.
4. WHAT'S THE PENALTY FOR VIOLATING THE LAW? (NONE SPECIFIED)

ALTERNATIVES:

1. REQUIRE DISTRICTS TO ADOPT POLICIES.
2. ALLOW CORPORAL PUNISHMENT IF PARENTAL PERMISSION.
3. STRICTLY DEFINE ALLOWABLE PUNISHMENT. FOR EXAMPLE, STATE CHILD-CARE REGULATIONS LIMIT TO 3 CONTROLLED SLAPS ON THE BUTTOCKS WITH AN OPEN HAND.
4. LET ONLY THE SCHOOL PRINCIPAL SPANK WITH A WITNESS PRESENT.
5. SPECIFY USE ONLY AS A LAST RESORT.

P.O. Box 211248
Juneau, Ak. 99821
March 5, 1986

Senate Finance Committee
Jan Faiks Chairman
John Sackett, Co-Chairman
Jamar Kertulla
Richard Eliason
Frank Ferguson
Paul A. Fischer
Rick Halford

Testimony for Hearing March 5, 1986

Corporal punishment in the hands of a loving parent is an effective tool through which harmful behavior is inhibited. It is not an angry attempt by one person to damage another. It is rather an act of love and is as different from abuse as night is from day.

Spanking has been the subject of heated controversy in recent years. Probably more foolishness has been written on this subject than all other aspects of child rearing combined. Some have asserted that spanking is ineffective and barbaric. That it's used by frustrated and angry parents wanting to inflict harm, and that it teaches children to be hostile. I have a hard time understanding how people who claim to be intelligent can be so blind.

Sadly, violence does occur sometimes. It's terribly harmful and terribly wrong whenever it does. We deplore it with all of our heart. But that isn't discipline. That's child abuse.

Just because some parents are abusive doesn't mean that spanking, when administered properly in love and patience, isn't an effective or even a necessary form of discipline, because it is.

When a child burns his elbow on the stove, smashes his finger in the door, or gets bitten by a grumpy dog, he learns about physical dangers which exist in the real world. Likewise, an appropriate spanking by loving parents teaches him about other dangers which exist and need to be avoided.

Those who assert that punishment doesn't influence behavior aren't being objective. If punishment doesn't influence behavior, why is the issuance of speeding citations by the police effective in controlling traffic? Why do we rush to get our tax forms in the mail on time to avoid late charges? If punishment has no influence why does a well-deserved spanking often turn a sullen little troublemaker into a sweet little angel? The truth of the matter is: punishment does play an important role in shaping human behavior.

Healthy parenthood can be boiled down to two essential elements: "love" and "control." Love without control leads to contempt and disrespect. Control without love leads to resentment and bitterness. The stern military-like parent who demands unquestioned obedience may pride himself in being master and lord, or the captain in charge; but I tell you this sort of non-loving discipline doesn't make for good relations. It usually engenders a terrible amount of frustration and bitterness.

Suppose a child refuses to sit in the corner, suppose he keeps popping out of bed after he's been told to go to sleep. Obviously, the child, rather than the parent, is in control. And that's a disaster from the start.

On the one hand there's the danger of being overindulgent; on the other hand, the danger of being unnecessarily harsh. We must learn to strike a balance somewhere between these two extremes.

CONCLUSION: If it is desirable for children to be kind, appreciative, and pleasant, these qualities must be taught, not simply hoped for. If it's important to produce respectful, responsible young citizens, then we must set out to mold them accordingly. And the kind of discipline we impose plus the manner in which it is imposed will play a very important part in bringing this about. □

Sue E. Miller

I am happy to give credit for these thoughts toRalph Woerner from his article, Discipline, Painful but Necessary.

ALASKA WOMEN'S LOBBY

POST OFFICE BOX 10-1571, ANCHORAGE, ALASKA 99510

March 5, 1986

Honorable Bettye Fahrenkamp, Chairman
Senate Health Education and Social Services Committee

Honorable Niilo Koponen, Co-Chairman
Honorable Max Gruenberg, Co-Chairman
House Health, Education and Social Services Committee

Madam Chairman, Mr. Chairmen and members of the committees:

The Alaska Women's Lobby would like to express it's support for the proposed legislation before you today, SB 282 and HB 480.

Our membership, many of whom are parents of school age children, strongly favors the outlawing of the use of physical force as a means of punishment by school employees.

In the past year in Alaska there have been cases of corporal punishment in schools which resulted in prosecutions against the employees for child abuse. The school policy allowed corporal punishment. The school employee was following that policy when meting out this punishment by striking the child with a wooden paddle. The paddle left marks on the child. The child was under six years of age and his "crime" was refusing to eat his snack. (This took place in a private, religious school)

We believe that there are other and better ways to deal with insubordination in school than by the use of corporal punishment. We believe that teaching that the use of physical force and the infliction of pain is an appropriate reaction will only perpetuate the use of violence in our society.

Parents who wish to have their children's misdeeds punished in this way can ask to be informed of their children's misbehavior and can deal with the child's punishment at home.

These bills do not restrict s chool employees from using physical restraint when necessary to protect persons or property from ha rm by a student.

We urge the passage of these measures.

Thank you for you consideration.

Sincerely,

Sherrie Goll

Sherrie Goll, lobbyist
Alaska Women's Lobby

Parent Aide Program

706 W. 10th Street
Juneau, AK 99801
(907) 586-3785

March 5, 1986

TO: Members, Senate Health and Social Services Committee
Members, House Health and Social Services Committee

FR: Kathy Stratte, Director, Parent Aide Program

Dear Senators and Representatives,

As the Director of the Parent Aide Program in Juneau, I would like to voice my support of Sen. Kertulla's Senate Bill 282 and Rep. Koponen's House Bill 480, in which corporal punishment would be banned in our schools. The Parent Aide Program is a program serving parents and families in the Juneau Douglas community. The primary purpose of the program is to provide early intervention and prevention services to parents of children at risk for child abuse or neglect. We accomplish this purpose in a number of ways, including counseling services for parents, parent education and support groups, and self-help groups for parents. Many of the educational groups we provide surround the issue of discipline: effective ways to discipline children, alternative forms of non-punitive discipline, how to solve persistent discipline problems, etc. In fact, at this time, we are offering an eight week series to parents called "101 Ways to Discipline Your Child". Frequently, at Parent Aide, we discuss the difference between punishment and discipline, and many parents ask us about alternatives to spanking. "Discipline", according to Webster's Dictionary, means to teach, to instruct, to mold or perfect. "Punishment", on the other hand, means to inflict a penalty for a wrongdoing, or to inflict injury on. Whether or not a parent decides to spank or punish a child is their decision, though of course at Parent Aide we encourage parents to instead consider some of the other "101 Ways" to effectively discipline children. Often a parent will spank a child because spanking is the first thing that comes to mind over a wrongdoing. Perhaps the parent was spanked him/herself as a child. Perhaps it is, they feel, the only thing that "works". At Parent Aide, we try to teach alternatives to spanking, so that spanking may not be the first thing that comes to a parent's mind. Whether or not a school system chooses to use corporal punishment is an entirely different matter. Schools are for teaching, not for inflicting. Schools are for teaching children about problem-solving, consequences of actions, methods of getting along with others in spite of differences of opinion. Teachers and principals are

important models to not only our children, but to their parents. Teachers or principals who spank children are saying, "When things are really bad, you may hit", or "Big people are allowed to hit smaller people", or "If you can think of no other way to solve a problem, you may hit." To the parents, these teachers and principals are saying "We can think of no better way to stop your child from repeating this wrongdoing, so we will spank him/her". Yes, it is a last resort, perhaps, but even as a last resort, it is always there. Schools should be a model to parents, as well as to children, to consider other methods.

This is not an issue of whether or not spanking is right or wrong. That issue is one that can never be resolved, and is best left up to the parents to decide. The issue is whether or not schools are responsible for teaching children and parents new ways to solve problems, alternative ways of dealing with serious situations. Perhaps the alternatives do not always work, but at least the schools owe it to the children to show that they are trying, that they are looking, and that they too are learning and growing.

Thank you very much for your time and attention.

Sincerely,

Kathy Stratte

Kathy Stratte

Testimony Re: SB 282, HB 480 A bill related to corporal punishment in public and private schools.

By: Betty Bengtson, speaking for herself and her husband

Date: 3-5-86

Legislators and community members, I appreciate this opportunity to express to you the views of my husband and myself on SB 282 and HB 480.

My name is Betty Bengtson. I am the mother of 4 children --3 are presently attending VBA. (Valley Baptist Academy) I am an educator (retired?) by profession.

It is our opinion that SB 282 and HB 480 will deny us as parents the right to provide a consistent form of discipline for our 4 children. While child psychologists, counselfors, teachers, and parents may all disagree on the best method or approach to disciplining children, they all agree on one important fact: no matter what form of discipline is used by a parent or teacher, for it to be effective and and successfully bring about the desired change in behavior, it must be administered consistently and fairly.

If SB 282 and HB 480 is passed out of this committee and becomes a law in the State of Alaska the rights of my husband and myself and every other parent in this state who chose to discipline by administering the "board of education to the seat of learning" for acts of rebellion and willful disobedience will be denied.

In the city of Juneau the school board policies repeatedly claim <u>in loco parentis</u>, meaning that the district and its agents act in place of the parent. As such, the district and its agents are obligated to follow the wishes of the parent in all matters related to the child, including discipline. The present Juneau discipline policy respects the wishes of those parents who chose not to spank their child spanked by requiring written parental consent before a spanking can be administered.

To ban corporal punishment from public and private schools, while giving added protection to this group of people, infringes upon the rights of those parents who desire a policy which more closely reflects

the discipline that occurs in their own homes.

Last spring the Juneau ~~School District~~ Board of Education appointed a committee to deal with the corporal punishment issue in Juneau---that committee conducted an informal survey thru the schools and newspaper. 66% of the people who responded favored keeping corporal punishment with parental consent in the district's discipline policy. All of the members of the committee, including the one parent who strongly opposed the use of corporal punishment, in individual rationale statements written to support the committees recommendation and findsings to the board--stated that the real issue in Juneau was not the use, misuse, or abuse of corporal punishment in schools. ~~The real issue~~ but the parents's right to make the choice of the form of discipline his child would be disciplined with.

Who is held responsible for the actions of the child? The state? The school? The teacher? or the parent? While many today say that the child belongs to the state--when it comes time to pay for a window broken by a child while playing ball, who gets the bill? Mom and Dad! Who gets called at 1 AM when John and his friends have been out partying and have been picked up for disorderly conduct or worse? Mom and Dad!

This committee has the opportunity today to lay to rest this double standard of "child ownership" and settle once and for all, in the State of Ak. the question of the rights and responsibilities fo parents.

My husband and I respectfully request the Sen. Kertulla and Rep. Koponen withdraw their bills.

If they chose not to do so, we request that this committee refuse to pass this bill out of committee and by doing so send a clear message to every parent and agency in this State that the State of Alaska recognizes, ~~RMRX~~ respects, and supports the rights of every parent to discipline his child with the met od that agrees with that parent's own personal convictions and standards.

Sen. Jacquie Cooper

Supreme Court recognizes private sch. are treated

PUBLIC TESTIMONY
for
Joint House/Senate Committee Meeting
March 5, 1986

Re: Bill 282

My name is Carol Habeger and I am the Director of Juneau Christian Daycare, one of the largest daycare centers in Juneau. Currently we serve 27 part time and 47 full time students, averaging 60 students daily.

Ours is a unique program in Juneau because we are established as an outreach ministry of the Bethel Assembly of God church body. We were established by the church board and are governed by the school board appointed by the church board. The sole reason for our existence is to offer a quality daycare program, based on Christ-centered, Bible-based principles. The parents who have children in our daycare have chosen our program because of this Christian foundation. We are an extension of the home in the training of their children. An integral part of child rearing is discipline. Children need to be taught appropriate behaviors; they do not come by them naturally. (Just place two 2-year olds in a room with one toy and you'll see a good example of this.) Proverbs 22:15 states, "Foolishness is bound up in the heart of a child, but the rod of discipline drives it far from him." Yes, we do use spanking as a form of correction. We use it because it is God-ordained within proper guidelines. The parents of the children we serve are fully aware of this and they themselves use spanking as a form of discipline in their homes.

Again, I stress that these parents have chosen our program because of the quality and type of program we offer. They are fully aware of how we discipline and are in agreement with it.

Senate Bill 282 and the similar bill in the House are in violation of the religious freedom and parental rights guaranteed by the United States Constitution and the Alaska Constitution. I strongly urge you to stop this proposed bill and not allow it to go to the House and Senate.

Thank you.

Carol Habeger, Director
Juneau Christian Daycare
P. O. Box 2000
Juneau, Alaska 99803

differently parents entered a contract w the sch. & knew of the policies prior to enrolling their children —

— the present alternative in Jan is assertive discipline - based on behavior modification —

I have an 8 yr. old who calls any form of behavior modification a game - she has no intention of being ~~forced~~ formed into a mold by any adult - she had a very negative experience at Duke Bay Sch.

She does however respond to a lovingly administered spanking.

Alaska State Legislature

Sandra

P O BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3762

Senate Committee on Health, Education and Social Services

M E M O R A N D U M

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, March 5, 1986

DATE: March 1, 1986

On Wednesday, March 5, from 5:00-6:00 pm in the Senate Finance Committee Room, the Senate and House Committees on Health, Education and Social Services will hold a joint hearing on SB 282.

SB 282, relating to corporal punishment of students, would prohibit the use of corporal punishment in public and private schools in the state. The use of physical restraint would be allowed in specific circumstances.

Current state statutes and regulations do not address the use of corporal punishment. A survey conducted by the Association of Alaska School Boards indicates that 31 of 53 school districts permit corporal punishment; 14 prohibit it. Seven states have adopted laws prohibiting corporal punishment.

A folder of materials prepared by Senator Kerttula, bill sponsor, is attached.

Introduced: 4/11/85
Referred: Health, Education and Social Services

IN THE SENATE BY KERTTULA

SENATE BILL NO. 282

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to corporal punishment of students."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 14.30 is amended by adding a new section to read:

ARTICLE 8. CORPORAL PUNISHMENT.

Sec. 14.30.610. CORPORAL PUNISHMENT. (a) Except as provided in (b) of this section, a person employed by or contracting with a public or private school may not inflict or cause to be inflicted corporal punishment or bodily pain on a student.

(b) A person employed by or contracting with a public or private school may, within the scope of the person's employment, use reasonable and necessary physical restraint on a student to

(1) protect ~~the~~ herself/himself/another, person, a student, or others from immediate physical injury;

(2) obtain possession of a weapon or other dangerous object from a student; or

(3) protect property from serious harm.

NEA

what's the penalty?

file SB282

ASSOCIATION OF ALASKA SCHOOL BOARDS
326 Fourth St., Suite 510 • Juneau, Alaska 99801 • (907) 586-1083

JAN 10 1986

January 8, 1986

Senator Bettye Fahrenkamp
Pouch V
Juneau, AK 99811

updated 3-6-86

Attn: Sandra Schubert
Re: Corporal punishment policies in schools

A survey was sent to 53 of Alaska's school districts per your request, asking if they had either a written policy or established practice permitting or prohibiting the use of corporal punishment in the schools.

The 45 districts responding showed the following:

	Districts	Permit	Prohibit
Policy	37	29	8
Established Practice	8	2	6
Totals	45	31	14

The state's six most populous school districts - Anchorage, Fairbanks, Juneau, Ketchikan, Kenai and Mat-Su - all have policies which permit corporal punishment.

It should be noted that policy language almost invariably allows corporal punishment only as a last resort, and that form of punishment is strictly defined. Samples of permissive policies are enclosed.

If you have further questions regarding this, please feel free to call our office.

Sincerely,

Sharon K. Young

Sharon K. Young
Director of Membership Services

enc

PROPOSED MODEL LAW OUTLAWING CORPORAL PUNISHMENT

Corporal Punishment of Pupils

No person employed or engaged by any educational system within this state, whether public or private, shall inflict or cause to be inflicted corporal punishment or bodily pain upon a pupil attending any school or institution within such education system; provided, however, that any such person may, within the scope of his employment, use and apply such amounts of physical restraint as may be reasonable and necessary:

1) to protect himself, the pupil or others from physical injury;

2) to obtain possession of a weapon or other dangerous object upon the person or within the control of a pupil;

3) to protect property from serious harm;

and such physical restraint shall not be construed to constitute corporal punishment or bodily pain within the meaning and intendment of this section. Every resolution, bylaw, rule, ordinance, or other act or authority permitting or authorizing corporal punishment or bodily pain to be inflicted upon a pupil attending a school or educational institution shall be void.

Proposed by the National Education Association, 1972

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

P.O. Box K - State Capitol
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

January 30, 1986

JAN 31 1986

465-3603

Honorable Jalmar Kertulla
Alaska State Senate
P.O. Box V
Juneau, Alaska 99811

Re: Corporal punishment in Alaska public schools

Dear Senator Kertulla:

Your office has asked for an opinion on the current legal status of corporal punishment in Alaskan public schools. We conclude that such punishment is probably legal, so long as it is "reasonable" under the common law doctrine of in loco parentis state statutes, and constitutional provisions.

The doctrine of in loco parentis originated in the English common law and recognizes that a parent delegates that part of his or her parental authority to school personnel as may be necessary for educational purposes while the child is in their custody. Although the doctrine originated in a voluntary school system, it has generally been followed in this country where there is compulsory school attendance. Smith v. W. Va. State Board of Education, 295 S.E.2d 680 (W.Va. 1982).

The Smith court emphasized that the in loco parentis doctrine does not provide an absolute right to punish. A parent does not have, and thus cannot delegate to others, the power to chastise beyond what the child's reasonable welfare arguably demands. It has never been recognized that a parent has the right to maim, disfigure, or disable a child simply because her or she might be stubborn and not respond to correction in the manner the parent might think proper. Id. 295 S.E.2d at 686.

In addition, there are legislative constraints on parents and their surrogates. A child may be judicially declared to be in need of aid and may then be protected by the state as a result of

03-C5LH

> having suffered substantial physical harm or if there is an imminent and substantial risk that the child will suffer such harm as a result of actions done by or conditions created by the child's parent, guardian, or custodian.

AS 47.10.010(a)(2)(c). The same is true of a child "having suffered substantial physical abuse or neglect as a result of conditions created by the child's parent, guardian, or custodian." AS 47.10.010(a)(2)(F).

State criminal law provides a defense to the crime of assault for a person who has a special relationship with a child and who uses "reasonable and appropriate" nondeadly force. AS 11.81.430 provides, in pertinent part:

> Sec. 11.81.430. JUSTIFICATION: USE OF FORCE, SPECIAL RELATIONSHIPS. (a) The use of force upon another person that would otherwise constitute an offense is justified under any of the following circumstances:
>
> (1) When and to the extent reasonably necessary and appropriate to promote the welfare of the child or incompetent person, a parent, guardian, or other person entrusted with the care and supervision of a child under 18 years of age or an incompetent person may use reasonable and appropriate nondeadly force upon that child or incompetent person.
>
> (2) When and to the extent reasonably necessary and appropriate to maintain order and when the use of force is consistent with the welfare of the students, a teacher may, if authorized by school regulations and the principal of the school, use reasonable and appropriate nondeadly force upon a student. If authorized by school regulations and the principal of the school, a teacher may use nondeadly force under this paragraph in any situation in which the teacher is responsible for the supervision of students. A teacher employed by a school board, including a regional educational attendance area school board, may use nondeadly force under this paragraph only if the school regulations authorizing the use of force have been adopted by the school board.

> (3) When and to the extent reasonably necessary and appropriate to maintain order, a person responsible for the maintenance of order in a common carrier of passengers, or a person acting under that person's direction, may use reasonable and appropriate nondeadly force.
>
> . . . .

AS 11.81.430.

There may be also constitutional constraints on the use of corporal punishment. In Ingraham v. Wright, 430 U.S. 651 (1977), the U.S. Supreme Court held that paddling school children was not prohibited by the cruel and unusual punishment provisions of the Eight Amendment. The Fourth Circuit, however, has held that where the force applied "caused injuries so severe, was so disproportionate to the need presented, and was so inspired by malice or sadism rather than a merely careless or unwise excess of zeal that it amounted to a brutal and inhumane abuse of official power literally shocking to the conscience," then the punishment may be a violation of the substantive due process provisions of the Fourth Amendment. Hall v. Tawney, 621 F.2d 607 4th Cir. 1980).

Article I, Sec. 12 of the Alaska Constitution provides:

> EXCESSIVE PUNISHMENT. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Penal administration shall be based on the principle of reformation and upon the need for protecting the public.

Given the penal context of that provision, it is likely that the Alaska Supreme Court would hold that it is inapplicable to the school setting, like its counterpart in the U.S. Constitution. Even if it was applicable in the school setting, the test under that provision is "whether the punishment is inhumane and barbarious, or so disproportionate to the offense committed, as to be completely arbitrary and shocking to the senses of justice." Lanier v. State, 486 P.2d 981 (Alaska 1971). Accordingly, even if that provision were to be applied in the public school context we believe it would afford no more protection to a student than is already afforded by the in loco

parentis doctrine, relevant Alaska statutes, and the substantive due process clause.

In sum, corporal punishment in public schools in Alaska is probably legal so long as it is "reasonable." What is "reasonable" depends on the circumstances and, quite frankly, on the decisionmaker. Alaska Department of Health and Social Services regulations governing foster parents provide that "controlled hand spankings of one to three slaps on the buttocks are allowed when appropriate." 7AAC 50.450. That department's regulations governing juvenile correctional facilities, however, provide that corporal punishment may not be used. 7AAC 52.335.

The West Virginia Supreme Court of Appeals, in the Smith case cited above, held that hand spankings were permitted, but that the use of whips, paddles, or other contrivances was prohibited because "[t]he very nature of these devices is such that their use often leads to excessive force and injury." 295 S.E.2d at 687. Similarily, in State v. Killory, 243 N.W. 475 (Wis. 1976), the court held that a psychologists "treatment" of a child with enemas, whippings, and paddlings constituted "cruel maltreatment" of the child.

In Gaspersohn v. Harnett Co. Board of Education, 330 S.E.2d 489 (N.C. App. 1985), however, the court upheld dismissal of an assault and battery action brought by a student paddled with a wooden paddle that caused bruises and potentially permanent psychological effects. In Maddox v. Boutwell, 336 S.E.2d 599 (GA. App. 1985), the court upheld a summary judgment for school officials under similar circumstances. Accordingly, we cannot say with certainty what amount or type of corporal punishment would be upheld by the courts as "reasonable" under the in loco parentis doctrine under any given set of circumstances, and what amount or type will give rise to common law tort remedies.

Attached please find copies of the Smith, Ingraham, Hall, Killory, Gaspersohn, and Maddox cases mentioned in this memeorandum. Also, we have enclosed an informal opinion from this office to the Commissioner of Health and Social Services regarding "spanking policy" for institutions contracting with the

former division of corrections for the care of delinquent juveniles. 1980 Inf. Op. Att'y Gen. (Jul. 24; J66-057-79).

Sincerely yours,

HAROLD M. BROWN
ATTORNEY GENERAL

By: Thomas E. Wagner
Assistant Attorney General

TEW:nb

cc: Art Peterson

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

January 30, 1985

MEMORANDUM

TO: Representative Robin Taylor

FROM: Heidi Borson Paine
Legislative Analyst

RE: Prohibitions Against Corporal Punishment in Other States
Research Request 85-125

Elsa Demeksa of your staff requested this agency to determine which states prohibit the use of corporal punishment in schools. According to the National Conference of State Legislatures and a group called End Violence Against the Next Generation, the following seven states currently prohibit corporal punishment: Maine, Massachussetts, Rhode Island, New Jersey, New Hampshire, Hawaii, and Vermont. Most large cities in the U.S. also prohibit corporal punishment, including: Chicago, New York, Los Angeles, San Francisco, Washington, D.C., Baltimore, and Pittsburgh.

Several other states are currently considering the prohibition of corporal punishment. In New York, the Board of Regents has voted to ban corporal punishment. Legislation banning corporal punishment is under consideration in Minnesota and North Dakota. A statewide committee in Ohio is working to introduce legislation prohibiting the use of corporal punishment in schools.

In 1975, the California legislature passed legislation permitting local school districts to abolish corporal punishment and requiring school districts which permit corporal punishment to obtain parental approval. As such, in districts which permit corporal punishment, schools are required to send a permission form to each parent. The form asks the parent to approve or disapprove the use of corporal punishment on his or her child. If a parent neglects to return the signed form, the school district may not use corporal punishment on his or her child. Approvals must be renewed each year and parents are free to change their permission forms at any time. According to Aida Mauer of End Violence Against the Next Generation, because it is cumbersome to collect the required forms, most school districts in California have abolished corporal punishment.

I have attached some materials on corporal punishment for your review. If you would like, I will forward any additional information I receive. Please contact me if you have any further questions.

HBP

Attachments

STATE OF ALASKA

THE LEGISLATURE
BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

M E M O R A N D U M

DATE: May 23, 1985

TO: Senator Jay Kerttula

FROM: Mike Greany, Director
Legislative Finance Division

SUBJ: Budgeted Amounts for Child Abuse Costs

In response to your May 22, 1985 Memorandum, the attached chart shows that the FY 85 operating budget includes approximately $35.5 million for child abuse costs. All but $915,500 is provided from the State General Fund.

In addition to the present budget level, the 1985 session provided $2,566,600 through HB 88 fiscal notes to the departments of Administration, Law, Health & Social Services, and Public Safety, and the Court System. The fiscal notes add 54.5 new positions to these agencies -- 45.5 full-time and 9 part-time.

attachment

31-Q1LH

CURRENT CHILD ABUSE WORKLOAD BUDGETED COSTS
FY85 ESTIMATES ($000)

	Court System	Administration				Law		
		H&SS	Pub. Def.	Pub.* Adv.	Pub. Safety	Pros.	Civil	Total
Personal Services	$178.9	$7,706.2	$583.3	$427.4	$549.6	$1,060.6	$891.1	$11,397.1
Travel		293.5		47.5	16.0			357.0
Contractual		764.8			55.1			819.9
Commodities		77.3			10.8			88.1
Equipment		1.3						1.3
Grants		18,668.7			4,112.5			22,781.2
Misc.	---	---	---	---	---	---	---	---
Total	$178.9	$27,511.8	$583.3	$474.9	$4,794.0	$1,060.6	$891.1	$35,494.6
Funding Summary								
GF	$178.9	$27,019.4	$583.3	$474.9	$4,794.0	$1,060.6	$468.0	$34,579.1
I/A Rcpts.							423.1	423.1
Fed. Rcpts.		492.4						492.4
Positions								
PFT		170.3	9.1		8.0	16.2	7.9	203.6
PPT	n/a	3.0		n/a				3.0
Months		2,066.4	109.2		96.0	195.0	94.8	2,561.4

*FY85 Annualized

LFD/NG
4/23/85

THE CENTER FOR CHILDREN AND PARENTS

MAR 3 1986

February 25, 1986

Senator Jalmar Kerttula
Pouch V
Juneau, Alaska 99811

Dear Senator Kerttula:

The Anchorage Child Abuse Board is opposed to the use of corporal punishment in the schools. While an occasional spanking administered to the average kid by a frustrated parent probably does neither harm nor good, frequent and even scheduled school spankings administered to hyperactive and aggressive children can do considerable harm. A child who is prone to aggressive acts against others must learn non-violent ways to deal with anger. What he desperately needs is a gentle role model to demonstrate the art of negotiation and communication. Yet, all too often, the child who hits is hit for hitting: Not surprisingly, such a "Do as I say, not as I do" message is universally ineffective.

Corporal punishment based upon parental permission is similarly flawed. The abusive parent is especially likely to give permission for something that is already done excessively at home. If a child is regularly hit by home authorities, and then hit at school as well, where can he learn non-violent methods of relating to society?

Parents and teachers frequently complain that without corporal punishment there will be no discipline. They do not understand that spanking is the least effective of the many forms of discipline. Positive reinforcement of good behavior is generally more effective than punishment, but when punishments are needed, "Time Out", detention and work detail can be used.

In summary, the Anchroage Child Abuse Board is opposed to the use of corporal punishment in the schools as being contradictory to the goal of preventing child maltreatment.

Marianne von Hippel

Marianne von Hippel, M. D.
President
Anchorage Child Abuse Board

POSITION STATEMENT

THE ANCHORAGE CHILD ABUSE BOARD, INC. IS OPPOSED TO THE USE OF CORPORAL PUNISHMENT IN THE SCHOOLS AND OTHER CHILDCARE SETTINGS OF ALASKA, AS BEING CONTRADICTORY TO THE GOAL OF PREVENTING CHILD MALTREATMENT. WE URGE ALL PARENTS, EDUCATORS, SCHOOL BOARD MEMBERS, CHILDCARE PROVIDERS, LEGISLATORS, AND OTHER PERSONS TO SEEK THE ABANDONMENT OF CORPORAL PUNISHMENT IN PUBLIC SETTINGS THROUGH ITS LEGAL PROHIBITION.

ALTERNATIVE DISCIPLINARY METHODS TO PROMOTE SELF-CONTROL AND RESPONSIBLE BEHAVIOR ARE AVAILABLE AND RECOMMENDED. TRAINING IN THE USE OF ALTERNATIVE METHODS SHOULD BE ENCOURAGED.

SB 282

Article 1. Non-exempt Religious and Private Schools.

Section
20. [Repealed]
30. Non-exempt schools

Sec. 14.45.020. Commissioner may furnish examination questions for and grant diplomas to eighth grade pupils. [Repealed, § 6 ch 11 SLA 1984.]

Sec. 14.45.030. Non-exempt schools. Teachers and others in charge of religious or other private schools not operated in compliance with AS 14.45.100 — 14.45.140 are not exempt from laws and regulations relating to education. Non-exempt schools shall make regular monthly attendance reports and annual reports to the commissioner in the same manner as teachers and superintendents in the public schools. (§ 37-11-3 ACLA 1949; am § 4 ch 11 SLA 1984)

Effect of amendments. — The 1984 amendment rewrote the section.

Article 2. Exempt Religious and Other Private Schools.

Section
100. Exemption
110. Requirements of exempt schools
120. Standardized testing requirements
130. Records

Cross references. — For legislative purpose of 1984 enactment, see § 1, ch. 11, SLA 1984 in the Temporary and Special Acts.

Sec. 14.45.100. Exemption. A religious or other private school that complies with AS 14.45.100 — 14.45.140 is exempt from other provisions of law and regulations relating to education except law and regulations relating to physical health, fire safety, sanitation, immunization, and physical examinations. (§ 5 ch 11 SLA 1984)

Editor's notes. — AS 14.45.140, which is referred to in this section, was renumbered as AS 14.45.200 in 1984.

Sec. 14.45.110. Requirements of exempt schools. (a) The parent or guardian of a child of compulsory school age enrolled in a religious or other private school that complies with AS 14.45.100 — 14.45.140 shall file an annual notice of enrollment in the school for the child with the local public school superintendent for the area in which the child resides on a form provided by the department. The form shall be signed by the parent or guardian and the chief administrative officer of the school and returned to the local public school superintendent by the parent or guardian. The school shall notify the local public school superintendent within a reasonable time if the child is no longer enrolled in or attending the school.

(b) A religious or other private school that elects to comply with AS 14.45.100 — 14.45.140 shall maintain monthly attendance records for each student enrolled in the school, shall operate on a regular schedule, excluding reasonable holidays and vacations, during at least 180 days of the year, and shall make an annual report to the commissioner of the number of students in each grade and the school calendar. (§ 5 ch 11 SLA 1984)

Editor's notes. — AS 14.45.140, which is referred to in this section, was renumbered as AS 14.45.200 in 1984.

Sec. 14.45.120. Standardized testing requirements. (a) A religious or other private school that elects to comply with AS 14.45.100 — 14.45.140 shall administer a nationally standardized test selected by the chief administrative officer of the school to all students enrolled in grades four, six and eight at least once each school year.

(b) The nationally standardized test must measure achievement in English grammar, reading, spelling, and mathematics.

(c) A religious or other private school that elects to comply with AS 14.45.100 — 14.45.140 shall maintain records of the results of the nationally standardized tests and the records shall be made available to the parent or guardian of the student. Each school shall make composite test results for the school available annually to an authorized representative of the department. The composite test results of a religious or other private school operated in compliance with AS 14.45.100 — 14.45.140 are not public information unless each public school

(1) is also required to administer a nationally standardized test that measures achievement in English grammar, reading, spelling, and mathematics; and

(2) the composite test results for each public school are public information. (§ 5 ch 11 SLA 1984)

Editor's notes. — AS 14.45.140, which is referred to in this section, was renumbered as AS 14.45.200 in 1984.

Sec. 14.45.130. Records. (a) A religious or other private school that elects to comply with AS 14.45.100 — 14.45.140 shall maintain permanent student records reflecting immunizations, physical examinations, standardized testing, academic achievement, and courses taken at the school.

(b) The chief administrative officer of a school that elects to comply with AS 14.45.100 — 14.45.140 shall certify to the department, under oath or by affirmation, that the records required under (a) of this section are being maintained. (§ 5 ch 11 SLA 1984)

Editor's notes. — AS 14.45.140, which is referred to in this section, was renumbered as AS 14.45.200 in 1984.

Article 3. General Provisions.

Section
200. Definitions

Sec. 14.45.200. Definitions. In this chapter

(1) "private school" means a school that does not receive direct state or federal funding;

(2) "religious school" means a private school operated by a church or other religious organization that does not receive direct state or federal funding. (§ 5 ch 11 SLA 1984)

Revisor's notes. — Enacted as AS 14.45.140. Renumbered in 1984.

Chapter 52. Food Service and Nutrition Education.

[Repealed, § 60 ch 6 SLA 1984.]

Introduced: 1/16/86
Referred: Health, Education &
Social Services and State Affairs

IN THE HOUSE BY KOPONEN AND DAVIS

HOUSE BILL NO. 480

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to corporal punishment of students."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 14.30 is amended by adding a new section to read:

ARTICLE 8. CORPORAL PUNISHMENT.

Sec. 14.30.610. CORPORAL PUNISHMENT. (a) Except as provided in (b) of this section, a person employed by or contracting with a public or private school may not inflict or cause to be inflicted corporal punishment or bodily pain on a student.

(b) A person employed by or contracting with a public or private school may, within the scope of the person's employment, use reasonable and necessary physical restraint on a student to

(1) protect the person, a student, or others from physical injury;

(2) obtain possession of a weapon or other dangerous object from a student; or

(3) protect property from serious harm.

Should Children Be Hit In School?

BY MICHAEL SATCHELL

CORPORAL PUNISHMENT—thought by many to be a relic of education's Dark Ages—is, in fact, common in many American schools. Thousands of pupils from kindergarten through the 12th grade are spanked every school day, sometimes for such trivial offenses as forgetting supplies, making small academic errors, being late, not finishing their lunches or talking too loudly on the school bus.

Only seven states (Hawaii, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island and Vermont) now ban corporal punishment by teachers and administrators. New York will become the eighth on Sept. 1, as the result of a Board of Regents regulation adopted in February. Though most of the major urban school districts throughout the country also have banned it, about 75 percent of American schoolchildren remain enrolled in districts that permit hitting.

Based on the most recent data available from the U.S. Department of Education, a PARADE survey estimates that from 2 million to 3 million incidents of corporal punishment took place in public schools in 1982 (the survey did not include private or parochial schools). Of those reported, more than 90,000 involved mentally or physically handicapped children, thrashed because they learned too slowly, talked too loudly, wet their pants, and for other reasons.

