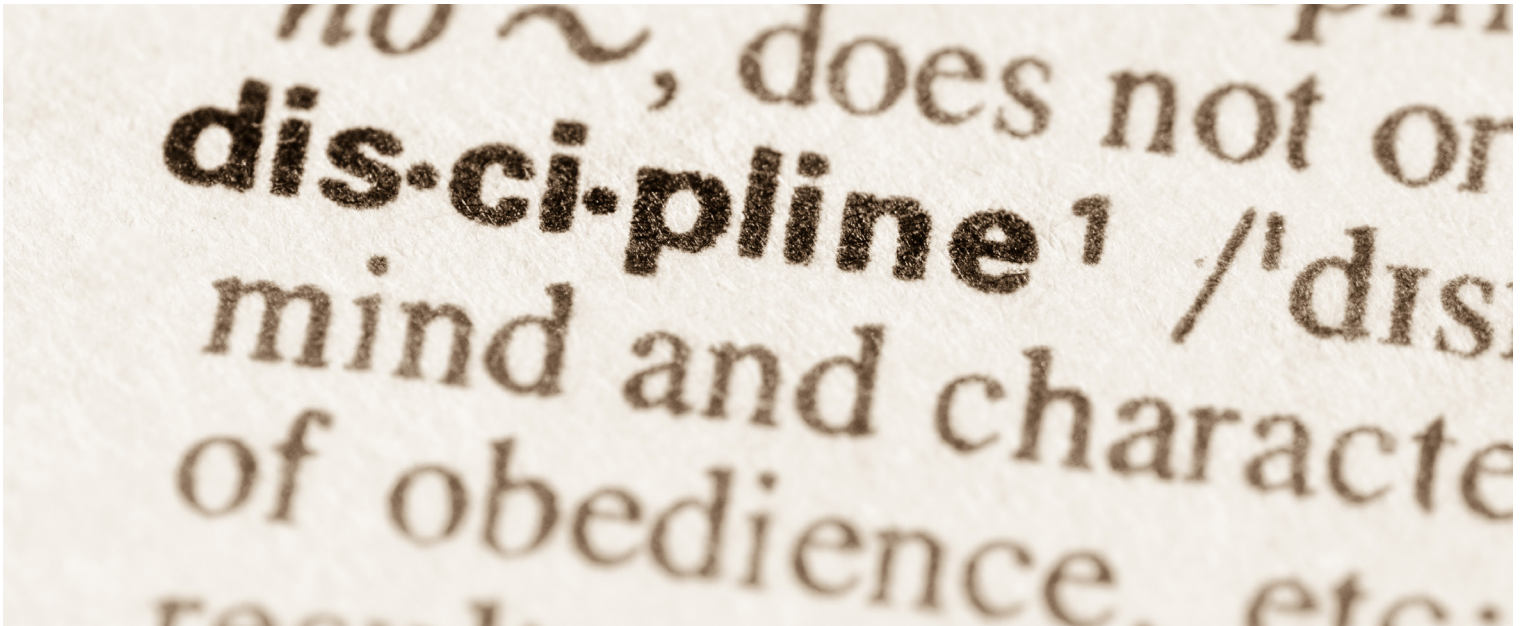




Office of Research and Education Accountability

JUSTIN P. WILSON, COMPTROLLER



# Corporal Punishment in Tennessee

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Follow this link: <http://www.comptroller.tn.gov/repository/RE/OREA/appendixe.pdf>

## Executive summary

In July 2017, members of the Tennessee General Assembly requested the Comptroller’s Office of Research and Education Accountability (OREA) to research the use of corporal punishment in Tennessee schools, and to determine if corporal punishment is being used disproportionately for students with disabilities.

Adopted in 1979, the School Discipline Act (*TCA 49-6-4101 et seq.*) allows corporal punishment to be used in Tennessee schools and directs local boards of education to adopt policies governing its use within their districts. State law does not address the use of corporal punishment for students with disabilities.

In August 2017, OREA conducted a comprehensive review of the corporal punishment policies of all school districts in Tennessee. Of the 148<sup>1</sup> total school districts, 109 have a board policy allowing the use of corporal punishment and 39 do not allow its use, either explicitly per board policy or through lack of a board policy. Most school board policies on corporal punishment contain similar language and guidelines, and leave discretion to the principal, assistant principal, or teacher who administers corporal punishment within the school. (For more about Tennessee school districts’ corporal punishment policies, see pages 7 – 15.)

Data showing the use of corporal punishment in Tennessee public schools is available from the Office for Civil Rights (OCR) within the U.S. Department of Education. The Tennessee Department of Education (TDOE) does not collect data on corporal punishment use. This data is self-reported by schools and districts biennially (i.e., once every two years) and disaggregates corporal punishment use by numerous categories, including students with and without disabilities. There is a multi-year lag between when the data is reported by schools and when OCR releases the data to the public. The most current data available on corporal punishment use is from the 2013-14 school year.<sup>2</sup>

The use of corporal punishment by Tennessee schools in districts where it is allowed by board policy varies widely. In some districts, every school reports using corporal punishment, while in others, no school reports using it. (For more about data reported from Tennessee schools’ use of corporal punishment, see pages 45 – 49.)

To better understand the decision-making that takes place between the adopted school board policies and the administration of corporal punishment in schools, OREA interviewed school and district administrators, including special education staff, and distributed online surveys to all school principals and directors of schools (superintendents) in Tennessee.

<sup>1</sup>This figure includes all 141 county, city, and special school districts, four state special schools (Alvin C. York Institute, Tennessee School for the Blind, Tennessee School for the Deaf, and West Tennessee School for the Deaf), the Achievement School District (ASD), the State Board of Education (SBE), and the Tennessee Department of Children’s Services (DCS). The four state special schools, ASD, SBE, and DCS are treated as school boards in terms of creating their own policies for the school(s) within their jurisdiction. See Appendix D for a list of all 148 districts included in the analysis.

<sup>2</sup> According to OCR, data from the next reporting year, 2015-16, should be available in 2018.

### **Corporal Punishment**

*Paddling, spanking, or other forms of physical punishment imposed on a student.*

### **Students with Disabilities**

*Students receiving services under the Individuals with Disabilities Education Act (IDEA) and/or Section 504 of the federal Rehabilitation Act of 1973 (Section 504).*

*For a detailed explanation and enrollment data for Section 504 and IDEA, please see Appendix C.*

The survey responses showed that in some districts, the central office may develop and distribute additional guidance, as a supplement to the board policy, to regulate the use of corporal punishment in schools. The type of guidance and instruction varies across districts. In districts that allow and use corporal punishment, most directors give principals full discretion to make decisions regarding the use of corporal punishment for students with and without disabilities. Out of 84 principals, 55 percent said that they follow the same procedures for disciplining students with disabilities as for students without disabilities.

In most of the districts where corporal punishment is allowed by board policy but not used by any schools, the Director of Schools has instructed the principals within the district not to use it to discipline students. (For more about the survey results on corporal punishment use from directors and principals, see pages 16 – 44.)

## **Key findings**

After a comprehensive review of school board policies, survey responses from principals and directors of schools, and the available data on corporal punishment use, OREA found:

**Most of the board policies on corporal punishment leave discretion to the principal.** Among other components, most policies require a witness to be present, and state that corporal punishment is to be administered only after other less stringent measures have failed or when the conduct of the student is of such nature that corporal punishment is the only reasonable form of punishment under the circumstances. Most board policies do not address parental consent: eight policies require that parents be contacted prior to using corporal punishment, and 31 policies specify that parents may opt out of corporal punishment for their child.

**One board has adopted a policy specifically addressing corporal punishment for students with disabilities,** prohibiting its use if the student’s misbehavior is a manifestation of his or her disability (i.e., the behavior is caused the disability). No board policy expressly prohibits the use of corporal punishment for students with disabilities.

**Corporal punishment use varies for students with and without disabilities in districts and schools where it is allowed per board policy.** In the 2013-14 school year, there were 953 public schools in districts allowing corporal punishment per board policy. A total of 379 schools reported corporal punishment data that year, meaning that about 40 percent of schools in districts allowing corporal punishment reported using it. Of those 379 schools, 209 used corporal punishment for students with and without disabilities, 162 schools used it only for students without disabilities, and eight schools used corporal punishment only for students with disabilities. Of the 109 school districts with a board policy allowing the use of corporal punishment, in 19 districts no schools reported using corporal punishment for any student in the 2013-14 school year. A total of 38 districts did not report using corporal punishment for students with disabilities that year.

**The three disability categories with the highest enrollment are also the categories that principals indicated are most likely to receive corporal punishment.** As part of OREA’s survey on corporal punishment, principals of schools that use corporal punishment



were asked which, if any, of the IDEA disability categories would render a student ineligible to receive corporal punishment in their school. Of the 63 principals who responded to this question, most said that they would not paddle a student with a Traumatic Brain Injury, Autism, an Orthopedic Impairment, or an Emotional Disturbance (these categories have a combined five-year average enrollment of about 12,900 students). In comparison, the three disability categories that were ranked as least likely to render a student ineligible to receive corporal punishment were Specific Learning Disability, Speech or Language Impairment, and Intellectually Gifted<sup>3</sup> (these three categories have a combined five-year average enrollment of about 97,700 students).<sup>4</sup>

### **Analysis of the available data showed:**

- **Students with disabilities received corporal punishment at a higher rate than students without disabilities for two of the three most recent reporting years.** In 2009-10, the statewide rate of corporal punishment use for students with disabilities was lower than the statewide rate for students without disabilities. In the following two reporting years, the opposite was true: students with disabilities received corporal punishment at a higher rate than their peers, by nearly 2 percentage points in 2013-14. The statewide rate of corporal punishment use for students with disabilities remained relatively unchanged over the three reporting years. In contrast, the rate of corporal punishment use for students without disabilities was the highest in 2009-10, then declined in the next two reporting years, dropping nearly 3 percentage points from 2009-10 to 2013-14.
- **The number of students with disabilities receiving corporal punishment declined from 2009-10 to 2013-14, but not as much as the decline for students without disabilities.** There were about 7 percent fewer students with disabilities who received corporal punishment in 2013-14 than in 2009-10, while the number of students without disabilities receiving corporal punishment declined by about 46 percent across the same time frame. The number of students without disabilities receiving corporal punishment declined for each of the three reporting years, while the number of students with disabilities who received corporal punishment peaked in 2011-12.
- **Of the schools that use corporal punishment for students with and without disabilities, about 80 percent used corporal punishment at a higher rate for students with disabilities in all three reporting years.** The remaining schools (about 20 percent) did not use corporal punishment at a higher rate for students with disabilities.

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<sup>3</sup> Students recognized as 'Intellectually Gifted' in Tennessee are considered to have special education needs. See Appendix C for a detailed explanation.

