

School Safety

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discipline (dys'əplɪn), *n.*, *v.*, **-pline**
1. training to act in accordance with r.
discipline. 2. instruction and exercise



Pepperdine University's National School Safety Center is a partnership of the U.S. Department of Justice and U.S. Department of Education. NSSC's goal is to promote safe schools free of drug traffic and abuse, gangs, weapons, vandalism and bullying; to encourage good discipline, attendance and community support; and to help ensure a quality education for all children.

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School Safety

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Ronald D. Stephens, Executive Editor

Brenda Turner, Editor

June R. Lane, Associate Editor

Sharon K. Manjack, Photocompositor/Designer

Stuart Greenbaum, Communications Consultant

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Correspondence for *School Safety* and the National School Safety Center should be addressed to: National School Safety Center, Pepperdine University, 24255 Pacific Coast Highway, Malibu, CA 90263, telephone 818/377-6200, FAX 818/377-6209.

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About the cover:

Discipline, or more accurately, the lack of, is identified as the root of many of our schools' problems. Only drugs in schools concern the public more. Illustration by Karen Watson.

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*Student paddling and other forms
of corporal punishment are condoned in many states,
yet their use sparks heated debate.*

Student paddling still controversial

An elementary school teacher in San Francisco punished students by putting them in a garbage can, covering it with rocks and boards, and threatening to smash them with a rock if they tried to get out.

A Missouri high school student was sent to the principal's office for using profanity, and the principal hit him hard enough to break the paddle. He then got another paddle to finish the job.

A geography teacher in a Houston junior high school allegedly threw a 13-year-old boy against a door and then shut the door on the boy's head, causing a knot on the head, a sore shoulder and a bruise on the chest.

Although such horror stories are the exception rather than the rule, these incidents and others like them have helped fuel a growing controversy over the use of corporal punishment in the schools.

Arguments for and against corporal punishment are set against a backdrop of overriding public concern about school discipline. In every year since 1969, when the first Phi Delta Kappa/Gallup Poll of the Public's Attitudes Toward the Public Schools was conducted, lack of discipline has been rated one of the top two problems in public schools.

Corporal punishment, defined as the purposeful infliction of pain to change a child's behavior or to penalize the child for a disapproved action, does not include instances where a teacher uses

force to protect himself or others from physical injury, to obtain possession of a weapon or other dangerous object, or to prevent property damage.

Paddling with a wooden instrument is the most common type of corporal punishment. However, it also includes pinching, ear-twisting, hair-pulling, knuckle-rapping, punching, shoving and forcing students to exercise to exhaustion or to assume physically painful positions.

Schools remain the one institution where corporal punishment is allowed; law prohibits its use in mental institutions, local jails, state and federal prisons, juvenile halls, and the military.

Historical perspective

Corporal punishment has a long history. Ancient Egyptians used the rod as a symbol for instruction; harsh physical punishment was commonplace through the medieval period. The British school system of the eighteenth and nineteenth centuries used caning as a form of punishment, a practice which spread to its colonies, including America.

Until the 1970s, United States court decisions historically supported the concept of *in loco parentis*, which grants schools the same legal authority over students as that of a parent, as long as the schools' rules were not unreasonable, capricious, arbitrary, malicious or made in bad faith.

In the early 1970s, the case of *Ingraham v. Wright* led to a landmark ruling by the U.S. Supreme Court that upheld the constitutionality of corporal punishment in the schools. The lawyer for the school board successfully argued that the Eighth Amendment prohibition against cruel and unusual punishment applied only to prison inmates, not to public school students.

The Supreme Court looked at corporal punishment again in 1974, ruling that schools could continue the practice until they thought its harm outweighed its utility, as long as the force used was reasonable.

In a 1976 ruling, the Supreme Court upheld its use once more, arguing, "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. Imposing additional administrative safeguards as a constitutional requirement might reduce that risk marginally, but would also entail a significant intrusion into an area of primary educational responsibility."

Although rulings throughout the 1970s upheld the schools' right to use corporal punishment, the Supreme Court did let stand a 1988 lower court ruling that gave parents the right to sue school officials for cases of "grossly excessive" corporal punishment.

A growing controversy

The Supreme Court has ruled that corporal punishment is constitutional, and 30 states allow its use. However, 20 states have chosen to abolish it.