While many schools and parents support corporal punishment as necessary to maintain discipline, critics argue that its legal sanction can lead to abuse. "Firm discipline does not by definition mean hitting kids," says Mary Hatwood Futrell, president of the National Education Association, which has long opposed corporal punishment. "When teachers have to resort to beating children, they have already lost control."

Even a modest paddling can traumatize a child. When Nicole Fathman, 11, of Marysville, Ohio, was in first grade, she was given three swats with a paddle because she circled—rather than underlined—a word in a reading class.

Nicole's father, Dr. Robert Fathman, a psychologist, was incredulous when he learned why his daughter had been paddled. Surprise turned to anger when tenuent and finally the school board treated his complaint with nonchalance, he recalls. He demanded a public hearing.

"I thought I might get an apology," says Dr. Fathman. "Instead, the teacher gave a speech justifying why she spanked kids. Discipline and education, she said, go hand in hand, and children have to learn not to make silly mistakes. When she sat down, she got a five-minute standing ovation from about 100 supporters. My wife and I were stunned."

For a long time afterward, Dr. Fathman remembers, Nicole would awaken at night, screaming. The paddling had another effect: "Before this, I loved to read books," says Nicole. "Since then, I find it boring, and I only do it if I have to."

As a result of the incident, Dr. Fathman organized a campaign to fight corporal punishment. The fight was carried to the Ohio Statehouse, and on Jan. 8 of this year, Gov. Richard Celeste signed a new law giving local school boards the option to ban spanking.

While Nicole Fathman's moderate spanking with a wood paddle is typical of most episodes, the use of other instruments—and more severe trauma—though not an everyday occurrence, has been documented.

At Philadelphia's Temple University, a psychology professor, Dr. Irwin A. Hyman, directs the National Center for the Study of Corporal Punishment. The center's file of hundreds of newspaper stories contains various examples of punishment. In the last five years, these have included burning, mental abuse, punching, slapping and whipping. Children have been locked in closets or tied to chairs and beaten. There have been cases of broken limbs and teeth, gashes requiring stitches, broken blood vessels and nerve damage.

Children have been hospitalized or treated in emergency rooms after school beatings. Parents, critics note, are not legally permitted to treat their children with such severity—if they did, they might be subject to prosecution—but teachers may do so with virtual impunity. America's schoolchildren, in fact, are the only class of citizens who legally can be beaten.

During an 18-month period at Children's Hospital in Columbus, Ohio, Rosalyn Bandman, director of the Department of Clinical Social Workers, counted 28 cases of youngsters treated in the emergency room after encounters with teachers. She says doctors were bewildered by the fact that identical injuries were treated differently by the law—depending on whether a parent or teacher was involved.

"Sadly, these 28 cases were mostly special-needs children—emotionally disturbed, learning disabled, mentally retarded," Bandman adds.

Many schools can legally override parental requests not to spank their child. These schools also have no legal obligation to inform parents when corporal punishment has been administered, though many do so as a matter of policy.

tors often view criminal proceedings against teachers as a futile exercise, except in extreme cases of brutality. Aggrieved parents usually have little choice but to hire a lawyer and sue.

The parents of 18 first-graders in Fayette County, W.Va., whose children had been tied up and their mouths taped, recently filed a civil petition to have the woman teacher removed after the school board refused to do so. For months, the youngsters had come home exhibiting mysterious distress signs—headaches, stomachaches, nightmares, severe anxiety—but none had told his parents about the teacher's actions.

"It's a very sad case, and very frustrating," says Lesa Gulley, an investigator with the state attorney general's office. "We searched the statutes but couldn't find a crime to charge her with. The only option was to have the parents file

Corporal punishment is allowed in 43 states: Schools call it discipline, critics say it's abuse.

a civil suit alleging child abuse."

Even then, winning a case can be difficult. Furious after a male assistant principal beat their 17-year-old daughter, Shelly, an honor student at Dunn High School in North Carolina, Arnold and Marlene Gaspersohn sued the school district. Shelly had been given six blows on the buttocks for skipping class one day.

Aside from raising the question of the propriety of a male administrator paddling a young woman, the punishment caused massive bruising and hemorrhaging. But a jury rejected the claim for damages because Shelly's injuries were not permanent. Says her mother: "What happened was despicable. This was her first discipline offense in all her school years. We want to call attention to how ridiculous the law is."

Abuses are reported every week: In Tucson, an 11-year-old boy who had sneaked into the girls' bathroom was

Mesquite, Tex.

Teresa Garcia, 12 years old, of Chamisal, N.M.

forced to remove his trousers and don a red dress, then was paraded around the school by a teacher who ridiculed him. A Roseville, Mich., teacher spanked 11-year-old Kristi Haugh, then invited the entire class to come up and hit her on the buttocks with a paddle. Her crime? Chewing gum in class. It took two weeks for Chris Donelson, 8, of Wilmer, Tex., to recover after being struck 17 times with a paddle. His parents moved to another town shortly afterward. In the New Mexico hamlet of Chamisal, Teresa Garcia, 12, showed the scar on her leg she had received from an encounter with a male teacher and a female principal. She said the teacher had lifted her upside down while the principal had paddled her on the legs.

For Anthony and Carol Piwowar of Westchester County, N.Y., violent treatment of their 11-year-old son, Anthony Jr., by a public school teaching supervisor has left their future uncertain.

A hyperactive child with emotional problems, their son had made "fantastic progress," they say, in special-education classes. On Nov. 1, 1983, Anthony balked at leaving his classroom for outside activities with the teacher, so a female

that the supervisor began scre... Anthony, twisted his arms behind his back, dragged him into a windowless cloakroom, banged his head on the floor and sat on him—an assault that lasted close to 30 minutes.

"He regressed overnight," recalls his father, an NBC News technical manager. "He's become a stranger to the boy we once knew." Today, Anthony is an outpatient in a hospital psychiatric program for severely disturbed children.

Dr. Adah Bass Maurer of Berkeley, Calif., a psychologist and critic of corporal punishment, points out that most incidents are in the South. Based on federal survey data, Dr. Maurer ranks Arkansas children as the most likely to be paddled, followed by those in Florida, Mississippi, Tennessee, Georgia, Texas, Alabama, Oklahoma, Kentucky, South Carolina, North Carolina, New Mexico, West Virginia and Louisiana.

Conversations with two dozen teachers and administrators who defend corporal punishment reveal a curious dichotomy. All have spanked children, but they express a dislike—even revulsion—of the practice. Most see it as a teacher's failure to maintain discipline by other methods, and few feel it changes behavior. Yet none say they would be willing to relinquish the paddle.

"No professional wants to resort to corporal punishment to maintain discipline," says one South Dallas teacher. "It means you've lost control. Generally, spanking has little effect, particularly with a kid who is beaten at home. Still, I'd hate to give it up."

Alternatives such as detention, suspension, additional homework, extracurricular chores, counseling and notes gues a Mesquite ... principal. Adds a high school shop teacher: "If you're lax, you're going to ruin a kid. With some of 'em, you just gotta get their attention."

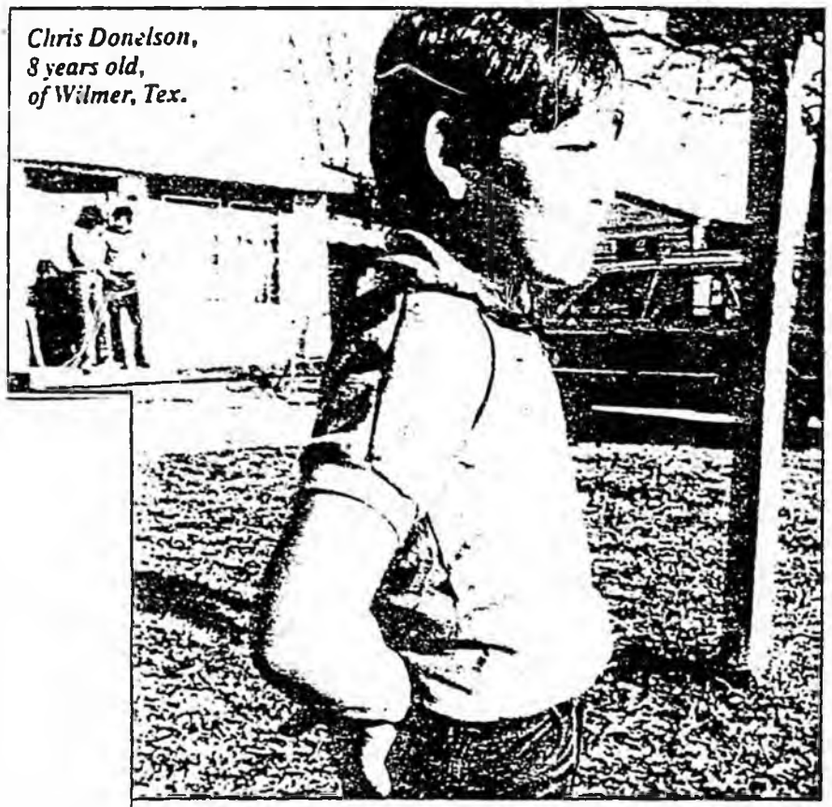
Asked why 22 grade-schoolers recently were paddled for neglecting to bring watercolors to art class, Dr. Ralph Poteet, superintendent of the Mesquite schools, insists it wasn't corporal punishment but a "love pat." Says Poteet: "Teachers need every option to maintain order. Our parents support us. They want us to spank their kids. These opponents make it sound like we're murdering them."

Critics, on the other hand, insist that corporal punishment only serves a teacher's need to relieve anger and stress.

"There isn't a single reputable academic study that supports corporal punishment as an effective learning or disciplinary tool," says Temple University's Irwin Hyman. "It has many negative effects on children. It contributes to physical and sexual abuse by sending the message that children's bodies are not to be protected. It arouses feelings of anger, aggression, humiliation and anxiety in kids. And look at the excesses and abuses."

Then why does it continue?

"Tradition," says Dr. Hyman. "Nothing else."



Chris Donelson, 8 years old, of Wilmer, Tex.

Parents protest corporal punishment. Clockwise, from top: Tammy was spanked when she didn't bring paints to class; the Donelsons moved after Chris was paddled; the Garcias are suing for damages for two beatings Teresa received, one of which left a 2-inch scar.

PARADE
3/24/85

prepared by Kerttula

Organizations Which Support Banning Corporal Punishment

American Medical Association
National Parent Teachers Association
National Education Association
American Psychological Association
American Public Health Association
American Orthopsychiatric Association
Mental Health Association
Society for Adolescent Medicine
American Academy of Pediatrics
Council for Exceptional Children
N.A.A.C.P.
American Civil Liberties Union
Friends Committee on Legislation
Association for Humanistic Education
Unitarian Universalist General Assembly
American Humanist Association
National Committee for Prevention of Child Abuse
U.S. Department of Defense Dependents Schools Overseas

These have all gone on record as opposing corporal punishment in American schools.

The American Medical Association and the National Parent Teachers Association went on record in June of 1985.

AMA states: Corporal punishment is ineffective in maintaining order, may increase disruptive behavior and hinders learning. The infliction of pain or discomfort, however minor, is not a desirable method of communicating with children.

NEA states: Firm discipline does not by definition mean hitting kids. When teachers have to resort to beating children, they have already lost control.

Hawaii has banned corporal punishment for several years, and they say that discipline in the schools has improved not deteriorated.....Commissioner of Education.

Legal Association states: Corporal punishment arouses feelings of anger, aggression, humiliation and anxiety. To oppose corporal punishment is not to oppose discipline. Discipline is derived from the French: "To teach".....thus, effective disciplinary techniques are conducive to, and consonant with, a positive learning environment, where corporal punishment has no place.

Many of the native associations have opposed corporal punishment with the following statement:

> We feel that corporal punishment or the threat of corporal punishment, directed against our children or their peers runs counter to our traditional and ongoing value systems. .....Many of us spend a lot of time making sure our children are certain that they know no one is ever to touch their bodies. To see or know that other children are being touched by adults does much damage to this teaching. It also causes great, and unnecessary, confusion to the children, due to the conflicting set of values.

The National Conference of State Legislatures informed me that eight states have abolished corporal punishment in their schools: Hawaii, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Puerto Rico has also abolished corporal punishment in schools.

Most large cities in the U.S. also prohibit corporal punishment, including: Chicago, New York, Los Angeles, San Francisco, Washington, D.C., Baltimore, and Pittsburgh.

Several other states are currently considering the prohibition of corporal punishment. Legislation banning corporal punishment is under consideration in Minnesota and North Dakota. A statewide committee in Ohio is working to introduce legislation prohibiting the use of corporal punishment in schools.

In 1975, the California legislature passed legislation permitting local school districts to abolish corporal punishment and requiring school districts which permit corporal punishment to obtain parental approval. As such, in districts which permit corporal punishment, schools are required to send a permission form to each parent. The form asks the parent to approve or disapprove the use of corporal punishment on his or her child. If a parent neglects to return the signed form, the school district may not use corporal punishment on his or her child. Approvals must be renewed each year and parents are free to change their permission forms at any time. According to Aida Mauer of End Violence Against the Next Generation, because it is cumbersome to collect the required forms, most school districts in California have abolished corporal punishment.

Reasons for Opposing Corporal Punishment

It is unnecessary.
It pre-empts better means of communicating with the child.
It teaches by example that the infliction of pain is the proper way to power.
It develops deviousness, the trick is not to get caught.
It increases aggressiveness in the child.
It causes anxiety and school phobia in the other children.
It reduces the ability to concentrate on intellectual tasks.
It damages the punisher in that it narrows his options, tunnels his vision and tarnishes his image as a man or woman of learning.

What works?

Firm but non-punitive control.
Capable teachers.
High expectations.
A forward looking curriculum.
Support of a concerned administration.

When civilized nations abolished corporal punishment:

Poland	1783	Norway	1936
Holland	1820	Romania	1948
Italy	1860	Portugal	1950
Belgium	1867	Sweden	1958
Austria	1870	Denmark	1967
France	1881	Spain	1967
Finland	1890	Germany	1970
Russia	1917	Switzerland	1970
Turkey	1923	Ireland	1982

It is not used in Albuquerque, Atlanta, Baltimore, Boston, Chicago, Los Angeles, Milwaukee, Madison, New Haven, New Orleans, New York, Pittsburg, Portland, Providence, Philadelphia, Phoenix, St. Louis, Salt Lake City, San Francisco, San Jose, Seattle, nor in Washington, D.C.

Some Reasons Why We Are Against Corporal Punishment

On a national level, we prohibit corporal punishment in the army, in prisons and state institutions. Children in schools are the only group left unprotected. In many cases, children are better protected in their home than at school. A teacher only has to show that they did not cause permanent damage, whereas parents can lose custody for bruising children.

Corporal punishment pre-empts better means of communication with a child.

It teaches by example that infliction of pain is the proper way to use authority.

What constitutes cause for hitting a child? The size of the child and the person doing the hitting need to be taken into consideration.

It increases aggressiveness in the child and vandalism in the schools.

It can be dangerous as it escalates into battering.

"FORCE HAS NO PLACE WHERE THERE IS NEED OF SKILL" Herodotus

Alternatives to Corporal Punishment

Firm but non-punitive control.

Capable teachers.

In answer to the argument that we are legislating what happens in private institutions:

> We already do with curriculum, health and safety codes, etc. If someone (adult) was assaulted in a private institution or business such as a restaurant, charges would be brought. Children at this time do not have this option.
>
> Someone needs to protect the children.
>
> This is a question of children's rights.

The use of physical discipline lets the teacher vent some anger, but most will agree that it does not change the child's behavior.

The harsher the discipline, the less likely the child will respond to future discipline....Dr. Feldman....15 years of pediatric practice.

It is a rare parent and few teachers who have never hit a child. Children can be exasperating, frustrating, annoying, obstinate, and ungrateful. They respond, however, to love, not violence.

Just as we teach children fire and traffic safety without detailing any frightening consequences, teachers need to use better judgment in providing non-threatening, straightforward rules that will equip the children with tools needed to learn and think.

It is our collective responsibility to seek a society in which our children have a right to learn without fear.

NEA PASSED THE FOLLOWING RESOLUTIONS:

R-21: Oppose Corporal Punishment: NEA Alaska opposes the use of corporal punishment in public and private schools and supports legislation to make it illegal.

R-26: Alternatives to Corporal Punishment: NEA Alaska urges local school districts, with D.O.E. assistance, to establish supportive behaviors management procedures for classroom teachers. These procedures should provide viable alternatives to corporal punishment and should realistically deal with such issues as disruptive students, time out, and parental involvement.

CHURCH
OF THE
COVENANT

P.O. Box 874101, Wasilla, Alaska 99687
(907) 376-4551

December 2, 1985

Mat-Su School Board
P.O. Box AB
Palmer, Alaska 99645

Honorable Members of the Mat-Su School Board:

The Congregation of the Church of the Covenant unanimously stands in opposition to corporal punishment in public schools, in as much as the gospel of peace stands in opposition to all forms of violence.

Signed by authority
of the Congregation
of the Church of the Covenant

David L. Cook

David L. Cook

FEB 4 1986

FAMILY CONNECTION

A counseling agency for youth and their families

1836 W. Northern Lights, Anchorage, Alaska 99503 (907) 279-0551

January 21, 1986

FEB 5 1986

Rep. Nilo Koponen
House HESS Committee
Pouch V
Juneau, Alaska 99811

Attn: Lisa McLaren

Dear Rep. Koponen:

I want to thank you for introducing HB 480 to ban corporal punishment in the schools. I have enclosed some materials which you may find informative as you further steer the bill towards consideration. The chart I have enclosed will be introduced tomorrow to the Anchorage School District Corporal Punishment Task Force, on which I serve. Our charge is to recommend any policy changes by the end of next month, and as you can see, I believe the case for banning corporal punishment is overwhelming. It is also true, however, that the presence of bills now in both the House and Senate will stimulate the local districts a bit more--up till now, the sentiment appears to have been to not touch the issue. Your bill helps rectify that sentiment, if for no other reason than the local districts don't like the idea of losing "local control" over a school policy issue. My concern is that this discipline practice be banned, and not to confuse the issue. If it takes a statewide legislative intervention, then so be it.

Thank you for your leadership on this issue. Please call on me if I can provide further help.

Sincerely,

Peter Scales, Ph.D.
Executive Director

APR 1 7 19[illegible]

The National Center For The Study Of Corporal Punishment
And Alternatives In The Schools
Temple University

April 12, 1985

Senator Jay Kerttula
Alaska State Legislature
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator Kerttula:

Thank you for your letter of March 25, 1985. I have received several letters from Alaska which are stimulating my enthusiasm about my forthcoming trip to Anchorage. As you will note from the enclosed brochure, I will be presenting workshops on alternatives to corporal punishment on April 27 and 28, 1985.

I have enclosed our publications brochure, which you may find helpful. I might add that I have testified before state legislatures and the United States Congress on the issues of corporal punishment, discipline, and violence in the schools. I would be glad to meet with you during my trip to Alaska. Bob Waters, president of the Alaska School Psychologist's Association is familiar with my schedule, since he is arranging a few days of sightseeing. You may reach him at 907-346-3148, or 346-2111. Also, Mr. Ozzie Sheakely of the Central Council of Tlingit and Haida Indian Tribes of Alaska in Juneau (907-586-1432) is interested in this issue, and I have advised him of my forthcoming trip. Finally, Heidi Borson, who works for the Alaska State Legislature, has been in touch with me about the same issue (907-465-3991).

I look forward to hearing from you. I will be happy to offer any services which might be useful.

Sincerely,

Irwin A. Hyman, Ed.D.

IH:sbe
encl.

"CHILDREN" by Clement Renzi

APR 1985

E V A N - G

End Violence Against the Next Generation, Inc.

977 KEELER AVENUE • BERKELEY, CALIFORNIA 94708 • (415) 527-0454

April 2, 1985

Honorable Jay Kerttula
Alaska State Senate
Pouch V
State Capitol
Juneau, AK. 99811

Dear Senator Kerttula:

Thank you for your letter requesting information about possible legislation for banning or controlling the use of implements to physically punish students in the schools.

As you know physical punishment of recruits in the armed forces has long been forbidden. The Department of Defense, Office of Dependents Schools, also forbids corporal punishment in overseas schools for army children.

Every state has laws forbidding the physical punishment of prisoners, juvenile delinquents and others in custody. Even the last law permitting husbands to reasonably chastise their wives was repealed in the 1950's.

Non-criminal minors are the only category of the population that may be legally punished by physical means and although most state laws mention "reasonable," no definition has ever been agreed upon.

To correct this situation, the National Education Assn. recommended a model law in 1972 (enclosed) which seems to cover most contingencies. Teachers are permitted to defend themselves and others. They may physically separate fighters, but they may not subsequently punish them by hitting them.

We recommend this law as the most reasonable.

Another possibility is the New York method, in which the Board of Regents (State Board of Education) simply forbids the use of corporal punishment as conduct unbecoming a teacher. Under these circumstances, hitting children becomes a cause for dismissal and loss of tenure, but not a criminal offense. There are several advantages to this

particularly since juries are often unwilling to indict a teacher if it can be proved that the child was provocative. Our prisons are overcrowded as it is, and all that really needs to be done with a teachers who loses his temper and is likely to hurt the children is to get him out of the classroom and into an occupation where he can deal with his peers instead of vulnerable little ones.

In California we tried for total abolition but the votes were not there in 1975, so the bill was amended to include unless parents have given their written approval. This law has worked fairly well, and has reduced the amount of corporal punishment well below .4 of 1% of the school population. (Alaska reported itself at 1.58%) The law provides that those school districts that choose to use corporal punishment at all must request of every parent in the district a signature either approving or not approving of physical punishment for their particular child. This approval may be revoked at any time and must be renewed each September. Many districts found the paper work too cumbersome and since they used paddles rarely in any case, they simple abolished and are pleased with the results. Los Angeles was the only district that abolished, restored and abolished again. (See story in The Last Resort.)

As listed in our brochure, an impressive list of national organizations now disapprove of physical punishment. They can be counted on to support efforts to bury the paddles in Alaska, too.

I hope this answers most of your questions. If not, please feel free to call on us again. We will help in any way we can.

Sincerely,

Adah Maurer, PhD

MORRIS A. WESSEL, M. D.
ROBERT G. LACAMERA, M. D.
878 HOWARD AVENUE
NEW HAVEN, CONN. 06511

April 28,1985

Senator Jay Kerttula
State Capitol
Alaska State Legislature
Juneau, Alaska 99811

Dear Senator Kerttula:

I am delighted to learn of your your Senate Bill # 282 dealing with the use of corporal punishment in schools. As you probably are aware, The Society of Adolescent Medicine, the American Public Health Association, the American Academy of Pediatrics, and the American Pyschological Association have all taken firm stands against the use of corporal punishment in schools.

As a pediatrician, I believe that particularly when administered in anger, physical punishment impairs a child's trust and confidence in the very individuals he loos to for love, help and guidance. It is humiliating and demeaning. It portrays the idea thatmight makes right, and that size, brawn and position in the adult world entitles one to inflict pain on younger and smaller individuals. And at times it results in severe physical injuries necessitating medical care, at times hospitlization.

I do congratulate you on your bill, and let me know if I can do anything to help support the passage of this important policy.

Sincerely yours,

Morris A. Wessel, M.D.

CC. John Tower
Adah Maurer.

OCT 4 1985

9420 Arlene St.
Anchorage, AK 99515
October 1, 1985

Senator Jalmar Kerttula
Box 2, Palmer 99645

Dear Senator Kerttula,

I understand, from reading the Anchorage Daily News, that you have filed a bill to prohibit corporal punishment in Alaska schools".

I must say that I strongly support your position, and urge you to pursue this issue in full-force. Corporal punishment is a violation of a child's rights and breeds no positive benefits.

Thank you for taking action on this issue. It's time something was done about this unhealthy practice.

Sincerely,
Kelly Buswell

NEWS
THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK
Office of Public Information • Arnold Bloom, Director • Chris Cerrito, Assistant Director • Albany, New York 12234

FOR RELEASE AT NOON, FRIDAY, FEBRUARY 22, 1985

REGENTS VOTE TO PROHIBIT CORPORAL PUNISHMENT

The Regents voted today to prohibit the use of corporal punishment in the State's public schools. The action came in the form of an addition to the Rules of the Board of Regents and follows lengthy discussion of the topic.

The rule adopted by the Regents states: "No teacher, administrator, officer, employee, or agent of a school district in this State, or of a Board of Cooperative Educational Services, shall use corporal punishment against a pupil."

Corporal punishment is defined as "any act of physical force upon a pupil for the purpose of punishing that pupil."

However, the new rule does not prohibit the use of reasonable physical force in situations in which alternative procedures and methods not involving the use of physical force cannot reasonably be employed for the following purposes:

(1) To protect oneself from physical injury.

(2) To protect another pupil or teacher or any other person from physical injury.

(3) To protect the property of the school or others.

(4) To restrain or remove a pupil whose behavior is interfering

(more)

with the orderly exercise and performance of school district functions, powers and duties, if that pupil has refused to comply with a request to refrain from further disruptive acts.

Discussion

The current study is an attempt to test some of the educational assumptions used to justify the majority opinion of the Supreme Court. A major assumption is that corporal punishment is an accepted form of discipline and that there is no trend toward its elimination. The data collected in this survey clearly demonstrate that many school districts have eliminated corporal punishment as a form of discipline. While this preliminary survey does not reveal the actual number of schools in the United States which have abolished corporal punishment, it is obvious that there is a sizeable number when one includes all of the schools in New Jersey, Massachusetts, Maine and Hawaii. The responding schools represent about two million students who function in schools without the use of corporal punishment. Again, there are limitations regarding trends but sixty-nine per cent of the responding schools have eliminated the practice within the last ten years. This would clearly indicate that within the total historical

perspective of one hundred years of public education there is a discernible trend towards the elimination of corporal punishment. Since this survey is based on a limited population and a response rate of fifty-five per cent, we cannot explicate the exact rate of the trend.

The Court maintained that corporal punishment is somehow related to the control of students in order to assure group discipline and decorum. If this were true, one would question what has occurred in the schools of New Jersey, Massachusetts, and the many districts surveyed in the study. While there were differing responses regarding the changes in frequency of disciplinary problems following the elimination of the use of corporal punishment, only one district reported a belief that an increase in problems resulted from the elimination of corporal punishment. Fifteen districts (42%) reported no change in the number of disciplinary problems. Twelve districts (33%) were unable to respond to the question. One might, perhaps spuriously, assume that no noticeable changes occurred in those districts. The total data examined in regard to change in discipline indicated that the elimination of corporal punishment is not a serious threat to decorum or the learning climate. Of special interest are the reasons why corporal punishment was eliminated and not reinstated.

Nine school districts (22%) voluntarily eliminated the practice because they felt it to be ineffective. Additionally,

four districts (9.8%) felt that there were better ways to achieve positive discipline, and three districts (7.3%) felt there were equally effective measures. Therefore, thirty-nine per cent felt that corporal punishment was really not necessary. Additionally, one district discontinued on the basis of the inherent inhumaneness of the practice.

Table 3 indicated that there are many alternatives to corporal punishment. Most authorities recognize the intrinsic worthlessness of suspensions to correct children's behavior (Hyman, McDowell, Raines, 1977; Edelman, 1975) yet the districts reporting continue to use this method (69%). However, as is indicated in Table 3, many other educationally sound methods of discipline are used as alternatives to corporal punishment. The data may be misleading since most districts listed at least three alternatives. An interesting commentary is the evidence that many teachers and administrators, when surveyed, expressed the need for training in positive methods of discipline.

ATTACHED ARE COPIES OF THE FRONT PAGES FROM PERTINENT REFERENCE BOOKS ON CORPORAL PUNISHMENT.

COPIES OF THESE BOOKS ARE ON FILE IN SENATOR KERITULA"S OFFICE.

THINK TWICE:

THE MEDICAL EFFECTS OF PHYSICAL PUNISHMENT

Lesli Taylor, M.D.
Adah Maurer, Ph.D.

Illustrations by
Marianna Grenadier

THE INFLUENCE OF CORPORAL PUNISHMENT ON LEARNING: A STATISTICAL STUDY

– by –

ADAH MAURER

and

JAMES S. WALLERSTEIN

Issued by:

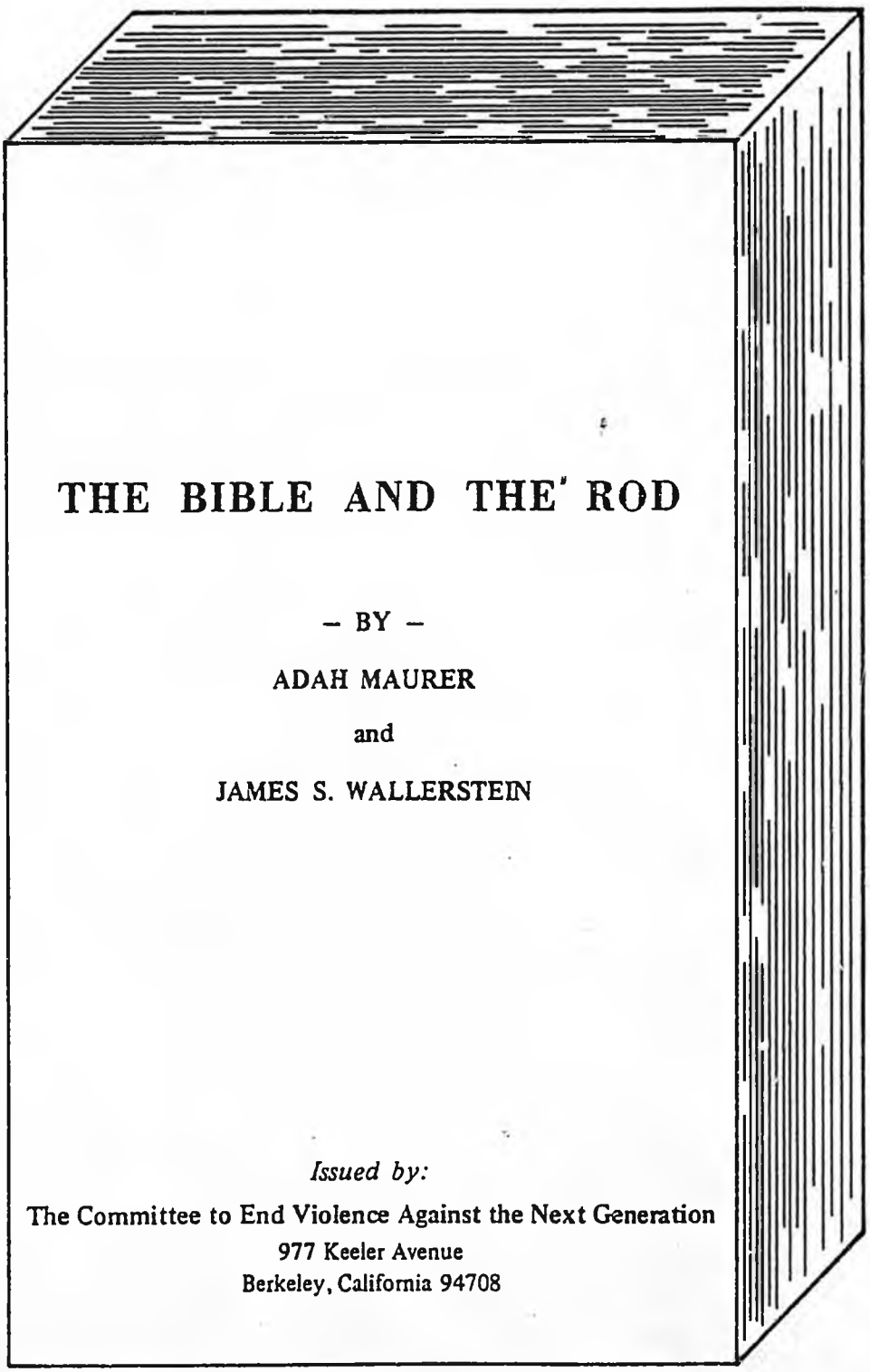
The Committee to End Violence Against the Next Generation

977 Keeler Avenue

Berkeley, California 94708

THE INFLUENCE OF SCHOOL CORPORAL PUNISHMENTS ON CRIME

— by —
ADAH MAURER
and
JAMES S. WALLERSTEIN



THE BIBLE AND THE ROD

– BY –

ADAH MAURER

and

JAMES S. WALLERSTEIN

Issued by:

The Committee to End Violence Against the Next Generation

977 Keeler Avenue

Berkeley, California 94708

1001

ALTERNATIVES

TO

CORPORAL PUNISHMENT

VOLUME ONE

ADAH MAURER, Ph.D.

TABLE ONE

THE AFTERMATH OF PHYSICAL PUNISHMENT (Ages One to Ten)

	Never	Rare	Moderate	Severe	Extreme
Violent Inmates San Quentin	0	0	0	0	100%
Juvenile Delinquents	0	2%	3%	31%	64%
High School Drop-outs	0	7%	23%	69%	0
College Freshmen	2%	23%	40%	33%	0
Professionals	5%	40%	36%	17%	0

Extreme implies need for medical attention

Severe means the use of an instrument: Strap, Paddle, Cane

Moderate includes open hands slaps and "spanks"

Indeed, Dr. Ralph Welsh proposed "*The belt theory of juvenile delinquency*". The more a kid is beaten in early youth, the more likely he (or she) is to become a lawbreaker. (16)

In a letter of Chief Justice Burger, protesting the Supreme Court decision in *Ingraham v. Wright*, the noted psychologist declares: "The single most important correlate of juvenile delinquency is severe parental punishment". (17)

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On Hitting Children

To the National Institute of Mental Health, "violence against children" means more than dramatic incidents that make newspaper headlines and television dramas. Its definition means everything from a slap to murder — and the good news is that it's decreasing.

The institute reported at the recent National Conference on Child Abuse and Neglect that in the last 10 years the number of parents reporting severe violence has declined by 23 percent, and very severe violence by 47 percent.

The steady rise in reports of child abuse does not necessarily contradict the study, based on a survey of 1,428 intact families. It points to increased public awareness of an American tragedy — the abuse and neglect of more than a million children each year. Conference participants hope that figure can be reduced 20 percent by 1990.

But if American parents are now less apt to kick or beat their children, they're still not inclined to spare the rod. Almost two-thirds of those surveyed admit they practice some violence, mostly spanking and slapping, and mostly on their youngest children.

Furthermore, those spanks and slaps are a matter of conviction. Dr. Richard Gelles is an author of the Institute's report and a parent who doesn't believe that corporal punishment improves character. When he says so on TV, he's deluged with angry callers. And when a colleague of his wanted to compare the children of spanking and nonspanking parents, he couldn't find enough of the latter to do the study. Too bad. American households are the scene of eight million violent incidents every year. A study like that might tell us if it has anything to do with the way the twig is bent.

Letter: On Flood Control

Southern States Are Paying Their Share

Editor:
... the "Pork Barrel" ...

ghenies and including western portions of Pennsylvania and New York and southern portions of four Cana-

sors already pay about 18 percent of project costs by furnishing required lands, easements and rights-of-way. Since the M.R.&T. program was ... these local contributio... ...roxim...

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May 8, 1985

Children have testified that corporal punishment is not only traumatizing to the child, but equally to other children in the classroom. Some children have been "nervous wrecks" after an incident of paddling. Children often end up not liking the teacher who is supposedly re-enforcing his authority. Many times students side with the other student even though they fully realize he/she has done something wrong.

f. If any more serious sanctions are proposed (such as suspension or expulsion for chronic or malicious destruction or theft of library books), the normal procedures for suspension or expulsion shall be afforded such student.