<sup>4</sup> Due to data suppression, it was not possible to calculate enrollment numbers solely for the schools that use corporal punishment, or for the districts that allow corporal punishment. The enrollment figures cited are five-year averages (2012-13 through 2016-17) for all Tennessee public schools. (TDOE suppresses data showing less than 10 students in a group. For example, if fewer than 10 students are in a disability category, the number is suppressed.)

## **There are limitations in the existing data on corporal punishment.**

- **Reporting errors exist.** Data on corporal punishment is self-reported by schools and districts, and OREA identified reporting errors. After reviewing their school's 2013-14 data in an interview, administrators at one school indicated they had reported the number of instances corporal punishment was administered, not the number of students receiving corporal punishment. If the data was misreported in this way by other schools, and schools administer corporal punishment to individual students more than once in a school year, the data would overrepresent the number of students who received corporal punishment. If misreported for all students, those with and without disabilities, it is less likely this error would greatly affect the rates of corporal punishment use for one group and not the other. Additionally, when reporting data to OCR for the 2009-10 school year, one school listed a greater number of students receiving corporal punishment than were enrolled in that category, resulting in a rate of use greater than 100 percent.
- **There is a multi-year lag between the reporting year and when data is publicly available.** Schools are required to report data to the OCR biennially; the most current publicly available data is from the 2013-14 school year. According to OCR, data from the next reporting year, 2015-16, should be available in 2018.
- **It is not possible to determine if severely disabled students receive corporal punishment because data is not reported by disability category.** When reporting corporal punishment data, schools identify students with disabilities only as receiving services under IDEA and/or Section 504; no further details are provided regarding the student's type of disability. There is a great deal of variance among students' mental, emotional, and physical abilities within both of these programs. The lack of specificity prevents OREA from determining which categories of students disabilities receive corporal punishment.
- **There may be students with disabilities who are unrepresented in the available data.** There are two disability categories (Functional Delay and Intellectually Gifted) that are recognized in Tennessee beyond the 13 categories recognized by the federal IDEA law. These two disability categories have a combined five-year average enrollment of about 21,600 students. Any student identified solely under one of these two disability categories in Tennessee would not be counted as a student with disabilities when schools report to OCR, if schools abide by OCR's instruction to report using the 13 federally-recognized disability categories. (It is unclear if schools follow this instruction.)

## Policy considerations

**The General Assembly may wish to require the Tennessee Department of Education to collect corporal punishment data by disability category.**

**The General Assembly may wish to require that school board policies specifically address the use of corporal punishment for students with disabilities.** There is wide variation in how schools and districts approach corporal punishment for students with disabilities across Tennessee, and these variations provide a number of policy options for potential inclusion in school board policies, such as:

- **Prohibiting corporal punishment for some or all students with disabilities.**
- **Restricting the use of corporal punishment for students with disabilities by requiring one or more of the following:**
  - ◇ Parental consent
  - ◇ Manifestation of disability assessment
  - ◇ Inclusion in the Individualized Education Program (IEP) or Section 504 Plan

**Schools and districts should review and improve their data reporting methods.** (For more discussion of policy considerations, see pages 58 – 59.)

## Tennessee’s corporal punishment policy

The School Discipline Act (*TCA 49-6-4101 et seq.*) specifies that corporal punishment may be administered against any pupil by any teacher or school principal, in a reasonable manner, in order to maintain discipline and order within public schools. Tennessee state law does not prohibit or specifically address the use of corporal punishment for students with disabilities.

### **TCA 49-6-4103**

*Any teacher or school principal may use corporal punishment in a reasonable manner against any pupil for good cause in order to maintain discipline and order within the public schools.*

## School board policies on corporal punishment

*TCA 49-6-4104* directs each local board of education to adopt rules and regulations it deems necessary to implement and control any form of corporal punishment in the schools in its district.

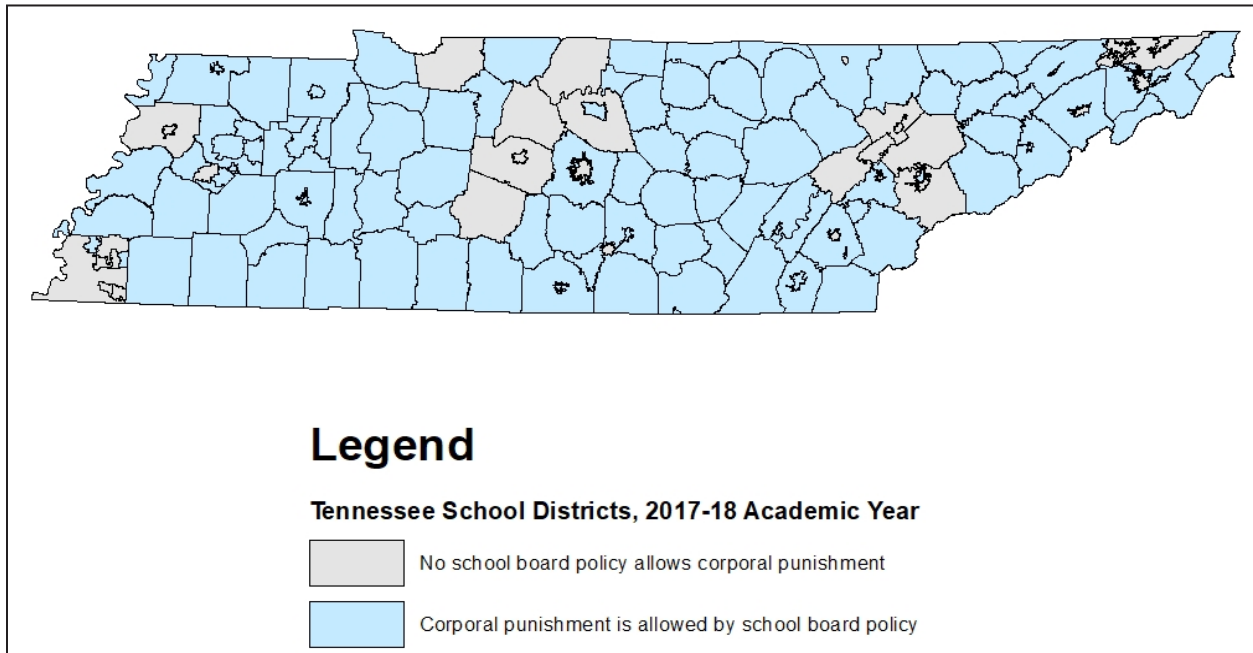
### **TCA 49-6-4104**

*Each local board of education shall adopt rules and regulations it deems necessary to implement and control any form of corporal punishment in the schools in its district.*

OREA conducted a comprehensive review of the corporal punishment policies of all school districts in Tennessee. Of the 148<sup>5</sup> total school districts, 109 have a board policy allowing the use of corporal punishment. If a school board does not authorize the use of corporal punishment within their district’s schools, the board is not required to adopt a policy prohibiting its use, but districts may choose to do so. Of 148 total school districts, 39 do not allow the use of corporal punishment, either explicitly per board policy or through the lack of a board policy allowing its use. (See Exhibit 1.)

<sup>5</sup> This figure includes all 141 county, city, and special school districts, four state special schools (Alvin C. York Institute, Tennessee School for the Blind, Tennessee School for the Deaf, and West Tennessee School for the Deaf), the Achievement School District (ASD), the State Board of Education (SBE), and the Tennessee Department of Children’s Services (DCS). The four state special schools, ASD, SBE, and DCS are treated as school boards in terms of creating their own policies for the school(s) within their jurisdiction. See Appendix D for a list of all 148 districts included in the analysis.

## Exhibit 1: Where corporal punishment is allowed and not-allowed per school board policy, 2017-18 school year



Source: OREA review of school board policies, Aug. 2017.

### Tennessee School Boards Association model policies on corporal punishment

The Tennessee School Boards Association (TSBA) provides districts with two model board policies on corporal punishment: one for districts that allow corporal punishment, and one for districts that do not allow its use. (See Appendix B.) Local school boards can revise the model policy to fit the needs of their district.

Of the 109 districts where corporal punishment is allowed per board policy, a little over half have adopted policies that are identical to,<sup>6</sup> or very closely reflect,<sup>7</sup> the TSBA model board policy. Last revised in 2009, the TSBA model policy for districts that allow corporal punishment leaves discretion to the principal, assistant principal, or teacher who administers corporal punishment within the school. Among other components, the model policy requires a witness be present, states that corporal punishment is only to be administered after other less stringent measures have failed, or if the conduct of the student is of such nature that corporal punishment is the only reasonable form of punishment under the circumstances.

The TSBA model board policy does not specifically address corporal punishment use for students with disabilities.

<sup>6</sup> There are nine districts with a school board policy that reflects word-for-word the TSBA model school board policy for districts that allow corporal punishment.

<sup>7</sup> There are 52 districts with board policies nearly identical to the TSBA model policy. These 52 board policies have included one or both of the following components: an additional statement that corporal punishment be reasonable, and/or a parental opt-out statement.

## Variation in district policies

The remaining districts have varied policies. Most include what is outlined in the TSBA model board policy plus additional components as follows:

- 31 board policies specify that parents may opt out of corporal punishment for their child; all but one of these policies require parents to submit written notification that their child is not to be paddled;
- eight board policies mention that parents are to be contacted prior to the administration of corporal punishment;
- six board policies require that parents be notified after corporal punishment has been administered;
- eight board policies include specifications regarding the type of instrument used to administer corporal punishment;
- eight board policies address the emotional condition of the person administering corporal punishment, stating that corporal punishment shall not be administered in extreme anger or as a form of retaliation;
- six board policies require the person serving as witness be informed, in the student's presence, of the reason for the punishment;
- four board policies specify that corporal punishment shall be administered in private or, at a minimum, out of view of any peers;
- four board policies prohibit the use of corporal punishment in certain grades;
- six board policies specify the maximum number of licks that can be administered;
- three board policies state that the student may be allowed to present his or her side of the story before corporal punishment is administered; and
- five board policies specify where on the student's body corporal punishment may be administered.

### **Charter schools and corporal punishment**

According to TCA 49-13-105, charter schools in Tennessee can apply to their chartering authority or to the commissioner of education for a waiver of any state board rule or statute that inhibits or hinders the charter school's ability to meet its goals or comply with its mission statement. Charter schools can apply to their authorizer for a discipline policy waiver.

There are six charter school authorizers in Tennessee:

#### ***The Achievement School District***

Corporal punishment is not allowed per board policy. The ASD did not respond to the research inquiry to determine if any charters authorized by the ASD have applied for or received a discipline policy waiver.

#### ***Hamilton County Schools***

Corporal punishment is allowed per board policy. HCS did not respond to the research inquiry asking if, and how many, charter schools use corporal punishment.

#### ***Knox County Schools***

Corporal punishment is not allowed per board policy. The one charter school currently authorized by KCS has not applied for a discipline policy waiver.