In recent years, the tragedy of child abuse has been in the national spotlight, and organizations working to abolish corporal punishment have linked their cause with that of child abuse prevention to bring more attention to their movement.

"Just having an organization against child abuse take this kind of position [against corporal punishment] makes people say, 'Wait a minute. What's the connection here?'" said Ruth Lee of the National Committee for the Prevention of Child Abuse, which has become one of the most influential national groups in the fight against paddling in schools.

However, many teachers and parents — although not a majority — still approve of corporal punishment. Only a slight majority of the American public disapproves of paddling in schools, according to a 1989 *Parents* magazine poll. When asked their opinion about spanking as a disciplinary method:

- 55 percent disapproved;
- 38 percent approved; and
- 6 percent were not sure.

Although a majority disapprove of corporal punishment, most people say that it's effective and serves a purpose. When asked what purpose spanking serves:

- 41 percent said it's useful as a way to maintain discipline;
- 14 percent, as a way to correct a child's unacceptable behavior;
- 12 percent, for both those reasons; and
- 27 percent said it wasn't useful.

When asked what makes corporal punishment effective:

- 66 percent said the shame and humiliation;
- 9 percent said the pain; and
- 16 percent said it's ineffective.

A number of professional organizations oppose school spankings, including the American Medical Association, the American Academy of Pediatrics, the National Congress of Parents and Teachers, the American Public Health Association, the Council for Exceptional Children, The National PTA, the National Association of School Psychologists, the American Bar Association, and the National Education Association, the nation's largest teachers' union.

The American Federation of Teachers, on the other hand, maintains a more neutral posture. A union policy statement says, "The AFT does not believe in corporal punishment," but adds that "teachers' authority to insist upon a disciplined environment should not be jeopardized by law or by school regulations."

This stand echoes the position of many teachers. According to a 1988 *USA Today* poll of teachers, 36 percent favor corporal punishment and 49 percent don't think it should be prohibited by law. However, few say they use it; only 11 percent say they've paddled a student.

Pros and cons of corporal punishment

"I was spanked by my teacher when I was a kid, and I turned out all right!" This is one of the most common arguments in favor of corporal punishment.

Childhood experience is the primary factor determining whether one supports or opposes corporal punishment, according to a study by the National Center for the Study of Corporal Punishment and Alternatives in Schools (NCSCPAS) at Philadelphia's Temple University. Those who had been paddled as children or had seen other children paddled believed in paddling. Those who had not been paddled or had attended schools where corporal punishment was not used were opposed to the idea, according to the center's study.

This holds true for many teachers as well. "The vast majority of teachers do not receive a single course devoted to discipline in the classroom," wrote

Irwin Hyman, director of NCSCPAS.

"As a result, since many teachers were themselves paddled or witnessed paddling, they consider it standard operating procedure."

In 1988, the National School Safety Center brought together deans from nine of the nation's leading teacher training institutions to discuss the training and preparation of teachers relative to effective classroom management. A major outgrowth of the conference was the recognition of the failure of teacher training institutions to include a curriculum that focuses upon creating a positive classroom environment, developing effective classroom management skills, and gaining a broader social awareness of the diverse cultures students bring to the classroom. Developing these skills empowers teachers. "Failure to provide such preparation to our nation's teachers is nothing less than educational malpractice," Ronald Stephens, NSSC's executive director, stated.

Maintaining order and discipline

Every few months, a report on another increase in juvenile delinquency statistics seems to hit the front pages or the six o'clock news. What follows is almost as predictable: a call for the return to "old-fashioned discipline," which usually means corporal punishment. Children should be spanked when they do something bad, the reasoning goes, so that they won't turn into criminals when they grow up.

Advocates of school spankings often argue that corporal punishment is the only thing that works with students who ignore every other disciplinary measure. "You just don't know what you're talking about unless you've been there," one teacher said. "It is impossible to control some kids without it."

This mythology of the incorrigible kid is deeply ingrained in our cultural history, including such all-American heroes as Tom Sawyer and Huckleberry Finn.

John Lofton, columnist for the *Washington Times*, wrote scornfully in response to those who say that a

disruptive child is acting out emotional problems: "Isn't it also possible that this unruly child may just be a disruptive little barbarian whose problem is that he is a bad kid? Isn't it possible that what's wrong with this troublemaking little thug (or big thug, for that matter) is within himself, not within his environment?"