454 Corporal Punishment

454.1 Provisions

a. Corporal punishment is defined as punishment applied to the body of the student.

b. Striking a student on the ears, face, or head is forbidden. Corporal punishment shall be discouraged. However, if, after other types of discipline have failed and corporal punishment seems necessary, it must be reasonable, administered by the principal, witnessed by an adult, and never in the presence of other children.

c. Parental permission must be obtained before corporal punishment is administered, and only after conference with the parent or guardian of the student concerned.

(Section 454 Revised by School Board on June 25, 1984)

455 Trespassing

All persons are welcome on District property when they are there for legitimate purposes.

All persons other than staff (including students from other schools) must check in with the proper authority in charge, normally the school office, in order to establish the legitimacy of their presence, prior to proceeding to other areas of the school. Persons who do not have a valid reason for their presence shall be denied access to the District property. Individuals who proceed on the District property without proper authorization shall be treated as trespassers and shall be subject to prosecution under relevant state statutes and/or municipal ordinances.

458 Student Government

458.1 Student Council

Students at each school have the right to elect a representative student government.

458.2 Student Advisory Board

(See Policy 173.2.)

CORPORAL PUNISHMENT

A. Reasonable corporal punishment may be administered by the Principal or his/her designee, after other reasonable corrective measures have been used without success, or in circumstances involving the physical safety of other students. It will be administered only in the Principal's office and in the presence of another professional staff member. Parents shall be advised of the decision to administer such punishment and the supportive reasons therefor. A staff member may, however, use reasonable physical force against a pupil without advance notice to the Principal when it is essential for self defense, the preservation of order, or for the protection of other persons or the property of the School District.

B. The Superintendent shall develop by regulation an alternative disciplinary procedure for use in instances where parents specifically object to the use of corporal punishment.

Mat-Su

Adoption Date: 8/19/85

CORPORAL PUNISHMENT

Reasonable discipline may include the administering of corporal punishment to a student, subject to the following requirements:

1. The corporal punishment shall not be excessive or unduly severe, nor shall any punishment be administered on or about the head of any student.

2. Corporal punishment shall never be used as a first line of punishment for misbehavior unless the pupil was informed beforehand that specific misbehavior could occasion its use; provided however, that corporal punishment may be employed as a first line of punishment for those acts of misconduct which are so antisocial or disruptive in nature as to shock the conscience.

3. Corporal punishment must be administered in private in the presence of the Principal or his designee, who must be informed beforehand and in the presence of the pupil of the reason for punishment.

4. The Principal or teacher who administers corporal punishment must provide the child's parent, upon request, a written explanation of the reasons for the punishment and the name of the Principal or his designee who was present.

5. Corporal punishment shall not be administered to a child whose parents or legal guardian have annually, upon the day of enrollment of the pupil, filed with the Principal of the School a statement from a licensed medical doctor stating that it is detrimental to the child's mental or emotional stability, or that the child has a physical disability that would preclude corporal punishment.

Adoption date: January 1981

Legal Reference: (Alaska Law does not forbid corporal punishment.) Ingraham versus Wright, 498F. 2nd 248 (C.A. 5th 1975; Goss versus Lopez, 419 U.S. 565 (1975); Baker versus Owen, 395 F Supp. 294 (D.C. N.C. 1975) See 423 U.S. 907 (1976).

JGA. Corporal Punishment

Reasonable corporal punishment may be administered by the principal after consultation with the teacher, and only in the presence of another staff member. Reasonable corporal punishment shall be used only as a last resort in the most unusual circumstances and after reasonable corrective measures have been used without success. Prior to administering corporal punishment, if possible, parents should be advised of the decision to administer such punishment and the supportive reasons.

Striking about the head is strictly prohibited and corporal punishment shall be administered in privacy. Corporal punishment shall not be administered in anger, but in a calm and prudent manner. A staff member may, however, use reasonable force against a pupil without advance notice to the principal when it is essential for self defense, the preservation of order, or for the protection of other persons or the property of the District. A parent may request, in writing, that no corporal punishment be used.

Delta/Greely

The Benighted Status of U.S. School Corporal Punishment Practice

by Tobyann Boonin

The U.S. Supreme Court's decision to continue permitting corporal punishment in public schools is now more than a year old. In *Ingraham* v. *Wright*, four justices dissented, but five (Blackmun, Burger, Powell, Rehnquist, and Stewart) decided that no constitutional violation is involved in using corporal punishment to discipline students.

In continuing to countenance this archaic practice, the U.S. is far behind many European countries. Corporal punishment has been banned in Poland since 1783, in the Netherlands since 1850, in France since 1887, in Finland since 1890, and in Sweden since 1958. It is also prohibited in the Soviet Union and almost all the other Communist bloc countries.

In 1853 the Indiana Supreme Court (*Cooper* v. *McJunkin*) commented thus:

> The public seems to cling to the despotism in the government of schools which has been discounted everywhere else. The husband can no longer chastise his wife nor the master his servant or apprentice. Even the degrading cruelties of the naval service have been arrested. Why the person of the schoolboy should be less sacred in the eyes of the law than that of the apprentice or the sailor is not easily explained.

In many U.S. cities corporal punishment is used excessively; as recently as 1975-76 it was used as a negotiating item in a Pennsylvania school system where, after a settlement on many other items, the American Federation of Teachers local insisted that the contract give teachers the undisputed right to strike children. An eight-week strike was finally ended when it was agreed that the school board would once again vote to restore corporal punishment.

Concerned about the prevalence of corporal punishment, I sent questionnaires to all 50 state commissioners or superintendents of education. Eighty percent responded to the first mailing; the remaining 20% returned their questionnaires in response to a follow-up reminder. This 100% response shows, I believe, that there is a keen interest in the subject.

According to the survey, 40 states authorize school corporal punishment by law (but 37 do not even define it). A total of 44 chief state school officers admit that corporal punishment is administered within their state boundaries. Only two states, Massachusetts and New Jersey, neither legally authorize nor administer corporal punishment.

In one of the four states in which corporal punishment is not sanctioned by law but is nevertheless administered, my respondent justifies its use by saying, "Although corporal punishment is not a creative method of discipline, it certainly establishes immediate contact with pupils." (Who will dispute that?) The other three respondents in this category claim that, in isolated cases, corporal punishment is the only means of correcting an unruly child, and though illegal its use is overlooked by authorities.

In almost all cases where corporal punishment is authorized, it is used only with children in grades K-8. Even in these grades, it is rarely used on girls. Most often the "frail male" is the child who is physically punished. In many cases a student bill of rights and responsibilities protects high school students from such treatment. Thus the students who are more capable of striking back are treated more humanely.

The survey also shows that most school districts require that corporal punishment be administered by a principal or a teacher. In some cases, however, its use is permitted by noncertificated personnel. In most states a witness (frequently, the school nurse) must be present when corporal punishment is administered.

Many of those who responded to the questionnaire made the distinction — and it's an important one — between physical force and self-defense. It is easy to justify the use of physical force by school personnel to quiet a disturbance that threatens their own safety or the well-being of students. It is also understandable when they use force to obtain possession of weapons or other dangerous objects. These actions, however, cannot be defined as corporal punishment, for they are not premeditated, and they are not performed for the purpose of correction or discipline.

Many respondents, even in those states where corporal punishment is widely used, said that children learn negative lessons from physical force. They learn that violence is an accepted behavior.

Educators who answered the questionnaire pointed to the need for other, more effective means of discipline.

Fresh Look Needed

The advent of new educational philosophies and new facilities such as the open classroom has necessitated a fresh look at the subject of discipline. Ungraded classrooms, team teaching, learning centers, and even movable furniture have made the entire atmosphere of the classroom different, and these changes have affected discipline. The kinds of student behavior found in a strict, structured classroom setting where nailed-down desks, folded hands, and silence are the order of the day can not and should not be expected in these new classrooms. We must, however, identify constructive and effective methods of maintaining an appropriate learning climate in these kinds of classrooms.

Many school districts are adopting back-to-basics programs that call for stricter discipline. This kind of classroom organization should in no way condone the use of corporal punishment, however. It should give children a set of rules and limits. Students can be taught to function within clearly defined limits and thus learn *self*-discipline.

No matter what kind of classroom we choose, we have to remember that discipline must not be used interchangeably with corporal punishment. Constructive discipline is a positive means of managing a classroom; corporal punishment is an exceedingly negative one.

TOBYANN BOONIN is a member of the Board of Education, School District of Philadelphia, Pa.

Alaska State Legislature

Pouch V
State Capitol
Juneau, Alaska 99811
Phone: (907) 465-3114

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: Senator Kerttula

FROM: Carol R. Berryhill
Research Assistant

DATE: April 9, 1985

RE: Corporal Punishment in Schools

The National Conference of State Legislatures informed me that eight states have abolished corporal punishment in their schools; Hawaii, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Puerto Rico has also abolished corporal punishment in schools.

Attached are copies of the most recent statutes of seven of the aforementioned states, including Puerto Rico. Several of the statutes are rather vague as the term "corporal punishment" is not mentioned. The State of New York abolished corporal punishment in its schools by passing an amendment to the Rules of the Regents. The State of Rhode Island is locating the information for me at this time. As soon as I receive copies of the information from both states I will forward them to you.

If I may be of further assistance in this matter, please contact me.

Attachments:

Hawaii

The privilege of such release shall be withdrawn by the department in case the pupil does not actually attend the sessions of religious instruction. No teacher of the public schools shall participate in such religious instruction during the school hours for which he is employed to teach in the public schools, and no public funds shall be used directly or indirectly for such religious instruction, at any time when its use would otherwise be required in connection with the regular program of the school. [L 1929, c 134, §§1-4; RL 1945, §1835; am L 1945, c 21, §1; RL 1955, §40-15]

Attorney General Opinions

The federal and state Constitutions are not violated when county-owned buses are rented by sectarian institutions to transport public school students to religious education classes. Att. Gen. Op. 66-24.

§298-16 Punishment of pupils limited. No physical punishment of any kind may be inflicted upon any pupil, but reasonable force may be used by a teacher in order to restrain a pupil in attendance at school from hurting himself or any other person or property, and reasonable force may be used as defined in section 703-309(2) by a principal or his agent only with another teacher present and out of the presence of any other student but only for the purposes outlined in section 703-309(2)(a). [L 1896, c 57, §34; RL 1925, §307; RL 1935, §722; RL 1945, §1836; RL 1955, §40-16; HRS §298-16; am L 1973, c 145, §1]

Case Notes

Cutting hair of pupil is not a reasonable punishment nor can it be done by either the board of health or department of public instruction as a sanitary measure. If the hair is infected, pupil may be refused attendance until decent, and parent proceeded against under provision for enforcing attendance. 8 H. 54. "Necessary and reasonable" defined, corporal punishment. 24 H. 461.

§298-17 School districts. For the better control and management of the public schools, the department of education may designate school districts, establish their boundaries, and alter the same from time to time as in its discretion it deems most advisable. These districts shall be so arranged that there shall be no unassigned locality. [L 1896, c 57, §40; RL 1925, §329; RL 1935, §751; RL 1945, §1838; RL 1955, §40-17]

§298-18 Attend school in what district. All persons of school age shall be required to attend the school of the district in which they reside, unless it appears to the department of education to be desirable to allow the attendance of pupils at a school in some other district, in which case the department may grant such permission. [L 1896, c 57, §41; RL 1925, §330; RL 1935, §752; RL 1945, §1839; RL 1955, §40-18]

§298-19 Records of pupils; release from attendance. All schools, either public or private, shall keep a correct register of the names, sex, age, and nationality, as far as ascertainable, date of entering school, and the places of residence of the children attending their respective schools. No school shall grant a release to any child under eighteen years of age, who is registered as attending his school, for the purpose of attending another school, unless the consent and approval of the parents or guardians of the child is given in writing with the facts and reasons therefor. The register shall be carefully preserved, and as often as the department

of education shall direct
office of the department.
RL 1935, §753; RL 194
§298-19; am L 1970, c

§298-20 Transfer
shall receive any child
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shall be required or a la
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producing a certificat
district. [L 1896, c 57,
RL 1945, §1841; RL
1970, c 45, §2]

§298-21 Schoo
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necessary school sup
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section. [L 1933, c
HRS §298-21; am

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§298-22 Use
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RL 1955, §40-25;

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§298-23
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Maine

This section permits property owners to use reasonable and non-deadly force to prevent theft or destruction of their property. The use of deadly force, however, is to be governed by the section on that subject.

Historical Note

The 1975 amendment substituted "only under such circumstances as are prescribed in sections 104, 107, and 108" for "under such circumstances only in defense of a person as prescribed in section 108".

Cross References

Nondeadly disabling chemicals, use, see § 1002 of this title.

Library References

Assault and Battery ⇐69.
Homicide ⇐124.

C.J.S. Assault and Battery §§ 94, 95.
C.J.S. Homicide §§ 110, 111.

Notes of Decisions

In general 1
Jury questions 2

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1. In general

Evidence of defendant's threatened use of deadly force to prevent alleged theft of property was insufficient to generate issue of "deadly force" for jury's consideration in prosecution for criminal threatening with the use of a firearm in that threat as a matter of law, did not constitute "deadly force"; thus, instruction regarding possible existence of deadly force as an abrogating factor in application of defense of justification had potential of misleading jury into thinking that it could, on the evidence before it, find that defendant had actually used deadly force, and so constituted prejudicial error. State v. Williams (1981) Me., 433 A.2d 765.

One is not entitled to use any greater force than he has reasonable ground to believe is necessary in order to secure retention of his property. Id.

2. Jury questions

Whether degree of force used in defense of property was greater than was justified by circumstances is for jury to decide under proper instructions from the court. State v. Williams (1981) Me., 433 A.2d 765.

§ 106. Physical force by persons with special responsibilities

1. A parent, foster parent, guardian or other similar person responsible for the long term general care and welfare of a person is justified in using a reasonable degree of force against such person when and to the extent that he reasonably believes it necessary to prevent or punish such person's misconduct. A person to whom such parent, foster parent, guardian or other responsible person has expressly delegated permission to so prevent or punish misconduct is similarly justified in using a reasonable degree of force.

2. A teacher or other person entrusted with the care or supervision of a person for special and limited purposes is justified in using a reasonable degree of force against any such person who creates a disturbance when and to the extent that he reasonably believes it necessary to control the disturbing behavior or to remove a person from the scene of such disturbance.

3. A person responsible for the general care and supervision of a mentally incompetent person is justified in using a reasonable degree of force against such person who creates a disturbance when and to the extent that he reasonably believes it necessary to control the disturbing behavior or to remove such person from the scene of such disturbance.

4. The justification extended in subsections 1, 2 and 3 does not apply to the purposeful or reckless use of force that creates a substantial risk of death, serious bodily injury, or extraordinary pain.

5. A person required by law to enforce rules and regulations, or to maintain decorum or safety, in a vessel, aircraft, vehicle, train or other carrier, or in a place where others are assembled, may use nondeadly force when and to the extent that he reasonably believes it necessary for such purposes.

6. A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious bodily injury upon himself may use a degree of force on such person as he reasonably believes to be necessary to thwart such a result.

7. A licensed physician, or a person acting under his direction, may use force for the purpose of administering a recognized form of treatment which he reasonably believes will tend to safeguard the physical or mental health of the patient, provided such treatment is administered:

A. With consent of the patient or, if the patient is a minor or incompetent person, with the consent of the person entrusted with his care and supervision; or

B. In an emergency relating to health when the physician reasonably believes that no one competent to consent can be consulted and that a reasonable person concerned for the welfare of the patient would consent.

8. A person identified in this section for purposes of specifying the rule of justification herein provided, is not precluded

from using force declared to be justifiable by another section of this chapter.

1975, c. 499, § 1, eff. May 1, 1976; 1979, c. 127, § 127, eff. April 23, 179; 1979, c. 512, § 22; 1979, c. 663, § 121, eff. March 28, 1980.

Comment—1975

This section is patterned on the New Hampshire Criminal Code, § 627:6.

Several statutes deal with the subject matter of this section. Under Title 19, section 218 a parent is guilty of a crime if he "cruelly treats" his child, or uses "extreme punishment." In Title 15, section 2716 the superintendent of a state school is given the same powers as a parent.

It appears that teachers may inflict corporal punishment and incur liability only for the use of excessive force. See Patterson v. Nutter, 78 Me. 509, 7A.273 (1886).

In regard to public conveyances, Title 35, section 1171 gives to the conductor a power to eject "in a reasonable manner and at a reasonable place anyone acting in a drunk or disorderly manner." This authority may be exercised against a person who refuses to pay his fare. State v. Goold, 53 Me. 279 (1865).

Physicians have an immunity from civil liability when they administer, with due care, emergency medical treatment. Title 32, section 3291.

This section deals with several different roles under circumstances where the use of force is not uncommon.

Subsection 1 permits parents to use force, against their children which they reasonably believe is necessary for punishment or to prevent misbehavior. This would appear to be the same rule as is implied in the statutory prohibition against extreme punishment.

Teachers, however, are not granted authority to use force in order to punish by subsection 2 which thereby changes present law. It is necessary for a teacher to have order so that he may teach, and subsection 2 gives him authority to maintain order when a child is creating a disturbance or when he refuses to leave the classroom or other school area.

Persons in charge of institutions, such as mental hospitals, are given a broader scope of authority by virtue of their 24 hour responsibility for their patients.

Subsection 4 serves to place a legislative limit on what may be deemed reasonable under the first three subsections. That is, the purpose of the subsection is to prohibit death, se-

rious bodily injury, or substantial amounts of pain. Subsection 5 seeks to give authority that is commensurate with responsibility. Subsections 6 and 7 articulate rules which conform with general expectations of what the law permits under the named circumstances.

Historical Note

Laws 1979, c. 127, in subsec. 5 inserted "he" preceding "may use nondeadly force".

Laws 1979, c. 512, without reference to Laws 1979, c. 127, in subsec. 5 substituted "A person" for "Whenever a person is" and deleted "but he may use deadly force only when he reasonably believes it necessary to prevent death or serious bodily injury" following "for such purposes".

Laws 1979, c. 663 repealed and replaced subsec. 5 as amended by Laws 1979, cc. 127 and 512.

Notes of Decisions

1. Parents

Parent may be subject to criminal law when his punishment of child exceeds the bounds of reason and moderation. State v. Coombs (1978) Me., 391 A.2d 288.

§ 107. Physical force in law enforcement

1. A law enforcement officer is justified in using a reasonable degree of nondeadly force upon another person:

A. When and to the extent that he reasonably believes it necessary to effect an arrest or to prevent the escape from custody of an arrested person, unless he knows that the arrest or detention is illegal; or

B. To defend himself or a 3rd person from what he reasonably believes to be the imminent use of nondeadly force encountered while attempting to effect such an arrest or while seeking to prevent such an escape.

2. A law enforcement officer is justified in using deadly force only when he reasonably believes such force is necessary:

A. To defend himself or a 3rd person from what he reasonably believes is the imminent use of deadly force; or

B. To effect an arrest or prevent the escape from arrest of a person whom he reasonably believes

(1) has committed a crime involving the use or threatened use of deadly force, or is using a deadly weapon in attempting to escape, or otherwise indicates that he is likely seriously to endanger human life or to inflict serious bodily injury unless apprehended without delay; and

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Library References

Comment.
Employment of legal counsel for general purposes, see M.P.S. vol. 18, Hardy, § 462.

§ 37G. Corporal punishment of pupils prohibited

The power of the school committee or of any teacher or other employee or agent of the school committee to maintain discipline upon school property shall not include the right to inflict corporal punishment upon any pupil.

Added by St.1972, c. 107, § 1.

Historical Note

St.1972, c. 107, § 1, was approved March 23, 1972.

Law Review Commentaries

Corporal punishment in schools. (1977) 91 Harvard L.Rev. 114.

Library References

Schools ⇐176.
C.J.S. Schools and School Districts § 502.
Comments.
Assault and battery, justification, see M.P.S. vol. 14A, Simpson and Alperin, § 1741.
Corporal punishment as means of discipline, see M.P.S. vol. 37, Nolan, § 155.
Discipline of students, see M.P.S. vol. 18, Hardy, § 437.

United States Supreme Court

Corporal punishment in public schools, application of cruel and unusual punishment provisions of U. S. Constitution, see Ingraham v. Wright, 1977, 97 S.Ct. 1401, 430 U.S. 651, 51 L.Ed.2d 711.

Notes of Decisions

1. In general

Teacher's use of offensive language in classroom and use of corporal punishment after being told by superiors not to use corporal punishment constituted sufficient basis for school committee's determination that teacher should be suspended under § 42D of this chapter providing for suspension of teacher for conduct unbecoming a teacher; thus, school committee could not be held liable in civil rights action to teacher for damages arising out of suspension. Wood v. Goodman (D.C.1974) 381 F. Supp. 413.

§ 37H. Rules or regulations relative to conduct of teachers or students; publication required

The school committee of every city, town or district shall publish its rules or regulations pertaining to the conduct of teachers or stu-

justified in using deadly force against such persons under the circumstances described in paragraph II of this section. They are justified in using non-deadly force when and to the extent they reasonably believe it necessary to prevent any other escape from such a facility.

VI. A reasonable belief that another has committed an offense means such belief in facts or circumstances which, if true, would in law constitute an offense by such person. If the facts and circumstances reasonably believed would not constitute an offense, an erroneous though reasonable belief that the law is otherwise does not make justifiable the use of force to make an arrest or prevent an escape.

VII. Use of force that is not justifiable under this section in effecting an arrest does not render illegal an arrest that is otherwise legal and the use of such unjustifiable force does not render inadmissible anything seized incident to a legal arrest.

History

Source. 1971, 518:1, eff. Nov. 1, 1973.

627:6 Physical Force by Persons with Special Responsibilities.

I. A parent, guardian or other person responsible for the general care and welfare of a minor is justified in using force against such minor when and to the extent that he reasonably believes it necessary to prevent or punish such minor's misconduct.

II. A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes, is justified on the premises in using necessary force against any such minor, when the minor creates a disturbance, or refuses to leave the premises or when it is necessary for the maintenance of discipline.

III. A person responsible for the general care and supervision of an incompetent person is justified in using force for the purpose of safeguarding his welfare, or, when such incompetent person is in an institution for his care and custody, for the maintenance of reasonable discipline in such institution.

IV. The justification extended in paragraph I, II, and III does not apply to the malicious or reckless use of force that creates a risk of death, serious bodily injury, or substantial pain.

V. A person authorized by law to maintain decorum or safety in a vessel, aircraft, vehicle, train or other carrier, or in a place where others are assembled may use non-deadly force when and to the extent that he reasonably believes it necessary for such purposes, but he may use deadly force only when he reasonably believes it necessary to prevent death or serious bodily injury.

VI. A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious bodily injury upon himself may use a degree of force on such person as he reasonably believes to be necessary to thwart such a result.

New Jersey

Cross References

Conduct of schools in general, see § 18A:36-1 et seq.
Contracts for use of equipment to examine pupils for tuberculosis, see § 30:9-52.1.
Discrimination between public and private day schools, prohibited, see § 40:55-33.1.

ARTICLE 1. PUBLIC AND PRIVATE EDUCATIONAL INSTITUTIONS

18A:6-1. Corporal punishment of pupils

No person employed or engaged in a school or educational institution, whether public or private, shall inflict or cause to be inflicted corporal punishment upon a pupil attending such school or institution; but any such person may, within the scope of his employment, use and apply such amounts of force as is reasonable and necessary:

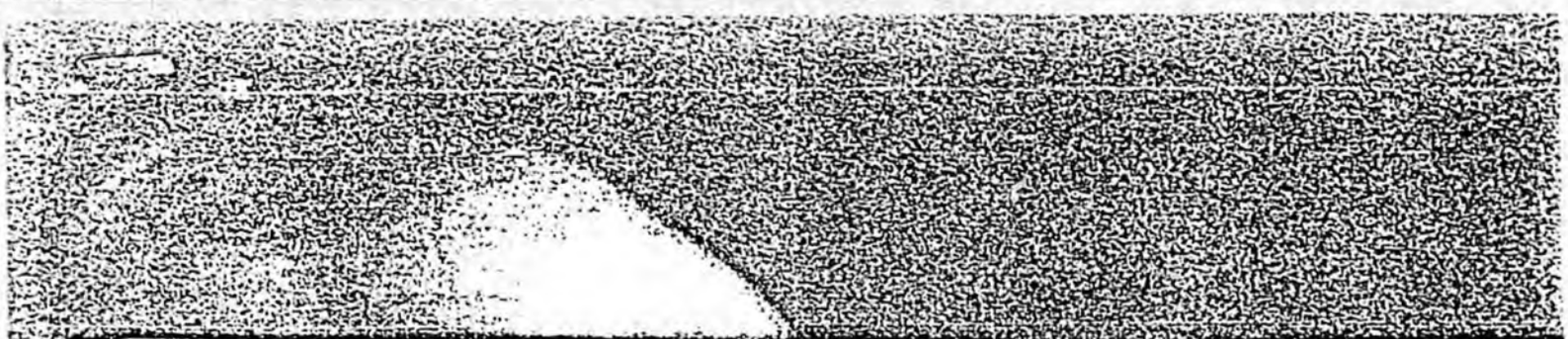
(1) to quell a disturbance, threatening physical injury to others;

(2) to obtain possession of weapons or other dangerous objects upon the person or within the control of a pupil;

(3) for the purpose of self-defense; and

(4) for the protection of persons or property;

and such acts, or any of them, shall not be construed to constitute corporal punishment within the meaning and intendment of



this section. Every resolution, bylaw, rule, ordinance, or other act or authority permitting or authorizing corporal punishment to be inflicted upon a pupil attending a school or educational institution shall be void.

Historical Note

Source: R.S. 18:19–1, amended L.1964, c. 182, § 1.
Prior Laws: L.1903 (2d Sp.Sess.), c. 1, § 112, p. 44 [C.S. p. 4765, § 112].

Library References

Schools and School Districts ⇐S, 176. C.J.S. Schools and School Districts §§ 9, 11, 502.

18A:6–2. Instruction in accident and fire prevention

Regular courses of instruction in accident prevention and fire prevention shall be given in every public and private school in this state, which instruction shall be adapted to the understanding of the several grades and classes in said schools.

Historical Note

Source: R.S. 18:19–3, amended L.1954, c. 81, § 10; 18:19–5, amended L.1954, c. 81, § 12.
Prior Laws: 18:19–3. L.1931, c. 50, § 2, p. 101, suppl. to L.1903 (2d Sp.Sess.), c. 1, p. 5. 18:19–5. L.1920, c. 118, § 2, p. 253 [1924 Suppl. § 185.44S].

Library References

Schools and School Districts ⇐S, 164. C.J.S. Schools and School Districts §§ 9, 11, 485.

18A:6–3. Courses in constitution of United States

Regular courses of instruction in the constitution of the United States shall be given in all public schools and in all private schools, attendance at which is a sufficient compliance with the compulsory educational requirements of this title in this state, which instruction shall begin not later than the opening of the seventh grade in public schools and of the equivalent grade in private schools and shall continue in the high school course and in courses of state colleges and universities and the educational departments of the state and municipal institutions to the extent to be determined, by rule, by the commissioner or by the chancellor, as the case may be.

Historical Note

Source: R.S. 18:19–7, 18:19–8, 18:19–9; C. 18:21A–11 (L.1966, c. 302, § 11).
Prior Laws: 18:19–7. L.1923, c. 17, § 3, p. 43 [1924 Suppl. § 185–182]. 18:19–8. L.1923, c. 17, § 1, p. 43 [1924 Suppl. § 185–180]. 18:19–9. L.1923, c. 17, § 2, p. 43 [1924 Suppl. § 185–181].

Library Referenc

Schools and School Districts ⇐S, 164. C.J. §§

Notes of Decisio

1. In general

A proposed day school and school of equitation, devoted to boarding of horses and instruction of children in horsemanship and other recreational pursuits, is not a "private school" within township zoning ordinance permi in re school sense Wads of Be 78 A.2

18A:6–4. Annual report of insti and private schools

The board, body or person in charg tution, except an institution of highe port or aid from the state and of ea port, annually on or before August 1, manner and form required by him, a son in charge of each educational ins receiving support or aid from the sta ner to the chancellor, such statistics such institution or school as he ma school shall be required to report con nances nor shall any such report m made public.

Historical Not

Source: R.S. 18:3–18; C. 18:21A–4 (L.196
Prior Laws: L.1903 (2d Sp.Sess.), c. 1, § 17, p.

Library Referen

Schools and School Districts ⇐6, 48(6). C.J §

18A:6–4.1 Security officers of tional institutions:

Upon application to, and approval State Police security officers of publi institutions of this State may be ad conducted by the Division of State P municipal law enforcement officers, such training as determined by the s

Vermont Statutes

otice to the person having the control
s absent from school without cause,
t person to cause the child to attend

such notice, a person fails, without
d to attend schoo' as required by this
t more than $1,000.00.
ll forthwith enter a complaint to the
vn in which such person resides, or to
county, and shall furnish him with a
pon which the complaint is based, and
at rney shall prosecute the person.
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tes that the respondent, (naming him)
d of school age, (naming him) neglects
proved public school or an approved or
an approved program of home instruc-
-Amended 1981, No. 151 (Adj. Sess.),

. Subsection (a): Minor changes were made in

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be fined not more than $1,000.00" for "shall
nor less than $5.00."
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prosecution against parents, charging them for
of school age to attend school as required by
be considered in the light of the fact that the
tentially subjecting defendants to criminal pen-
ad the burden of establishing by the requisite
ments of the criminal act. State v. LaBarge
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t officer gave parents notice, required by this
hool age children were not attending an "ap-
the only precedent notice, defined the grounds
harged against the parents in criminal prosecu-
134 Vt. 276, 357 A.2d 121.

on 1121 of this title requiring persons having
them to attend a public school unless, in one
therwise being furnished "equivalent education",
n" would not be taken to mean instruction at an
with section 166 of this title requiring private
state; and where criminal prosecution against
d solely on fact their children were attending a
ed, the essential determination that the children
was not soundly founded and the informations
operly dismissed. State v. LaBarge (1976) 13

Subchapter 4. Discipline

§ 1161. Repealed. 1983, No. 145 (Adj. Sess.), § 3.

For current provisions relating to discipline of students, see § 1161a of this title.

ANNOTATIONS UNDER FORMER § 1161

½. Constitutionality. This section, as written, does not of itself offend the Cruel and Unusual Punishment clause; which is not to say that it may not do so as applied. Roberts v. Way (1975) 398 F.Supp. 856.

1. Moderate chastisement. A teacher has the right, when necessary, to chastise the pupils moderately to maintain discipline, but if the punishment is excessive or improper the teacher is guilty of assault and battery. Roberts v. Way (1975) 398 F.Supp. 856.

This section permits resort only to reasonable forms of punishment, within the bounds of moderation and free from any element of cruelty, and is merely declaratory of the prevailing law of tort liability on the subject of corporal punishment in the schools of the country. Id.

2. Particular punishments. Under allegations that school principal struck eleven-year-old student with his foot and without warning, knocking him to the floor, then kicked him in the abdomen and back and legs and pulled his hair, that the boy suffered severe bruises to the areas kicked, and that the action of the principal was in response to the boy's hitting another boy with a book because he wanted the other boy's seat, the punishment bore a closer relation to assault and battery than to a considered act of discipline, the complaint stated a cause of action for assault and battery under Vermont law, and both the boy and his parent had an adequate remedy under state law for money damages. Roberts v. Way (1975) 398 F.Supp. 856.

3. Cited. Cited in Morton v. Essex Town School District (1981) 140 Vt. 345, 443 A.2d 447.

§ 1161a. Discipline

(a) Each public and each approved school shall have a policy on discipline. The policy shall include standard procedures, and it shall be consistent with this section and with the school district's regulations on suspension and dismissal.

(b) For the purpose of this chapter, corporal punishment means the intentional infliction of physical pain upon the body of a pupil as a disciplinary measure.

(c) No person employed by or agent of a public or approved school shall inflict or cause to be inflicted corporal punishment upon a pupil attending the school or the institution. However, this section does not prohibit a person from using reasonable and necessary force:

(1) to quell a disturbance;

(2) to obtain possession of weapons or other dangerous objects upon the person of or within the control of a pupil;

(3) for the purpose of self defense; or

(4) for the protection of persons or property.—Added 1983, No. 145 (Adj. Sess.), § 1.

§ 1162. Suspension or dismissal of pupils

A superintendent or principal may, pursuant to regulations adopted by the governing board, suspend, or with the approval of a majority of the members of the governing board of the school district, dismiss or expel a pupil for misconduct when the misconduct makes the continued presence of the pupil harmful to the welfare of the school. Nothing contained in this section shall prevent a superintendent or principal from removing immediately from a school a pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school.—Amended 1977, No. 33, § 3; No. 130 (Adj. Sess.).

1977 (Adj. Sess.) amendment. Provided that a superintendent or principal may suspend, in accordance with regulations, a pupil for misconduct.

1977 amendment. Amended generally to provide for the suspension of pupils.

1. Construction with other law. Section 563 of this title, granting to school boards the general power to establish education policies and to prescribe rules and regulations for the conduct and management of schools, including student discipline, does not conflict with, and therefore give way to this section, which authorizes, but does not require, school boards to delegate the power to suspend or expel students. Rutz v. Essex Junction Prudential Committee (1983) 142 Vt. 400, 457 A.2d 1368.

2. Purpose. The purpose of this section is to prescribe the conditions under which school boards, by the adoption of appropriate regulations, may authorize certain officials to suspend, dismiss or expel students, and in the absence of regulations adopted for that purpose, the enumerated disciplinary powers remain with the boards. Rutz v. Essex Junction Prudential Committee (1983) 142 Vt. 400, 457 A.2d 1368.

3. Regulations. The purpose of this section is not to limit the authority of school boards in disciplinary matters, and it does not mandate that boards must adopt regulations in favor of superintendents or principals. Rutz v. Essex Junction Prudential Committee (1983) 142 Vt. 400, 457 A.2d 1368.

4. Well being of other students. Expulsion of a student based on a finding that the sale of marijuana on school property gravely affected the well being of other students enrolled within the school district satisfied the spirit of the standard prescribed in this section which empowers the expulsion of a student when the misconduct makes the presence of the pupil harmful to the welfare of the school. Rutz v. Essex Junction Prudential Committee (1983) 142 Vt. 400, 457 A.2d 1368.

§ 1164. Repealed. 1977, No. 33, § 6.

§ 1165. Alcohol and drug abuse

(a) The state board, in consultation with local school boards, the alcohol and drug division, the law enforcement authorities and the juvenile court system shall formulate a general policy for the educa-

tion, discipline and referral f
involved with alcohol or drug
functions.

(b) The state board shall
25 of Title 3 for all school d
standards consistent with due
sion or dismissal of students
cation, and for referral for t

(c) Each school district sl
with the state board's guidelin
dures for education; referral f
tation; and standards consist
cipline, suspension or dismiss
tion 1162 of this title. Nothing
date local school districts to
rehabilitation.

(d) Each school district sl
sioner within thirty days of its

(e) No municipality, school
of the school district shall be
with the implementation of a
section so long as they have a
in violation of the constitutio

(f) No later than July 1 of
file a report with the commis
include but not be limited t
apparent effectiveness of the p
lum required under section 90
lems of alcohol and drug abu

(g) The commissioner of e
31 an annual report concerni
abuse education in the schools
cil.—Added 1979, No. 62, § 1,
No. 51, § 4, eff. April 22, 1983.

Revision note. Subsections (e) an
22, 1983, were redesignated as sub
with lettering of section.

1983 amendment. Subsection (f):
Subsection (g): Added.