#### ***Metropolitan Nashville Public Schools***

Corporal punishment is not allowed per board policy. No charter schools have applied for a discipline policy waiver. If a charter school proposed to use corporal punishment, MNPS says it would "raise red flags."

#### ***Shelby County Schools***

Corporal punishment is not allowed per board policy. Due to record keeping issues, the authorizer was unable to confirm how many charter schools have applied for or received a discipline policy waiver, but reported at least one charter school has applied for and been granted a waiver to use corporal punishment.

#### ***State Board of Education***

Corporal punishment is not allowed per board policy. The SBE authorizes one charter school, and it has not applied for a discipline policy waiver.

Almost all 109 board policies explicitly require that an adult witness, typically another professional employee, be present when corporal punishment is administered.

One district has adopted a board policy addressing discipline specifically for students with disabilities. It states that if the student's behavior is not a manifestation of his or her disability (i.e., the behavior is caused by the disability), the same disciplinary sanctions used for students without disabilities, including corporal punishment, may be applied. No other districts have board policies specifically addressing corporal punishment use for students with disabilities.

## **Variation between board policy and use**

Some districts allow corporal punishment per board policy, but no schools within the district use it as a disciplinary action. In other districts where corporal punishment is allowed per board policy, some, or all, of the districts' schools use it as a discipline option. Schools are required to report their use of corporal punishment biennially (i.e., once every two years) to the U.S. Department of Education's Office for Civil Rights (OCR).<sup>8</sup>

## **Variation between board policies and affirming corporal punishment use**

When reporting data to OCR for the 2013-14 school year, schools were asked if they use corporal punishment to discipline students. Of the districts where corporal punishment is allowed per board policy, there is variation in the number of schools that responded in the affirmative to this question.<sup>9</sup> There are:

- 18 districts where corporal punishment is allowed per board policy, but no schools responded yes to using corporal punishment as a discipline option,
- 24 districts where every school responded yes to using corporal punishment as a discipline option, and
- 64 districts where some, but not all, schools responded yes to using corporal punishment as a discipline option.

Among the 64 districts where some schools responded yes to using corporal punishment, the percentage of schools affirming the use of corporal punishment as a discipline option varies from 10 to 93 percent. In two-thirds of those 64 districts, half or more schools responded yes to using corporal punishment to discipline students. In total, 443 schools responded in the affirmative when asked if they use corporal punishment.

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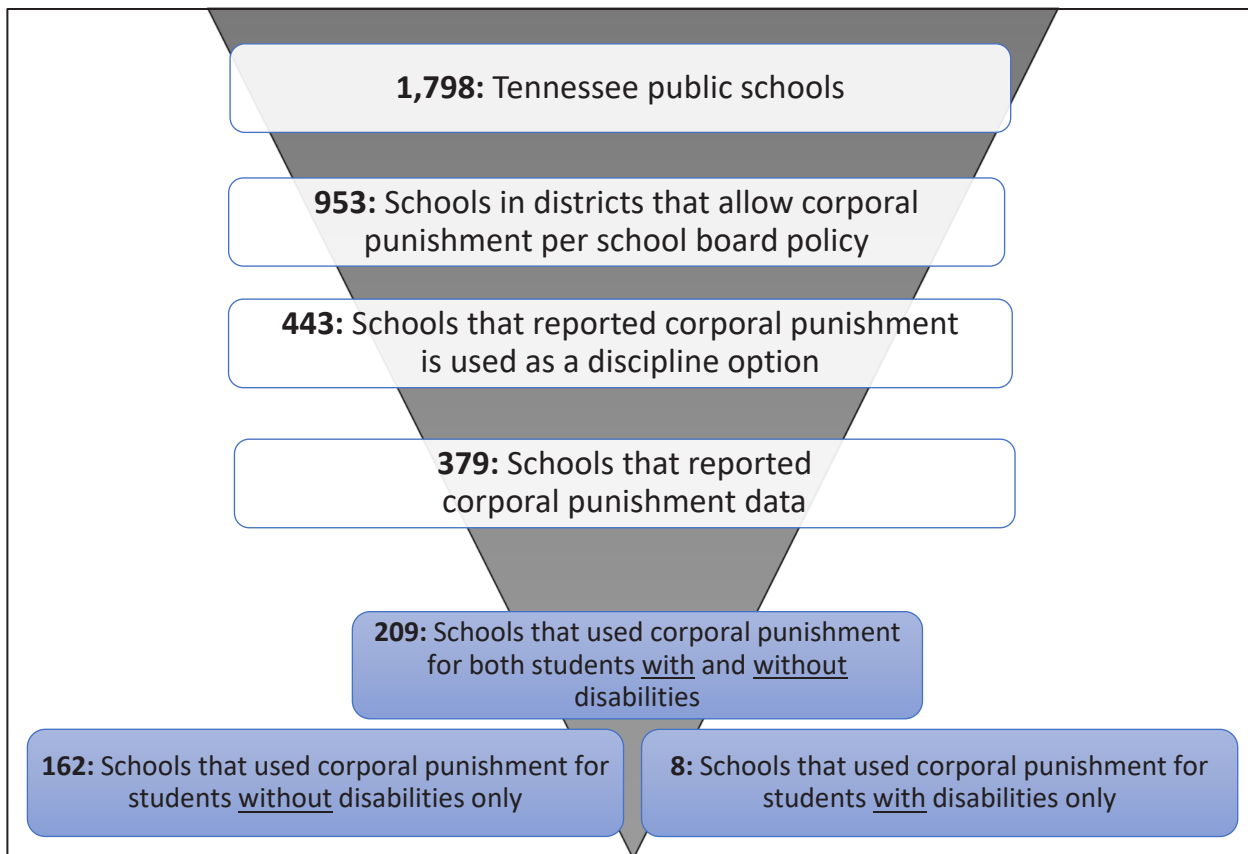
<sup>8</sup> The most recently available data from OCR is for the 2013-14 school year. Data from the next reporting year, 2015-16, is anticipated to be available in 2018.

<sup>9</sup> The analysis of variation in corporal punishment use by district includes 106 districts. OREA conducted a review of school board policies in August 2017 and found 109 districts that allow corporal punishment use per board policy. The most recently available data on corporal punishment use is from the 2013-14 school year, which included 108 districts responding in the affirmative when asked if they use corporal punishment. Of those 108 districts, two have been removed from this analysis: Robertson County, which has missing data, and Sumner County, which no longer allows the use of corporal punishment. Since the 2013-14 school year, two new districts have formed that allow the use of corporal punishment: Arlington Community Schools and Millington.

## Variation between affirming corporal punishment use and reported data

If a school responded that it reported to OCR that it uses corporal punishment to discipline students, it was prompted to report the number of students who received corporal punishment within that school year. Not all schools that responded yes to using corporal punishment reported data indicating its use. Of the 443 schools that responded in the affirmative to using corporal punishment as a discipline option, 64 did not report any data.<sup>10</sup> Over 90 percent of the schools in one district responded yes when asked if they use corporal punishment to discipline students, but none of the schools within that district reported data indicating its use. Exhibit 2 shows the breakdown of the number of schools reporting data to OCR.

### Exhibit 2: Corporal punishment in Tennessee schools, 2013-14 school year



Source: OREA review of school board policies, Aug. 2017; OREA analysis of U.S. Department of Education Office for Civil Rights data, 2013-14 school year.

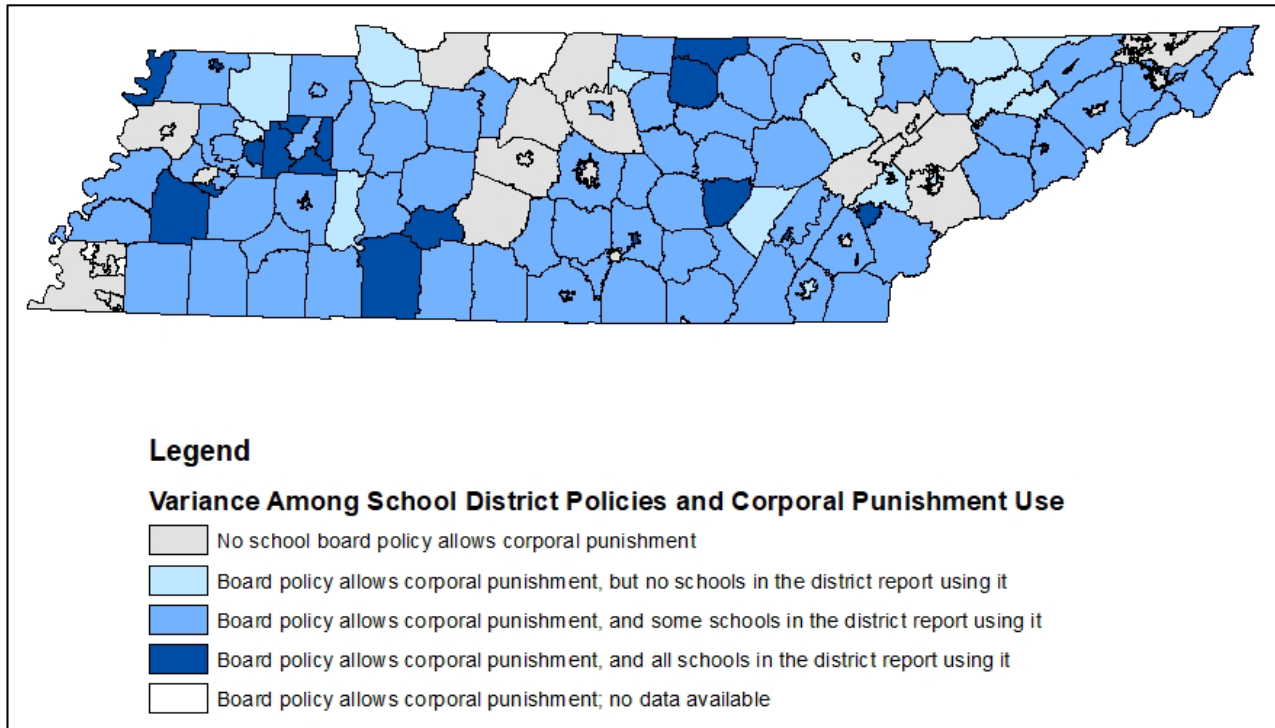
Of the 443 schools that told OCR they use corporal punishment, 379 reported data indicating it was used in their school. Analyzing the data submitted by those 379 schools showed that 209 schools administered corporal punishment to students with and without disabilities, 162 schools administered it only for students without disabilities (though no board policy expressly prohibits the use of corporal punishment for students with disabilities), and eight schools used corporal punishment only for students with disabilities.

<sup>10</sup> It is assumed that if a school did not report any data of students receiving corporal punishment, then the school did not use corporal punishment in that school year, despite having confirmed that the school uses corporal punishment as a discipline option.