Lofton is not the only person who believes that without the option of paddling "bad kids" anarchy will prevail. However, schools that have eliminated corporal punishment experience relatively few discipline problems as a result, according to a report prepared for the Juvenile Welfare board by the Youth Services Advisory Committees' Abuse, Neglect, and Dependency Committee.

Furthermore, "there is evidence that suggests that in schools where corporal punishment is used, there is a higher incidence of assault on students and teachers, and a higher incidence of vandalism," says Dr. Bill Weber, a professor of education at the University of Houston — University Park.

Other experts point out that, although using corporal punishment on difficult students may relieve frustration on the teacher's part, it doesn't do what it's intended to do: make the student change his behavior.

"There is no learning from it," says child psychiatrist Dr. Jay Tarnow, director of the Houston Child Guidance Center. "They may learn in one classroom that they better control themselves because they get popped. But it doesn't get carried over to other classrooms. Then what you get is an escalation [in misbehavior and paddling]."

Adds Dr. Weber, "The question I always ask is 'If it works, why is it always the same old kids?' If it's an effective strategy, why is it always 10 percent of the kids who get 90 percent of the pops?"

"Corporal punishment helps promote lack of personal responsibility for one's behavior," says Ruth Innes, a mental health counselor specializing in adoles-

cent psychology and the director of guidance and counseling for Shorecrest Preparatory School in St. Petersburg, Florida.

Because corporal punishment shifts the control of a student's actions to an external source — the punisher — the student can evade responsibility for improving his or her behavior, she says. The student reasons that he can do as he likes; if he gets caught, he's paddled, and, once the punishment is over and he's paid the price for his crime, he can go back to misbehaving.

If students learn anything, argue opponents of corporal punishment, it is that "might makes right" and that violence is a way to resolve problems.

Effect on academic achievement

Several studies indicate a link between

corporal punishment and low academic achievement. "Strong punishment develops anxiety, dislike for the task, and hostility toward school," writes Lee J. Cronbach in *Educational Psychology*.

Furthermore, evidence suggests that paddling negatively affects other children in a school, even if they don't suffer the corporal punishment themselves.

In her book *Strategies for Classroom Discipline*, Meryl E. Englander writes: "Once paddling starts, it escalates because the precedent and pattern is set. Everyone is aware of it and expects its use.... Either by direct threat, subtle cues, or the fantasy of students, unless the teacher is unusual, the paddle hangs over the classroom. When used, the physical aggression of the teacher becomes a model for more acting out

Use of corporal punishment declines

The debate over corporal punishment in schools continues. The threat of lawsuits, concern about child abuse, and new controversy that minority and disabled students are disproportionately "disciplined" have fueled the recent decisions of nine states to ban school paddling.

Although 30 states still permit it, corporal punishment is now outlawed in 20 states, up from 11 in 1987, the *New York Times* reported on August 16, 1990.

Groups such as the National Coalition to Abolish Corporal Punishment argue that such discipline measures are counterproductive at best. Instead, they recommend alternative means of discipline, such as more frequent parent-teacher conferences, counseling, after-school detentions, and revocation of privileges like recess. Most educators consider these approaches to be more enlightened and constructive than hitting a student's buttocks with a wooden paddle — still the most prevalent form of corporal punishment.

Sentiment favoring corporal punishment in schools is found most often in the South. More than 13 percent of the stu-

dents in Arkansas schools were paddled in 1986, the National Coalition on the Abolishment of Corporal Punishment reported in a survey for the U.S. Department of Education. And Alabama and Mississippi paddled more than 10 percent of their students in 1986, according to the same report.

A litigious society is one reason the rigid approach to discipline is giving way to a less aggressive one. A dozen or so widely reported lawsuits over corporal punishment in the past five years have not gone unnoticed by school administrators. Suits — not involving permanent injury or death — still netted plaintiffs settlements ranging from \$15,000 to \$85,000.

Further compounding the concern over corporal punishment is new data that shows minority and disabled students are paddled more often than their white and non-disabled classmates. The U.S. Department of Education survey shows that although minority youth make up 30 percent of the nationwide student population, they accounted for more than 40 percent of the 1.1 million corporal punishment cases in 1986.

on the part of the students....[Several studies] have demonstrated that teacher punitiveness not only influences the general atmosphere of the classroom but the degree and quality of student participation in the academic program."