Policy and guidelines. 1979, No.
state board shall formulate its pol
subsections (a) and (b) of section

Puerto Rico

entitled to request and enjoy leave without pay up to the termination of the first school semester. If [not] elected, he may return to his former position, if he so desires, with the same rights and prerogatives he had at the time of applying for leave. If his position is occupied or if there is no vacant position of the same category in his school district, the Secretary of Education shall extend to him special leave with pay up to the official commencement of the second school semester. If said teacher is elected, the Secretary of Education shall extend the leave without pay granted to him for the duration of his incumbency in office, if the teacher so desires.—June 30, 1960, No. 25, § 6; June 27, 1961, No. 124, p. 268, eff. 90 days after June 27, 1961.

HISTORY

Codification.

Bracketed material inserted to conform with Spanish text.

Amendments—1961.

The 1961 Act amended this section generally.

Repeals.

Section 2 of Act June 27, 1961, No. 124, provided: "All laws or part of laws in conflict herewith are hereby expressly repealed."

Cross references.

Procedure for cancellation of teachers' certificates, see sections 274–274o of this title.

§ 249e. —Discrimination; reprisal

The school authorities and all other authorities are hereby enjoined from all discrimination or reprisal against a teacher by reason of his affiliation, creed and political actions; and it is further forbidden that the circumstances mentioned above be taken into consideration in deciding questions such as transfers, work assignment, salary raises, promotions, scholarships, leaves of absence, and any other matters relative to the teacher's professional work or status.—June 3, 1960, No. 25, § 7, eff. June 3, 1960.

HISTORY

Cross references.

Procedure for cancellation of teachers' certificates, see sections 274–274o of this title.

§ 250. Corporal punishment

Corporal punishment is absolutely prohibited in the schools of Puerto Rico, except in accordance with regulations issued by the Secretary of Education in pursuance of this section, section 142 of

...ce 3 and former section 89 ...stitution of the Commonw...d upon the sanction of the ... 60, § 58; Mar. 10, 1910, No. ... 10, eff. July 25, 1952.

...dification.

"Commissioner" was changed to ... 6. Words "the Organic Act" ...e Commonwealth" upon authorit... July 3, 1950, c. 446, 64 Stat. 320.

Prior law.

Similar provisions were contained

§ 251. Repealed. Apr. 23, 19...

Repeals.

Section 251, which was section ...elated to requirement of at lea... and city maintaining a graded syst...

§ 252. Professional admissi...

For the purpose of admis... tificate or diploma of princi... shall be equivalent to a hig... have practiced for two yea... principal or as an elementa... of Puerto Rico.—Mar. 12, 19... Apr. 23, 1931, No. 30, p. 33...

Prior law.

Similar provisions appeared in

§ 253. Exchange of teache... countries

The Secretary of Educat... negotiations for the exchan... ers from the United State... democratic governments.—... July 24, 1952, No. 6, p. 10... 1960.

Title 3 and former section 89 of the Codified School Law, and the Constitution of the Commonwealth, and other legislative sanction and upon the sanction of the parent or guardian.– Mar. 12, 1903, p. 60, § 53; Mar. 10, 1910, No. 48, p. 147, § 1; July 24, 1952, No. 6, p. 10, eff. July 25, 1952.

HISTORY

Codification.

"Commissioner" was changed to "Secretary" pursuant to Act July 24, 1952, No. 6. Words "the Organic Act" were changed to "and the Constitution of the Commonwealth" upon authority of Public Law 600, Act of Congress of July 3, 1950, c. 446, 64 Stat. 320.

Prior law.

Similar provisions were contained in Act Jan. 31, 1901, p. 29, § 25.

§ 251. Repealed. Apr. 23, 1931, No. 30, p. 330, § 7.

HISTORY

Repeals.

Section 251, which was section 40 of Act Mar. 12, 1903, p. 60, as amended, related to requirement of at least one teacher of English in every village and city maintaining a graded system of schools.

§ 252. Professional admission by principal teacher's certificate

For the purpose of admission to any professional career, a certificate or diploma of principal teacher, acquired in Puerto Rico, shall be equivalent to a high-school diploma after its holder shall have practiced for two years or more as an elementary school principal or as an elementary school teacher in any public school of Puerto Rico.—Mar. 12, 1903, p. 60, § 38; Mar. 10, 1904, p. 64, § 6; Apr. 23, 1931, No. 30, p. 330, § 2, eff. 90 days after Apr. 23, 1931.

HISTORY

Prior law.

Similar provisions appeared in Act May 20, 1919, No. 12, p. 120.

§ 253. Exchange of teachers between Puerto Rico and democratic countries

The Secretary of Education is hereby authorized to carry out negotiations for the exchange of Puerto Rican teachers and teachers from the United States and from foreign countries ruled by democratic governments.—May 6, 1938, No. 127, p. 269, § 1; July 24, 1952, No. 6, p. 10; June 3, 1960, No. 22, § 2, eff. July 1, 1960.

4-3-85
FRONT

35 assault charges against Big Lake teacher

By DEBORAH HEIDECKER

PALMER—A Big Lake lementary special education eacher was charged Monday by he district attorney's office ere with 35 counts of fourth-egree assault.

Vernon W. Christiansen, 36, f Big Lake is accused of hysically assaulting eight male tudents, ages 11 to 13, over a ix-month period that began last eptember.

Christiansen, who has not een teaching since the in-estigation began in February, is believed to be in California, according to court records.

Charges by the district attorney filed Monday in Palmer Superior Court state that Christiansen routinely kicked the backs of his students' chairs, knocking them into tables and causing them to hurt their stomachs.

The charging documents also allege that Christiansen grabbed an 11-year-old boy by the throat and slammed him into a wall, and picked up a 12-year-old boy by "putting his hands on his neck and putting his fingers in the glands along the inside of his jawbone, causing pain."

The same 12-year-old boy told Alaska State Trooper Karma Van Gelder that Christiansen kicked his chair out from under him and continued kicking his arms and legs until he got up from the floor.

Christiansen is additionally charged with throwing an eraser at an 11-year-old boy, striking him in the eye.

All of the children who were interviewed by Van Gelder, and whose statements were used in the charges against Christiansen, are former students of the accused from this year or last year.

Christiansen allegedly stated in an interview that he believes that intimidation is an important factor in getting children to learn, according to court records.

Christiansen was suspended with pay from the Mat-Su Borough School District, pending the district's own investigation of the allegations.

"Since the incident happened that brought the matter to light, he has not been in the classroom. Because of pending personnel actions and criminal charges, any comment would be inappropriate at this time," said Peter Partnow, an Anchorage attorney representing the school district.

District Attorney Dwayne McConnell said that the investigation, which began in mid-February, involved the interviewing of more than 30 people, including students.

The troopers first became aware of the alleged abuse after a parent called the Division of Family and Youth Services, McConnell said.

"It's my understanding that he's in Menlo Park, California, receiving some sort of counseling," McConnell said Monday.

McConnell said that his office does not plan to extradite Christiansen. "I understand he'll be back in the state in the near future," McConnell said.

Questions on spanking

Empire 4-11-85

Dear Editor:

Tuesday night's lengthy editorial on the subject of spanking inspires the following thoughts:

1. What is "spanking?" Spanking is only an euphemism for hitting.

2. When does spanking take place? Spanking only takes place when a big person (read "teacher" or "parent" as you like) decides for some reason that a little person (read "child") deserves to be hit.

3. What does spanking teach children? Spanking teaches children that it is all right for big people to hit little people under certain circumstances.

4. What benefit do children get out of spanking? This looks like a difficult question. By analogy, most animal trainers seem to be of a single mind that one does not successfully teach a dog or a horse anything by hitting them. Every dog obedience class that I've ever taken or ever heard of strongly emphasizes praise and reward as the most productive teaching technique for animals. Observation in the human world does not seem to support a contrary theory.

5. What harm results when a big person hits a little person? Aside from bruises, scars and broken bones, it would appear that hitting children teaches children that hitting other people is acceptable social behavior. This in turn may translate into a pattern of violent conduct not only when the child reaches adulthood but also by children among themselves. How many times does a parent or a teacher instruct a child to keep his hands to himself or not to hit her little brother? How many amongst us as adults can remember, years later, the traumatic details of a rap on the knuckles with a ruler or a trip to the woodshed?

Proponents of spanking undoubtedly allege a right to discipline children and recite the aphorism "spare the rod and spoil the child." I, for one, concede no such "right" for big people to hit little people. I know many children who have never been hit and don't regard them as having been spoiled because of that omission. In fact, I don't believe the child has been born yet who deserves to be hit by an adult.

There is no doubt that children can be infuriating at times. The urge to violence certainly wells up in all of us from time to time. But I will thank kindly the school's administrators for refraining from hitting my children and urge that such abstentious conduct toward everyone would serve them very well.

Sincerely,
J.P. Tangen
P.O. Box 1211
Juneau, 99802

70% OF U.S. SCHOOLS USE CORPORAL PUNISHMENT

American school children are subject to being beaten with wooden boards for any minor offense. They may be boxed about the ears, slapped in the face or hit with a ruler, yardstick, gymnastic or shop equipment, books, or wet towels.

Many, perhaps most, teachers are able to maintain order without such tactics, yet cases are on record of children as young as five or six being punched with a clenched fist, having teeth knocked out, mouths sealed with tape or stuffed with toilet paper. Children have been shaken, choked, kicked, kneed, stomped, thrown against desks and walls, locked in dark closets and subjected to nasty personal indignities.

HOW CAN THIS BE?

A minimum of 5 to 8 percent of all people, not excluding teachers, may be temporarily or permanently disturbed, burned out, or otherwise impaired in their ability to exercise restraint if provoked. And there are others who may have been misused as children and who remain convinced that abuse strengthens character. Under the guise of administering discipline, they get perverse pleasure from battering buttocks, and the "reasonable force" that the law permits has yet to be defined.

FORCE HAS NO PLACE
WHERE THERE IS NEED OF SKILL.

-- Herodotus

THE LAW ALLOWS

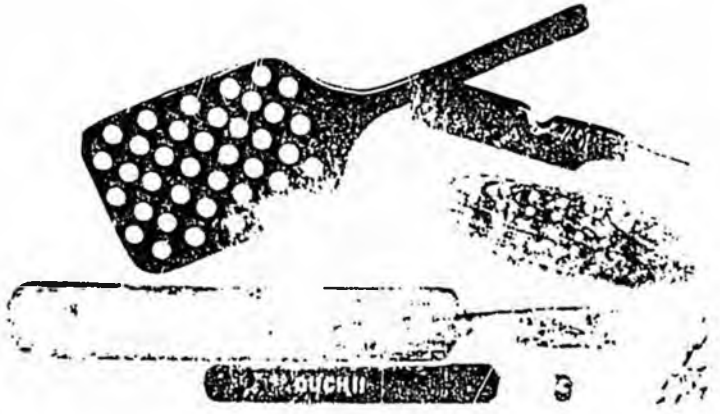
State law or school board regulations or court decisions in 43 states permit assault upon children including in many cases any amount of damage up to death or permanent disability. Welts, bruises and other wounds such as would require reporting under child abuse laws if inflicted by parents are passed off as necessary discipline when they happen in school.

On the other hand, 7 states, most large cities and many hundreds of smaller communities prohibit the use of corporal punishment. Their schools have not suffered a lack of discipline. Indeed many improved markedly in morale, behavior and scholarship. There is also less vandalism.

WHAT ELSE WORKS?

Firm but non-punitive control, capable teachers, high expectations, a forward looking curriculum and the support of a concerned administration should be effective. Many special systems of in-service training are available if more is needed.

The time has come to cease training our children in violence. Our society can no longer afford the luxury of inadequate and paddle-happy teachers, coaches and administrators who model physical assault as an acceptable method of settling disputes. Corporal punishment in the schools must be abolished and children given the same protection as adults against assault.



END VIOLENCE AGAINST THE NEXT GENERATION, INC.

977 Keeler Ave., Berkeley, CA 94708-1498
(415) 527-0454

OUR PURPOSES

To collect and disseminate information about corporal punishment.

To educate the public about the effects of such punishments.

To promote alternative methods of raising and educating children.

To conduct and promote research regarding the relationship between physical punishment and behavior problems.

To reduce in every possible way the kind and amount of violence against the next generation in order to secure for our posterity a more peaceful, creative, successful and intelligent society.

We Oppose Corporal Punishment Because:

It is unnecessary.

It pre-empts better means of communicating with the child.

It teaches by example that the infliction of pain is the proper way to power.

It develops deviousness; the trick is not to get caught.

It is dangerous in that it escalates into battering.

It increases agressiveness in the child and vandalism in the school.

It causes anxiety and school phobia in the other children.

It reduces the ability to concentrate on intellectual tasks.

It can cause sexual aberrations.

It damages the punisher in that it narrows his options, tunnels his vision and tarnishes his image as a man of learning.

OPPOSED TO CORPORAL PUNISHMENT:

American Academy of Pediatrics
National Education Association
American Psychological Association
American Civil Liberties Union
Mental Health Association
Society for Adolescent Medicine
Council for Exceptional Children
Friends Committee on Legislation
U.S. Department of Defense:
Office of Dependents Schools
N.A.A.C.P.
American Public Health Association
Association for Humanistic Education
American Humanist Association
Unitarian Universalist General Assembly
National Center for Study of Corporal Punishment and Alternatives
and many hundreds of local groups

* * * * * * * * * *

Most civilized nations abolished the practice. It was outlawed in:

Poland	1783	Norway	1936
Holland	1820	Rumania	1948
Italy	1860	Portugal	1950
Belgium	1867	Sweden	1958
Austria	1870	Denmark	1967
France	1881	Spain	1967
Finland	1890	Germany	1970
Russia	1917	Switzerland	1970
Turkey	1923	Ireland	1982

It is not used in Albuquerque, Atlanta, Baltimore, Boston, Chicago, Los Angeles, Milwaukee, Madison, New Haven, New Orleans, New York, Pittsburgh, Portland, Providence, Philadelphia, Phoenix, St. Louis, Salt Lake City, San Francisco, San Jose, Seattle, nor in Washington, D.C.

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END VIOLENCE AGAINST THE NEXT GENERATION, INC.

PRESIDENT – H. B. (BIX) NEWHARD, M.D.
Indian Valley Medical Center
Novato, California 94947 – (415) 897-9664
SECRETARY – Alan DeWitt Button, Ph.D.
Dept. of Psychology, California State University, Fresno, Fresno, CA 93740 – (209) 487-2479
TREASURER – Harold Zuckerman
302 Cameo Drive, Danville, CA 94526 – (415) 837-5255
EXECUTIVE DIRECTOR – Adah Maurer
977 Keeler Ave., Berkeley, CA 94708 – (415) 527-0454

Child Abuse in Schools: A National Disgrace

JUNEAU EMPIRE
— EDITORIAL

SHOULD WE SPANK?

To spank or not to spank, that is the question.

During the prolonged debate over a new discipline policy for the Juneau School District, much attention was focused on corporal punishment — spanking.

Fortunately, spanking is only a tiny portion of the discipline question. It is used rarely, and only under specific, controlled circumstances.

Unfortunately, spanking by school principals remains an alternative for disciplining children in the rewritten policy proposed to the Board of Education. That alternative is in recognition of some parents' desire to use spanking to discipline their children.

An advisory committee was assembled to look into discipline in local schools and rewrite the discipline policy. In its draft, the committee recognized several important aspects:

- "The Board of Education directs schools to help students become useful, productive citizens, responsible for their own actions.
- "Discipline based on faith in the worth and dignity of each individual is a positive form of guidance. Any form of discipline that impairs the child's self-respect should be avoided."

Further, the proposal states that the responsibility for discipline rests not just with teachers and school administrators but with the Board of Education, parents and students.

Only one paragraph in the policy deals with corporal punishment:

"The building principal shall have the authority to assign discipline to students. For serious infractions, disciplinary alternatives shall be discussed with the parents or guardians. If corporal punishment is to be used in school, it is to be administered only by the principal, who must first have the permission of the parents or guardians. It must be witnessed by an adult and only in the privacy of the principal's office. Corporal discipline shall be defined as spanking on the buttocks with a paddle."

While this policy is certainly a good compromise on the question of spanking it brings up several questions. Though they may seem picky or negative, they should be answered.

What would happen if one parent or guardian authorizes spanking but the other doesn't? Children sometimes live with one parent and not the other. Since the policy requires the "parents or guardians" to be contacted, how does the principal avoid getting caught in the middle if the parents or guardians disagree?

Then there is the liability question. How is the school protected if the parents claim harm to their child as the result of a spanking? It just seems that in this increasingly litigious era the probability of a lawsuit resulting from a spanking is greater than ever.

Beyond those questions, however, the responsibility for a child's discipline seems to us to rest with the parents more so than with the schools. A school policy cannot teach discipline if the parents are unwilling or unable to teach it. After all, the child spends most of his or her time not in school but with the parent, and if that parent does nothing to instill discipline a principal's spanking almost surely cannot do the job.

Schools should set an example for children. Life patterns are set during childhood. Violence — and spanking is a form of violence — should not be learned as a means of instilling discipline. In the "real world," violence is never a positive experience. How then is a principal spanking a child positive?

At the same time, many parents have expressed a desire to keep the spanking option as a matter of personal choice. That valid concern also must be addressed, but we believe there is a way to take care of it without the principal doing the "dirty work."

If both parents prefer spanking as a form of discipline, they should be called to the principal's office and spank the child themselves with the principal as a witness. That would still allow the parents to make the decision, force the parents to take part in disciplining the child and assure that the school's personnel do not play a violent role.

During its deliberations, the advisory committee considered this alternative, but rejected it because of a liability that might arise if a parent hurt a child after being asked by a principal to administer a spanking. That fear only reinforces the arguments against any form of spanking, either by parents or by school personnel.

In our view, it only seems logical that if a child is going to be spanked, the parent should do it and not school personnel.

news articles

L.A. school board puts end to swat teams

By Colleen Bentley-Adler
Staff writer

As expected, the Los Angeles school board voted Monday to abolish swattings as a way to discipline unruly youngsters.

By a 6-1 margin, with East San Fernando Valley board member Roberta Weintraub dissenting, the board voted to ban corporal punishment immediately from the Los Angeles Unified School District's elementary and junior high schools. It already is forbidden in senior highs.

Weintraub, who said she was not on a crusade to maintain corporal punishment, cited a 1979 teachers' union referendum approving of swattings as a disciplinary option as her main reason for voting against the motion.

She said the views of teachers should be taken into consideration because "they are the ones in the classrooms," adding that she believes teachers would respond the same way if another vote were taken.

No teachers or leaders from United Teachers of Los Angeles, however, appeared before the board either in favor of or against the motion.

Moreover, in recent contract talks, union leaders agreed to let the board vote on continuing or abolishing swattings. Even though the board's vote now bans the practice, corporal punishment remains in the contract, but in effect, is a moot section.

Board member Rita Walters, who along with Jackie Goldberg, co-authored the motion to ban corporal punishment, said leaving it in the contract while voting against it is "a schizophrenic act on our part."

Board member Larry Gonzalez said Monday's vote to ban the practice is the first step in removing corporal punishment from the contract.

"We have to fight to take it out of the contract all together," he said.

Both Walters and Goldberg disagreed with Weintraub about how teachers would vote on corporal punishment in 1984, especially given the low numbers of actual swattings that have occurred.

Corporal punishment has been allowed in the district since 1980. In the 1982-83 school year, the latest for which statistics are available, 1,017 pupils were swatted — 359 in elementary schools and 658 in junior high schools.

Of those paddled, 48 percent were black and 31 percent were Hispanic, statistics that caused Gonzalez to say corporal punishment "rests on the back of minority children."

Goldberg, who is a teacher in the Compton School District, said her research showed that swattings were administered most often for fighting.

"That's the ultimate irony," she said, pointing out that as an administrator swatted a child for hitting someone else, he or she told the child not to hit anyone again.

"It's an antiquated system that has no place" in the schools, she added.

In near identical language, Walters called corporal punishment "a relic of the past," the demise of which is "long overdue."

The recent rash of child abuse and molestation cases being reported caused board President John Greenwood to rethink his position on the issue, he said.

Swatting at school is "an act which gets copied in the home" and sends the wrong message that hitting children is OK, he said.

Weintraub said after the board meeting, however, that equating corporal punishment and child abuse is "really getting a little far-fetched," particularly given the strict guidelines under which it is administered.

Regulations on the books are that parents have to sign a slip granting permission to an administrator — not a teacher — to swat a child; medical records must be checked before a swat is given; a child can refuse to accept the punishment; it must be done by an administrator in the presence of another staff member and not in the classroom or in front of other pupils, and only one to three swats on the buttocks through regular clothing is permitted.

Kerby Alvey, a psychologist representing the Center for the Improvement of Child Caring, said corporal punishment is an archaic practice that is outlawed in the military, mental institutions and prisons.

Allowing schools to administer swattings, he said, is "saying that physical force is a legitimate means to resolve conflicts. . . It's time to stop the hittings.

Margaret Wright, chairwoman of the United Parents Council, called corporal punishment "cruel and cowardly" behavior that is not allowed of other professionals who deal with children, such as doctors or nurses.

Saying swattings are a form of child abuse, Wright said that "abused children become abusers . . . our prisons are full of abusers."

SAN PEDRO, CALIF.
NEWS-PILOT

For more specifics read on

Los Angeles (cont.)

Corporal punishment, which was restored in the Los Angeles Unified School district almost five years ago, has been abolished again by the Board of Education.

The action, taken at the Oct. 15 meeting of the board, came on the approval of a motion by board members Jackie Goldberg and Rita Walters which called for the board to "remove and prohibit all forms of corporal punishment within the district."

In adopting the motion, the board repeals all of its guidelines and policies authorizing corporal punishment in the school district, with specific reference to "those policies and procedures adopted by the Board of Education on Feb. [illegible]

The [illegible] requested Superintendent of Schools Harry Handler "[illegible]inue to urge the use of positive approaches to discipline to ensure that students conform to proper standards of behavior permitting them to derive great benefits from the educational program."

Speaking for passage of the motion, Goldberg commented that corporal punishment is "an antiquated system that has no place in educatino or humanitarian priciples."

Although corporal punishment was restored in the Los Angeles School District on Oct. 22, 1979, it was not until the following February that the guidelines which were in effect in the district were adopted.

During the 1982-83 school year, the latest year for which statistics are available, corporal punishment was administered under those guidelines to 1,017 pupils, 359 at the elementary level and 658 in junior high schools.

Under board policy, corporal punishment was not administered to senior high school students.

Of the 1,017 elementary and junior high school pupils receiving corporal punishment, 396 were repeat offenders and received corporal punishment two or more times, bringing the total number of cases to 1,736.

Only 45 of the district's 414 elementary schools and 21 of the 75 junior high schools reported incidents of corporal punishment.

Approval of the Goldberg-Walters motion marks the third time in nine years that formal board action has been taken on corporal punishment.

In November of 1975, the board voted to abolish corporal punishment as a means of disciplining pupils.

Prior to that time, district administrators were governed by a board rule which permitted the use of corporal punishment, but only after "milder measures failed and after the nature of the offense had been fully explained to the pupil."

The rule also required the presence of the principal or assistant principal when a teacher administered corporal punishment and the presence of an adult witness when the principal or vice-principal administered corporal punishment.

In September of 1975, then Gov. Jerry Brown signed into law, effective Jan. 1, 1976, legislation which prohibits school personnel from administering physical discipline to students without the written consent of parents or guardians, a law which remains in effect.

The law also requires a California school district which practices the use of corporal punishment to notify parents or guardians at the beginning of each school year that corporal punishment is employed in the district.

In October of 1975, the U.S. Supreme Court ruled that a school district may utilize corporal punishment as a pupil disciplinary measure without first obtaining parental consent.

Tujunga, CA Record Ledger, Oct. 24, 1984

This was an affirmation without comment of a decision by a three-judge federal court in North Carolina.

The state law and the high court ruling were not applicable at that time to the Los Anggeles school district since the board had already banned corporal punishment in 1975.

After corporal punishment was abolished, there were a number of efforts to revive it, but all measures failed until the board approved a contract with United Teachers Los Angeles (UTLA) in 1978 which provided for corporal punishment as an option. The same language was used in the UTLA contract of 1979 and in subsequent contracts.

Corporal punishment was not used in the school district until 1980, after the board approved guidelines on Feb. 4 of that year which followed formal action taken on Oct. 22, 1979 to restore corporal punishment.

Guidelines which would be acceptable to the largest segment of the community proved to be troublesome. At one point following extensive hearings by a board committee, a special panel composed of school and community personnel was told to provide the board with "more specifics," thus delaying the actual practice of employing corporal punishment in the schools as a means of discipline.

Guidelines adopted by the board permittd a pupil to refuse to accept corporal punishment. Under those circumstances, the guidelines called for "a reasonable disciplinary alternative."

The guidelines also allowed corporal punishment "only after milder measures have proven unsuccessful."

The guidelines also said that corporal punishment must never be used routinely for specific offenses or as a form of mass punishment.

By Jim Hubbard, UPI

IT STILL HURTS: Marlene Gaspersohn, right, testifies with daughter Shelly, who has a stress disorder three years after a school spanking. Shelly said: 'I never felt such pain. I felt violated.'

Senate Hearing on Child Violence

Paddled Student's Tale of Pain

Washington

A North Carolina woman told a Senate hearing yesterday that the thrashing she received with a wooden paddle for playing hooky from high school one day "was the worst pain I've felt in my life. I felt violated."

"I've never, ever been hit like that before," said Shelly Sue Gaspersohn, 20, of Dunn, N.C., of the beating she took in 1981 at the hands of assistant principal Glenn Varney.

Gaspersohn said Varney hit her six times on the buttocks with the paddle. "The force was so great that massive bruises appeared on my buttocks," she said. "Throughout the next two days I hemorrhaged and had to see a doctor."

Varney's office at Dunn High School, responding to a telephone call, said he was away and could not be reached for comment. The school principal also was unavailable.

Gaspersohn, along with her mother, a psychologist and a West Virginia school principal, testified before the Senate Judiciary Subcommittee on Juvenile Justice, whose chairman, Arlen Specter, R-Pa., is holding hearings on how violence affects children.

The psychologist, Dr. Irwin A. Hyman of Temple University, said the "alarming rate of child abuse" in the United States can be traced to the notion that "hitting children is acceptable."

Also, he said, excessive use of corporal punishment in the schools can inhibit learning and arouse aggression against other pupils and school property.

But Paul V. Armstrong, president-elect of the West Virginia Association of Elementary School Principals, said that with proper controls, corporal punishment can be an effective disciplinary tool.

"I do not believe administering corporal punishment for fighting teaches aggression any more than I believe receiving a speeding ticket teaches you to be a race car driver," Armstrong told the subcommittee.

Gaspersohn told the panel that after the thrashing, she and her parents sought to discipline Varney through the Harnett County School Board, which investigated and found no evidence of impropriety.

They filed suit and, on Dec. 16, 1983, a county Superior Court jury found no wrongdoing on the part of Varney or the school board, she said. An appeal of the verdict was filed October 4 with an appellate court in North Carolina.

Hyman, director of the National Center for the Study of Corporal Punishment and Alternatives in the Schools, said that "the acceptance by adults that they have a right to do as they will with the bodies of children leads to the enormous problem of physical and sexual abuse of American children."

Associated Pr

San Francisco Chronicle 10/17/84

Spanking Issue Out Of The Closet

No. Carolina defends it's freeswinging policy

By JOHN BEETZ

It's almost like having a family secret.

People don't talk too openly about corporal punishment.

"I've found that school people, even those who agree with you, don't really care to discuss it in detail," Marlene Gaspersohn said.

Mrs. Gaspersohn, who lives in Dunn near Raleigh, knows from personal experience.

She recently went through a court battle with the Harnett County school over a spanking that left her 17-year-old daughter black and blue for three weeks.

She lost the lawsuit, but gained attention as a result and recently testified before a U.S. Senate subcommittee about corporal punishment.

Her testimony comes at a time that public debate has started in Haywood County over the practice of corporal punishment in the schools.

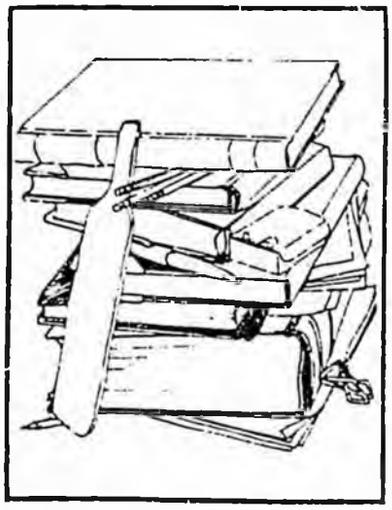
What prompted the local discussion was an incident at the tiny grade school in the Fines Creek community. Fourteen students were whipped with a black leather strap — equipped with a handhold and decorated with the principal's monogrammed initials — for talking too loudly on a school bus.

The local PTA president resigned in protest and other parents complained, saying the punishment was excessive and other methods should have been attempted first.

School officials defended the whippings and said that the children had been warned on numerous occasions.

Since then, the Fines Creek spanking has been tossed around in discussions across Haywood County, in public forums such as the letters to the editor column and in neighbor-to-neighbor talks.

And the publicity has extended far outside the boundaries of Haywood County. "Good Morning, America" made note of the incident, and CBS News called local school officials. The Associated Press picked up the story, sending it to member papers across the country. A nationally-circulated magazine for educators made note of the Fines Creek incident.



North Carolina law makes it very clear.

Corporal punishment is a fact of life, and must be made available to school personnel.

State law says that "principals, teachers, substitute teachers, volunteer teachers, teacher aides and assistants and student teachers" in the public schools may "use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order."

The law goes a step further and says that no local school district can adopt a rule which takes away the right of school personnel to use force.

The Haywood County policy, adopted in August 1976, has four main provisions:

- School officials can use "whatever force necessary . . . for the limited purposes of correcting their pupils and maintaining order."
- Corporal punishment will not be used until lesser punishments have been tried and unless the child has been warned that future misbehavior may result in corporal punishment.
- Corporal punishment may be administered without trying lesser punishments or warnings in those cases "involving acts of misconduct which are so anti-social or disruptive in nature as to shock the conscience."
- When corporal punishment is administered, either a principal, assistant principal or another teacher must be present and must be told beforehand and in the presence of the student the reason for the punishment.

Pediatricians in general have been strongly opposed to corporal punishment because of possible long-term effects on children.

DeKalb also requires the principal or assistant principal — and no one else — administer corporal punishment.

The North Carolina policy "practically lets everybody but the janitor do it," Mrs. Gaspersohn said.

•

What can Haywood parents expect?

Based on the current policy, they can expect corporal punishment to be administered at the discretion of the child's supervisor.

Superintendent Charles McConnell, in a written statement on use of corporal punishment in the schools, said the school system will "insist on a safe and healthy atmosphere conducive to learning" and "promote positive interaction between students and teachers. . ."

But if those measures don't work, McConnell said, corporal punishment will be used. "There will be witnesses and there will be no brutal techniques used," he said. "Since corporal punishment is only one of many, many discipline techniques we cannot be certain that it will work any better than any of the others. We will simply take the approach that we hope it will work and would not know unless it is tried. If we see no positive results from the use of corporal punishment then it would be foolish for us to continue a practice that does not work."

McConnell acknowledged that there is a certain amount of public concern over such issues.

"Many decisions that are made by school personnel are often held in contempt by the public," he said. "We realize this and try as best we can to tie our philosophy into the community's philosophy as much as we possibly can."

Waynesville, N.C.
Mountaineer
Nov. 5, 1984

Bureau of Justice Statistics

Prison Admissions

THE STATISTICAL RELATIONSHIP OF CORPORAL PUNISHMENTS AND CRIME

James Wallerstein and Adah Maurer

Conclusions based on interviews and questionnaires are somewhat subjective and less convincing than objective statistics. It occurred to the authors to compare the crime rates in each state with the corporal punishment rates as measured by admissions to prison by convicted criminals.

In a previous study, we demonstrated a high correlation between high school drop outs and the percent of the students who were subjected to paddlings. In general, where corporal punishments were high, fewer pupils remained in school to receive their high school diplomas.

The current study compares the crime and corporal punishment rates in the fifty states. The crime rates are based on the number of prison admissions per ten thousand adult population in 1981, according the Bureau Of Justice statistics

Incidents of corporal punishment in each state are based on reports to the Office of Civil Rights of the Department of Education for 1980.

RESULTS

The coefficient of correlation between admissions to prison and corporal punishments in schools turns out to be remarkably high:

$$r = 0.66$$

(If the r had been 0.0 that would have shown no relation betweeen these two sets of facts. If r had been 1.0 it would have meant a perfect correlation: The more swats, the more criminals).

Although the correlation is not perfect indicating some additional factors are also having a partial effect, 0.66 is high enough to show that a strong connection is present. It is even higher than the correlation previously found between corporal punishment and school drop outs: r = 0.54

Thus it can hardly be denied that corporal punishment is a factor aggravating lawlessness and criminality.

Our survey bears out the conclusions of The European Example: When people stop hitting kids, things get better.

SUMMARY AND CONCLUSION

A comparison of school corporal punishments in the fifty states with the crime rate as measured by prison admissions in the respective states showed a high correlation between crime and school beatings.

The harmfulness of school corporal punishment is again confirmed. Although educational resources are now limited and school budgets curtailed, there is one educational improvement that can be undertaken without costing a penny: the end of paddles, straps and all weapons in the schools.

Look who's first -

STATE	School Corporal Punishments per 1000 pupils	Prison Admissions per 10,000 adults
No. Carolina	59.9	17.66
Georgia	96.0	17.23
Nevada	21.2	15.37
Maryland	5.5	15.22
So. Carolina	63.9	15.02
Alabama	93.4	14.45
Alaska	15.8	13.98
Texas	95.1	13.38
Delaware	29.2	12.91
Florida	119.0	12.71
Mississippi	109.2	12.56
Tennessee	106.4	11.43
Oklahoma	93.3	11.39
Arizona	30.6	11.34
Ohio	47.1	10.86
Arkansas	125.5	10.69
Indiana	41.0	10.52
Kentucky	66.2	9.43
Louisiana	50.7	9.21
Idaho	7.6	9.17
Wyoming	11.3	8.71
Illinois	12.6	8.34
Oregon	5.3	8.18
Virginia	18.4	8.09
Missouri	40.6	8.00
Kansas	12.7	7.91
California	3.6	7.83
Vermont	0.4	7.59
Montana	3.9	7.26
So. Dakota	0.6	7.19
New York	0.6	6.94
Nebraska	1.9	6.93
Colorado	5.9	6.77
Michigan	9.1	6.41
New Jersey	0.	6.35
Connecticut	0.6	6.28
Iowa	3.0	5.85
Wisconsin	0.9	5.53
Utah	0.6	5.43
West Virginia	53.5	5.40
Washington	18.9	5.37
Maine	0	4.94
New Mexico	57.3	4.26
Pennsylvania	13.1	3.85
No. Dakota	0.7	3.85
New Hampshire	0.	3.60
Massachusetts	0	3.46
Rhode Island	0	3.63
Hawaii	0	2.83
Minnesota	3.9	2.81

Change of mind needed

By Sydney J. Harris

Reading a news report about a teacher who spanked two of his young pupils for fighting in class reminded me of a little domestic story that came out of Hamburg some time ago.

It seems that a German hausfrau had to call the doctor to revive her husband after she had locked him out of the house during a squabble. When the doctor called the police, she explained to them:

"I hit him on the head with a coffeepot when he insisted on watching a violent crime show on television. I don't like our children to see any violence in this house."