Exhibit 3 shows a map of Tennessee’s school districts and the variance among board policies and corporal punishment use.

### Exhibit 3: Tennessee school districts | Variance among board policies and corporal punishment use



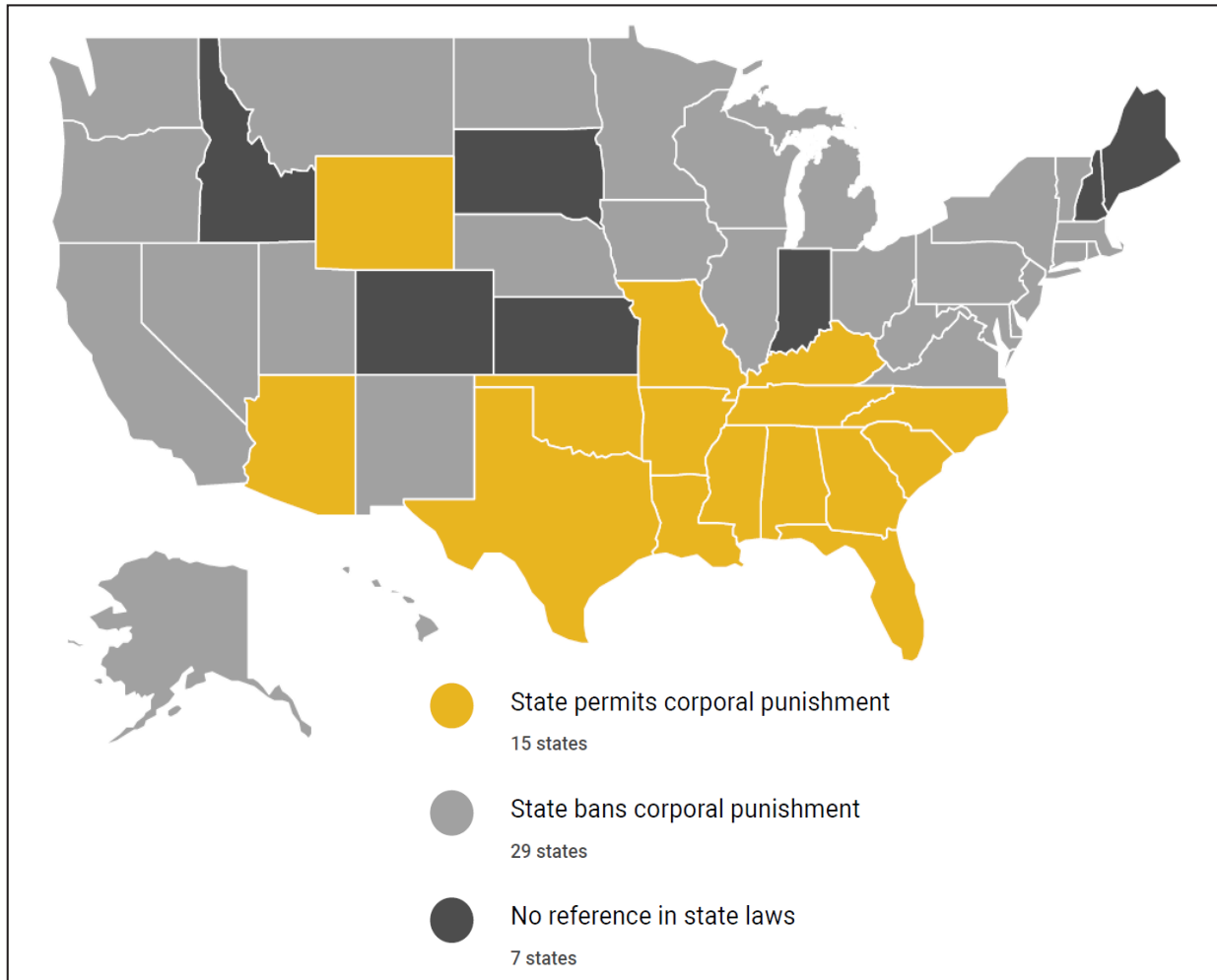
Source: OREA review of school board policies, Aug. 2017; U.S. Department of Education Office for Civil Rights data, 2013-14 school year.

Appendix D includes a list of all 148 Tennessee school districts indicating which allow the use of corporal punishment per board policy, the percentage and number of schools in each district that say they use corporal punishment, and those that reported data of corporal punishment use for students with and without disabilities in 2013-14.

### Tennessee compared to other states

Tennessee is one of 22 states that allow corporal punishment (in these 22 states, it is either permitted through state law, or state law makes no reference to corporal punishment); 28 states and the District of Columbia have laws explicitly banning the use of corporal punishment. Two states banned the use of corporal punishment within the last 10 years: Ohio in 2009 followed by New Mexico in 2011.

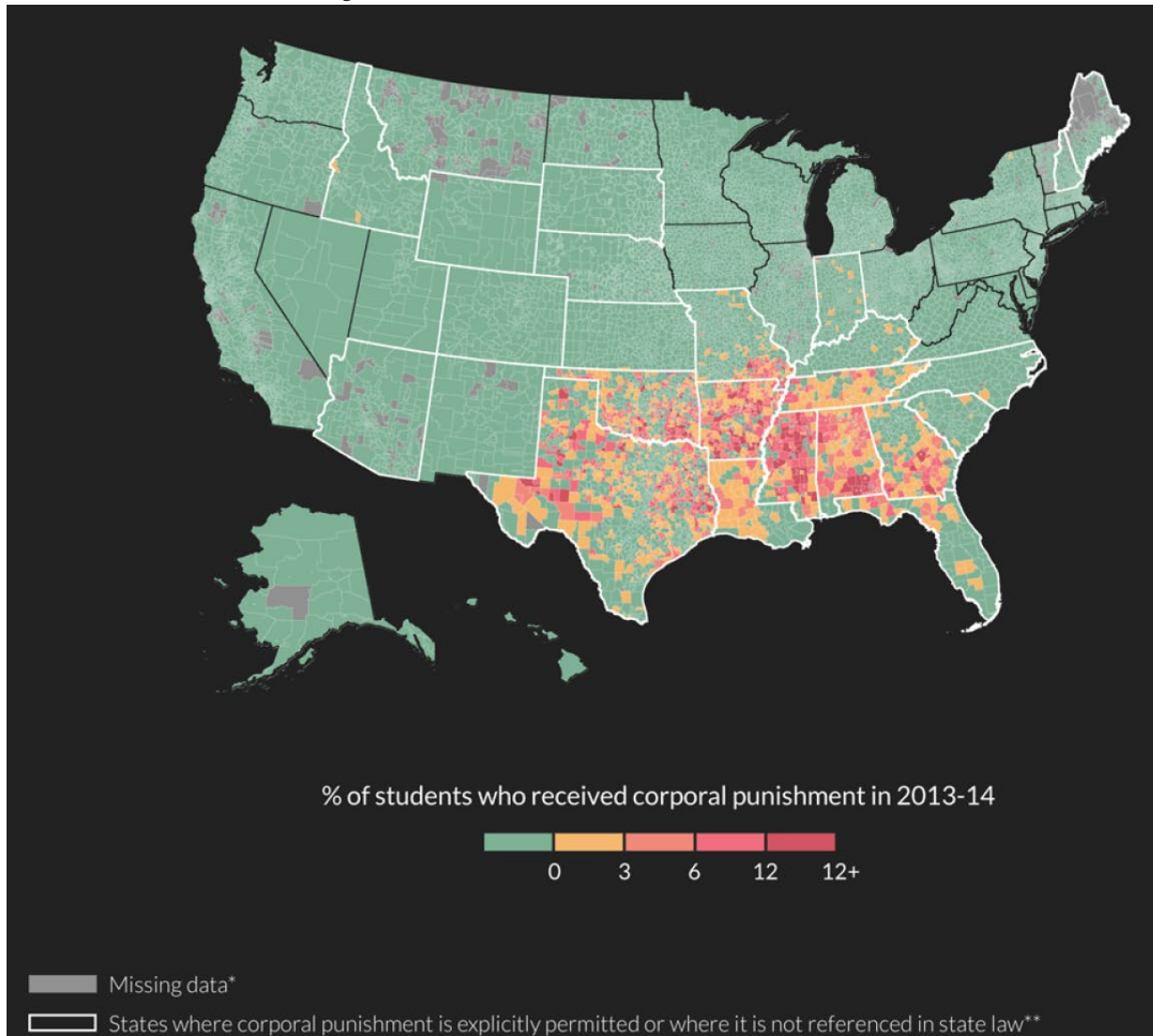
## Exhibit 4: The United States of America | State laws on corporal punishment as of 2016



Source: Education Week Research Center analysis of Civil Rights Data Collection, 2016.  
Note: The District of Columbia is included in the sum of 29 states that ban corporal punishment.

Exhibit 5 shows corporal punishment use nationwide by school district in the 2013-14 school year.