However, supporters of corporal punishment argue that academic achievement can only take place in an orderly environment and that this is one of the reasons teachers and administrators may sometimes need to resort to paddling.

When a few children disrupt a classroom, the work of other children in the class suffers as a result. "The rebellion of one person creates an atmosphere where no one learns," said one parent who headed a junior high school parents' advisory board. "I would never disagree with someone who thought corporal punishment was what my children needed as long as I knew it was administered in a controlled atmosphere."

Role of the family

Many parents give schools permission to spank their child, a fact that is used as an argument for corporal punishment. Dennis L. Cuddy, an education consultant, former teacher and former senior associate with the U.S. Department of Education, says that parents have a right to spank their children and that schools have a responsibility to reinforce parental authority.

He adds: "If parents who've spanked their children for serious infractions at home instruct teachers to do likewise for similar behavior at school, then for government to prohibit teachers from doing so might undermine parental authority."

However, Peter Scales, executive director of a family service center in Anchorage, writes, "Often corporal punishment is administered to children who are already having emotional and behavioral problems. Children who are thought to need this kind of discipline probably are already in trouble at home and in school. Paddling will compound their problems."

He continues: "In systems where

parental consent is required before striking a child, it's possible that consenting parents already hit their children. Such kids have a greater chance to be punished physically both at home and in school."

The National Education Association cites several studies which show that children who are spanked at home are more likely to be disruptive in school. When these children are then paddled by teachers, a vicious cycle is put into motion.

Psychological effects

The common perception of corporal punishment is that the child suffers some momentary physical pain that quickly wears off. Some experts say that the psychological pain could be longer lasting, however.

Dr. Hyman labels this damage "Educator Induced Post-traumatic Stress Disorder," a type of psychological trauma that he says results when "trusted caregivers abuse children and are then supported by their colleagues and the community." The symptoms, he says, include nightmares, bed-wetting, personality changes, avoidance of school, some type of re-experiencing of the trauma, aggressive acting out, stomachaches and headaches.

Other people, however, point out that sensitive children who are likely to have such extreme psychological reactions to a paddling also are unlikely to cause enough trouble to receive one in the first place.

Who gets punished?

Other concerns over corporal punishment focus on the unequal treatment meted out to students. For example, research indicates that boys are paddled more often than girls, and primary and intermediate students receive more spankings than high school students. Special education students are the most likely candidates of all for corporal punishment.

A 1988 study by the National Coalition of Advocates for Students deter-

mined that:

- Black students are more than twice as likely as white students to be physically punished.
- Although black students make up 16 percent of the nation's public school population, they account for 31 percent of the incidents of corporal punishment.

Many educators believe this points to a racial bias, but Dr. Hyman has another theory. "We once thought it was racial, but it's not," he says. "The best predictor of who is going to get abused is socioeconomic, and a greater percentage of black kids are going to be poor." He points out that poor whites also are punished more often.

The legal risk

How does one define how much force is too much when paddling a student? How does one make sure that students' rights aren't infringed upon when deciding what disciplinary action to take?

The key to any decision regarding a contested corporal punishment case is whether the punishment was reasonable. The standards by which reasonable corporal punishment can be judged are: the nature of the punishment; the nature of the offense; the age and physical condition of the student; the student's past conduct; and whether there was permanent injury, absence of malice, notification of the rule being enforced, the presence of a second school official, and observation of the student's procedural due process rights.

Even these guidelines are open to varying interpretations, so school districts that use corporal punishment face the possibility of lawsuits brought by angry parents or of criminal investigations conducted by police.

One recent case involved 9-year-old Teresa Garcia, who was held upside down by her ankles and given five swats with a wooden paddle. Her parents asked the principal not to spank Teresa again without their permission. A year later, Teresa came home black-and-blue from

another paddling, and her father sued. The U.S. Court of Appeals for the 10th Circuit ruled that the Garcias had the right to sue school officials for "grossly excessive" corporal punishment.