This is the contradiction inherent in all corporal punishment. It is a display of *strength* rather than of authority; and whoever is punished in this fashion determines to become stronger, not better.

If a hulking high school student had been caught fighting, he would not have been spanked, because the teacher could not accomplish it. The child was hit because he was little, not because he was fractious. And he knew it.

The paradoxical thing about any kind of punishment (which we have not yet learned) is that it works best with those who need it least. A tractable child can be corrected with a look, or a word; a truly delinquent youngster only gets worse with harsher punishment; his resolve hardens not into reform but into revenge.

The housewife who hit her husband with a coffeepot to protest violence in the house was no more illogical than we are in spanking children for fighting, or for putting men away to rot in jail or die in the electric chair for capital crimes. It is up to us to change our thinking and our methods before we can expect to change our offenders for anything but the worse.

Chicago Sun Times
10/24/84

THE REAL REASON FOR THE FALSE HYPE ABOUT STUDENT VIOLENCE ?

WASHINGTON — The Justice Department has mounted a quiet assault on the individual's right to sue state and local governments for violating due process of law.

As justification, department officials have cited the lack of old-fashioned discipline that has supposedly turned the nation's schools into blackboard jungles.

Using this bogeyman, the officials hope to scare Congress into amending a 113-year-old law that guarantees the right of an injured citizen to sue local authorities who misbehave.

How the Justice Department got from fractious school kids to a legal shield for highhanded officials is a weird and frightening story. My associate Indy Badhwar has pieced it together from various sources, including a telltale memo the Justice Department refused to release under the Freedom of Information Act.

In 1871, Congress passed 42 USC 1983, known as the Anti-Ku Klux Klan Act, to protect individuals from the excessess of state and local governments. Since then it has been the principal legal vehicle for citizens to claim in federal court that their constitutional rights have been violated by local authorities. It was under the anti-Klan law, for example, that Brown vs. Board of Education was brought, leading to the Supreme Court-ordered desegregation of the nation's public schools.

Written by Byron White

For more than a century, ultra-conservatives have fought the anti-Klan law and the "judicial activism" they claim it encouraged. The Brown decision was a bitter defeat. Then in 1975 another school-based Supreme Court case brought under the 1871 law galvanized the conservatives anew. In Goss vs. Lopez, the high court ruled that a student facing arbitrary suspension or expulsion from school was entitled to due process.

The decision, written by moderately conservative Justice Byron White, simply gave students facing disciplinary action the right to tell their side of the story. But states' rights activists reacted with horror, claiming that the decision disarmed teachers and school administrators in their uphill struggle to maintain discipline.

A Gallup Poll last year showed that fewer than one teacher in five nationwide thought lack of discipline was a major school problem. But President Reagan, in a pre-campaign sop to his conservative support base, launched a publicity campaign for more "good old-fashioned discipline in school."

It was about this time that the Justice Department quietly got into the act. Exactly why is not clear.

Whatever the motivation, a 10-page memo written by Roger Clegg, director of the department's Office of Legal Policy, suggested using the hue and cry over school discipline as a tool to dismantle the 1871 anti-Klan law.

Sources who have seen the memo say it includes proposals to make state and local officials immune from lawsuits that arise from their "discretionary" actions; to require that citizens filing suit demonstrate that violations of the constitutional rights by local officials were "knowing and willful," and to increase the burden of proof on plaintiffs who try to take government officials to court.

The 1871 law has served the nation well. It is often the only remedy available to protect an individual's constitutional rights. Yet the Justice Department is trying to eviscerate the law by drumming up hysteria over the issue of school discipline.

PEOPLE WHO BELONG TO THE "CHILDREN-ARE-EVIL" SCHOOL OF THOUGHT LIVE IN A TOPSY-TURVY WORLD IN WHICH CHILDREN ARE MACHIAVELLIAN CLEVER AND TEACHERS ARE VULNERABLE INNOCENTS.

THE EDITORIAL BELOW WAS WRITTEN BY ONE OF THEM. THE ONLY OTHER POSSIBLE EXPLANATION IS THAT THIS PUBLIC RESEARCH SYNDICATE IS A CYNICAL PUBLIC RELATIONS PLOY TO BEFUDDLE THE GULLIBLE WHILE THEY DESTROY AMERICAN DEMOCRACY AS TOO DIFFICULT TO CONTROL. IT LENDS CREDENCE TO JACK ANDERSON'S WARNINGS ON THE PREVIOUS PAGE.

EDITOR'S NOTE: The following article, entitled 'Back To School: Disciplining The Unruly' by Anita Howard a Public Research, syndicated special correspondent on educational matters, is furnished to The Sea Coast Echo by PRS of Claremont, Calif.

Austin— Teachers are fighting back, and are claiming some small victories in retaking their classrooms from unruly students. Their weapon is the same the children have been using: the law.

"It's amazing how much law a 15-year-old knows," says Margaret E. Dunn, program director of the Classroom Disciplinary management and Strategy Program at Southwest Texas State University.

She tells the story of the mathematics teacher who confiscated three joints from a boy in his class, and put the marijuana in his desk drawer.

"By afternoon the teacher has been charged with possession of marijuana," says Dunn. The youngster knew the law. The teacher did not.

Other teachers report being "scared to death" to invoke punishment. Their fear is not necessarily physical; they are afraid of being dragged into court by litigious parents.

Many schools have no well-stated and well-known procedures for dealing with discipline problems. If policies exist, they are closely held secrets. Teachers do not know how to use them.

Texas Governor Mark White has become impatient with schools with no discipline policies, and has recommended state-wide rules for every school district in the state.

'I'm tired of waiting on one school district or another to take action," he says. The governor also is proposing that no person be certified to teach before completing a course in how to maintain discipline in the classroom.

"Discipline in the schools" has elbowed its way to the top of safe political issues. Hardly a week goes by without a politician saying, "when I was a boy and got a whipping at school, I got another one when I got home."

Thomas Doyal, a school law specialist in Texas, provides a modern paraphrase, "when I get a whipping at school, my daddy sues the teacher, the principal and the Board of Education."

Some blame parents for the breakdown in discipline; some blame the democratization of education, and many blame the courts. The courts' decisions, says Doyal, have had the greatest effect in confusing school people.

"Somehow, teachers believe the law is against them and they become immobile," he says.

It all began in 1969 when the U.S. Supreme Court knocked down the doctrine of in loco parentis.

Before 1969, children while in school were the responsibility of school authorities. Children were subject to any treatment at the school that the parents could administer at home.

In Tinker vs. Des Moines School District, the high court ruled that students wearing black armbands to school protesting the war in Vietnam were not subject to explusion by school officials. The ruling was that students were not only students, but citizens. There went in loco parentis.

The rights of students were reinforced by the U.S. Supreme Court in 1975 when, in Goss vs. Lopez, the court ruled that the right to education was a constitutionally-protected property right, and a student could not be deprived of that right. A student could not be expelled for more than 10 days without due process of law.

States and school districts rushed to help teachers. An example: Texas has a law guaranteeing teachers immunity from law suits except for excessive use of force in administering punishment.

Because students can no longer be expelled from school without due process, school districts have devised such alternatives as "In-house suspension," which means placing "problem" children in special schools within the district.

While many, like Governor White, believe written policies and rules are the answers, Doyal points out that great care must be taken to protect both students and teachers.

"If the rules are laundry lists of offenses and their punishments," says Doyal, "we run the risk of leaving something out. We can't underestimate the ability of students to devise a new offense."

Doyal believes a general policy is more effective, backed up with continuing in-service training for teachers in the specifics of their legal rights in maintaining discipline.

Bay St. Louis, Ms.
Sea Coast Echo
Oct. 4, 1984

Jury awards $43,000

INJURY TO COCCYX

By PERRY PATRICK

After an eight-day trial and a 14-hour deliberation, a six-person jury has awarded more than $40,000 to two local students who were paddled by Estes Park Middle School Principal Steve Peterson in 1981.

Although the jury has made its judgment, the paddling issue may not be over, as attorneys on both sides ponder additional action.

Joseph Jenkins, representing Shane Wooden and Mark Weaver, stated Monday he's planning to file a motion requesting a new trial for the Weaver youth, and Bill Kowalski, one of the school district's attorneys, noted he will meet with the school board to consider an appeal.

The case, brought to trial after three years of delays, revolved around a spanking incident occurring on May 11, 1981, when Peterson paddled the Wooden and Weaver youths for disciplinary reasons.

The parents of the students claimed the incident had traumatized the boys, both physically and emotionally.

Together, they asked for $1 million in damages from Peterson and Estes Park School Supt. Herb Wenger, and from former board members Jim Ranglos, Mike Dickinson, Hillery Parrack, John Marks and Barbara Nichol.

Jenkins said his motion for a new trial stems from the jury's decision to award Weaver $3,000 while making a $40,000 judgment in favor of Wooden.

"The judge let in prejudicial things against Weaver, then later instructed the jury to disregard them," Jenkins said. "They had nothing to do with the case."

Jenkins noted those "prejudicial things" may have been the reason for the jury's small judgment on Weaver's part.

The damages were specifically assessed against Peterson and Wenger, while the board and its 1981 members were dismissed from the judgment.

The jury assessed Peterson $13,000 in Wooden's case and $2,100 in Weaver's, while Wenger was fined $27,000 for Wooden and $900 for Weaver.

Wooden was awarded $30,000 in actual damages and $10,000 in punitive damages while Weaver's judgment, substantially lower than Wooden's, is $1,000 in actual damages and $2,000 in punitive damages.

"I was surprised and somewhat disappointed in the verdict," Kowalski stated.

The school's attorney said he was surprised because actual damages were awarded against Wenger.

"There was hardly any evidence against Herb Wenger, pro or con," Kowalski said. "Herb, as far as I can tell, did nothing wrong. It would have been different if he had gotten complaints on paddling and didn't act, but he never got complaints."

Kowalski said he was also surprised at the punitive damages against Peterson because although the principal did paddle the boys, there was no malice in his actions.

"There was no evidence he acted in bad faith or with malice. He did it out of a belief it was a necessary punishment," the attorney noted.

Jenkins noted in awarding the judgment to the boys, the case becomes "the first case where a superintendent and principal were held liable for assaulting persons in their care."

He said although the case may be the first of its kind in Colorado, it won't be any kind of landmark case unless it is upheld in the appeal process.

Jenkins said the case shows school districts that juries are willing to award damages, and he hopes the Estes Park district will take the judgment as a mandate to do away with corporal punishment.

"If they can't get the message now, they'll never get the message," he commented.

During the trial, Peterson demonstrated how he had paddled the two with a 12 ounce, three-eights-inch thick, 16-inch long mahogany board

The boys, paddled in separate incidents, were made to bend over and grab their knees before the paddlings were administered by Peterson.

The principal noted he had not acted out of anger when the boys were paddled. In a 1981 deposition, he stated the punishment was done to inflict pain, so the child paddled would know that punishment was inflicted.

Dr. Bert Bergland of Estes Park testified he saw numerous bruises on Weaver's buttocks, along with a bruise over the right kidney, one above the waist and one on the boy's left leg.

Dr. Thomas Nichol said he had not seen any marks on Weaver's buttocks, but agreed with Bergland on the other bruises.

Bergland testified that an injury to Wooden's coccyx was caused by a blow from a paddle. However, Dr. John Douthit, an orthopedic surgeon, testified that Wooden's coccyx structure was the cause of his sitting difficulty, and the paddling had no relationship to the condition.

In most disciplinary cases, students are given the choice of either being paddled or going through the suspension procedure.

Wenger admitted that although Wooden and Weaver were not given that option, the jury's ruling could make administrators reluctant to even consider paddling.

Wenger said the publicity surrounding the case may lead people to think the district paddles kids with regular frequency, but that is not the case.

"If you look up the record, maybe 20 kids a year are paddled," Wenger commented. "We're not talking about a lot of kids."

With a new trial a possibility, Jenkins offered some advice to the district.

"The best thing they can do now is enact a policy of no corporal punishment in that school."

Estes, Park, Co.
Trail Gazette
Oct. 24, 1984

No more paddling in schools

3003A

The Poudre R-1 School District has a policy that allows paddling of students. The policy should be taken off the books.

Two Poudre R-1 students have been paddled this year. One was an elementary school student; the other was in junior high.

Corporal punishment permitted, according to the district's policy, "when all other attempted measures have failed to produce the desired student behavior and when, in the judgment of the prinicpal, it is deemed to be an appropriate last resort."

The policy goes on to state that the principal must administer the punishment "by spanking with a wooden paddle in the presence of an adult witness."

FORT COLLINS COLORADOAN

A paddling "shall not be administered until an attempt has been made to secure parental approval, however such approval, though highly desirable, shall not be mandatory." In both cases this year, the parents were contacted and gave permission for the paddlings.

A written report of the paddling must be made, the policy states.

Society does not allow police officers to use excessive force in making arrests, so why should society allow a school principal to use excessive force for something that does not merit police action?

The Poudre R-1 policy does not require that the parent or parents of the student be contacted. That is inexcusable.

A Larimer County jury this month awarded to two boys who were paddled a total of $70,000 from the Park R-1 School District in Estes Park and from two school officials there. One way to protect against a lawsuit and the expense of defending one is to do away with the policy that allows paddling.

In light of the decision, Poudre R-1 School Superintendent Lee Hansen said he will ask the district's attorney to review Poudre R-1's policy. Hansen said he is "not one who particularly favors corporal punishment."

Schools need to instill and maintain discipline, but we believe other methods are better: isolate troublemakers, take away privileges, suspend the students, expel them. Paddling is not needed.

The days of following the axiom "Spare the rod and spoil the child" should end, at least as far as schools are concerned.

Do you favor ?

Ruth Olson
22, Clerical
Fort Collins

"No, I think discipline should be up to the parents."

Richard Miller
23, Sales
Fort Collins

"Yes, only with parents permission."

Joan King
29, Homemaker
Fort Collins

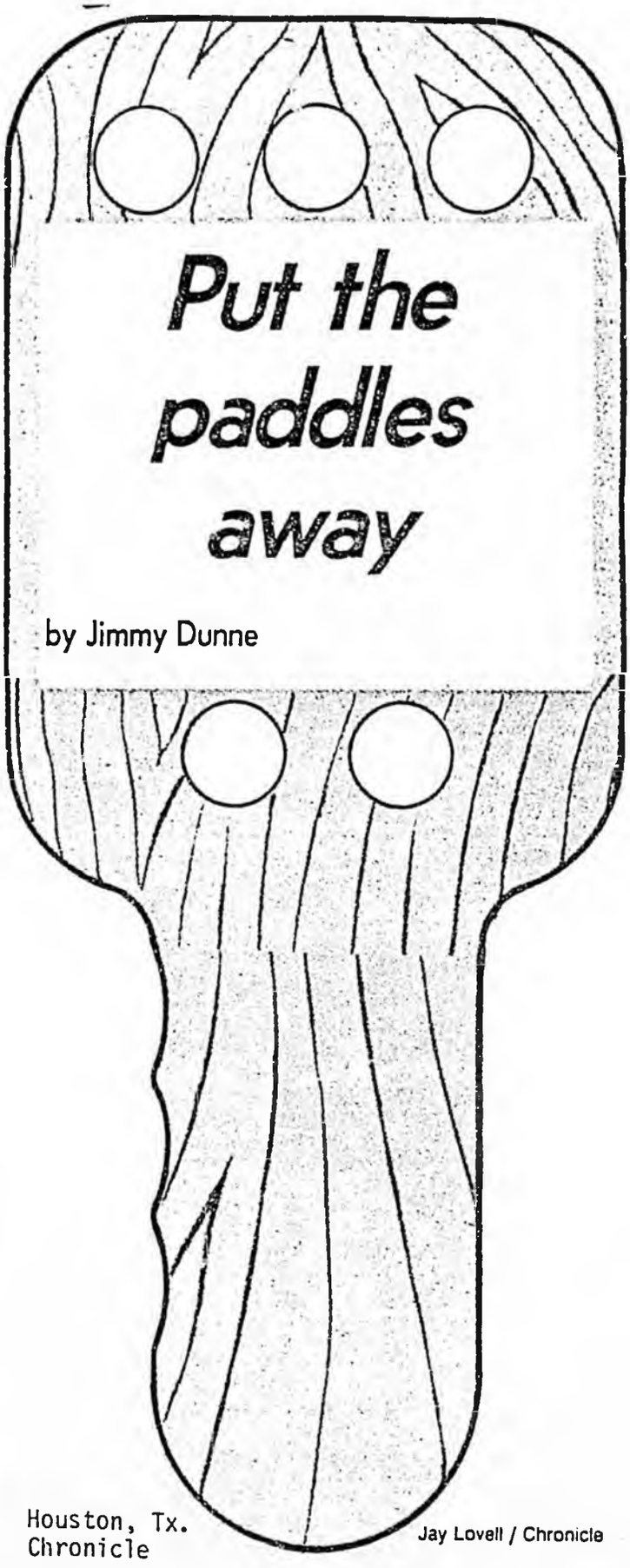
"No. I have two children in school and I don't want them to be punished drastically by the school system."

Bill Roberts
27, Aircraft mechanic
Fort Collins

"No. It ought to be left up to the parents since they are ultimately responsible for the child."

Julie Harding
21, Clerical
Fort Collins

"No, it's the parents' place to do the punishment. Physical punishment is no longer necessary. There are other methods."



Put the paddles away

by Jimmy Dunne

Houston, Tx. Chronicle

Jay Lovell / Chronicle

WE ALL WANT SCHOOLS in which teachers can teach and children can learn. How we can best achieve this admirable goal is another matter — a matter of controversy.

For Texans, part of the answer historically has usually included corporal punishment — "swats," "pops" or "paddling."

A 1980 survey on corporal punishment by the Department of Education Office for Civil Rights found that Texas had more incidents of corporal punishment than any other state — a total of 191,000. Florida was second with 181,000 and Georgia was third, with 71,000, during the 1979-80 school year.

Sure, whipping a kid with a board gets quick results, but at what cost? Chiropractors will testify that paddling can injure a child's spinal column. Many children have been severely bruised and even bloodied by this violence to their bottoms.

Parents of elementary-age children will tell you how paddling — or the threat of it — can affect the mental health of children. They can become emotionally disturbed, cannot sleep, and have nightmares. Many are afraid to go to school, for fear they may be paddled for forgetting their homework or being late to class.

We live in a violent society. What are the seeds of violence? Are we teaching our children that hitting is the way to solve problems? Shouldn't we be setting the example that problems can be solved through discussion, counseling and negotiation?

Recently a third-grade teacher in Wilmer paddled five students 17 times each for failure to stay at their desks. The same week a Mesquite teacher paddled 30 elementary children for not bringing their watercolors to class. The parents were justifiably upset, but the superintendent said that paddling was just part of "keeping order."

Dunne, who taught mathematics in the Houston Independent School District for 11 years, is executive director of P.O.P.S., People Opposed to Paddling of Students, which has its headquarters here.

Children should be protected from this sort of nonsense. Corporal punishment is not used to discipline students in Hawaii, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island and Vermont. Many large cities do fine without it and just this year it has been abolished in the schools of Philadelphia, Seattle and Los Angeles. Meanwhile, Texas has no guidelines for its use. Each school district makes its own policy.

The Houston Independent School District has taken a giant leap forward by giving parents the right to check off YES or NO on enrollment cards regarding the use of corporal punishment for their children. Many districts give parents the right to prohibit the use of the paddle on their children, but some backward districts do not.

If corporal punishment is school policy, it should be used as a last resort only, and then only by administrators, not by teachers. No teacher should be judge, jury and executioner in the disciplining of a child. When corporal punishment is used, parents should be informed in advance, and all discipline problems should be recorded on discipline cards. There should be a maximum of three swats per infraction.

I believe strongly, however, that schools would be more harmonious without it. Counselors could work with problem children and detention hall would be helpful for disruptive students.

The best solution of all, of course, is to offer more training for teachers who are having trouble maintaining a good learning environment in their classrooms. Good teachers rarely have discipline problems. They know how to communicate with children and how to teach effectively. They can motivate children to want to learn. Their knowledge should be passed on to less effective teachers.

Corporal punishment is legalized child abuse. Children grow up treating others the way they are treated. We must do a better job with the next generation.

Let Teachers Spank Unruly Students?

U.S.NEWS & WORLD REPORT

Interview With Paul Armstrong, President-Elect, West Virginia Association of Elementary School Principals

Q. Mr. Armstrong, why do you favor corporal punishment in schools?

A. Because we need to have the option to use corporal punishment with students who simply do not respond to other methods of discipline.

Q. What other methods would you try first?

A. Keeping a student in school during recess. Withdrawing various privileges. If this fails, contacting the parents. If that also fails, then you should be able to use corporal punishment.

In West Virginia, the State Supreme Court once told us we could no longer use the paddle—only the palm of the hand. As a result, there was an increase in back talk and belligerence toward school authorities. The attitude was, "You can't do anything to me." Sometimes students even stood up and told us this to our faces. Now the authority to paddle has been restored.

Q. And is it effective in deterring misbehavior?

A. I believe so. I've seen situations where the teacher, after trying other methods, used corporal punishment and the student said: "I didn't think you'd do that. Now I'll be good."

YES—
"We need to have the option to use corporal punishment" when other methods fail

KATHY SCALA FOR USN&WR

Q. Some argue that paddling violates the constitutional prohibition against cruel and unusual punishment—

A. The courts have repeatedly ruled that this kind of punishment is neither cruel nor unusual. Unless, of course, someone goes overboard.

Q. What guarantees are there against such abuse?

A. First, the criminal liability under the law which teachers incur if they commit excesses. Secondly, a witness should always be present—preferably the principal. That protects against both excess and the spanker being falsely accused of having resorted to excess.

Q. Should parental consent be required?

A. I myself currently do not paddle a child without first securing parental consent, but I don't think this should be laid down as a requirement for all cases. Suppose you have three unruly youngsters fighting and disrupting a class, and you have parental permission to paddle two of them but not the third one. That creates an awkward situation.

Q. Should legal limits be placed on the number of strokes?

A. No, that should be left to the good judgment of the school personnel. I myself generally see no reason to administer more than three blows of the paddle.

Q. Corporal punishment is banned at police stations and prisons. Why should the schools be different?

A. There is a difference. In those places, you often have untrained people who are prone to abuse the practice. In schools, you have professional educators who are trained to deal with children and can be trusted to use the paddle within reason and only after other disciplinary methods have failed. □

Interview With Adah Maurer, Executive Director, End Violence Against the Next Generation

Q. Ms. Maurer, why do you oppose the use of corporal punishment in schools?

A. Because research has shown that it increases vandalism, delinquency and dropping out, and is associated with a high level of child abuse. A paddle is as outmoded as an outhouse and as unnecessary as a buggy whip to drive a car.

Q. But isn't it true that schools face major disciplinary problems—

NO—
"It increases vandalism, delinquency and dropping out"

DOUG MENUEZ FOR USN&WR

A. Such problems are simmering down. The main complaint at present is not disruption of classes or rape of teachers. It's the lethargy and laziness of students, and their failure to do homework. And that does not respond to pain on the butt. It responds to good teaching, to motivation.

Q. What would you suggest specifically?

A. We need to make the curriculum more relevant. When 6-to-11-year-old children—boys particularly—are given workbooks and often unreadable mimeo sheets to fill out, they're apt to get restless. There should be less testing and more teaching, more conversation and group recitation.

Q. But shouldn't teachers be able to protect themselves against violence when it does occur?

A. Definitely. If things get out of hand, by all means call the police. But you don't protect the teacher by asking the youngster to bend over and receive a paddle on the backside—just the opposite. The truly violent youngster is apt to grab the paddle away from the principal and attack him.

Q. If parents are willing to permit the spanking of their children in school, why not let them be the final judges?

A. Because some parents are themselves abusive, as well as overworked. They'll tell the school: "If the kid gives you trouble, don't call me; just whip him and be done with it."

Secondly, many minorities, such as blacks and Hispanics, defend the hitting of children because they say it's part of their culture. The truth is that such a custom is less African than it is a remnant from slavery days.

Q. Doesn't criminal liability of teachers protect against abuse of physical punishment?

A. To some extent. But courts tend to be easier on teachers than on parents. A teacher who produces bruises is likely to go scot-free unless permanent damage, as well as malice or criminal intent, can be proven.

Q. What alternative methods of discipline do you suggest for unruly youngsters?

A. In-school suspension is quite effective, according to testimony by principals and school superintendents. The youngsters are placed in a special, supervised room where they do their schoolwork while missing athletics, assemblies, celebrations.

But an educator who cannot teach without resorting to the paddle should look for another job. □

TEXAS

Teacher quits in wake of spankings

By PETER HECHT
Staff Writer

A Wilmer Elementary School teacher charged with injury to a child in the paddling of five pupils last week has resigned and his supervisor has been transferred to a job in the district's transportation department, school officials confirmed today.

Wilmer-Hutchins school board members Monday night accepted the resignation of Charles Davis Jones, 58, and ordered that Principal Jack Boykin be reassigned immediately.

Jones and Boykin were suspended with pay last week after five third-graders were paddled 17 times each for failing to stay in their seats, school officials said. Jones was charged with injury to a child in an arrest warrant issued Friday, Dallas County Sheriff's Department officials said.

School board president Glenn Mills said Supt. Charles Matthews recommended that Boykin be assigned to a supervisory position in the transportation department and urged the board to accept Jones' resignation.

The paddling occurred Wednesday in the principal's office. Jones was suspended Thursday and Boykin was suspended the next day.

The teacher is alleged to have spanked each child 17 times on the buttocks with a wooden paddle, one hit for each letter in "I will stay at my seat," according to Diane Hathcock, whose daughter was struck.

Wilmer Police Chief Preston Parks said residents urged criminal charges against the teacher. After examining one of the children, he said the paddling was "more than enough" to warrant charges.

"Seventeen licks with a paddle is a stiff punishment even for a man," Parks said.

Dallas Times Herald
Dallas, Texas
Sept. 25, 1984

30 children paddled at school for failing to bring watercolors

Associated Press

MESQUITE — The school superintendent here says paddling of 30 pupils for not bringing watercolors to art class was just part of keeping "order."

"We're going to keep a proper environment in this district for learning," said Superintendent Ralph Poteet.

"Many applicants tell us they come to the Mesquite schools because they know we keep order. It (the paddling) certainly was not excessive," he said.

Several parents say they are upset about the spankings at Sam Rutherford Elementary School. A first-year teacher gave a swat apiece to 30 students in the third through sixth grades Monday.

"I can't believe kids got a paddling over watercolors," said Katy Gidding, who has a daughter in the fifth grade.

"Tomorrow they could whip them for not having a pencil," she added.

Poteet said the children had been reminded many times to bring watercolors.

But some parents complained about the incident, saying they didn't know their children needed the paints.

"I would have liked to have known that not having watercolors was that serious a situation," said Theresa Nichols, who has a fourth-grade daughter.

Houston Chronicle 9/26/84

TABLE 1.—Reported Incidents of Corporal Punishment by States for the 1979-80 School Year

1.	Texas	191,463
2.	Florida	181,025
3.	Georgia	71,372
4.	Ohio	61,436
5.	Tennessee	59,228
6.	Alabama	55,223
7.	North Carolina	51,453
8.	Mississippi	37,609
9.	Louisiana	34,142
10.	South Carolina	30,128
11.	Oklahoma	29,460
12.	Indiana	29,271
13.	Kentucky	25,584
14.	Arkansas	25,542
15.	Missouri	17,040
16.	West Virginia	16,191
17.	Illinois	15,542
18.	Pennsylvania	15,221
19.	Virginia	12,028
20.	Michigan	10,596
21.	California	10,422
22	Washington	8,699
23.	New Mexico	8,488
24.	Arizona	8,091
25.	Maryland	3,998
26.	Nevada	3,199
27.	Kansas	2,747
28.	Delaware	2,673
29.	Colorado	2,164
30	Oregon	1,415
31.	Alaska	1,120
32.	Iowa	997
33.	New York	826
34	Wyoming	752
35	Idaho	750
36.	Wisconsin	674
37.	Montana	373
38.	Nebraska	306
39.	Connecticut	257
40.	Minnesota	176
41.	Utah	124
42.	South Dakota	51
43.	North Dakota	38
44.	Vermont	9
45.	New Hampshire	0
46.	Rhode Island	0
47.	Hawaii (Moratorium 1973)	0
	Banned by Statute	
48.	New Jersey (1867)	0
49.	Massachusetts (1972)	0
50.	Maine (1976)	0

THE CLEARING HOUSE
Mar. 1984
Henry Van Dyke

P.O.P.S.

People Opposed to Paddling of Students, Inc.

10903 Wickersham • Houston, Texas 77042
(713) 781-0643

9-20-84

REMARKS TO THE HOUSTON I.S.D. BOARD OF EDUCATION

1984 is the year to abolish corporal punishment in the Houston schools. There has been such an outpouring of concern about physical abuse of children, mental abuse of children, and sexual abuse of children that we must do the obvious. Corporal punishment of children is obviously wrong.

In any other setting outside of our schools it would be a criminal act. Hitting another person with a board is clearly - assault. It is legalized child abuse.

When a 200 pound adult hits a 100 pound child with a board, the blow can cause injury to the spinal column. Subjecting a child to this sort of treatment humiliates and diminishes their mental health. It teaches that hitting is the way to solve problems. This adds to the violence in our society.

Schools are more harmonious without it. Children should be treated with respect and not have the threat of a whipping hanging over them. No teacher or administrator should be JUDGE - JURY & - EXECUTIONER over the students. Where are their rights?

The school counselors should be consulted when a child is having a behavior problem. The school Principals should be walking the halls to see which teachers may be having trouble maintaining an effective learning environment. Parents should be called in when a student becomes too difficult to deal with.

The Philidelphia schools abolished corporal punishment this year. It's time for you, the elected leaders of the Houston schools to take this just and correct step. Our schools will be the better for it. Our children will be the better for it and our society will be the better for it. Children will grow up treating others the way they are treated. We must not fail them.

Respectfully,

Jimmy Dunne

There IS humor in Texas after all-

Jack Cowan

Testimony was heard in Washington, D.C. last week on legislation to ban paddling in U.S. schools. A man representing the American Psychological Association said there is "overwhelming research evidence that corporal punishment is unnecessary, counterproductive and, at times, destructive to the mental health of children."

I wish someone had brought up this matter 30 years ago. I had nearly the same thoughts as the psychologist when I was asked to bend over and accept my corporal punishment.

"Mr. Bustbottom, I think these licks are unnecessary, counterproductive and may be destructive to my mental health, not to mention the health of my behind."

"You should have thought about that before you went into your comedy routine in Miss Boring's English class. Now, grab your ankles."

"But all I did was ask if Shakespeare ever wrote anything in English. Have you ever tried to read any of that stuff? Gee, I don't think that's worth anywhere close to three licks."

"Five. Don't forget, you were out of your seat when the bell rang. That's a very serious offense."

"You're right, sir. I should be grateful you aren't going to shoot me."

"Right. Now, let's get on with this."

"Saaayyyy, that's some paddle you have there, Mr. Bustbottom. Where did you get it?"

"Yes, it is a fine piece of wood, isn't it? This was my favorite baseball bat when I played minor league ball, and I took great care in flattening to just the right shape. A guy really can put some power into his licks with it. You should have seen me when I was a coach. I could lift a kid four inches off the ground with this baby."

"I'll bet. And those notches are a nice touch, too. You must have 175 or 200 on there."

"Two hundred and eighty seven. I should get the school record in a couple of years if everything goes well. All right, let's get to it."

"Uh, I was just wondering, don't you think maybe detention would be a better punishment? A week, say? The last time you gave me licks I was afraid I was going to have to find a donor for a transplant.

Sometimes it seems like you enjoy hitting kids."

"Certainly not. How can you ask such a thing? The threat of corporal punishment is merely the most effective incentive we have to keep students like yourself in line. If we didn't have this deterrent, there would be pandemonium in the schools. Kids would constantly be saying clever things and standing up when they should be sitting down."

"Gosh, what a mess that would be."

"Look, I got licks in school when I was a kid. If you decide on a career in teaching, you can give licks to kids when you grow up. See how it works?"

"I dunno, sir, I think if I were a teacher I could find better ways to discipline students than to bruise their butts. I would reason with them, and if that didn't work I would withhold privileges. Corporal punishment seems a little brutal to me. Of course, if that's the kind of thing you like, if you get some kind of kick out of belting kids with that piece of lumber you call a paddle, I guess I can't do anything to stop you."

"I'll tell you what, let's go down to the detention hall."

"Really? You mean it? You're going to give me detention?"

"Uh uh. That's where we keep the big paddle that we use when we *really* need to teach a kid a lesson . . ."

San Aggelo, TX
Standard Times
Oct. 21, 1984

Ivan the Terrible

Someone has just discovered that the 16th-century Czar Ivan the Terrible was an badly abused child. "As an orphaned heir-apparent he grew up a whiffle ball in a drafty castle being tossed from one bloodthirsty, power-mad boyar to another without knowing whether he would survive the day's power play... Through no fault of his own, Ivan survived puberty," writes a reviewer of Henri Troyat's biography, Ivan the Terrible.

Troyat explains Ivan's connoisseur approach to the skill of torture: "Every time he saw the blood spurt, heard the bones splinter and the screams and rattles of death, he felt the delights of sexual climax."

Evolution made a serious mistake in wiring the human brain, wrote Arthur Koestler in The Ghost in the Machine in that the human cortex was merely superimposed on the "old brain" that we have in common with the alligator and the horse. A wiser designer would have had the new improved brain of the human replace the old, rather than trying, not too successfully, to control it. Ivan let his reptiliam brain take over

Given an abusive childhood and power enough, so do humans alive today.

The book: Dutton, $18.95

Such as...

Madison High School's dean of students pleaded guilty yesterday in Superior Court, and will resign his post after admitting that he spanked a 17-year-old male student for disciplinary reasons on June 22.

Raymond Cullen, 44, pleaded guilty in Superior Court, Morristown to criminal sexual conduct and official misconduct in regard to that spanking.

Under the terms of a plea bargain worked out with the Morris County Prosecutor's Office, Cullen must resign his position and relinquish his teaching certificate. However, the agreement mandates he will not receive a prison term when he is sentenced by Superior Court Judge Daniel Coburn on Jan. 11.

During a court hearing before Coburn, Cullen admitted to dropping the student's pants, putting the youth over his knee and spanking him in order to humiliate him, according to testimony.

Cullen could not be reached for comment yesterday.

The former dean of students was arrested on July 20, after the boy's parents filed a complaint. He was charged at that time with lewdness, criminal sexual contact and official misconduct.

Hired by the school district in September 1975, Cullen was the dean of students in charge of discipline and the attendance officer at Madison High School.

Newark, N.J.
Newark Star-Ledger
11/29/84

Burn-Out after 22 Years

BY DAVE BEASLEY
The Cincinnati Enquirer

A veteran Boone County teacher has been suspended pending a medical evaluation and investigation of charges that he improperly punished two teen-agers and was insubordinate.

The suspension of Morgan Hedrick, a Boone County teacher for 22 years, was approved unanimously by the board of education in October.

Hedrick, an English teacher at Ockerman Junior High School, Florence, allegedly physically punished two students in violation of school board policy on corporal punishment, according to Superintendent Kenneth Johnstone.

Johnstone said he had recommended the suspension.

In one instance, Hedrick allegedly struck a boy with his hand, and in the second instance a student was improperly spanked with a paddle, according to Johnstone.

School board policy requires that corporal punishment be done in front of witnesses, that it be done with a paddle on the buttocks, that it be done only as a last resort and that a report be filed.