## Exhibit 5: The United States of America | Corporal punishment use by school district, 2013-14 school year



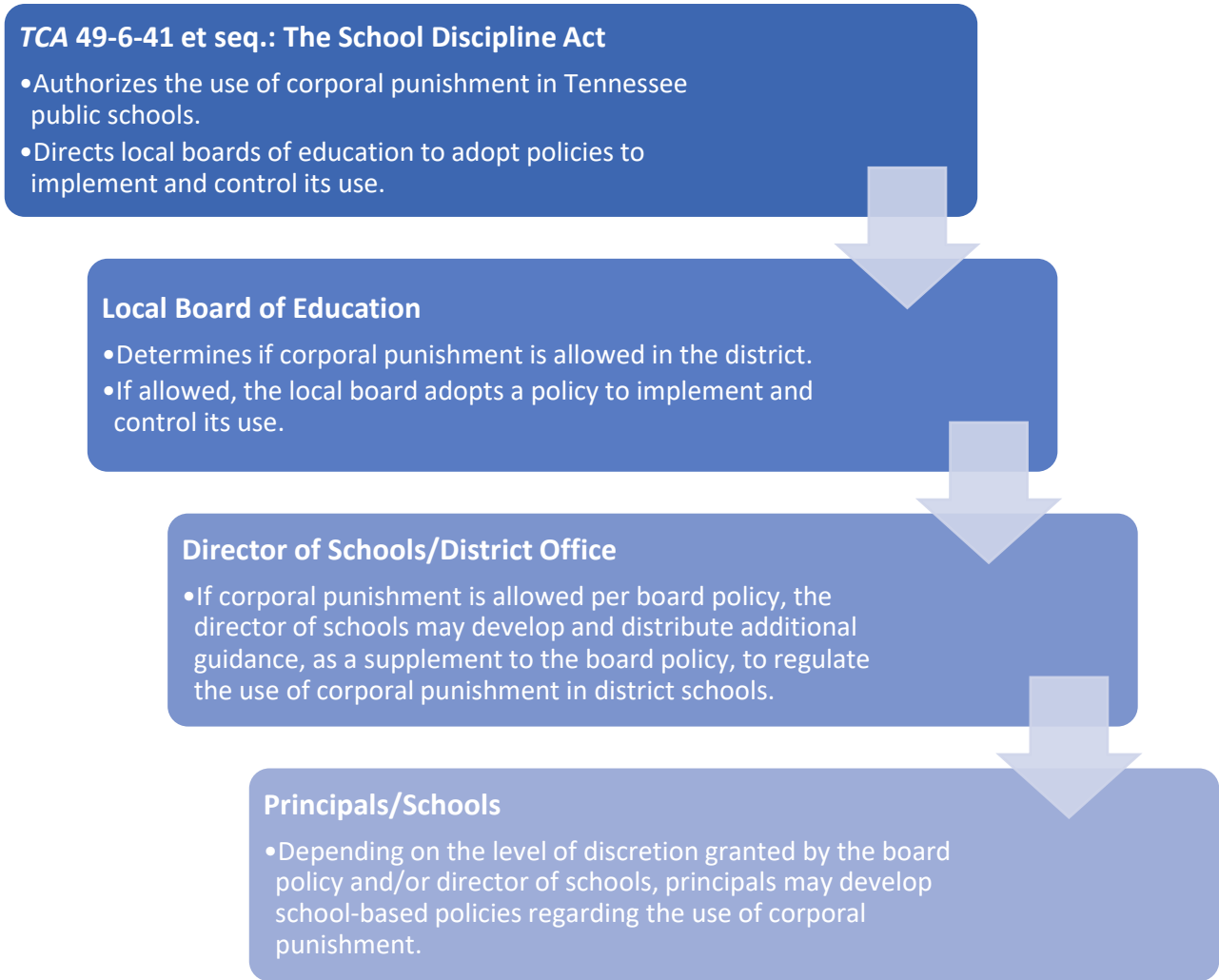
Source: U.S. Department of Education, 2013-14 Civil Rights Data Collection

### Beyond local board policy: How decisions are made about corporal punishment

Based on interviews with directors of schools, special education staff, and principals, OREA learned that in some districts, additional guidance, as a supplement to the board policy, may be distributed to schools to regulate the use of corporal punishment. In other districts, principals are given full discretion to make decisions about the use of corporal punishment within their schools.

Exhibit 6 shows how decisions regarding the use of corporal punishment are made in Tennessee, from state law down to the school level.

## Exhibit 6: How decisions regarding the use of corporal punishment are made in Tennessee schools



Source: OREA

To better understand the nature of district guidance beyond board policies and how principals use their discretion, OREA conducted a survey of Tennessee directors of schools and principals.<sup>11</sup> Directors and principals took different versions of the survey. The survey for directors focused on district-level decisions, while the survey for principals included questions about internal school-level decisions. Both surveys included questions about decisions that are made concerning corporal punishment for all students, as well as questions focused specifically on students with disabilities. All survey participants were informed that the term “student with disabilities” refers to any student receiving services under Section 504 and/or IDEA.<sup>12</sup>

<sup>11</sup> OREA conducted online surveys for directors of schools and principals in November 2017.

<sup>12</sup> See Appendix C for a detailed explanation of these two federal programs.

The following sections present an analysis of survey results, and comments (in text boxes) from the principals and directors of schools who responded to the survey, chosen to reflect the full spectrum of opinions expressed. (Comments are paraphrased rather than quoted directly to preserve respondents' confidentiality.)

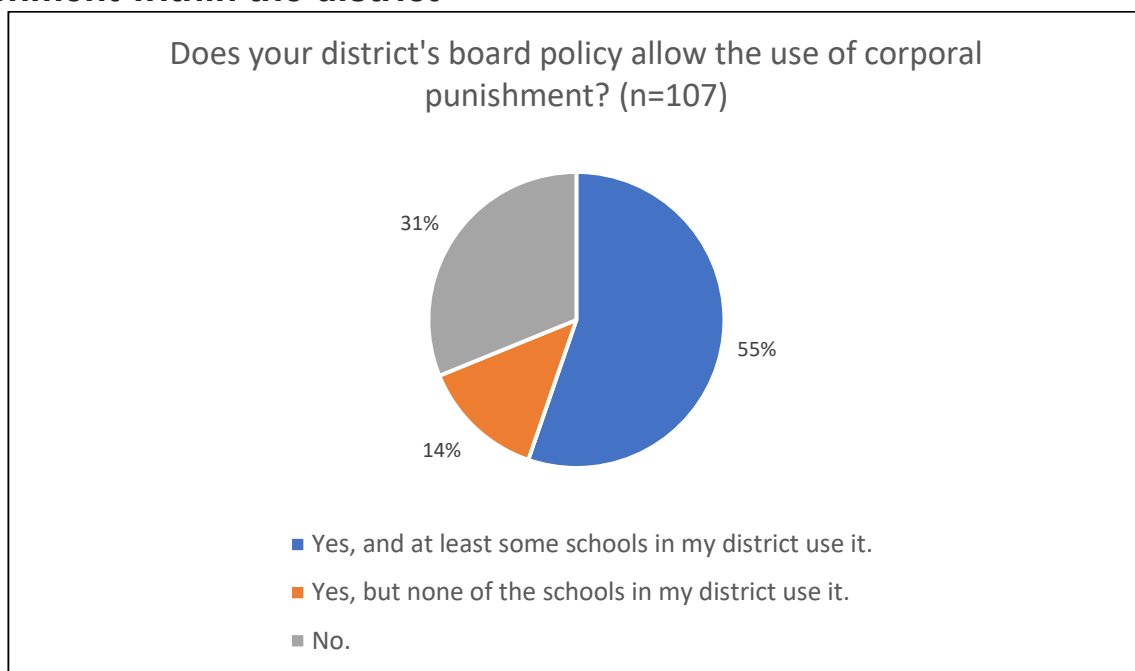
## Survey of directors of schools

An online survey was distributed directly to directors of schools via email, and 107 directors participated,<sup>13</sup> which accounts for approximately three-quarters of the directors in the state. Survey participants<sup>14</sup> were asked an introductory question regarding their district's board policy on corporal punishment and use among the schools in their district, and were routed accordingly into one of three sets of questions, which separated districts into three categories:

- districts where corporal punishment is allowed per board policy and used by schools in the district,
- districts where corporal punishment is allowed per board policy and no schools in the district use it, and
- districts where corporal punishment is not allowed per board policy.

Exhibit 7 shows the percentage of directors that fall into each of the three survey categories.

### Exhibit 7: Survey of directors of schools | Board policy and use of corporal punishment within the district



Source: OREA Survey, Nov. 2017

<sup>13</sup> 112 directors began the survey; five did not continue the survey after the first question.

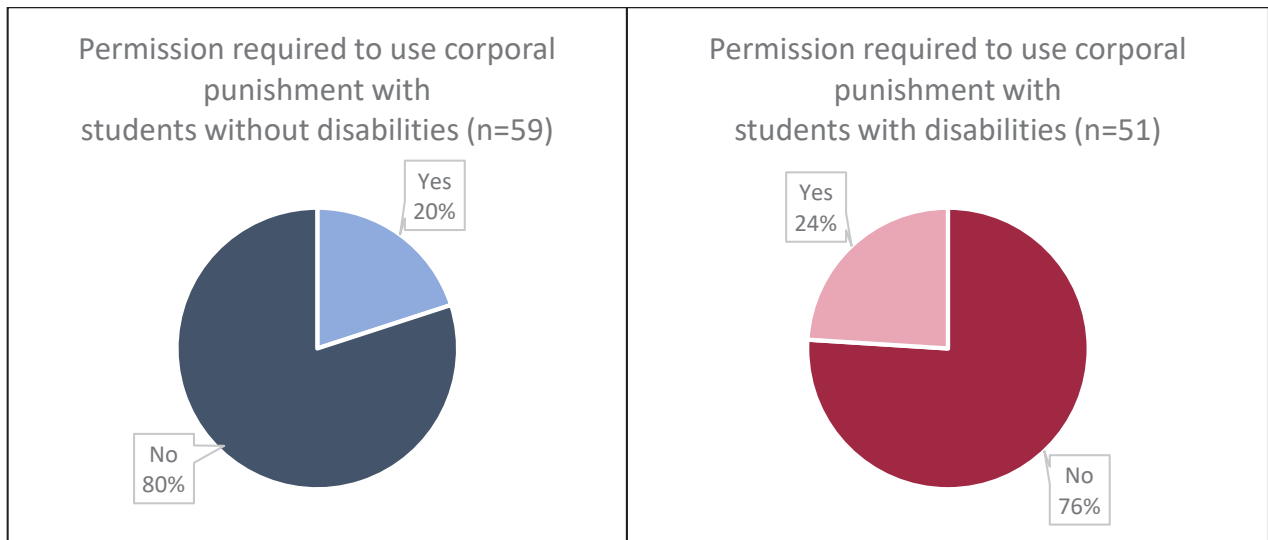
<sup>14</sup> The survey respondents were equally distributed across the state, with an approximate one-third each from West, Middle, and East Tennessee. Over half of the participants have been the director of schools in their current district for less than four years; 9 percent have served in their district for 10 or more years.

## Districts where corporal punishment is allowed and used

*Principals do not ask for my permission each time they paddle a student. The board policy allows principals to use their discretion when using corporal punishment.*

Slightly more than half of the directors who responded to the survey (55 percent) are from districts where corporal punishment is allowed per board policy and some of the schools in their district use it to discipline students. In these districts, 20 percent of directors said that they require principals to obtain permission to use corporal punishment in their schools, compared to 24 percent of directors who require principals to obtain permission to use corporal punishment for students with disabilities.