Writing about the case of *Garcia v. Miera*, lawyer David A. Splitt said: "If you punish a student physically, you can be sued. If you are careful enough to inflict no serious harm, you might win because the threshold for recovery of damages remains reasonably high. But the lawsuit itself — especially if it involves appeals — will be time-consuming and expensive. In light of *Garcia*, you should ask yourself once again those questions about corporal punishment: Does it work? And, given the doubts about its efficacy, is it really worth it?"

Other recent examples of civil or criminal actions related to corporal punishment include the following:

- In February 1989, police charged a Houston elementary school principal with injury to a child for the paddling he gave a 13-year-old special education student. The emotionally disturbed boy was hit about the arms, back and head after being involved in a shoving match with another student. Although the principal was not arrested, bond was set at \$2,000 and he was suspended from his job.
- In 1987, a Texas school principal caught two kindergarteners "snickering" in the hall and paddled each one. When they returned to the classroom, their teacher noticed that they were still giggling, took them in the hall, and spanked them again. One girl's grandmother saw the bruises and took her to a doctor, who said that the spanking had been "awful." The next day, two social workers took pictures of what they said were clearly the results of "child abuse," and the girls' families sued.
- A fifth-grade teacher in Missouri was charged with third-degree assault in connection with an alleged forceful spanking of a student. A conviction on such a charge carries a maximum sentence of a year in county jail and

a \$1,000 fine.

- A Pennsylvania teacher received a year's probation after being accused of throttling a 16-year-old sophomore girl in a disciplinary incident.
- A Texas school district paid \$10,350 to the mother of a student who was allegedly spanked illegally for failing two academic courses.

It is precisely *because* of the threat of lawsuits that the American Federation of Teachers does not favor laws that ban corporal punishment, says Jamie Horwitz, assistant director of public relations for the AFT. Nationally, one lawsuit is filed every week against a teacher by parents who think their child has been the victim of excessive corporal punishment.

One case involves a teacher who, after asking a child to sit down four times, finally put her hand on the child's shoulder and gently pushed him into his seat. In another case, a chemistry teacher hit a student who was threatening to throw a liquid — which the teacher thought was sulfuric acid — into another student's face. Both teachers felt that they acted within the limits of ordinary discipline — and are now hiring lawyers to defend themselves.

"To say there will be no corporal punishment turns ordinary forms of discipline into questionable practices and could lead to even more litigation than teachers are already exposed to," Horwitz argues. "AFT certainly doesn't encourage corporal punishment, but schools are granted the rights of *in loco parentis*, and AFT thinks that teachers should basically have the same rights as parents while they're acting as parents *in absentia*."

Student discipline alternatives

Any talk of eliminating corporal punishment prompts the question: "What will be used in its place?" When the Cincinnati school district proposed a ban on paddlings, for example, the Cincinnati Federation of Teachers asked that the change be made slowly and cautiously.

"We were saying, 'We can live without corporal punishment, but you'd better be

sure to put some alternatives in place and fund them,'" said Tom Mooney, president of the local union. "We've got an addiction in a sense to corporal punishment in this district and it's going to have to be a carefully planned withdrawal, which it hasn't been so far."

When considering suspension alternatives, administrators point to the fact that, in many students' cases, both parents work. This economic reality makes meting out such punishments difficult. It becomes a larger burden on the school than on the parents or students. If a student rides the bus to school and neither parent is available to pick him up, detention poses an unfair burden since he has no way to get home. And many parents don't like the idea of suspension since they can't be at home to supervise their child.

However, many teachers and administrators are creatively exploring other disciplinary options. The prerequisite for this exploration, writes Meryl E. Englander, is the banning of corporal punishment. "If corporal punishment is approved in a school," she writes, "the teachers are less pressed to discover alternative means for encouraging appropriate behavior."

She adds a warning: "The positive alternatives are not as simple to execute as lashing out at a student. They require sensitivity, skill and self-control.... The teacher must not anticipate that any given strategy, no matter how expertly employed, will always achieve its objective. Particularly in the beginning, the positive alternatives will probably succeed less than half the time. So be it: Few human efforts, whether they be shooting baskets, writing novels, selecting good movies or teaching reading, have a better average."

When setting up a disciplinary code, administrators should make sure that the school's rules, in addition to conforming to state statutes and constitutional requirements, also be reasonable, clear, made in good faith, serve a public purpose, receive approval from the school district's governing body, and be disseminated to all students and their parents. □