Johnstone would not discuss the allegations against Hedrick or exactly how the punishments violated school board policy.

A special meeting that was to be held Monday night to discuss firing Hedrick was canceled by agreement of Hedrick's attorney, John Frith Stewart, of Louisville, and Robert Barrett, school board attorney.

"We wanted some time to evaluate Mr. Hedrick's medical condition, his work history and educational background," Barrett said Thursday.

"Mr. Hedrick's history has been unblemished up until about a year ago," Barrett said. "It may be possible that whatever conduct he exhibited could be the result of medical problems." He did not say what medical problems Hedrick might have.

Johnstone said that a parent complained after the first student was disciplined by Hedrick. Johnstone said he advised Hedrick against physically punishing other students.

Later, another report was received that Hedrick had given physical punishment to a student, Johnstone said, and that is the basis for the charge of insubordination.

Hedrick could not be reached for comment.

The Cincinnati Enquirer
Cincinnati, OH
Nov. 9, 1984

"HE BADGERED KIDS"

By Becky Pratt
Palladium-Item Staff Writer

CONNERSVILLE — At least 23 complaints about discipline of school children by a Maplewood Elementary School teacher have been filed with the Fayette County prosecutor.

Prosecuting Attorney Ron Urdal this morning confirmed that 23 parents have complained that second-grade teacher Jim Lovett subjects students to harsh punishments and mental and physical abuse. Urdal said his office is investigating.

Two parents, Susan Burton and Rick Isaacs, last week presented a petition to Urdal and Nancy Hadley, a caseworker with the Fayette County Welfare Department. The petition carried 143 signatures, including parents whose children Lovett has taught.

HADLEY SAID THE welfare department also is investigating. Results of the welfare investigation will be confidential, she said.

Burton said Lovett's punishments include forcing children to stand and eat lunch by holding their tray with one hand and eating with the other hand. Another punishment involves forcing children to sit in a cardboard box, she said.

Burton, whose husband teaches in a Fayette County school, said what she regards as problems with Lovett became apparent after an incident in which he threw an eraser at a student. The incident, described by her daughter, prompted her to observe the class for four hours one day, she said.

"I COULDN'T BELIEVE what was happening even while I was watching. He badgered kids . . . The atmosphere in that class is not conducive to learning."

David Marcum, whose son Shaun was hit by the eraser, has since had his son removed from the class, he said.

Lovett declined to comment and referred questions to Rod Brown, president of the American Federation of Teachers local. Brown said there is no merit to the complaints.

"The position of the federation (the American Federation of Teachers) is that the school stands in support of the teacher," Brown said.

ISAACS, WHOSE SON was in Lovett's class two years ago, said parents have seen problems in past years but thought they were isolated.

"You figure it might be just a kid-teacher conflict." He said his son was scared of Lovett and hated to go to school. "I mean, when you have to force him onto a school bus, there's a problem. Especially a kid that likes to go to school."

Richmond, IN.
Palladium Item
Nov. 14, 1984

3000 Paddlings a Year on 500 Students

THE rapid decline of corporal punishment in Florida's public schools is encouraging. It attests both to growing public disapproval and to the fact that spanking is proving to be an inappropriate and ineffective tool of school discipline.

The statistics are enlightening: A year ago, an 18-member state Task Force on Truancy and Discipline reported that corporal punishment was administered in Florida at a rate three times greater than the national average. One out of every eight public-school students was being spanked.

Today state school officials say the incidence of corporal punishment has dropped to the lowest level in four years. A county-by-county survey indicates it continues to drop. In Dade County the number of paddlings declined by 60 percent, from 9,260 in the 1982-83 school year to 3,547 in 1983-84; in Palm Beach County it declined by 50 percent to 3,409 from 6,625; in St. Lucie County it dropped 27 percent to 364 from 502.

A more-disturbing revelation is that a disproportionate 37 percent of all students paddled are black, even though blacks are only 24 percent of the total enrollment.

Corporal punishment spurs a number of myths and contradictions. On the one hand it is described as "corrective;" on the other it is prohibited in state prisons and juvenile-detention centers.

In Riviera Beach a principal delivered, in one year, some 3,000 spankings at a school with only 500 students. In Miami a student who was slow to leave the school stage was held down by two teachers and given such a severe spanking that he was bedridden for a week. The resulting lawsuit went to the Supreme Court, which in 1977 upheld the school's right to administer corporal punishment.

There is every reason to question whether such a "right" should be exercised. Certainly the Legislature should restore to elected local school boards the authority to forbid corporal punishment if they choose.

When corporal punishment is restricted or abandoned, school officials are forced to consult with parents and to use the more-effective alternatives — including counseling, detentions, and demerits that forfeit such student rewards as field trips.

Effective classroom discipline is the handmaiden of educational excellence, and effectiveness should be the measure of any disciplinary tool. When effectiveness does become the measure, corporal punishment frequently is found wanting — and rightly placed in sharp dispute.

The Miami Herald
Miami, FL.
Nov. 17, 1984

COUNCIL FOR EXCEPTIONAL CHILDREN PLEASE NOTE

"There are no formal procedures...or informal policies" barring teachers with records of improperly punishing students from teaching handicapped or disturbed children, said Dr. Desmond (Pat) Gray, Director of Personnel for Dade County (Miami) Fla.

One Vaughn Marshall had been reprimanded and suspended four times in two years for excessive and irregular punishment of students in regular classes. Then, with no training or special supervision he went to work teaching emotionally disturbed children. Predictably his punishment were again out of line.

Since the reports about his punishments were made by other teachers who were there are saw what he was doing rather than by parents who relied on children's reports of what happened to them, great credibility was given to the stories:

In one incident, Marshall grabbed a 9-year old boy by both arms and pulled the child's arms back until his elbows nearly touched. Marshall then lifted the child from the floor and pinned him against the wall.

In another, two teachers entered entered Marshall's classroom to find a student standing naked in front of the room while other students pointed and laughed. Marshall ignored it all.

STOPP NEWS

SOCIETY OF TEACHERS OPPOSED TO PHYSICAL PUNISHMENT

18 Victoria Park Square, Bethnal Green, London E2 9PB. (Tel: 01-980 8523)

OCTOBER/NOVEMBER 1984

JANICE JARMAN'S CHILDREN TAKEN FROM HER

BOYS IN 'CARE' BECAUSE MOTHER OBJECTS TO CHILD-BEATING

The Jarman family has been broken up. On 4 October, Llantrisant Magistrates Court ordered that Mrs. Janice Jarman's sons, Steven, aged 15 and Christopher, 14, should be taken into 'care'. This fine, united and loving family has been split up purely because of Mrs. Jarman's objections to child-beating. The family is appealing against the morally repugnant and legally unsound decision.

The 'care' order followed Mrs. Jarman's conviction in July on charges of failing to ensure that her children, registered pupils at Y Pant School, Talbot Green, Mid-Glamorgan, attended regularly, contrary to Section 39 of the 1944 Education Act. Mrs. Jarman was fined L20 and the stipendiary magistrate directed the local authority to apply for a 'care' order.

The charges against Mrs. Jarman were ludicrous. She wants her children to attend school, but they had been suspended since 14 October 1983 because Mrs. Jarman refused the headteacher's demand that she should retract a written statement that she "objects to any form of physical punishment being administered to my children for any reason whatsoever". Mrs. Jarman's statement came the day after Christopher was given one lash of the cane on each hand by the head. As a result of the beating, one of Christopher's hands was badly bruised and swollen and he was unable to move it for some time. Christopher's offence was failing to turn up for detention.

STEVEN SHOCKED BY BROTHER'S CANE INJURIES

Mrs. Jarman's eldest son, Steven, was the only witness called by Malcolm Stevens, the boys' solicitor. He confirmed that he and his brother fully supported their mother's views on beating. He himself had never been caned, but having seen the injuries to his brother, he was now totally opposed to beating. When he said he was prepared to accept other punishments, the chairwoman of the bench, who -- like the clerk - found it difficult to hide her pro-beating prejudices, intervened to say: "We've heard you don't turn up for detentions", Steven pointed out that he had not been guilty of that. Asked about Bryn Celynnog, the 'alternative' school offered to Mrs. Jarman's children, Steven said he did not want to go there as, despite claims to the contrary, he had heard that beatings were meted out there.
Mrs. Jarman told the court that she did not beat her children and she did not want teachers to do so. She said that if she transferred the boys to the 'alternative' schoolagainst their will or withdrew her objections to beatings, the boys would have gotten the message that principles count for nothing.

EUROPEAN COURT

Gareth Thomas, Mrs. Jarman's solicitor told the court, "It is unreasonable to expect Mrs. Jarman to withdraw these objections which the European Court has recognized and which will soon be legitimized by English law".

Malcolm Stevens said his clients had a simple attitude to this case: "They want to go back to the school across the road, and stay with Mum". He denounced the Y Pant school as "unreasonable, intransigent and obsessive". Urging the court to reject the 'care' order, Mr. Stevens said it was time to stop the "doctrinaire authoritarianism" displayed by the school and the local authority.

The magistrates were unmoved. They granted the 'care' order, making the ludicrous claim that they were having "regard to the welfare of the children".

LABOUR PARTY SPLIT ON THE ISSUE

Britain's Labour Party Conference has reaffirmed its opposition to child beating but not all members agree. Mrs. Jarman's MP, Brynmor John, who is the Labour Party's Chief Parliamentary spokesperson on agriculture has refused to intervene. In a letter to STOPP he made it clear that he supported 'corporal punishment' in certain cases.

However, Mr. Giles Radice MP has taken a stand in support of the Jarman family. In a letter to Education Secretary Sir Keith Joseph, Mr. Radice referred to this "most disturbing case". He added: "I believe you must take some responsibility for these unfortunate events. Your failure to introduce legislation quickly in accordance with the European Court's ruling 32 months ago has allowed the situation to arise. I deeply regret your delay in introducing legislation. I also believe your plan for an 'opt-out' scheme rather than outright abolition will both prove to be impracticable and be seen as unjust".

THE OPT OUT" SCHEME

The government has decided to persist with its almost universally-condemned proposal to implement the European Court of Human Rights' ruling merely by giving parents the right to opt their children out of corporal punishment. Schools would be required to seek the views of parents of all children who might be subject to corporal punishment. In a letter to Sir Keith Joseph, Education Secretary (for the ruling Tory Party), STOPP protested both the delay (since 1982) and expressed the hope that legislation would protect all children whatever the views of their parents.

And STOPP also protested to the Committee of Ministers in Strasbourg that the government's proposal falls short of the minimum requirements of the European's Court's ruling.

HELP WANTED

Messages of support for the Jarmans have been pouring in. One woman wrote that she was "amazed and outraged that such a thing could happen. She enclosed a petition, signed by 82 people, condemning the 'care' order a dding "we congratulate her for standing up for her nciples".

If you would like to write to Mrs. Jarman, her address is: 4 Railway Terrace, Talbot Green, Mid-Glamorgan, U.K.

Funds for defence are also urgently needed. If you can contribute, cheques should be made out to:

STOPP (Jarman fund)
18 Victoria Park Square
London, E2 9PB
England

EVAN-G has contributed modestly. If you would like us to do more, channel your check through EVAN-G.

POLITICAL VIOLENCE AND CHILD ABUSE

By Frederick Powell, Dept. of Social Theory and Institutions, University College, Cork, Republic of Ireland.

This article addresses the issue of the association between political violence and child abuse. It is contended that in post-war society the general focus on the family in child care policy and the specific attention given to family violence epitomised by the 'rediscovery of child abuse' has resulted in an unduly restrictive definition of the problem. This tendency is typified in Giovannoni and Becerra's study *Defining Child Abuse* which asserts:

> *To begin with let us circumscribe the nature of the situations about which we are concerned: the abuse and neglect that children suffer at the hands of their own parents, within the confines of their family. To be sure, children suffer assaults at the hands of outsiders as well and are victims of abuse and of neglect by social institutions other than the family. Resolution of these situations is not without its problematic aspects but in neither instance does it entail the complexities involved in dealing with abuse and neglect that occur in the family, between parent and child.*[1]

It will be argued in view of the mounting evidence of political violence directed against children, surveyed below, that this particular carapace represents a somewhat cisalpine view of the problem. Further, it will be suggested that politically-associated child abuse merely provides one of several alternative foci to a family perspective and underlines the need for a more broadly-based definition. The reasons for this current restrictiveness in definition will be explored with reference to (a) political ideology and public opinion, and (b) professional values. The policy context will then be reviewed, involving an examination of the various options (i.e. reforms versus repression) which confront societies experiencing major social tensions. Finally, the responsibility of the caring professions in the face of politically-associated child abuse will be discussed particularly in relation to the doctrine of *parens patriae* i.e. that the state is the higher or ultimate parent.

There follows ten columns of documentation of the killing and brutalization of children in the Central African Empire of Emperor Bokassa, during the Red Terror campaign in Ethiopia, the Sumpul Massacre in El Salvadore, the Palestinian camps Chatila and Sabra in Lebanon, terrorist activity against a synagogue in Rome, the killing of children by both sides in the dispute in Northern Ireland, the "disappearance" of children in Chile torture in Soweto,So. Africa, abuse in Haiti and elsewhere. Most of the data has been collected and verified by Amnesty International.

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children's rights

THE QUARTERLY PUBLICATION OF THE INFORMATION AND DOCUMENTATION SERVICE OF DEFENCE FOR CHILDREN INTERNATIONAL

Conclusion

Political violence vented against children is becoming an increasingly disturbing phenomenon in contemporary society. It has been argued that it ought to be recognised as a form of child abuse. There is now a considerable body of evidence available which permits the construction of a typology of politically-associated child abuse reflecting its various manifestations: killing, brutality, detention and separation.

Politically-associated child abuse cannot be attributed to psychologically disordered individuals or the effects of personal stress; it is the product of the systematic utilisation of violence against children for political ends. The solution, as in the case of the exploitation of child labour, resides in the exertion of social pressure with the object of placing such behaviour beyong the pale. The caring professions have an important duty to stimulate public awareness through exposing the problem in its global and individual manifestations. It is appreciated that it is difficult in certain contexts for individual professionals to speak out against these atrocities without exposing themselves to the possibility of distress or even danger. However, it is entirely feasible in a world where international sanctions can be applied in a variety of fields against those who transgress the human rights of others. At the minimum nations brought to justice would have to face the opprobrium of the world community. Unfortunately, the impact of that opprobrium is not likely to be felt unless it is brought to the attention of the population at large in the country in question. It is here that welfare organisations have a key role to play. In a less immediate sense, the delimitation of child abuse as a family problem must be re-examined. Other areas of abuse which extend into economic and political structures need to be recognised and strategies developed for their alleviation. To fail to confront these difficult issues would be to leave social work and the other caring professions open to the harshest allegations of "bad faith" and the children of future generations liable to a prospect of continuing abuse for political ends.

(F.P.)

JUNQUE PILE

STUDENT ASSAULTS TEACHER!

Six-year old Marshall Fuessel, first grader in Eatonville, Fl. kicked his gym teacher in the foot to try to get him to stop lashing his friend with a switch. Gym teacher Abraham Gordon turned the switch onto the bare legs of his attacker and drew blood.

Fortunately Marshall has a mother who was furious. "Nobody's going to do that to my kids." and went to the police who are investigating.

The teachers defense? "He made me mad."

EXCESSIVE FORCE

A jury awarded Chris Gunter $500. + $121. medical expenses for a beating he took from teacher Roy Reynolds at the Doak Elementary school in Greenville, Tenn. two years ago. Bleeding under the skin of the buttocks in three places, said the doctor, but a "hysterical reaction by the mother" said the defense attorney. Both sides agreed that they favored spanking. Punitive damages were denied.

SHE MADE THEM HIT THEMSELVES

For infractions of rules in class, first grade teacher, Essie Lewis, of Plant City, Fla. ordered a 6-year old boy and a 7-year old girl to take two wooden rulers that had been taped together and using the right hand beat the back of the left hand with the edge of the rulers to the point of injury. The girl's hand swelled up to twice ordinary size. Both required treatment at Sun City Hospital.

Ms. Lewis was suspended and will not be rehired. She may also lose her teaching license.

(Who wants to wager that somebody punished Essie just that way when she was 6 or 7?)

BILLINGS, MT. B. of Ed. meeting.

"It's no big deal up here, but we are considering it." On a first reading the vote was split between three who wanted no corporal punishment, three who wanted restrictions including no more than three swats at a time and no more than three such sessions in a year. One member abstained and one was absent. The proposal gets two more readings.

SWEDEN MEANS BUSINESS

A Swedish father who caned his son has been fined about L9. (about $11 or $12 American) by a court after the boy, aged 11, reported him to the police. Or at least, so reported the London Times in an 8-line item between a soldier caught smoking cannabis and a shark scare along the Italian coast.

SOME GOOD NEWS FOR A CHANGE

In South Sioux City, Nebraska, physical punishment henceforth is limited to a hands only spank. No hitting about the face or head. No use of board or other object. Additional restrictions make it unlikely that any little cornhusker will be abused in South Sioux City.

NOT SO GOOD NEWS

A communication from Bob Myers, a loyal and long time member of EVAN-G reports sadly:

"By the way, the Independence (Missouri) School Board has not banned c.p. (sorry to say). A brief show of bravery by the state welfare agency put the fear of God into them for a short while, but the state people backed down and paddling resumed

"NEGATIVE PUBLICITY"

In Baton Rouge , La. a father filed a complaint with the police because his son was bruised by a school paddling. The Superintendent was miffed. Said he:

> "We are appalled at the negative publicity that our system is receiving and the effect it will have on the morale and effectiveness of our teachers and administrators.
>
> "We feel that as a result of this publicity our personnel will become more reluctant to administer corporal punishment as a disciplinary method. This will result in... an increase in suspensions and expulsions."

HERE"S A NEW ONE

He didn't read the poem with the proper cadence and to correct him, his teacher in Macon Ga. hit him in the face with a broom.

Brooming faces seems to be the standard corrective. Sometimes the 7th graders got bloody noses, but the students in her class are well-behaved, said the librarian.

END OF THE JUNQUE PILE

file SB 282 NRN

FAMILY CONNECTION

A counseling agency
for youth and their families

1836 W. Northern Lights Anchorage, Alaska 99503

(907) 279-0551

MEMO

DATE: 1/21/86

TO: Sen. Fahrenkamp, Senate HESS Committee

FROM: Peter Scales, Ph.D., Executive Director

As an update on the corporal punishment issue, and SB 282, I have enclosed a chart I prepared as a member of the Anchorage School District Corporal Punishment Task Force. I will be introducing this to our deliberations tomorrow. I thought you might find the information helpful. The Superintendent asked us to consider as objectively as possible the pros and cons of both the current policy and any contemplated policy revisions, and I tried to do so!

By the way, you mentioned in your Nov. 12 letter the concern that the SB 282 (and now HB 480) would be contrary to legislative intent to allow private schools maximum freedom from state control. I do agree that this practice should be exempted from that, for the reasons apparent in the enclosed chart, but you might also be interested to know tha both NJ and Mssachusetts similarly "intrude" upon the private schools in banning corporal punishment, and there has been no negative fallout from this position that I am aware of.

Thank you for your concern on this issue. If I can be of further assistance to you, please let me know

Anchorage School District Corporal Punishment
Policy Analysis—Current v Ban

Peter Scales, Ph.D.

	Current Policy	Banning Corporal Punishment
Advantages	• principals favor it • adds a discipline option • has some standards for being applied and some obstacles to doing so (e.g., parent permission needed; must be used as a "last resort") • is only applied to a small percentage of students (figures would suggest maximum of about 1% of elementary per year, if that)	• banning would remove inequities data currently show in application, based on sex, school, age and actual event, i.e., would be a more <u>fair</u> policy • teaches rational, humane solutions are preferable and does not teach that violence is an acceptable way to solve problems • forces school officials to develop even greater range of discipline options, making it more likely that an effective one may be selected based on individual learning needs • encourages adults to model the behavior they desire rather than, through punishment, actually reinforcing the behavior they wish to eliminate ("children need models more than critics"—Joseph Joubert, 1842) • if parents wish to hit their children, they still can, subject to sanctions of child abuse and child protective laws, but school refocuses on teaching, learning and <u>intellectual</u> discipline • reduces actual physical risk to students (for the 1% to whom is applied, is risk of physical harm due to inappropriately or inadequately controlled application) • banning would not result in increased discipline problems—experience of other states and cities which have done so shows no increased problem, and in fact, that banning, as one L.A. official put it, was a "popular" decision too • banning would put Anchorage School District in a state and national leadership position and would enhance reputation as forward-looking district
Disadvantages	• it is inequitably applied: boys hit more than girls, kids in some schools more than others, only elementary, and some kids hurt more than others (some will be hit relatively hard, some soft) • reinforces the very behavior it is desired	• as new or changed policy, would require some extra expense and effort to publicize and to develop some additional discipline options as substitutes

to eliminate (hitting as a punishment for fighting and disruption—the most common reasons for corporal punishment—shows that violence can be an acceptable and effective solution)

- because of the age inequity of the practice, it teaches this lesson at the most formative years—elementary—when instead the lessons of rational, intelligent and humane solutions should be taught
- research shows that corporal punishment is likely to be used on children who are already having emotional and learning problems, further exacerbating rather than alleviating these difficulties
- research also shows that, rather than settling children down to learn, the practice is more likely to decrease elementary students' motivation and achievement
- it is potentially dangerous from a physical health standpoint (could be applied too hard, causing bruises and more, and level which is "too hard" will vary from child to child, and is impossible to know beforehand)
- hitting people in school conflicts with the ideals of school: learning, rationality, wisdom, thoughtfulness, cultivation of respect through understanding, creative rather than rigid problem solving, and developing appreciation for the values of the society most worthy of being passed on through the generations; against all these criteria, hitting children in school must be judged a counterproductive practice.

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people for September was below the 253,889 pool for September 1984.

Christian school gives up spanking

ANCHORAGE—Saying it's "not worth the hassle," the Rev. Jerry Prevo says the Anchorage Christian School will no longer paddle pre-schoolers.

His decision Thursday followed Anchorage District Court Judge Elaine Andrews's sentencing this week of a school secretary who bruised a 2-year-old child's bottom with a wooden paddle after the toddler refused to eat.

PAY 'n SAV YO

Parent Asks Court To Bar Paddling In North Carolina

The mother of a student who was paddled by the assistant principal of Dunn (N.C.) High School will ask the North Carolina Supreme Court to reverse a decision of a state court of appeals giving educators the right to administer corporal punishment if the punishment is without malice.

Earlier this month, a three-judge panel of the appeals court upheld a lower-court ruling that Assistant Principal Glenn Varney was not guilty of using excessive force when he paddled Shelly Gaspersohn and two other senior-high students six times each for missing one day of school, according to Renny Deese, Ms. Gaspersohn's lawyer.

According to the appeals court, teachers, under North Carolina law, have the right to use "reasonable force in the exercise of lawful authority" as long as that force does not leave permanent injury and is not applied out of malice, Mr. Deese explained. The basis for that statute, Mr. Deese said, dates back to 1837 case law.

The student's mother plans by July to ask the state high court to hear the appeal, Mr. Deese said.

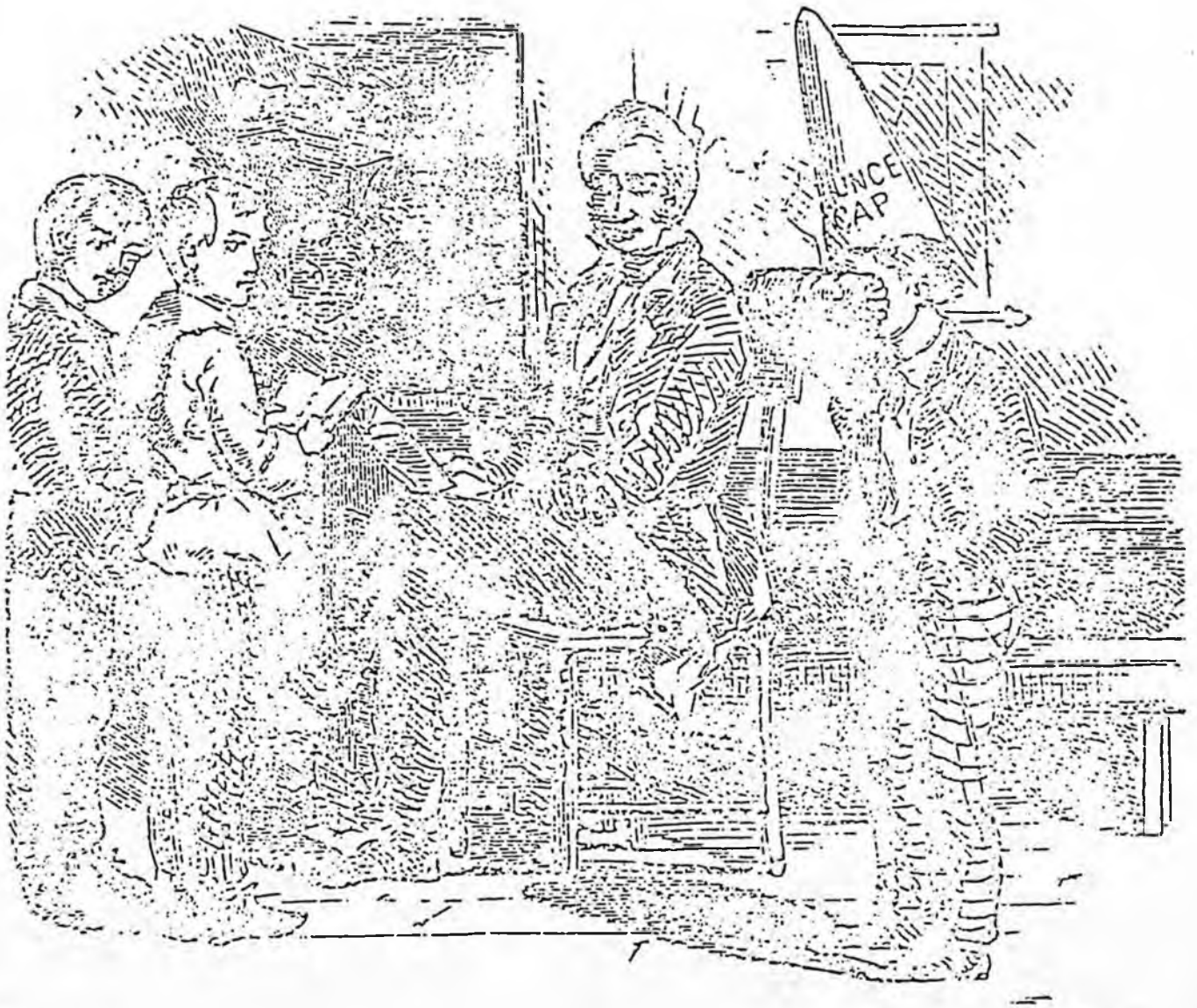
A Further Look at

Eight years ago a 14-year-old schoolboy named James Ingraham lingered too long in the school auditorium after an assembly. According to young James, a couple of school officials punished him for this infraction by holding him down while the principal repeatedly hit him with a two-foot-long wooden paddle. As a result of the blood clots that formed because of the beating, James was bedridden for a week. His mother filed suit against the principal and the other school officials.

By MYRON BRETTON
Education Writer.

The case slowly made its way to the U.S. Supreme Court. In April 1977, the highest court in the land made its decision—and newspaper headlines. By a majority of five to four, the Justices ruled that thrashings meted out by school authorities do not violate the Eighth Amendment's ban against

Many teachers believe that the rod is as outdated and as counterproductive as the dunce cap.



Corporal Punishment

cruel and unusual punishment—even when serious injury results.

The majority opinion—written by Justice Lewis Powell, a former chairman of the school board of Richmond, Virginia—upheld a series of lower court decisions. It said that the Eighth Amendment applies only to criminal proceedings. Schoolchildren, Justice Powell noted, don't need the same protection as criminals in prison, because schools are open institutions that receive community supervision. Another issue the Court touched on was prepunishment hearings for students who misbehave. These, the Court said, shouldn't be mandatory because such a requirement would "entail a significant intrusion into an area of primary educational responsibility."

The Supreme Court decision again brought into sharp focus the controversial issue of corporal punishment in the schools. Do school officials and teachers have the right to physically punish students?

Only three states—New Jersey, Massachusetts, and Maine—flatly ban corporal punishment. (There has been a moratorium on it in Hawaii.) Maryland has an anticorporal punishment law, but it can be superseded by the various counties, and all but two do supersede it. Some individual school districts, however, have decided on their own that physical punishment is bad punishment and disallow it. Most are big-city school districts: Los Angeles, Chicago, New York City, and Washington, DC.

In all three states that disallow corporal punishment, educators and others have made periodic attempts to have it reinstated as a disciplinary option. And it's an open secret, notes Irwin A. Hyman, Director of the National Center for the Study of Corporal Punishment and Alternatives in the Schools, that even in school districts like Philadelphia (where the Center is located) and New York City, which forbid the practice, some teachers and administrators do hit students.

States and local districts that allow corporal punishment vary in their regulations covering the practice. Some give teachers and administrators a great deal of leeway. Others have stringent regulations.

In many areas, only administrators may do the paddling. In many districts, too, another adult besides the one inflicting corporal punishment must be present when a child is spanked.

Some districts will not use physical punishment if a child's parents object and make their disapproval known in writing. Such regulations aren't intended only to protect the child. School districts don't want to be sued and they don't want their employees to be sued. Parents do sue for damages sometimes, and a very few teachers have been dismissed for using excessive force.

Of course, a distinction has to be made between the use of corporal punishment to discipline a misbehaving student and defense against a student who attacks a teacher or another student physically. Even the most convinced foes of the use of physical force to punish agree that there are clear-cut situations in which teachers must use force in order to save themselves or students from injury.

How widespread is corporal punishment in the schools? No real assessment of how often it's used is yet available. Marion F. Langer of the American Orthopsychiatric Association, which has come out against the practice, says evidence shows it is on the increase. She notes that certain recent developments that affect schools may cause school authorities to be more prone to physically punish students now than in the past. These include violence in the cities and in the schools, preoccupation with maintaining law and order, and lack of teacher preparation for work in inner-city schools.

There's nothing new about corporal punishment. The "spare the rod and spoil the child" philosophy of discipline, both at home and at school, has been the prevailing one since Colonial times. Some early schools actually had whipping posts. It's only fairly recently that views about corporal punishment have been undergoing a marked shift. The change has occurred as a result of factors such as more enlightened child-rearing practices, data from clinical studies that show that corporal punishment has a negative effect on children, and an increased awareness of children's rights.

In some instances, parents opposed to the practice have become quite militant; lawsuits in extreme cases, such as the Ingraham suit, are only one evidence of this militancy. Consider a couple of recent, spontaneous parental "rebellions":

- In Jones, Oklahoma, the parents of a 16-year-old girl filed suit over a school rule that would have kept her home unless she acceded to a principal-administered spanking. (Her offense: being late to school five times.) In the face of the lawsuit, the school administration reconsidered and allowed the girl to return to the school.
- In Mesquite, Texas, a couple made newspaper headlines as far away as New York City when they kept their teenage daughter home rather than allow her to be paddled for being late for school.

Those who favor corporal punishment in the schools generally favor it not as an everyday practice for all types of infractions but as a disciplinary tool to be used when others have failed. They say they want the option of spanking for the following reasons:

Corporal punishment works. It acts as a deterrent to would-be offenders,

and it keeps many children who have been hit from transgressing again. It is rarely necessary to use it more than once on the same child, according to a district superintendent of schools participating in a 1977 conference on corporal punishment held in Washington, DC.

The schools have to spank because the parents don't. As an Ohio teacher, responding to a survey on the subject conducted by *Grade Teacher* magazine, wrote, "In our system I would like to see more paddling done. Some children get practically no discipline at home. The school has to act as a parent substitute. . . .If good discipline is not maintained in the individual classroom, both the teacher and pupils are wasting their time. . . ."

Parents want their children spanked in school. Many teachers and administrators report that some parents of children who have gotten into trouble want them spanked. These parents say this is the only thing that makes their children mind.

Corporal punishment is preferable to some other kinds of discipline. "In some cases, we feel corporal punishment is better than suspending children," says Joseph Odom, associate superintendent of the Scotland County Schools in North Carolina. Elaborating on this theme at the Washington, DC, conference, one participant asked, "If they are suspended from school, where can the parents or the child go for assistance in obtaining a public education for that child?"

Opponents of corporal punishment take issue with all of these arguments and add a few of their own. All too often, they say, children are hit for trivial reasons and/or punished so severely that the punishment becomes tantamount to child abuse.

Horror stories abound. There's a Missouri case in which two boys, caught smoking cigarettes in school, were given the choice of eating their remaining cigarettes or getting paddled. They chose to eat their cigarettes, 18 in all. As a consequence, one boy's ulcer was aggravated, and the other boy developed a kidney infection. Both had to be hospitalized.

In an incident in Boston, an angry teacher punched a ninth grade girl "for disciplinary reasons" and ripped a pierced earring off her ear.

Opponents also insist that corporal punishment is used discriminatorily. They say it is used more on inner-city schoolchildren, more on Black, Hispanic, and poor White children, and more on younger, weaker students than on their counterparts.

Foes of the practice readily admit that even if no excesses ever occurred, no regulations were abused, and no discrimination in its use existed, they would still be vehemently opposed to corporal punishment. Alan Reitman, associate executive director of the American Civil Liberties Union (ACLU), which has been in the forefront of a campaign to abolish the practice, says, "We're not in favor of corporal punishment under any circumstances. We see no justification for the use of force except where a teacher is being attacked or has to break up a fight between two students."

Mr. Reitman adds, "In the military, in prisons—places where you'd think one would have to impose that kind of discipline—the courts have held otherwise. They've stated that corporal punishment cannot be used. The only group in American society still subject to maltreatment as a matter of law is children in schools."

ACLU's objection—and those of other opponents of the practice—take the following forms: Corporal punishment violates both the Eighth Amendment's prohibition against cruel and unusual punishment and the Fifth Amendment's protection of substantive and procedural due process. It's in direct contradiction to the supposed ends of education in a democracy—to humanize rather than to instill fear, to mold citizens who will be able to think for themselves rather than those who will respond automatically to punishment or fear of punishment.

The foes take issue with the argument that corporal punishment should be meted out because parents want it; parental approval, they say, does not mean that the practice is in the best interests of the child and should be adopted by the schools.

Then there's the ultimate question: Does corporal punishment work? Does it in fact improve the behavior of misbehaving students?

Those in the forefront of the push to abolish corporal punishment and those who have examined the few research studies on the subject answer the question with a resounding No. An NEA-appointed task force came to these conclusions:

- To be even minimally effective, physical punishment has to be repeated and repeated.
- The "might is right" approach increases rather than decreases disruptive behavior.
- Since corporal punishment involves an aggressive act, it also increases aggressiveness. In other words, educators who hit or condone hitting become models of the aggressive way of life to children.

Dr. Hyman of the National Center for the Study of Corporal Punishment and Alternatives in the Schools poses a central question: "Corporal punishment may cause a temporary suspension of the undesirable behavior and relieve a teacher's frustrations. There's no question that that may seem to be helpful, but what happens in the long run?"

The Center is researching just that question. It finds that in some schools the same students keep on getting hit, so it is doubtful that corporal punishment is genuinely effective in the long run. It also finds that in order to be effective, the punishment has to be applied so methodically and persistently that, Dr. Hyman says, "you would practically have to make a concentration camp out of the school." (One study suggests that more vandalism takes place in schools that use corporal punishment than in those that do not.)