### Exhibit 8: Survey of directors of schools | Percent of directors that require principals to obtain permission to use corporal punishment in their school for students with and without disabilities

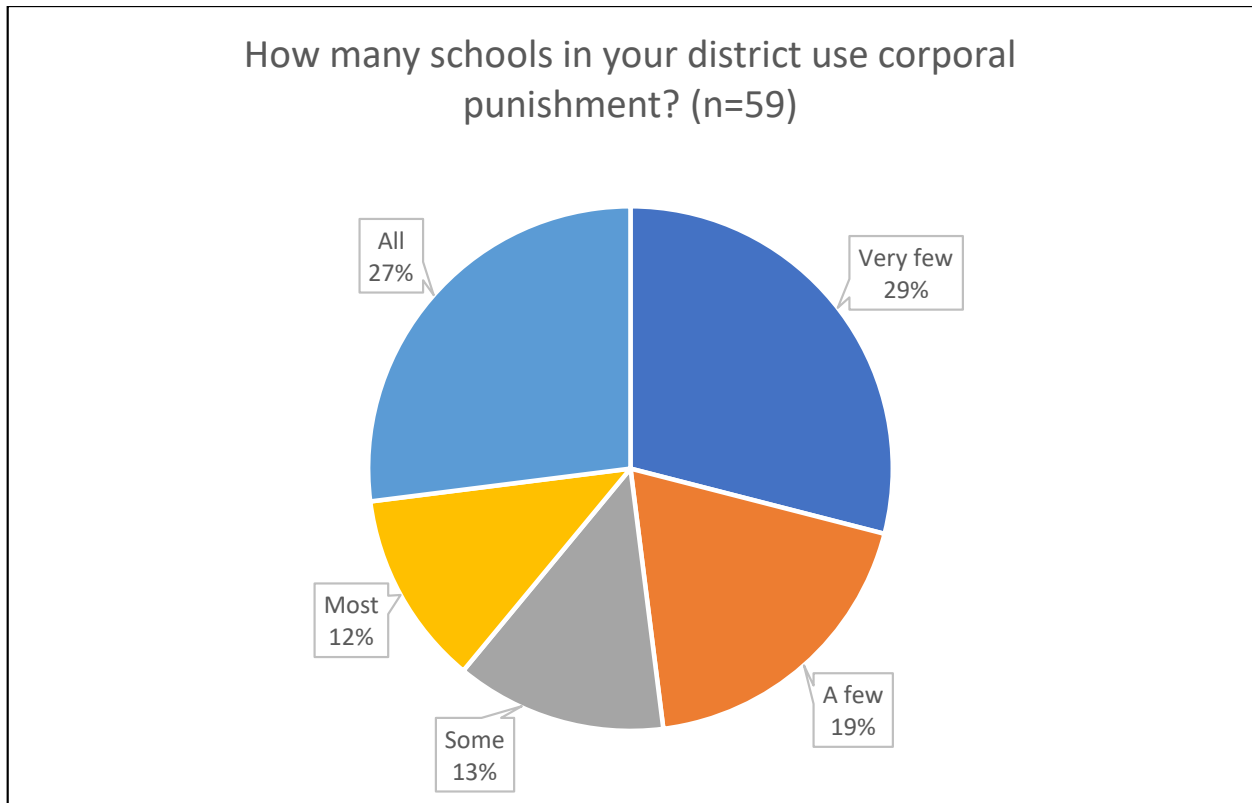


Source: OREA Survey, Nov. 2017

Of the districts that allow and use corporal punishment, 39 percent of directors responded that all or most of their schools use corporal punishment compared to nearly half who said that a few or very few of their schools use corporal punishment. The remaining 13 percent said that some of their schools use corporal punishment.

*Corporal punishment is used very sparingly in our district and always as a last resort per the board policy. Our schools try to reward and reinforce positive behavior as a focus rather than focus on punitive measures or punishment.*

## Exhibit 9: Survey of directors of schools | Estimated percent of schools within the district using corporal punishment



Source: OREA Survey, Nov. 2017

### Additional guidance for principals

*The board policy does not require it, but ALL SCHOOLS make parental contact prior to using corporal punishment.*

Of 59 directors, half said that they distribute additional guidance, information, and instruction to principals as a supplement to their district's board policy on corporal punishment. About two-thirds of the directors said that parental consent is not required by board policy, but is something that they have required principals to obtain. Four directors mentioned that their district handbook contains information on corporal punishment and three directors said that they distribute some type of written document (e.g., procedure manual, guidelines, etc.) to principals. Five directors specified that they give verbal guidance to principals and teachers at annual meetings.

Directors were also asked if they distribute additional guidance, information, and instruction, as a supplement to the board policy, regarding corporal punishment use for students with disabilities. Of the 50 directors responding to this question, 40

*Our board policy on corporal punishment does not differentiate between students with disabilities and those without.*

*We talk to teachers about individual students that should not receive corporal punishment, and we urge teachers to use common sense when dealing with students with disabilities.*

percent said yes and 60 percent said no. Some directors<sup>15</sup> explained why their district does or does not provide additional guidance on corporal punishment use for students with disabilities, and gave examples of the additional guidance they distribute:

- five directors said that their board policy applies to all students;
- four directors said that their

district does not use corporal punishment for students with disabilities, and one director said that they strongly discourage the use of corporal punishment for students with disabilities;

- seven directors said that the district’s Special Education Department discusses appropriate discipline measures for students with disabilities with principals and teachers at annual meetings and/or throughout the school year;
- one director specifically tells schools that they cannot use corporal punishment on a student with disabilities if the misbehavior is a manifestation of their disability;
- three directors said that they will refer to the student’s individualized education program (IEP) or IEP team before using corporal punishment;
- two directors said that they list corporal punishment in the IEP if it has been agreed upon as a discipline option for that student; and
- three directors said that schools in their district will use corporal punishment for a student with disabilities if the parent requests it or provides consent.

*We do not use corporal punishment for students with disabilities except in rare situations, such as when a parent requests it.*

## Discretion given to principals

*The principals in my district are given total discretion, but they are expected to follow the school board policy, including documentation.*

When asked how much discretion directors give principals to make decisions on the use of corporal punishment in their schools, 75 percent of directors said that they give principals total discretion to make decisions on the use of corporal

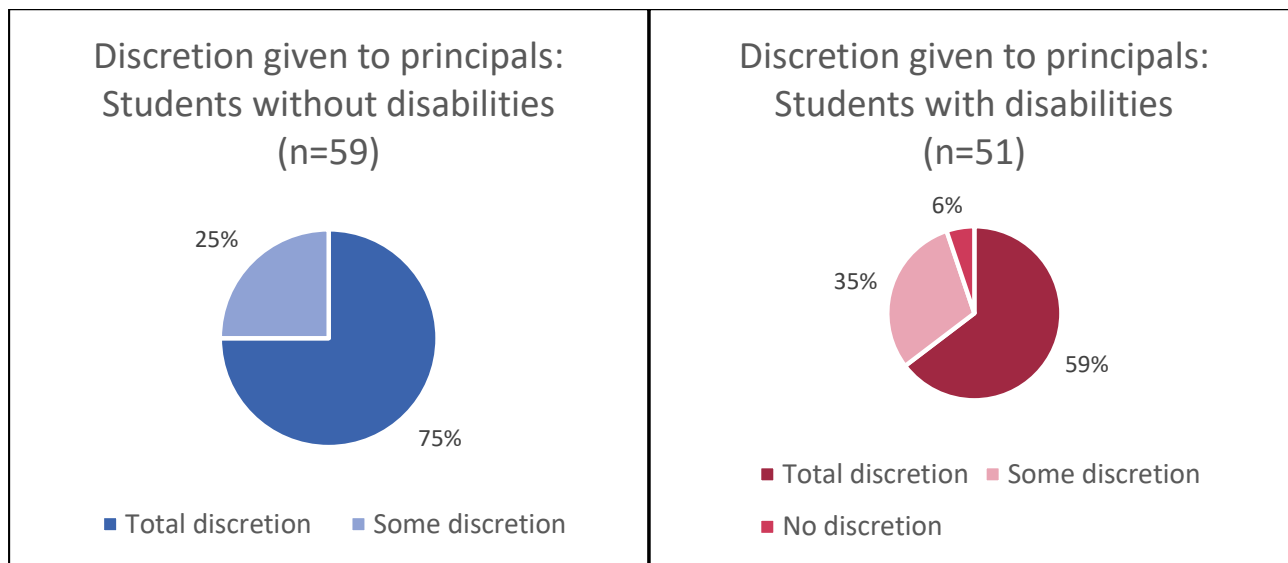
punishment with general education students compared to 59 percent who said they give total discretion to principals to make decisions on the use of corporal punishment for students with disabilities. Three directors, or 6 percent, said that they give the principals in their district no discretion to make decisions on the use of corporal punishment for students with disabilities.

*My schools rarely use corporal punishment. The high school prefers Saturday morning detention. The middle school teachers are required by the principal to send the student to the office. The principal is the only person in the building who administers corporal punishment, and the parent is notified beforehand. The elementary school principal favors how the middle school principal does it. When principals use corporal punishment, they usually offer it as an option to the student. For example, Saturday morning detention or three licks – the student chooses.*

<sup>15</sup> 51 of 59 directors left additional comments to one or more questions throughout the survey. Each of the 51 individual respondent’s comments were combined across survey questions to create a comprehensive list of each unique respondent’s comments. An individual director can be represented in more than one of the listed bullet points.



## Exhibit 10: Survey of directors of schools | Discretion given to principals to make decisions on the use of corporal punishment for students with and without disabilities



Source: OREA Survey, Nov. 2017

### Ineligible schools and grades

Directors were asked if any schools or grade levels within their district are not allowed to use corporal punishment. A little fewer than half of the 59 directors said that corporal punishment is not allowed in certain grade levels. Of those directors, most said that corporal punishment is not allowed in pre-kindergarten; 11 directors said that this is due to funding stipulations.<sup>16</sup>

Six directors said that there are schools within their district that are not allowed to use corporal punishment. Of those directors, three specified that their alternative school cannot use corporal punishment and one director said that it is not used in their high school. Four directors said that they have mandated these prohibitions, and two said their board policies stipulate corporal punishment prohibitions in certain schools.

Of the 36 directors who said that there are schools within their district that are eligible to use corporal punishment, but choose not to do so, all 36 said that the principal has chosen not to use corporal punishment. A total of 20 directors said that all schools within their district that are eligible to use corporal punishment do so.