A Center study shows that school districts sometimes turn to increased use of suspensions and expulsions when corporal punishment is banned. Suspension and expulsion get rid of problem behavior by getting rid—at least for a time—of the problem child. But their use is as controversial as that of corporal punishment—and their abuse, too, is widespread.

A further theme emerges from the research studies: Students who are most often targets for corporal punishment are those with very low self-esteem. Being paddled or otherwise physically punished only makes them feel more helpless and self-rejecting and, therefore, angry.

And what about those school dis-

tricts that used to allow corporal punishment but now ban it? Has discipline gone to ruin in those schools and student misbehavior increased dramatically? A preliminary Center study of 36 school districts that used physical punishment in the past but no longer do so shows no dramatic changes. Nineteen percent reported an increase in discipline problems—yet only one of these districts attributed this to the abolishment of corporal punishment. Forty-two percent reported "no change," and most of the remainder couldn't respond for a variety of bureaucratic reasons.

National Institute of Education Director Patricia Graham reports that a number of research projects on safe schools and student misbehavior are in the works and will "tangentially relate" to corporal punishment, but that no studies devoted to corporal punishment alone are contemplated.

Why not? "Primarily because corporal punishment doesn't seem to us to be a principal factor in school discipline causes," Director Graham answers. "That is, whether a school does or doesn't use corporal punishment does not seem to be a factor in whether school discipline problems get worse or better at that school. And I suppose that's an important thing to say about corporal punishment. By far the most significant factor with regard to school discipline is the leadership role of the principal. Weak leadership is likely to produce increased discipline problems, and strong leadership is likely to reduce them."

Ms. Graham concludes, "In the absence of evidence that shows that school discipline improves with the use of corporal punishment, it's hard to see why one should use it."

In districts and schools where leadership is strong, imaginative educational programs that capture students' energies and "constructive punishment" programs that obviate the need for corporal punishment are very much in evidence. That holds true for both inner-city schools and sprawling suburban educational plants. A school district that has an astonishing array of such programs—and, in that sense, can serve as a model for other districts—is the Old Bridge Township School District in northern New Jersey.

The school district's population of 17,000 is made up of students who come from widely varying socioeconomic backgrounds; it has its share of serious discipline problems. But to District Superintendent Pat Torre, corporal punishment is the very worst way of solving them. "I don't think instilling fear is the way to teach, to command respect," he says.

As alternatives, Mr. Torre points to an intramural sports program and to the practice some teachers have of getting their more obstreperous students to run around the school building for 10 minutes or so in the morning, "which helps work out aggression." To counteract destructive boredom, the schools have special, self-contained classes where the brightest students can work at their own pace. In many classrooms, an innovative newspaper curriculum replaces standard textbooks. A work-study program is available to students in their junior year who aren't academically oriented.

As for "constructive punishment," misbehaving high school students sometimes have to work in separate classrooms set aside for the purpose and staffed by special teachers. Child-study teams staffed by mental health and learning disability specialists are available to work with emotionally disturbed and socially maladjusted students, as well as those suspected of having other special educational needs. Out-of-school suspensions are used sparingly, Mr. Torre says, usually only in the case of chronically violent youths, as a way of protecting others.

"We're professionals," he concludes, explaining why he disagrees with those educators who have attempted to overturn New Jersey's ban on corporal punishment. "We've studied psychology, we should know how to cope with situations. We shouldn't be hitting kids because of behavior patterns over which they have no control."

Obviously, not everyone agrees. Corporal punishment—reflecting a particular educational philosophy as old as the nation itself—will not soon be abandoned as a disciplinary tool in the nation's school districts. It is very unlikely, even the ACLU's Alan Reitman admits, that the U.S. Supreme Court will in the foreseeable future rule against corporal punishment in the schools, though new test cases may reach the Court. In a pluralistic educational system, it is not surprising that in some localities the paddle is not only legal but enthusiastically employed to control recalcitrant students, while in other communities it is flatly banned.

So it is that some students are spanked for their misbehavior, whether as a last resort or not—and some others, as in the Old Bridge Township Schools, have a variety of alternative programs and approaches extended to them. □

NEA Position on Corporal Punishment

At NEA's 1971 annual meeting, the Representative Assembly called for the appointment of a task force "to study corporal punishment in the schools, including the extent of its use and alternative forms of motivations." This task force, appointed in January 1972, came out foursquare against the use of corporal punishment in the schools, urged the development of "alternatives to the infliction of pain as a disciplinary technique," and proposed a model statute that would prohibit all forms of corporal punishment. The proposed statute permits only the use of "such amounts of physical restraint as may be reasonable and necessary" for a teacher to do the following:

1. To protect himself or herself, the pupil, or others from physical injury
2. To obtain possession of a weapon or other dangerous object upon the person or within the control of a pupil
3. To protect property from serious harm.

On June 23, 1972, the NEA Board of Directors adopted the *Report of the Task Force on Corporal Punishment* and referred it to the Executive Committee "for implementation as feasible." This action was reported to the 1972 Representative Assembly.

On October 11, 1972, the Board authorized the NEA President "to send to all state affiliates a copy of the report on corporal punishment along with a letter calling attention to the model act [proposed in] the report and urging the state affiliates to work toward passage of such legislation." By virtue of the actions taken by the Board of Directors in 1972, NEA is on record as opposing the use of corporal punishment in the schools.

Legislative Council Staff Madison, Wisconsin

RESEARCH BULLETIN 78-4*

SCHOOL DISCIPLINE: AN OVERVIEW

INTRODUCTION

This document is divided into five parts:

* This Research Bulletin was prepared by Kris Foate, Legal Research Assistant, Legislative Council Staff.

PART I

THE NATURE AND EXTENT OF THE PROBLEM OF SCHOOL DISCIPLINE

School discipline has been the major concern in the annual Gallup Poll of public attitudes towards education for seven of the last eight years.

Mounting concern on the part of educators and the general public over the issue of school discipline appears to be prompted by reports of the general deterioration in student conduct, on the one hand, and reports of the inequities and of the inappropriateness of the traditional responses to the problem of school discipline, on the other hand.

General deterioration in student conduct is indicated by the following:

1. Continued press reports of increased violence and disruptive behavior in the schools.

2. The findings of the Subcommittee on Juvenile Delinquency survey which show that the trend of violent acts, such as rape, murder, extortion and gang warfare, in American schools "has been, and continues to be, alarmingly and dramatically upward." [Our Nation's Schools - A Report Card: 'A' In School Violence and Vandalism, preliminary report of the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary, U. S. Senate, April 1975, page 4.]

3. The U. S. Senate Subcommittee's report estimates the cost of violence and vandalism in American schools to be $600 million annually, but cautioned that its estimate of the total loss to school districts due to vandalism was a conservative one.

The inequities and the inappropriateness of the traditional responses to the problem of school discipline is indicated by the following:

1. A study conducted by the Center for Public Representation, a Madison-based public interest law firm, found that the treatment of students who broke the rules was not even-handedly applied. It is felt that this inconsistency in treatment hampers educators' effectiveness in dealing with the discipline problem.

2. Recent studies of the use of suspensions in the schools, such as those conducted by the Children's Defense Fund and the

Citizens Council for Ohio Schools, estimate the annual number of suspensions nationally may be as many as one million. The studies also question the effectiveness of suspension or expulsion as a tool to deal with the problem of school discipline. The Ohio study found that disproportionate numbers of blacks and males were suspended.

3. Other studies and articles have also discussed the inappropriateness of expulsion or suspension as a tool to deal with specific discipline problems such as chronic absenteeism and truancy.

4. At a recent meeting of the Wisconsin Association of School Boards/Wisconsin Education Association Council (WASB/WEAC) Joint Committee on Student Discipline, it was mentioned that "sometimes when students are suspended or expelled, he/she achieves exactly what he/she wants, i.e., to get out of school. There should be a variety of approaches and sanctions available to schools in handling discipline cases." [WASB/WEAC Joint Committee minutes of April 15, 1978 meeting, page 2.]

Discipline: Suggested Definitions, Specific Discipline Problems and Possible Causes of Discipline Problems

The WASB/WEAC Joint Committee on Student Discipline suggested the following definitions of discipline:

1. Student discipline is the promotion of learning through control which is both adult directed and self-imposed by students.

2. Discipline is a process through which students gain the freedom to be educated.

The Committee also stated that:

> ...positive and effective discipline is necessary if the learning environment is to be maintained; further, effective school discipline needs to be based on leadership and firm action from education agencies. Finally, effective school discipline must recognize the responsibility of the entire community, including the courts, the Legislature and parents. [Minutes of WASB/WEAC Joint Committee meeting, October 29, 1977, page 2.]

The Committee also identified specific discipline problems, such as:

1. Smoking	6. Throwing things
2. Extortion	7. Swearing
3. Stealing	8. Alcohol and drugs
4. Cheating	9. Violence
5. Truancy	10. Vandalism

The Wisconsin Association of School District Administrators (WASDA) recently conducted a survey of its members on various school-related issues. Included in the survey were questions dealing with the subject of discipline and violence. In response to the question, "what do you consider the major discipline problems confronting schools today," a sample of the responses included:

1. Student-related problems

- alcohol and drug abuse
- smoking
- truancy
- lack of respect for authority
- vandalism
- abusive language
- fighting
- tardiness
- student disrespect for rules
- stealing
- refusal to complete assignments
- lack of respect for peers, teachers and property

2. Miscellaneous-related problems

- permissive attitude
- lack of motivation
- poor study habits
- television and movies
- lack of court support
- misunderstood teacher and student rights, with over emphasis on student rights
- anti-school image, fostered by the press, news media and society
- compulsory attendance laws
- lack of power by school boards

3. Parental-related problems

- lack of discipline in the home
- lack of parent interest and control
- lack of parental support for school disciplinary matters
- working parents and/or broken homes

4. Teacher-related problems

- unprepared teachers
- teacher enforcement problem
- lack of concern for individuals by teacher

In a study conducted by the Center for Public Representation in Madison, both teachers and students were asked what they felt the causes of discipline problems were in their school. The survey showed that some discipline problems were attributed to classroom factors having little to do with student misbehavior. A majority of both the teachers and students thought that "boring classes" were a contributing factor. The majority of teachers reported that students having trouble with their work was a factor. Both teachers and students felt that teachers not controlling their classes was a cause of discipline problems. Students, as a whole, also felt that the lack of teacher responsiveness and lack of student rights were important factors. In addition, teachers suggested that discipline problems in school are an extension of out-of-school problems.

The above discussion demonstrates that various groups and individuals do not necessarily agree on the causes of the discipline problems, or on what constitutes a discipline problem. They agree, however, that there is a discipline problem in schools and that it must be addressed.

PART II

THE RIGHTS AND INTERESTS OF PARENTS, STUDENTS AND SCHOOLS AS DEFINED BY COURTS AND WISCONSIN STATUTES

This Part of the document discusses the rights and interests of parents, students and schools and the judicial response when these interests are in conflict. The following rights and interests are relevant to the discussion of school discipline:

- The parent's rights and responsibilities to direct the upbringing and education of his or her children,
- The school's needs to maintain proper decorum and discipline to be able to fulfill its educational function, and
- The student's right to and interest in an education, in addition to the student's constitutionally protected rights of assembly, freedom of expression and religion.

A. Parental Rights

The Supreme Court, in Meyer v. Nebraska, 262 U. S. 390 (1923), Pierce v. Society of Sisters, 268 U. S. 519 (1925), and Prince v. Massachusetts, 321 U. S. 158 (1943), articulated parental rights to direct the upbringing of children.

In Meyer, the Supreme Court expressly recognized that "liberty" protected by the 14th Amendment included the right to bring up children [262 U. S., at page 399]. The Court held that a Nebraska statute, forbidding the teaching of a foreign language to any student not having completed the eighth grade, was unconstitutional because the statute unnecessarily infringed on the parents' right to "control the education of their own" [Id., at page 402] [emphasis added]. The Court recognized that the ends put forth by the state to justify the statute were legitimate. However, the Court subjected the statutes to strict scrutiny and carefully evaluated the interests involved.

The primary nature of the parents' role was affirmed by the Court in Pierce. The Court held that the state's denial of the right of parents' to choose between a private or a public school unreasonably interfered with the parents' right to "direct the upbringing and education of children" [268 U. S., at page 534].

In Prince, the Court stated:

> It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder. And it is in recognition of this that these decisions have respected the private realm of family life which the state cannot enter. [321 U. S. 158, 166 (1943)]

The Court, in Prince, held that the state could limit parents' rights only when the parental action jeopardized the general welfare or safety of the child.

The Court, in Wisconsin v. Yoder, 406 U. S. 205 (1972), reaffirmed the view presented by these three cases. In Yoder, the Court reasserted the primary nature of parental rights, stating, at page 232, "this primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition." The Court cited Meyer, Pierce and the proposition in Prince that these primary parental rights may be subject to limitation only "if it appears that parental decisions would jeopardize the health or safety of the child, or have a potential for significant social burdens" [Id., at pages 233-34].

It appears from the case law that an essential element of the traditionally primary role of the parent in the upbringing of his or her child has been the right and duty of the parent to discipline the child. The parent's right to direct the moral and intellectual upbringing of his or her child, including the choice of disciplinary methods. has been as self-evident traditionally as the parent's right and duty to feed and clothe his or her children.

B. School Authority; Corporal Punishment

Despite the primacy of the parents' role in the upbringing of children, school officials traditionally have been given broad discretion regarding discipline of children under their charge. Under the common law, the basis for such broad discretion rested on the doctrine of in loco parentis. Under this concept, the school functions as the surrogate parent while the child is attending school since the parent is unable to care for the child. By sending the child to school, a parent impliedly delegates his or her authority, rights and responsibilities to the school. According to Blackstone:

> A parent may delegate part of his parental authority during his life, to the tutor or the school master of his child; who is then in loco parentis, and has such a

> portion of the power of the parent committed to his charge, viz. that of restraint and correction, as may be necessary to answer the purposes for which he is employed. [1 W. Blackstone, Commentaries *453]

Among the duties that a school must exercise in this role is that of discipline.

The common law also made it clear that such disciplinary power could be exercised at the discretion of the school official notwithstanding the parent's prohibition or wishes. This generally accepted rule is expressed by the American Law Institute in Restatement (2d) of Torts, s. 153 (2) (1965):

> One who is in charge of the education or training of a child as a public officer is privileged to inflict such reasonable punishments as are necessary for the child's proper education or training, notwithstanding the parent's prohibitions or wishes. [Emphasis added]

Baker v. Owen, 395 Fed. Supp. 294, 423 U. S. 907 (1975), was the United States Supreme Court's first consideration of whether corporal punishment, administered by school officials over the objection of a parent, is unconstitutional.

In Baker, the constitutionality of a North Carolina statute, which allowed corporal punishment in the public schools over parental objection and absent due process safeguards for the students, was challenged. The parent also claimed that the corporal punishment of her son was cruel and unusual treatment under the 8th Amendment.

The three-judge federal court held that the corporal punishment administered in this case was not so harsh as to be cruel and unusual and that the statute was constitutional on its face. However, the court also held that implementing the statute without providing students with minimal procedural due process safeguards would be a violation of the 14th Amendment. The court specifically outlined the minimal procedures required. These procedures are as follows:

1. Corporal punishment should not be used at all except for the acts of misconduct which are so antisocial or disruptive in nature as to shock the conscience and it may never be used unless the student was informed beforehand that the specific misbehavior would result in it use. It should never be employed as a first line of punishment for misbehavior.

2. The teacher or administrator should punish corporally only in the presence of a second official and only after the child and

the second official have been informed of the reason for the punishment.

3. If requested by the parents, the official administering the punishment must provide the parents with a written explanation of the reasons for punishments and the name of the second official present.

The Supreme Court affirmed the traditional rule followed by the three-judge federal court and the use of due process procedures for corporal punishment.

In Ingraham v. Wright, 403 U. S. 651 (1977), the Supreme Court had another opportunity to address the issues of cruel and unusual punishment and procedural due process in the context of corporal punishment administered by a school official. The Court, in a five to four decision, held that when public school teachers or administrators impose disciplinary corporal punishment, the Cruel and Unusual Punishment Clause of the 8th Amendment is inapplicable. In addition, it concluded that the Due Process Clause of the 14th Amendment did not require notice and a hearing prior to the imposition of corporal punishment in the public schools. The Court stated, at page 682, that "in view of the low incidence of abuse, the openness of our schools, and the common law safeguards that already exist, the risk of error that may result in violation of a school child's substantive rights can only be regarded as minimal."

The Court reaffirmed the great deference historically accorded to the discretion of school authorities in administering school discipline:

> We are reviewing here a legislative judgment, rooted in history and reaffirmed in the laws of many states, that corporal punishment serves important educational interests. This judgment must be viewed in light of the disciplinary problems commonplace in schools. As noted in Gross v. Lopez, 419 U. S. at 580: "Events calling for discipline are frequent occurrences and sometimes require immediate, effective action." Assessment of the need for, and the appropriate means of maintaining school discipline is committed generally to the discretion of school authorities subject to state law. [Emphasis added] The Court has repeatedly emphasized the need for reaffirming the comprehensive authority of the states and of the school officials consistent with the fundamental constitutional safeguards, to prescribe and control conduct in the schools. Tinker v. Des Moines School District 393 U. S. 503, 507 (1969). [430 U. S., at pages 681-82]

The Court emphasized that the imposition of additional administrative safeguards would entail a significant intrusion into an area of primary educational responsibility. However, it would appear that, due to the closeness of the decision, a school district would be well-advised to follow the minimum due process procedures set forth in Baker.

It should also be noted that there is no law which either expressly permits or prohibits corporal punishment in Wisconsin schools. However, it appears that a school board could adopt a policy permitting corporal punishment under its broad rule-making authority under s. 120.13 (1), Wis. Stats.

The person administering corporal punishment to a public school child is not immune from possible criminal prosecution under s. 940.19 (1), Wis. Stats. (battery), or s. 940.201, Wis. Stats. (abuse of children), since the defense of privilege applies only when the conduct is "reasonable discipline" under s. 939.45 (5), Wis. Stats. Therefore, a teacher or administrator who administers corporal punishment should use only moderate force in a manner reasonable under the circumstances.

The Wisconsin Legislature has granted school boards broad authority to supervise and manage the affairs of the school district [s. 120.12, Wis. Stats.] and to make rules for the government of the schools in the district, including rules regarding student conduct [s. 120.13 (1) (a), Wis. Stats.]. The latter statute also grants the school board and school authorities the power to enforce school regulations and to suspend or expel students for violations of school rules or for conduct which is dangerous to the health, safety or property of others.

The authority granted to the school boards to promulgate rules, however, is not unlimited. The Wisconsin Supreme Court, in Bowe v. Board of Education of the City of Fond du Lac, 63 Wis. 234 (1885), stated that the schools' rules must be reasonable and necessary for the government, good order and efficiency of the schools. In addition, the United States Court of Appeals Seventh Circuit held [Breen v. Kahl, 419 F. 2d 1034 (7th Cir. 1969)] that school regulations curtailing a constitutional right must bear "a substantial burden of justification," and that those regulations are valid only if the distraction they prevent is "aggravated...frequent...general...and persistent."

In conclusion, school boards and administrators must function within the framework of the Wisconsin Constitution, Wisconsin Statutes and the U. S. Constitution. It must be emphasized, however, that the recent court decisions have not abolished the authority of the schools to regulate students, even when they have ruled against the schools in a particular case. The courts have spelled out the limits within which rules are permissible, and

which govern the discretion given local officials in the operation of the school. Within these limits, schools can continue to make regulations which are necessary to maintain discipline and decorum in the public schools, and promote an atmosphere conducive to learning.

C. Student Rights

The Wisconsin Constitution grants to each child in Wisconsin the right to a free public education in the district in which he or she resides. Article X, s. 3, of the Wisconsin Constitution, provides, in part:

> The Legislature shall provide by law for the establishment of district schools which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of four and twenty years;....

In addition, the U. S. Constitution protects school students, as well as adults, from arbitrary and unjustified governmental rules. The Supreme Court, in Tinker v. Des Moines Independent Community School District, 393 U. S. 503 (1968), stated:

> ...in our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school, as well as out of school, are "persons" under our constitution. They are possessed of fundamental rights which the state must respect, just as they must respect their obligations to the state.

Following is a discussion of the rights of students associated with suspension and expulsion, which are disciplinary measures specifically authorized by s. 120.13 (1), Wis. Stats. [The rights of students associated with corporal punishment are discussed above.]

1. Suspensions

In order to suspend a student under s. 120.13 (1), Wis. Stats., the school is required to:

a. Advise the student prior to the suspension of the reason for the proposed suspension,

b. Make a determination that the student is guilty of the violation charged and that the suspension is reasonably justified,

c. Give prompt notice to the parent of the suspension and the reason for the suspension,

d. Provide the student with an opportunity to take any quarterly, semester or grading period examination missed during the suspension period, and

e. Afford the student and parents an opportunity for a conference with the district administrator within five school days.

The school district administrator may designate someone else to conduct the conference, but the person must not be from the suspended student's school. The purpose of the conference is to give the administrator or his or her designee an opportunity to review the facts surrounding the suspension to determine if it was fair, just and appropriate. If it is determined that the suspension was unfair, unjustified or inappropriate, references to the suspension must be removed from the student's records. There is no statutory right to appeal a suspension to the State Superintendent.

In 1975, the U. S. Supreme Court, in Goss v. Lopez, 419 U. S. 565 (1975), held that public school students in Ohio could not be suspended, even for a short period of time, without some due process. The Court reasoned that although there is no federal constitutional right to an education, protected interests in property are usually created by state laws or rules, rather than the Constitution. Once such a protective property interest or entitlement is created by the state, the state cannot then take it away without due process of law.

In Ohio, a state law provides for a free education to all residents between specified ages. In addition, a compulsory attendance law requires these persons to attend school. The Court held, therefore, that since Ohio had extended the right to an education to children, it could not withdraw that right from individuals without due process (i.e., it was a protected property interest).

The Court, in addition to finding a protected property interest, also found that the students had a liberty interest protected by the 14th Amendment, because a suspension could seriously damage their reputations or good names.

The Court, in Goss, balanced the competing interests involved. On one side, the importance of allowing school personnel to operate the school, given the complex and special demand of education, and, on the other side, the student's protected interest in education. The need of the school officials to handle all aspects of education, including discipline, with minimal outside assistance, is especially strong in emergency situations that threaten the tranquility of the school atmosphere. The Court held that due process requires some kind of notice and hearing, but noted that the specific kinds of procedures will vary depending upon the situations involved.

The Court set forth the following due process requirements for suspensions not exceeding 10 days:

a. The student must be given an oral or written explanation of the charges; that is, told what he or she is accused of doing.

b. The student must be given an explanation of the evidence the school authorities have.

c. The student must be given an opportunity to present his or her side of the story.

Only in extreme situations, when the student poses an ongoing, continuing danger to persons or property, may a suspension occur before the above procedures are followed. In such emergency situations, the Court said that required notice and informal hearing must be held as soon as practicable.

Wisconsin also provides for free public school education for all children between specified ages. In addition, a compulsory attendance law requires these persons to attend school. Therefore, it appears that the requirements set forth in Goss would also be applicable to Wisconsin schools.

2. Expulsion

In order to expel a student under s. 120.13 (1), Wis. Stats., the school board must:

a. Send written notice to the student and the student's parents of the expulsion hearing. This notice:

1. Must be sent at least five days before the hearing is scheduled.

2. Must state the time and place of the hearing.

3. Must contain a description of the specific charges.

4. Must contain a copy of the state law relating to expulsion.

b. Hold a hearing at which the student and his or her parents may be presented by counsel. The school board must keep written minutes of the hearing. After the hearing, if the school board orders an expulsion of the student, it must mail a copy of the expulsion order to the student and, if he or she is a minor, to the parent or guardian. The expelled student or the parent of a minor may appeal the expulsion to the State Superintendent. A decision by the State Superintendent may be appealed to a circuit court.

A school board can expel a student only for those reasons enumerated in the statute. The statute requires repeated violations of school rules or conduct which is dangerous to others. Furthermore, a student may not be expelled for conduct which did not occur at school, or while not under the supervision of a school authority.

If a student is expelled, the school board, in all probability, because the Wisconsin Constitution, art. X, s. 3, grants the right to a free public school education, still has some obligation to provide for the education of that student. Traditionally, this has also been the policy of the Department of Public Instruction.

The statute does not specify the procedures to be followed at the expulsion hearing, and the courts have not specified what procedures are required if a student is to be excluded from school for more than 10 days. It appears that, at the minimum, due process requires:

a. The hearing must be for the purpose of investigating the student's conduct and not merely for the purpose of explaining the reasons for expulsion of the student,

b. There should be, at least, an opportunity for the student to present witnesses on his or her behalf and an opportunity to cross-examine witnesses presented by the school authority, and

c. An impartial hearing body, if possible, should be provided.

PART III

LEGISLATIVE AND OTHER EFFORTS TAKEN IN WISCONSIN TO DEAL WITH THE PROBLEM OF SCHOOL DISCIPLINE

This Part discusses legislative attempts to deal with the problem of school discipline from 1969 to the present. In addition, it discusses nonlegislative activities in the area of school discipline.

A. The 1969 Legislative Session

1969 Assembly Bill 214 directed every school district to maintain separate classrooms and special programs for "chronically disruptive" pupils. The Bill failed to pass.

B. The 1971 Legislative Session

1971 Assembly Bill 894 specified that a public school pupil may be suspended or expelled for conduct which, if by an adult, would be a crime. It extended the period for which the school administration may suspend a pupil from three days to five days. The Bill also established specified procedures to be used in expulsion cases in addition to the present statutory procedure, including notice of the charges, right to hearing and right to be represented by counsel.

Assembly Substitute Amendment 1, to 1971 Assembly Bill 894, granted nonexclusive jurisdiction to the juvenile court, over any child who was alleged to be delinquent because he persistently refused or neglected to obey school rules. In addition, it set forth specified procedures to be followed in suspension cases. The Bill failed to pass.

C. The 1973 Legislative Session

1973 Assembly Bill 198 specified that a public school pupil could be suspended or expelled for conduct which, if by an adult, would be a crime. The Bill extended the period for which the school administration may suspend a pupil from three days to five days. It also established specified procedures to be used in expulsion cases, in addition to the current statutory procedure, including notices charges, right to hearing and right to be represented by counsel. The Bill failed to pass.

1973 Assembly Bill 252, which became Ch. 94, Laws of 1973, clarified the provisions of s. 120.13 (1), Wis. Stats., on suspension and expulsion. It also stated that:

> The purpose of this act is to provide access to educational opportunity for pupils, to provide the orderly operation of public elementary and high schools in the state, and to insure fairness in the administration of school rules. The legislature finds that the suspension of a pupil from school is for the purpose of bringing the pupil, his parent or guardian, teachers, counselors and school officials together to discuss and resolve the pupil's academic and disciplinary problems." [Chapter 94, Laws of 1973, SEC. 1]

1973 Assembly Bill 611 proposed several changes in connection with discipline and other matters in public schools, including:

1. School lunch programs must include instruction in table manners and public conduct and provisions with facilities for washing hands before eating.

2. Dress codes for both pupils and teachers were mandatory.

3. Children unable to benefit from school because of emotional or mental conditions were exempt from compulsory attendance.

4. School boards could establish ungraded schools for handling children with discipline problems.

5. Procedures for conferences with parents of disruptive children and for handling pupil and parent grievances were established. Parents refusing to comply with a formal request for a conference could be fined or imprisoned.

6. The manner and limits of physical force which may be used on students were specified, with immunity from civil liability for use of such force granted to school personnel.

In addition, the Bill specified that public elementary and high school education is a privilege available to all persons wishing to participate. The Bill failed to pass.

1973 Assembly Bill 612 established a grievance procedure for persons having complaints against teachers, principals or administrators. Under the Bill, the person would file a complaint with the school board setting forth the basis for the grievance. The school board, after opportunity for hearing from concerned parties, could then take such action as it deemed advisable. Any

person not satisfied with the school board's decision could appeal to the State Superintendent for a further decision.

1973 Senate Bill 659 guaranteed certain rights to student in public schools, such as the right to:

1. Post and distribute noncommercial literature and public official student publications without censorship and fear of recrimination.

2. Wear such clothing and badges of symbolic expression and to maintain such appearances as they may choose, subject to legally established standards of decency.

3. Form and participate in any political and social organizations.

4. Equal access to school facilities.

5. "Due process" in disciplinary actions.

In addition, no disciplinary action could be taken against a student for out-of-school activities, except where the student falsely purported to represent the school. No school could group students according to ability, nor discriminate against a student because of pregnancy or marital status.

The rights were restricted to conduct which did not substantially disrupt school operations, and all conduct was subject to laws against libel, slander and obscenity.

Any person violating the rights specified in the Bill could be fined not more than $100 or imprisoned not less than 30 days nor more than six months, or both.

Substitute Amendment 1, to Senate Bill 659, set forth the legislative purpose as follows:

> It is the policy of the state to contribute to the public education of its young citizens by recognizing that they have certain rights which are to be protected, and that the school's recognition of these rights contributes to the development of adult responsibilities. It is further the policy of this state to recognize the right and responsibility of those charged with the administration of our public schools to formulate rules and regulations to facilitate legitimate educational functions and to protect the well being of those involved in them.

Substitute Amendment 1 guaranteed the following rights to students in public schools:

1. Right to expression.

2. Right to assemble.

3. Right to an education.

In addition, it set forth the procedures which must be followed in expulsion and suspension cases. The Bill failed to pass.

1973 Senate Bill 729 provided a procedure whereby a school bus driver could file a written complaint with the school district superintendent against any pupil who failed to conduct himself properly on a school bus. The superintendent was to notify the parent or guardian and offer an opportunity for a meeting to discuss the matter. If he upheld the complaint, the pupil was to be denied transportation for five school days for the first offense, 20 days for the second offense and the remainder of the school year (but not less than 90 days) for the third offense within a two-year period. The Bill failed to pass.

1973 Assembly Bill 1376 authorized cities to employ junior policemen, ages 14 to 18, for the primary purpose of enforcing drug laws in schools. It granted the power of arrest to junior policemen. The Bill failed to pass.

D. The 1975 Legislative Session

1975 Assembly Bill 791 required school boards to adopt a code of student rights and responsibilities before July 1, 1976. Under this Bill, the code was to be filed with the State Superintendent of Public Instruction, supplied to all students and made available to any other person on request. Failure of the school board to comply would result in a loss of 25% of the district's state aid. The standards for the code were left to the discretion of each school board. The Bill failed to pass.

1975 Assembly Bill 1004 related to rights of public school students and provided a penalty for violation of such rights. This Bill is similar to other bills dealing with the rights of public school students, discussed above. The Bill failed to pass.

1975 Assembly 1273 guaranteed certain rights to students in public schools, vocational schools and public universities, including the right to:

1. Post and distribute noncommercial literature and publish official student publications without censorship and fear of recrimination.

2. Wear such clothing and badges of symbolic expression and to maintain such appearances as they may choose, subject to locally established standards of decency.

3. Form and participate in any political and social organizations.

4. Equal access to school facilities.

5. "Due process" in disciplinary actions.

In addition, no disciplinary action could be taken against a student for out-of-school activities, except where the student falsely purported to represent the school. No school could group students according to ability, nor discriminate against a student because of the student's pregnancy or marital status.

The rights were restricted to conduct which did not substantially disrupt school operations, and all conduct was subject to laws against libel, slander and obscenity.

Any person violating these rights could be fined not more than $100 nor imprisoned not less than 30 days nor more than six months, or both. The Bill failed to pass.

1975 Assembly Bill 1461 provided that, in addition to the reasons currently specified by law for expulsion of a pupil, a school board could expel a pupil if it found the pupil had committed an act while at school or under the supervision of school authority which if committed by an adult would be a crime. The Bill failed to pass.

E. The 1977 Legislative Session

1977 Assembly Bill 20 dealt with the issue of student rights. It is similar to other bills relating to student rights discussed above. The Bill failed to pass.

F. Nonlegislative Activity

Presently, three studies on student discipline are being conducted in Wisconsin:

1. The Center for Public Representation in Madison has been conducting a two-year study on the issue of student discipline. In addition, the Center has conducted seminars on the topic of student discipline throughout the state.

2. A cooperative effort has been undertaken by the WASB and the WEAC to deal with the issue of student discipline. A Joint Committee on Student Discipline was established to discuss issues of school discipline, gather information and set forth recommendations.

3. A Special Madison Board of Education Committee, made up of nine Madison middle and high school principals, has been studying violence in Madison schools. A preliminary report stated that one of the greatest concerns in dealing with disciplinary problems in the Madison Public School System is the lack of any kind of final action by schools, social service organizations and the court system. Another concern cited is the time lapse when schools work with outside agencies or the courts in attempting to resolve a problem. A final report with recommendations will be available at a later date.

PART IV

ACTIVITIES OF OTHER STATES IN THE AREA OF SCHOOL DISCIPLINE

This Part summarizes the various responses and approaches taken by other states to deal with the issues related to school discipline. Legislative actions taken in 1971 to the present are discussed. The activities consisted of a wide variety of responses, ranging from authorization of studies on various aspects of school discipline to legislation aimed at dealing with specific aspects of the school discipline problem.

A. Studies

The Legislatures that have authorized studies either appointed an outside agency to conduct the study and report their findings and recommendations to the Legislature, or established a special committee to conduct the study.

The topics dealt with in these studies ranged from the general issue of school discipline to specific aspects of the issue of school discipline, such as:

1. Violence and vandalism.

2. The use of corporal punishment in public schools.

3. Alternatives for students with historical disciplinary difficulties.

4. The feasibility of establishing alternative programs or schools for disruptive students.

5. Alternatives to suspension and expulsion.

6. Suspension and expulsion procedures.

7. Alternative programs for the education of suspended and expelled students.

8. The need for assistance from state funds for establishing programs to prevent disruption in public schools.

9. Truancy.

B. Legislation Dealing With Specific Aspects of the Discipline Problem

Legislation has been enacted by various states to deal with the following identifiable aspects of the problem:

1. Individuals who loiter or refuse to leave school facilities or school grounds, and individuals who interfere with or disrupt the educational process.

2. Dangerous weapons and controlled dangerous substances in public schools.

3. Violence and vandalism.

4. Truancy.

5. Corporal punishment.

6. Rules and regulations for student conduct and discipline.

7. Offenses which justify suspension and expulsion.

8. Alternative programs for students expelled or suspended.

9. Due process requirements and school discipline.

1. Individuals who loiter or refuse to leave school facilities or school grounds, and individuals who interfere with or disrupt the educational process

The following legislation was aimed at dealing with this specific problem:

a. Idaho - Ch. 107, Laws of 1975, amends existing law to provide that any person who is a disruptive influence or detrimental to the morals, safety, etc., of pupils, or who loiters in school houses or on school grounds is guilty of a misdemeanor.

Chapter 9, Laws of 1972, provides that entrance to public schools or grounds shall be prohibited to any person who disrupts the educational process or whose presence is detrimental to the morals, health, safety, academic learning or discipline of pupils.

b. New Mexico - Ch. 52, Laws of 1974, makes it unlawful for any person to refuse to leave school facilities or grounds when requested to do so. A penalty is attached for violation of the law. [Statutes 40-14-1 and 40A-20-10.]

c. California - Ch. 1187, Laws of 1974, requires specified persons ordered off school grounds not to return within 48 hours or suffer a misdemeanor penalty.

d. North Carolina - Ch. 1347, Laws of 1974, makes it a misdemeanor to interfere with the teaching of students in a public or private school or to disturb the peace, order and discipline of any school.

e. Texas - Ch. 258, Laws of 1971, provides that any person who, on school property or on public property within 500 feet of school property, shall alone or in concert with others, wilfully disrupt the conduct of classes or other school activities shall be guilty of a misdemeanor and upon conviction therefor snall be punished by a fine not to exceed $200.