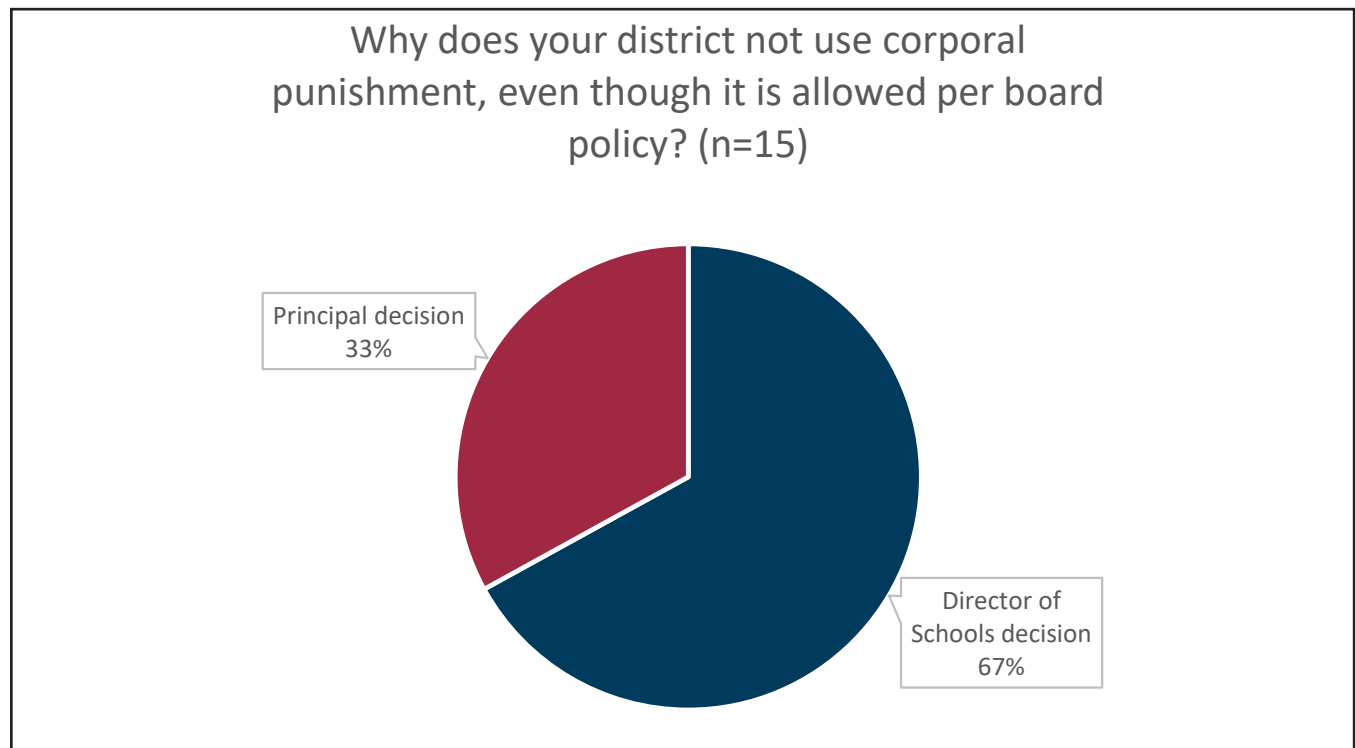
<sup>16</sup> Districts that receive grant funding for their pre-kindergarten programs are prohibited from using corporal punishment to discipline pre-k students, per the funding guidelines.

## ***Districts where corporal punishment is allowed, but not used***

A small portion of directors who took the survey (14 percent) represent districts where corporal punishment is allowed per board policy, but none of the schools within their district reported using it as a discipline option. According to these directors, about half of the districts stopped using corporal punishment within the last 10 years, and the other half stopped using it within the last 5 years. When asked why none of the schools within their district use corporal punishment, even though the board policy allows it, two-thirds of the directors said that they have directed their principals not to use it, the remaining one-third of directors said that the principals have made the decision not to use corporal punishment.

*I have not asked my principals their thoughts on corporal punishment. I believe it could be effective in some situations, but it would have to be used as a last resort. Over the past few years, I have asked our principals to remove corporal punishment from their toolkit of discipline options. There are too many opportunities for districts to be faced with a liability situation.*

### **Exhibit 11: Survey of directors of schools | Why do schools not use corporal punishment in districts that allow corporal punishment per board policy?**



Source: OREA Survey, Nov. 2017

## ***Districts where corporal punishment is not allowed***

Approximately one third of the directors who participated in the survey (31 percent) represent districts where corporal punishment is not allowed per board policy. A little more than half of these 33 directors said that corporal punishment used to be allowed in their district, and of those directors, five said that their district's corporal punishment policy was rescinded

*Our district felt like the liability of using corporal punishment was not worth it. We thought other discipline options were just as effective, if not more so.*

within the last five years, and eight said it was rescinded 11 or more years ago. When asked why their school board chose to stop allowing

corporal punishment, three directors said that it was due to liability concerns, five directors said their district decided it was no longer the best practice nor an effective means of discipline, and three directors said their district chose to rescind its corporal punishment policy due to concerns about both issues (liability and effectiveness).

*Even though it was still allowed by board policy, our schools were not using corporal punishment. Our district changed the policy to align with practice. We stopped using corporal punishment because we weren't seeing a positive effect.*

## **Survey of principals**

To better understand school-level decisions regarding corporal punishment use, OREA surveyed Tennessee public school principals. An online survey was distributed directly to public school principals via email, and 352 principals participated,<sup>17</sup> which accounts for approximately 20 percent of the principals in Tennessee.<sup>18</sup> Survey participants<sup>19</sup> were asked an introductory question regarding their district's board policy on corporal punishment and their school's use, separating the principals into three categories:

- principals in districts where corporal punishment is allowed per board policy and used in their school,
- principals in districts where corporal punishment is allowed per board policy but not used in their school, and
- principals in districts where corporal punishment is not allowed per board policy.

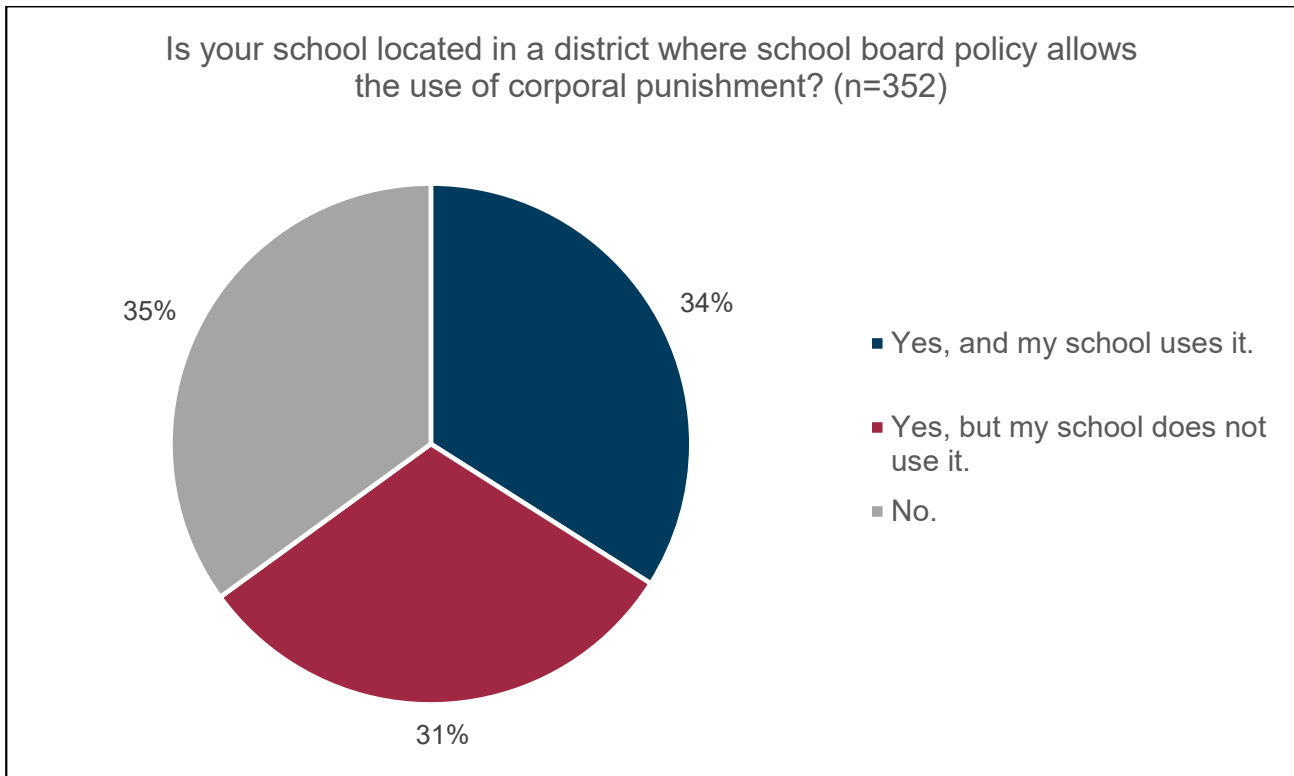
Principals are split nearly equally among the three categories, as shown in Exhibit 12.

<sup>17</sup> 465 principals began the survey; 105 did not answer any questions after the first; eight respondents were removed due to invalid responses.

<sup>18</sup> According to the Tennessee Department of Education, there were 1,819 public schools in the state in the 2016-17 school year.

<sup>19</sup> About 40 percent of the respondents are from schools in East Tennessee, one-third from Middle Tennessee, with about 20 percent of principals from schools in West Tennessee. One-third of the survey respondents have been the principal of their current school for less than four years, and one-quarter have served as principal of their current school for 10 years or more.

## Exhibit 12: Survey of principals | Board policy and their school's use



Source: OREA Survey, Nov. 2017

### ***Schools where corporal punishment is used***

Approximately one-third of principals who took the survey (34 percent) represent schools that use corporal punishment. Of those 119 principals, the majority said that they are not required to obtain permission from their director of schools to use corporal punishment in their school while 13 percent said that they must receive permission from their director. Principals gave similar answers when asked if they must obtain permission from the director to use corporal punishment for students with disabilities; the majority said no, 12 percent said yes.<sup>20</sup>

### **Additional guidance from the district office**

About half of the 119 principals reported receiving additional guidance from their district office, above and beyond what is included in the board policy, regarding the use of corporal punishment in their school. Of the 56 principals who left comments describing the guidance they receive:

- about 40 percent said that their director instructs them to obtain parental consent prior to administering corporal punishment, while 4 percent said that their director suggests, but does not require, parental consent be obtained;

<sup>20</sup> For the question on obtaining permission from the Director of Schools to use corporal punishment with students with disabilities, n=105.

*The district office trains us on things to take into consideration before using corporal punishment, such as student history, contacting the parents, and previous discipline measures. We are discouraged from using corporal punishment unless the parents support it as an option for their child.*

- a quarter said that their director reminds them that a witness must be present, a requirement that is included in most board policies on corporal punishment;
- five principals said that they are advised to use corporal punishment as a last resort;
- four principals said that they are trained on other methods of discipline to use prior to corporal punishment;
- two principals said that they are trained on how to administer corporal punishment;
- three principals said that their director told them that they will not be defended by the district office if they are sued for using corporal punishment;
- about one quarter of the principals specified that additional guidance is covered through verbal discussions and/or during annual meetings; and
- six principals said that additional guidance is included in their district or school's handbook.