2. Dangerous weapons and controlled dangerous substances in public schools

Some states have attempted to deal with the problem of dangerous weapons and controlled dangerous substances in public schools by authorizing searches and making it unlawful to carry or conceal these items. Following are examples of such legislation:

a. Arkansas - Act 259, 1975, makes it unlawful to conceal a gun, drugs or other contraband in any desk, locker or other publicly-owned property. It authorizes searches without warrants. Whenever illegal drugs or other contraband are found in publicly owned property assigned to the use of an identifiable person, appropriate action for discipline, expulsion, discharge or prosecution, within the discretion of the supervisor, shall be taken. If prosecution is pursued, the supervisor shall release the contraband for use as evidence which shall be legally admissible.

b. Maryland - Ch. 759, Laws of 1973, provides that school principals or agents may search students under certain circumstances and may search any part of the physical plant of the school. It also provides immunity from tort liability for this action.

c. Oklahoma - Ch. 118, Laws of 1973, provides for the suspension of pupils and appeal therefrom and allows search, seizure and retention of dangerous weapons and controlled dangerous substances with a warrant.

3. Violence and vandalism

State responses to the problem of violence and vandalism in the schools are numerous and varied. In the last six years, at

least 12 states have enacted legislation to increase the liability of parents and certain legal guardians of children for damages to both person and property caused by malicious acts of such children. Some states, such as Arkansas, Oregon, Washington and California, have set a maximum dollar amount for which the parent or legal guardian of children will be liable. Others, such as Nevada, have removed any limitation of parent's and guardian's liability for tortious acts of minors.

Other states have enacted programs and appropriated funds in an attempt to prevent vandalism and violence. Two principal approaches have been adopted: as in Hawaii, the establishment of a security patrol to enforce the laws on property being operated for school purposes and to ensure physical security of school district personnel, students and property and, as in Florida, appropriation of funds to finance local programs and activities designed to create a safe and orderly learning environment and to reduce the incidents of vandalism and school disruptions. The programs include inschool suspension, alternative classes/schools, security personnel and devices, human relations training and behavior modification centers.

Two steps taken in California to combat violence and vandalism are Ch. 326, Laws of 1976, and Chapter 1130, Laws of 1976. Chapter 326 allows a local agency (this could include the school district) to offer and pay a reward for the identification and apprehension of any person whose wilful misconduct results in injury or death to any person or who wilfully damages or destroys any property. Chapter 1130 extends the authority of the security patrols appointed by school districts and makes assault, battery and assault with a deadly weapon on security patrol a crime.

Florida, Ch. 146, Laws of 1976, prohibits false threats concerning the placing of bombs, dynamite or other deadly explosive or threats of arson or other violence to property owned by any political subdivision, including school board property. Violation of this Act is punishable by imprisonment for a period not exceeding 15 years and a fine up to $10,000.

Maryland attempted to protect a school employe when he or she intervened to prevent an act of violence from occurring. Chapter 599, Laws of 1971, provides that if a suit or claim or criminal charge is brought against a principal or teacher because he or she intervened in any fight or physical struggle which takes place in his or her presence in school buildings or on school grounds, the county board of education or Baltimore City Board of School Commissioners may provide reimbursement for the reasonable expenses of legal defense of any criminal charge arising from the intervention.

4. Truancy

States have taken a variety of different approaches to deal with the problem of truancy. Some states, such as Illinois and Maine, have placed the responsibility on the school superintendent or principal; while others, such as Georgia and Virginia, have placed the responsibility on the parent, guardian or person having control of the child. Some states, such as Utah, California and South Dakota, have diverted the truant from the legal process and have sought nonlegal solutions. In addition, some states, such as Illinois and Iowa, have established alternative educational programs to deal with the chronic truant.

5. Corporal punishment

Some states, such as Arkansas, Montana, Louisiana, South Carolina, Maryland and Georgia, have specifically authorized the use of corporal punishment to maintain discipline in public schools. The states that authorize corporal punishment also set forth specific requirements for procedures which must be met or else require each local school board to adopt rules on its use of corporal punishment. In other states, the use of corporal punishment may be authorized by rules or regulations of the board of education.

Some states prohibit the use of corporal punishment in public schools. In Hawaii, for example, Act 145, Laws of 1973, restricts teachers from administering physical punishment upon any student. It does, however, permit reasonable force to be used to restrain a student in attendance at school from hurting himself or any other person or property if done in the presence of any other student.

6. Rules and regulations for student conduct and discipline

Many states, such as South Carolina, Florida, Minnesota, Colorado, Oregon, Maryland and Washington, require an educational agency to develop model rules for student conduct and discipline. They require the agency to adopt and distribute written rules regarding student conduct and discipline.

The legislative response to the question, "who should develop the code of student conduct, the State Board of Education or Department of Instruction, the local school board or the individual schools," varies from state to state. However, in Minnesota, Ch. 529, Laws of 1974, provides that the conduct of all students under 21 years of age attending a public secondary school shall be governed by a single set of rules promulgated by the school board.

7. Offenses which justify suspension and expulsion

Some states have either set forth specific acts of conduct which may result in the suspension and expulsion (South Dakota, Louisiana, California and Florida), or adopted general statements of conduct, which if violated would result in suspension or expulsion (Connecticut and Maryland). For example, some states allow the suspension of pupils by teachers for "good cause" or for "conduct inimical to the best interests of the school"; while others allow suspension or expulsion for offenses specifically enumerated in the statutes only.

8. Alternative programs for students expelled or suspended

Some states have recognized the need to provide alternatives for expelled or suspended students. Examples of legislation in this area are as follows:

a. Virginia - Ch. 601, Laws of 1976, requires the appropriate officer or employe of the school that an expelled student attended, to develop a plan of services for the student and report the student's progress in a report to the school board.

b. Oregon - Ch. 665, Laws of 1975, allows school boards, following expulsion, to propose alternative programs of instruction or counseling for expelled students.

c. Virginia - Ch. 651, Laws of 1975, provides appropriate services from certain local agencies for students under the age of 18 years when expelled from public schools.

d. California - Ch. 1215, Laws of 1975, establishes a school attendance review board in each county and school district to counsel and assist minors with classroom attendance or behavioral problems.

e. Louisiana - Act 762, Regular Session of 1975, requires expelled or suspended students to be kept under the supervision of the school system, using alternative programs.

9. Due process and school discipline

Many states have developed specific due process procedures to be followed when students are disciplined (Kansas, Maryland, Missouri, Indiana, Ohio, Washington, Louisiana, Nevada, Minnesota, South Dakota, California and Illinois). They have established procedures for short-term suspension, expulsion and the administration of corporal punishment. It appears that some states have adopted the guidelines laid down by the U. S. Supreme Court in recent decisions, while others have provided additional safeguards beyond those enumerated by the Court.

PART V

RECOMMENDATIONS FOR DEALING WITH THE PROBLEM OF SCHOOL DISCIPLINE

Numerous studies have been conducted on the issue of school discipline, in Wisconsin and in other states, as well as nationally, by both public and private agencies. Recommendations made as a result of the findings naturally vary from study to study, depending upon the group which conducted the study. The majority of studies, however, agree that the traditional approaches are not adequate to deal with the problem. In addition, there is an overwhelming consensus that the solution of the problem lies in the participation of all the parties affected, that no one group can solve the problem. Following is a list of recommendations made by various groups:

Codification of a code of school discipline. All parties affected, teachers, administrators, parents, community residents and the students themselves, should be involved in the development of policies and procedures dealing with school discipline. The code should contain student rights, student responsibilities, rules of conduct and sanctions for violations and regulations for procedural due process in matters involving suspension, transfer and expulsion. The discipline code should be distributed to all affected parties. In addition, it is essential that the rules be enforced fairly and consistently.

Behavior modification. This approach entails the rewarding of the student when he or she is "good" and, within limits, ignoring the "bad."

Expansion of counseling programs. A wide range of counseling services should be available, including indepth individual counseling and psychological help for students in serious trouble, group counseling as a required part of an inschool suspension, special counseling for parents of disruptive students, "peer counseling" and indirect prevention programs to improve the total discipline in the school.

Workshop and inservice training for all staff and students and preservice training for all staff. This training should be aimed at improving communication skills among staff, students, parents and community groups, reducing intergroup conflicts within schools and reducing intercultural conflicts and prejudicial behavior. In addition, the training should assist the staff in dealing with student offenders consistently and fairly. Seminars and workshops should be provided which should consider a variety of methods and techniques for eliminating the common behavior problems observed in the classroom.

Establishment of a continuum of alternative educational programs and services for students with behavioral problems.

a. "In-school" suspension, i.e., misbehaving students would be suspended from their regular classes but must report to school for an alternative educational program during the suspension.

b. Establish procedures to remove disruptive students from a class and assign them to an alternative educational experience during that class time. After that class time, the student may return to his or her regular class schedule.

c. "Off-school" educational program for chronic misbehavors, students with severe discipline problems unable to function in a regular school setting. These students are removed only after everything else has failed.

Employment of a school security force. The security force responsibilities would include enforcement of school rules and the protection of the school's staff, students and school property. School security programs which have included student participation have reported a much higher success rate than those which have not included student participation.

Establishment of an advisory committee at the school building level. The advisory committee would consist of parents, teachers, students and administrators. The advisory committee would identify problems and assist in developing programs to deal with these problems. In order for this approach to the problem of school discipline to be successful, the parties must be allowed to participate, not just superficially, but in substance.

Establishment of grievance mechanisms and appeals boards. The body or individual handling grievances or appeals should be either totally independent or made up of representatives of the groups affected. This suggestion provides an opportunity to involve students in the process of discipline. Students feel that they have little involvement in the discipline process other than being recipients of disciplinary action. The following procedures could give students an opportunity to voice their concern about a disciplinary action or to point out problem areas, rules and school practices which contribute to misconduct. These procedures could not only help to insure fairness and discipline, but could give the students a feeling of being able to influence the discipline system while at the same time learn important aspects of the democratic process. Such procedures might involve the creation of:

a. A school discipline committee, a group of trained students, who would function in a manner similar to peer counselors and who would be available to their fellow students on a regular basis.

This committee would hear student complaints about discipline, identify school situations which contribute to poor discipline and work with individual disruptive students to find ways to reduce the disruption for alternative forms of education.

b. A student ombudsman, a student who would act as an advocate or "lawyer" for other students to help them alleviate the grievances related to school discipline.

c. A discipline appeals board, a "mock" appeals court to which a student can bring a case for review if the student feels that he or she has been unfairly treated in some disciplinary action.

KF(GAA:DJS):sem;sem

HONOR ROLL

NATIONAL COMMITTEE FOR PREVENTION OF CHILD ABUSE
332 S. Michigan Ave. Suite 1250
Chicago, IL. 60604

POSITION STATEMENT:

It is the position of the National Committee for Prevention of Child Abuse that since corporal punishment in schools and custodial settings contradicts the national policy dedicated to the eradication of child abuse, and since appropriate disciplinary alternatives can be made available, that henceforth, we will work toward the elimination of corporal punishment and the adoption of corporal punishment alternatives.

RATIONALE

* Acceptance of corporal punishment as a matter of policy in public settings gives permission and encourages physical punishment.
* Corporal punishment fails to deter, has not removed fear of student violence.
* Acceptance of corporal punishment in public settings increases the emotional disturbance of the behaviorally disordered.
* Corporal punishment militates against a positive environment for learning.
* The overwhelming paradox presented by the legal existence of corporal punishment in educational and custodial institutions is the fact that it co-exists with a national policy approved and funded by a Congress dedicated to the eradication of child abuse. These same educators are required by law to report parents who abuse their children.
* corporal punishment policies prevail due to lack of public education and coordination to prevent the indiscriminate abuse of children and youth.
* Alternatives to corporal punishment are available.

INTERNATIONAL

Society of Those Opposed to Physical Punishment, London
Parents and Teachers Against Violent Education, Australia
Citizens Against Violent Education, New Zealand
Defence for Children International, Switerland

American Academy of Pediatrics
National Education Assn.
American Psychological Assn.
Mental Health Assn.
Society for Adolescent Medicine
Council for Exceptional Children
American Public Health Assn.
National Assn. for Advancement of Colored People
American Civil Liberties Union
Council for Exceptional Children
U.S. Dept. of Defense, Office of Dependents Schools
Assn. for Humanistic Education
American Humanist Assn.
National Committee for Prevention of Child Abuse
Friends Committee on Legislation
Unitarian Universalist General Assembly
National Center for Study of Corporal Punishment
End Violence Against the Next Generation

LOCAL GROUPS

Committee for More Effective School Discipline, Ohio
People Opposed to Paddling Students, Houston, Tx.
Protect Our Kids Education, Jacksonville, Fla.
Parent Teachers Assn of N.Y. State
Parents Against Corporal Punishment, Georgia
Coalition to Abolish Corporal Punishment, Michigan
Schools Without Abuse toward Students, Peoria, IL.
Parents Against Corporal Punishment in Schools, Cleveland, Tenn.
Parents for Christian Justice, Pico Rivera, Cal

SB 282

TO TESTIFY:

✓ Becky Pearose - Danny, Joyce, Gloria, Tommy Pegrose

✓ Joyce Kerttula - Sen. Kerttula's office

✓ Jon Krause - NEA-Alaska

Joyce McKinnon - AK State Assoc. for the Ed. of Young Children

✓ Patty Hatte - Parent Aide Program

✓ Betty Bingham Burgdall - Family ~~for~~ against

✓ Alice Burgdall for Sue Miller

✓ Pat McLear for

✓ ~~Bev~~ Bob Witkin against

✓ Mary Castle - Local assembly - Private school (against)

Yes to Betty. Carol Halberger (against)

Berta Writer (against)

Ross Writer (against)

✓ Mike & Jeanette Purcell Offroad Jason & Randy Milloro

✓ Richard K. Shutt - Valley Chapel Christian School & Glen church

How do you enforce this law against

✓ W. Benjamin Young - Valley Chapel Christian School, Juneau

done — Wm. Brown - Glacier Valley Baptist

Ken Mattson

Emmett A. Hildmark

Bruce Wells

✓ Sherrie Gale - Alaska Women's Lobby for

for ✓ Margot Dick - Alaska Network on Domestic Violence & Sexual Assault

20 membership programs

Berta Turner

Patrick Shier

Tom Wagner

file SB 282

ASAEYC

ALASKA STATE ASSOCIATION
FOR THE EDUCATION
OF YOUNG CHILDREN

March 5, 1986

To Honorable Members
Health, Education & Social Services Committees
Alaska Senate & House of Representatives
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senators and Representatives:

The members of the Alaska State Association for the Education of Young Children urge you to pass Senate Bill 282 and House Bill 480 to abolish the use of corporal punishment in both public and private schools.

As participants in an organization composed of people from all regions of Alaska working with young children as child care providers, teachers, administrators and parents, we would like to go on record in strong opposition to corporal punishment. We believe that corporal punishment is a misuse of power, robs children of their dignity and teaches children that violence is an okay way to deal with their anger and frustrations.

Children need to learn how to relate with each other in appropriate, unharmful ways. People who work with children can learn other methods of behavior management. Alaska's children deserve to be emotionally and physically safe. Alaska should ban corporal punishment and encourage our teachers to treat children with love and respect so that a positive cycle of human dignity may prevail.

Thank you for your consideration of this legislation and the opportunity to express our support.

Sincerely,

Lynn McKinnon
Vice-President for Advocacy
502 West 10th
Juneau, Alaska 99801

file SB 282

NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE
1411 W. 33RD AVENUE
ANCHORAGE, ALASKA 99503
(907) 274-0536

JUNEAU OFFICE
147 S. FRANKLIN #207
JUNEAU, ALASKA 99801
(907) 586-3090

FAIRBANKS REGIONAL OFFICE
2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435

March 6, 1986

TO: Senate Hess Committee - Senator Bettye Fahrenkamp, Chair
House Hess Committee - Representatives Niilo Kopenen and Max Gruenberg, Co-Chairs

FROM: NEA-Alaska

RE: NEA-Alaska Testimony supporting SB 282 and HB 480, Acts relating to corporal punishment of students

The NEA-Alaska Delegate Assembly on February 1st took the following positions with regard to corporal punishment:

NEA-Alaska opposes the use of corporal punishment in public and private schools and supports legislation to make it illegal.

NEA-Alaska urges local school districts, with Department of Education assistance, to establish supportive behaviors management procedures for classroom teachers. These procedures should provide viable alternatives to corporal punishment and should realistically deal with such issues as disruptive students, time out, and parental involvement.

NEA-Alaska shall seek legislation to amend HB 480 and SB 282 to read as follows: Line 17 should read (1) protect one's self, another person, a student, or others from immediate physical injury.

* No doubt our positions are not shared by every teacher or even every member in the state of Alaska or nationwide, but it was overwhelmingly adopted by the assembled delegates to our policy making assembly.

* Our goal in adopting these positions is to ensure a positive school environment and an orderly classroom learning environment without resorting to the use of physical violence upon the bodies of students.

* We recognize that some students are quite disruptive in their behavior patterns and, therefore, require much more attention and correction than others. We believe that school authorities should have access to a variety of services to diagnose the pattern(s) and causes for these students' behaviors and then prescribe, implement and evaluate procedures that will reduce and correct the disruptive behavior(s). Such services might include, but not be limited to, the employment of additional counselors and child psychologists particularly in the primary, elementary and junior high school grades, the Division of Family and Youth Services, greater use of family and mental health clinicians in the local community or state and, access to medical doctors and other trained health personnel. In addition, school authorities must continue and expand their efforts to gain substantial parent involvement in the diagnosis of their child's behavioral problems and the implementation of corrective programs. We would also argue that smaller class sizes assist classroom teachers in working with both chronically and occasionally disruptive students.

* We recognize, too, that some school personnel are much more likely to rely on corporal punishment to address disruptive behavior patterns than are other school personnel; and that some school personnel never use corporal punishment although they may have the same students or behavioral situations as those who do.

It is argued that corporal punishment is the last resort and if it is taken away then disruptive students, rather than adults, will control the classroom and school environments. These people demand to know what one disciplinary method they can use in place of corporal punishment to control their disruptive students. Such a demand assumes that corporal punishment is the ultimately effective method of control for disruptive students; we question that assumption. People's (children, parents, teachers and administrators) personalities and motives for behaving in particular ways at particular times are extraorinarily varied and unique. The two factors generally cited for these phenomena are heredity and environment. If a particular behavior is rooted in heredity (including physical impairment of genes, chromosomes or neural systems), no type or amount of corporal punishment will succeed in changing that behavior. We need to be looking to the physical sciences for help in modifying undesirable, disruptive or violent behaviors that stem from such physical causes. If a particular disruptive behavior is based in an individual's environmental background (i.e. what an individual has learned or is learning to be appropriate behavior in a given circumstance) then we must find ways of getting that individual to understand why that behavior is inappropriate and to work with him/her to explore, implement and evaluate alternative behavior.

* Society has reeled from exposes about child and spouse abuse. We are coming to recognize that the use of physical violence can leave not only physical marks but emotional scars on individual's personality. Formal education has a role to play in the establishment and reinforcement of self-control and responsible behavior patterns in young people. We believe the most effective way to accomplish this mission is for school personnel to learn as much as they can about individual students and to use that understanding to help each child learn to become a responsible adult. We believe the best way to accomplish that is to deny the use of corporal punishment (except as delineated in this bill) so that school personnel will search for alternatives, and seek assistance in helping disruptive students find socially acceptable means of coping with or venting their frustration, disappointments, anger and rage.

An Alaska Department of Health and Social Services brochure entitled REPORTING CHILD ABUSE AND NEGLECT IN ALASKA states under "Children's Indicators of Abuse and Neglect" that *"Children who are hyperactive, destructive and aggressive may be reflecting the violence at home. Children who act up may be asking for help." and that *"Delinquency and aggression - especially sexually acting out and abuse to others" may be an indicator of sexual abuse. It would be tragic if disruptive children who are suffering abuse or neglect at home are then being corporally punished at school when their behavior may indeed be a cry for help.

* We believe there exists a need for a closer and more supportive working relationship by school administrators with classroom teachers, parents and students to achieve firm, workable, effective and non-violent disciplinary codes and procedures. This is the primary reason we are calling for Department of Education assistance for school authorities to find alternatives to corporal punishment.

* We ask your consideration of an amendment to replace "one's self, another person" for "the person," and to include the work "Immediate" in line 17 between the words "from" and "physical injury"; we believe this would clarify that a casual remark or action is not grounds for physical restraint and more clearly identify those who might be in danger of immediate injury. "Or others" in the context of this proposal for amendment might includes animals that are kept in the classroom.

NEA-Alaska urges the passage of this legislation to ban corporal punishment in Alaska's schools.

Respectfully Submitted,

Jean Krause

Jean Krause
President

JKS:35

Kerttula

file

TESTIMONY FOR SB-282 - CORPORAL PUNISHMENT 3/5/86

SB-282 and HB-480

I am Joyce Kerttula, volunteer in Senator Kerttula's office.

I am here today to testify on SB-282.

I would like to state first of all that Senator Kerttula believes in the rights of parents and the family to discipline their children. He also believes that the State has no business taking this right away from the home.

The Senator believes this Bill, SB-282, is compatible with this statement.

It is a rare parent and few teachers who have never hit a child. Children can be exasperating, frustrating, obstinate, and ungrateful. They respond, however, to love, not fear.

We need non-threatening, straightforward rules that will equip the children with tools needed to learn and think. Our children have a right to learn without fear.

On the national level, we prohibit corporal punishment in the army, in the prisons and state institutions. Children in public schools are the only group left unprotected.

Corporal punishment pre-empts better means of communication with a child. It teaches by example that infliction of pain is the proper way to use authority.

Some reasons for opposing corporal punishment are

It pre-empts better means of communicating with the child.
It teaches by example that the infliction of pain is the proper way to power.
It increases aggressiveness in the child.
It causes anxiety.
It reduces the ability to concentrate on intellectual tasks.
It damages the punisher in that it narrows his options, tunnels his vision and tarnishes his or her image as a man or woman of learning.

Some of the nations of the western world who have abolished corporal punishment are

Poland	1783	Finland	1890
Italy	1860	Switzerland	1970
Austria	1870	Ireland	1982
France	1881	(18)	

The National Conference of State Legislatures informed me that eight states have abolished corporal punishment in their schools: Hawaii, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Puerto Rico has also abolished corporal punishment in schools.

It is not used in Albuquerque, Atlanta, Baltimore, Boston, Chicago, Los Angeles, Milwaukee, Madison, New Haven, New Orleans, New York, Pittsburg, Portland, Providence, Philadelphia, Phoenix, St. Louis, Salt Lake City, San Francisco, San Jose, Seattle, nor in Washington, D.C.

Several states now have legislation before them to ban corporal punishment.

These are

Organizations Which Support Banning Corporal Punishment

American Medical Association

National Parent Teachers Association

National Education Association and Alaska Education Association

American Bar Association

American Psychological Association

American Public Health Association

American Orthopsychiatric Association

Mental Health Association

Society for Adolescent Medicine

American Academy of Pediatrics

Council for Exceptional Children

N.(double A)C.P.

American Civil Liberties Union

Friends Committee on Legislation

Unitarian Universalist General Assembly

National Committee for Prevention of Child Abuse

U.S. Department of Defense Dependents Schools Overseas

These have all gone on record as opposing corporal punishment in American schools.

AMA states: Corporal punishment is ineffective in maintaining order, may increase disruptive behavior and hinders learning. The infliction of pain or discomfort, however minor, is not a desirable method of communicating with children.

NEA states: Firm discipline does not by definition mean hitting kids. When teachers have to resort to beating children, they have already lost control.

NEA/Alaska passed the following resolution:

> R-21: NEA/Alaska opposes the use of corporal punishment in public and private schools and supports legislation to make it illegal.

American Bar Association states: Corporal punishment arouses feelings of anger, aggression, humiliation and anxiety. To oppose corporal punishment is not to oppose discipline. Discipline is derived from the French: "To teach".....thus, effective disciplinary techniques are conducive to, and consonant with, a positive learning environment, where corporal punishment has no place.

Many of the native associations have opposed corporal punishment with the following statement:

> We feel that corporal punishment or the threat of corporal punishment, directed against our children or their peers runs counter to our traditional and ongoing value systems. .....Many of us spend a lot of time making sure our children are certain that they know no one is ever to touch their bodies. To see or know that other children are being touched by adults does much damage to this teaching. It also causes great, and unnecessary, confusion to the children, due to the conflicting set of values.

The State of Hawaii has banned corporal punishment for several years, and the Commissioner of Education says that discipline in the schools has improved not deteriorated.

Family Connection.....a Counseling agency for youth and their families writes: I believe the case for banning corporal punishment is overwhelming.....my concern is that this discipline practice be banned, and not to confuse the issue.....

Dr. Peter Scales

Church of the Covenant writes: The Congregation of the Church of the Covenant unanimously stands in opposition to corporal punishment in public schools, in as much as the gospel of peace stands in opposition to all forms of violence.

David Cook

Dr. Morris Wessel, New Haven, Conn., writes: As a pediatrician, I believe that.....physical punishment impairs a child's trust and confidence in the very individuals he looks to for love, help and guidance. It is humiliating and demeaning. It protrays the idea that might makes right, and that size, brawn and position in the adult world entitles one to inflict pain on younger and smaller individuals.

Morris Wessel, M.D.

The Anchorage Child Abuse Board, Inc., is opposed to the use of corporal punishment in the schools and other childcare settings of Alaska, as being contradictory to the goal of preventing child maltreatment, and they state we urge all parents, educators, school board members, childcare providers, legislators, and other persons to seek the abandonment of corporal punishment in public settings through its legal prohibition.

The Family Law Quarterly states physical punishment sometimes causes masochism. The sexual energy of the child, present from the time of birth, is both powerful and very plastic. It can take directions and find release in a number of different body areas and sensations. Consequently, the child who is "spanked" may find such treatment to be sexually gratifying both when he is a child and later, when he is an adult.

Corporal punishment teaches that big people and people in authority can hit little people, and get away with it. Corporal punishment teaches children that hitting another, who has done something they did not like, is a legitimate form of conflict management. Child assaults in the name of corporal punishment are used as teaching tools. Schools are places where teachers teach and children learn. When school personnel use corporal punishment they are teaching the use of force. They are reinforcing the idea that hitting is not only acceptable, but that it is a good tool to be used in settling conflicts, especially with smaller and weaker people.

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We have maintained a teacher's right to strike children whenever and however they deem necessary, but we are appalled when our children react to the use of violence by: becoming angry, becoming depressed, acting destructively, running away from home.....we set a violent example for our children then are shocked when they behave violently.

As a result of our attitudes toward children, thousands of them are not safe at home, and are not safe in school.....we make every effort to see that children read by good lights, get enough rest, have hot lunches and hot breakfasts.....these are all the conditions for learning and the most important of all is safety.....no fear. We clothe, feed, nurture and then we hit. We take away the safety factor.

If a musher hits a dog on the Iditarod trail, what would happen to him or her? If he or she hits the dog with a board.....he or she would be disqualified.

Corporal punishment in schools fosters an atmosphere of fear, anger, and mistrust.

Unless our aim is to encourage in young adults the belief that violence is a legitimate method of solving problems, we had better stop the use of corporal punishment in schools.

We have sacrificed our children's right to live free of fear by teachers who are supposed to love and protect children. We have singled out our own children (the brightest and best of us), the future of our world, the parents of our grandchildren, to receive our inflicted pain.....these are the ones we still haven't legally protected.

We hit our children when they are small because we fear they will not grow up to be good adults if we do not beat goodness into them. When teachers, who are much larger than children, choose to hit them, they are primarily teaching the use of force of the strong upon the weak.

We teach our children well. Bigger stronger people have the "right to beat up smaller weaker people".

We feel that teachers are given a "trust" to love, nurture and teach children for the continuance of the human species. This trust does not extend to depriving children of their civil rights by beating them into submission.

We can begin now by making a statement that we do not approve of assaults upon children just as we abhor violence directed toward adult citizens. Responsible caring adults can be raised without the use of corporal punishment in schools as it is banned in SB-282 and HB-480.

I think this is an important public issue, and I urge the committee to pass this Bill out of committee so that it can be considered by all members of the Legislature.

POSITION PAPER/Department of Health & Social Services

POSITION PAPER

SENATE BILL NO. 282

For an Act entitled: "An Act relating to corporal punishment of students."

This bill would prevent a person employed by, or contracting with, a public or private school from inflicting or causing to be inflicted corporal punishment on a student. An employee or contractor is permitted to use reasonable and necessary physical restraint on a student for certain protections of the student and/or property.

The department supports this bill. As the state agency responsible for investigating child abuse reports and for providing protective services, the department would welcome a partnership with the schools to end the destructive cycle of child abuse. Considerable data exists to support the concern that physical violence cycles through generations of families and that the most effective way to end the pattern is to stop the use of physical force as a disciplinary measure. Public and private school employees are viewed by students and parents as role models of appropriate behavior. Teachers have been trained in other techniques for preventing and dealing with conflict including increasing students' self control and self concept. Teachers are therefore in a unique position to influence families to use positive approaches rather than physical force in dealing with children's problems.

RECOMMENDED: Michael L. Price

Michael L. Price, Director
Division of Family
and Youth Services

DATE: March 14, 1986

APPROVED: John R. Pugh

John R. Pugh, Commissioner
Department of Health
and Social Services

DATE: 3/17/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 282
Title : An Act relating to corporal punishment of students.

Sponsor : _____
Requestor : _____
Date of Request : 3/10/86

FISCAL DETAIL

Agency Affected : Health & Social Services
BRU : _____

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

n/a

Prepared by : Michael L. Price, Director
Division : Family and Youth Services
Phone : 465-3170
Date : 3/10/86

Approved by Commissioner : John R. Pugh
Agency : Health and Social Services
Date : 3/10/86

Distribution (by Agency preparing fiscal note) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

10/25/85

APR 3 [redacted]

file SB282

Alaska State Legislature

Senate

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

April 3, 1986

M E M O R A N D U M

To: *Senator Bettye Fahrenkamp*

From: *Senator Edna DeVries*

Subject: *Corporal Punishment Survey*

Attached is a survey that has been brought to our attention. It was conducted by the Anchorage School District this year. The Task Force was assigned the job of determining the attitudes of educators and parents toward corporal punishment as a form of discipline.

I hope it will prove helpful as you contemplate this very controversial issue.

[illegible]s you.

Edna

CORPORAL PUNISHMENT TASK FORCE

DATA SUMMARY SHEET

I. Frequency of corporal punishment in the elementary schools for 1984-85 and semester one, 1985-86

SCHOOL YEAR	QUARTER	NUMBER OF SCHOOLS	NUMBER OF CORPORAL PUNISHMENT APPLICATIONS
1984-85	Q1	14	35
	Q2	24	49
	Q3	17	45
	Q4	18	72
	Total	33	201
1985-86	Q1	15	24
	Q2	13	22
	Total	20	46

II. Summary report of public hearing comments on January 28, 1986

A. Total speakers - 9
   1. Favored current policy - 2
   2. Opposed all corporal punishment - 6
   3. No position - 1

III. Results to surveys of sub-populations

GROUP	Number of Respondents	Percent for Current Policy	Percent for More Corporal Punishment	Percent Opposed to Corporal Punishment
Principals	72	72%	3%	25%
Teachers	1,322	62%	17%	21%
Parents of Elementary Students	8,472	57%	7%	34%

IV. Committee position on corporal punishment

A. Support the current policy - 4
B. Opposed corporal punishment - 6

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

MEMORANDUM

February 13, 1986

TO: ELEMENTARY AND SECONDARY PRINCIPALS

FROM: FREDERICK P. STOFFLET, EXECUTIVE DIRECTOR
ASSESSMENT AND EVALUATION

SUBJECT: CORPORAL PUNISHMENT SURVEYS

As you know, the District has a task force which is currently examining the District's Corporal Punishment Policy. As part of that task force's efforts, we conducted a survey of all teachers and a survey of parents of elementary children within the past few weeks to ascertain the attitude of those groups towards the District's policy.

Over 8,400 parents and over 1,300 teachers responded to those survey forms. About 57 percent of the parents who returned the forms indicated support for the current policy. About 62 percent of the teachers who returned the forms indicated support for the current policy. The APA had conducted a survey earlier on its own. About 72 percent of the respondents to the APA survey favored continuation of the current policy. All of these data have been provided to the task force and will be provided to the Superintendent and Board.

Tables 1, 2, and 3 attached to this memorandum describe the parental and teacher responses to the surveys. The APA responses may be obtained by contacting Mr. Arge Jeffery, APA President.

Your cooperation and assistance in the distribution of forms in this data collection effort has been greatly appreciated.

FS/jw
cc E.E. (Gene) Davis
Steve Daeschner
Bob Christal
Bob Peck
Gene Burke
Esther Cox
Jim Cox
Bill Mell
Penny Potter

2

Table 1

Parental Responses to Corporal Punishment Survey:
Attitude Toward Current Policy

Response	Number	Percent
I support the current policy.	4,843	57%
I favor eliminating all corporal punishment.	2,885	34%
I favor amending the current policy to allow the use of more corporal punishment.	612	7%
No clear choice made.	132	2%
Total respondents.	8,472	100%

Table 2

Parental Responses to Corporal Punishment Survey
Responses to "Have any of your children ever received corporal punishment in the Anchorage School District?"

Response	Number	Percent
Yes	265	3%
No	7,764	92%
Don't Know	357	4%
No Answer	86	1%
Total Respondents	8,472	100%

TABLE 3

CORPORAL PUNISHMENT

TEACHER SURVEY RESULTS

February 1986

Below are the results of the survey of teachers on the issue of Corporal Punishment conducted in February 1986. The next page provides a replica of the survey form which was distributed to the teachers. The remaining pages in this report provide verbatim copies of comments which teachers recorded on their return forms.

	ELEMENTARY	SECONDARY	SPECIAL ED/ OTHER	TOTAL
Support current policy	459 72%	193 51%	164 55%	816 62%
Eliminate all Corporal Punishment	73 11%	114 30%	87 29%	274 21%
Amend current Corporal Punishment Policy	105 16%	75 19%	46 15%	222 17%
No clear choice	4 1%	4 1%	2 1%	10 1%
Total	641	382	299	1322

file SB 282

MAR 12 1986

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •
326 Fourth St., Suite #211 Juneau, Alaska 99801 586-9702

an organization of Alaskan School Administrators

March 6, 1986

The Honorable Bettye Fahrenkamp
Ch. Senate HESS
Pouch V (MS 3100)
Juneau, AK 99811

Dear Senator Fahrenkamp:

The Alaska Council of School Administrators would like to go on record as being opposed to Senate Bill 282 and House Bill 480. It is our position that this is an issue to be determined at the local level by the elected school board and community. This bill is of particular concern to building level administrators where they see it as just one more way of eroding their ability to manage schools.

We feel that it is a mistake to deal with corporal punishment in isolation from the total discipline policy of a school district. It has been our experience that when a community deals with the total discipline policy corporal punishment is dealt with in a fair and acceptable manner, and it is definitely not to be equated with child abuse. Most, if not all, school districts restrict the use of corporal punishment to the building administrator and then in only very severe cases. In fact, as I talk to my administrators, it is so seldom used it is almost a non-issue.

We would urge you not to pass this bill and allow local school districts to set their own policies of this issue so it may truly reflect the local philosophy.

Sincerely,

Donald L. MacKinnon
Executive Director

DLM:clc