Similarly, about half of the principals said that they receive additional guidance regarding the use of corporal punishment for students with disabilities.<sup>21</sup> Of the 45 principals who left additional comments describing the type of guidance they receive:

*The schools in my district have been told that it's our choice to use corporal punishment. However, if we use it, we will not be supported by the district office.*

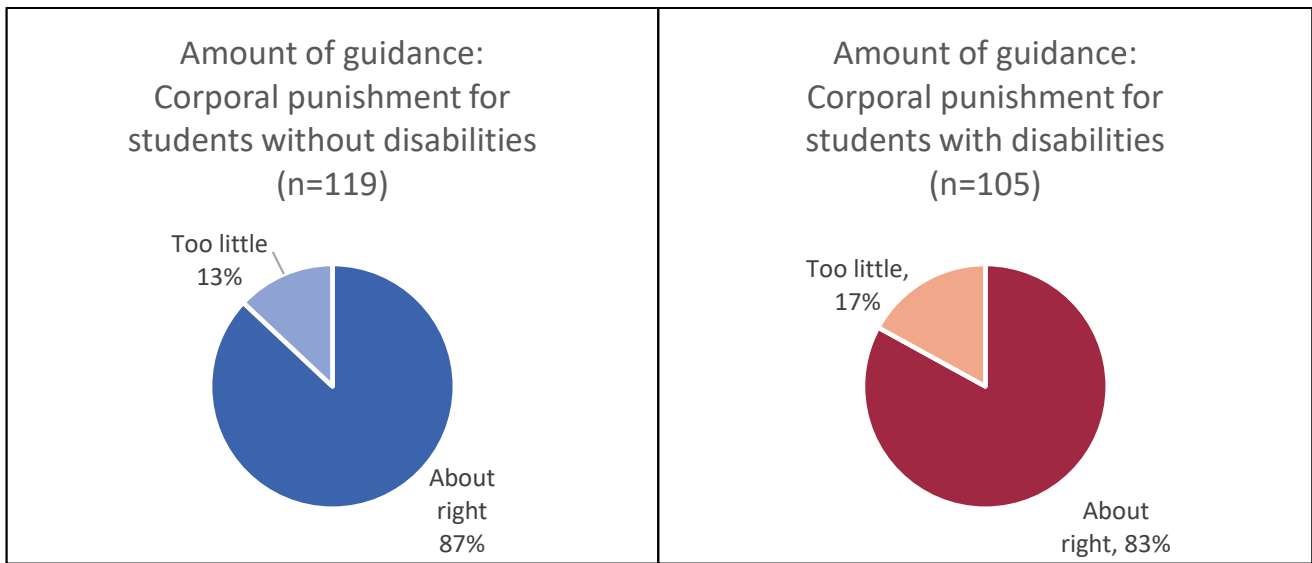
*The district staff encourages us to take into consideration the child's disability when determining if corporal punishment is appropriate for a student with disabilities.*

- one-third said that they receive guidance specifically from the district special education director, and three of those principals said that they have been instructed not to use corporal punishment for students with disabilities unless the special education director recommends it;
- 20 percent of principals said that they are advised to obtain parental consent to use corporal punishment for students with disabilities;
- seven principals said that they are instructed to check the student's IEP prior to administering corporal punishment;
- five principals said that they are advised to use it as a last resort;
- four principals said that they are given the same guidance that they receive for general education students; and
- another four principals said that they are told to consider the student's disability when selecting a discipline option.

Principals were asked their opinion regarding the amount of guidance and instruction received from their district office and provided by board policy on the use of corporal punishment with general education students, as well as for students with disabilities. Principals gave similar responses to both questions; most principals think the amount of guidance they receive is "about right" with less than 20 percent who think they receive "too little" guidance.

<sup>21</sup> For the question on additional district guidance for corporal punishment use with students with disabilities, n=105.

### Exhibit 13: Survey of principals | Opinion of the amount of guidance received from the district office regarding corporal punishment use for students with and without disabilities



Source: OREA Survey, Nov. 2017

### Parental consent and notification

Principals were asked if and how they obtain parental consent prior to administering corporal punishment; they could select more than one option. Of the 93 principals who answered this question, 44 percent said that parents are required to provide written consent annually for their child to receive corporal punishment; six principals said that parents provide written consent at some point during their child’s enrollment in the district and are not required to provide consent annually. About 60 percent of principals said that a parent is called each time before corporal punishment is administered; the parent may be called even if the principal already has written consent on file. One third of principals said that it is understood that corporal punishment is used in their school and will be used on students unless parents provide a statement in writing that they do not consent. Two principals said that they do not obtain parental consent in any form prior to administering corporal punishment. Over half of the principals said that parents are informed after corporal punishment has been administered.

*I have a few parents that ask to be called before corporal punishment is used. Some parents choose to come to school and paddle their child themselves.*

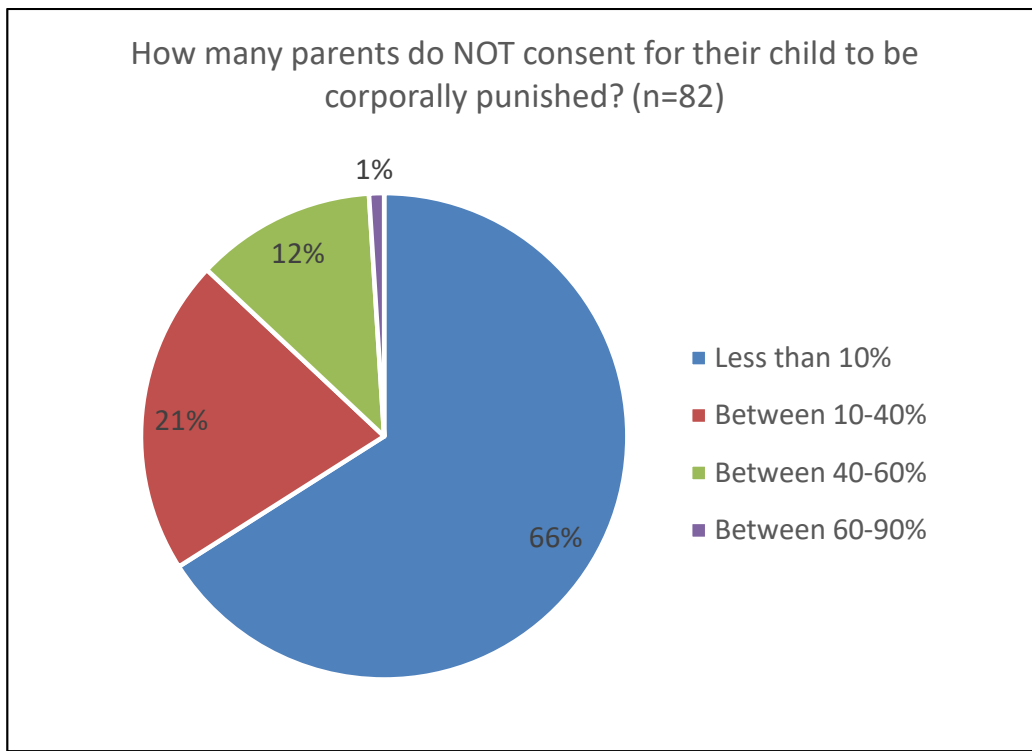
One third of principals said that it is understood that corporal punishment is used in their school and will be used on students unless parents provide a statement in writing that they do not consent. Two principals said that they do not obtain parental consent in any form prior to administering corporal punishment. Over half of the principals said that parents are informed after corporal punishment has been administered.

Principals were asked approximately what percentage of parents do not consent for their child to be corporally punished. Of 82 principals, about two-thirds said that less than 10 percent of parents do not consent. One

*We contact the parents before using corporal punishment in almost every case. However, there have been a few times when we called the parents after.*

principal said that between 60 and 90 percent of parents do not consent.

### Exhibit 14: Survey of principals | Estimate of how many parents do not consent for their child to be corporally punished



Source: OREA Survey, Nov. 2017

Principals were asked about alternative discipline options for students whose parents do not consent to corporal punishment. Principals could select more than one option, as their school may use multiple alternatives; 82 principals answered this question. The most common alternative discipline measures are:

- in-school suspension (85 percent);
- parent must pick their child up immediately from school (72 percent);
- verbal reprimand (68 percent);
- counseling (62 percent); and
- detention (59 percent).

*My school is in a rural area with a lot of poverty. Many parents want us to discipline their children at school. They support us, but for the most part, they don't want to handle the discipline themselves. I do have some parents who will reinforce discipline at home.*

### Steps leading to corporal punishment

Principals were asked to consider their school's escalation of disciplinary actions, and which discipline options are used before they consider corporal punishment for a student. Almost all of the 93 principals said that students receive a verbal reprimand and classroom interventions by the teacher prior to corporal punishment being considered as an option. About 80 percent of principals said that their school uses counseling before opting to use corporal punishment;

*We decide to use corporal punishment in partnership with the parent(s). Typically, my school does not consider using corporal punishment unless a parent specifically asks that it be used.*

two-thirds of principals said in-school suspension and/or detention is used. A quarter of principals said that they have a parent conference or revoke student privileges (e.g., no talking during lunch, timeout at recess) prior to corporal punishment.

When corporal punishment is considered as an option for a student, nearly 90 percent of principals said that they give parents the option to choose between corporal punishment and another discipline option for their child, compared to about 50 percent who said they give the student the option to choose between corporal punishment and another form of discipline.<sup>22</sup>

When parents are given the option between corporal punishment and an alternative discipline option, about 70 percent of principals said that they offer in-school suspension or picking their child up immediately from school; 38 percent said that they offer detention as an alternative.<sup>23</sup> Principals were asked their opinion of why parents choose corporal punishment over an alternative discipline option for their child. Of the 80 principals who responded:

*Parents at my school agree that corporal punishment is not cruel. They paddle at home and know we want their child to prosper at school, at home, and in the community.*

*Parents think that corporal punishment is the best discipline to prevent their child's misbehavior from happening again. Additionally, they prefer corporal punishment over other forms of discipline that would keep their child out of the classroom. Parents want their child to remain in class, so they don't miss daily instruction.*

- 39 percent said that parents think it is effective and/or appropriate;
- 25 percent said that parents do not want their child to miss class;
- 13 percent said that parents do not want to, or are unable to, pick their child up from school; and
- 10 percent said that parents use it at home and want it used at school as well.

When students are given the option between corporal punishment and an alternative discipline option (e.g., detention, in-school suspension),<sup>24</sup> most principals said that students choose corporal punishment over the alternative because they would rather “get it over with” quickly and return to the classroom and their peers.<sup>25</sup>

*We would not use corporal punishment on a student who refused to be paddled. My teachers decide if they want to give the child an alternate option to corporal punishment, but they must first have permission from the parent to make corporal punishment an option. We don't usually give discipline options to students but, again, we would not paddle a student who refused. So, if a student refused corporal punishment, we would use a different form of discipline.*

<sup>22</sup> 93 principals answered both questions on giving students and/or parents the option to choose between corporal punishment and an alternative form of discipline.

<sup>23</sup> For the question asking what options are offered to parents as an alternative to corporal punishment, 76 principals responded.

<sup>24</sup> 45 of 93 principals said that they give students the option to choose between corporal punishment and an alternate form of discipline.

<sup>25</sup> Of the 45 principals who said they allow students to choose between corporal punishment and another discipline option, 39 provided an answer when asked why students in their school choose corporal punishment over an alternative.

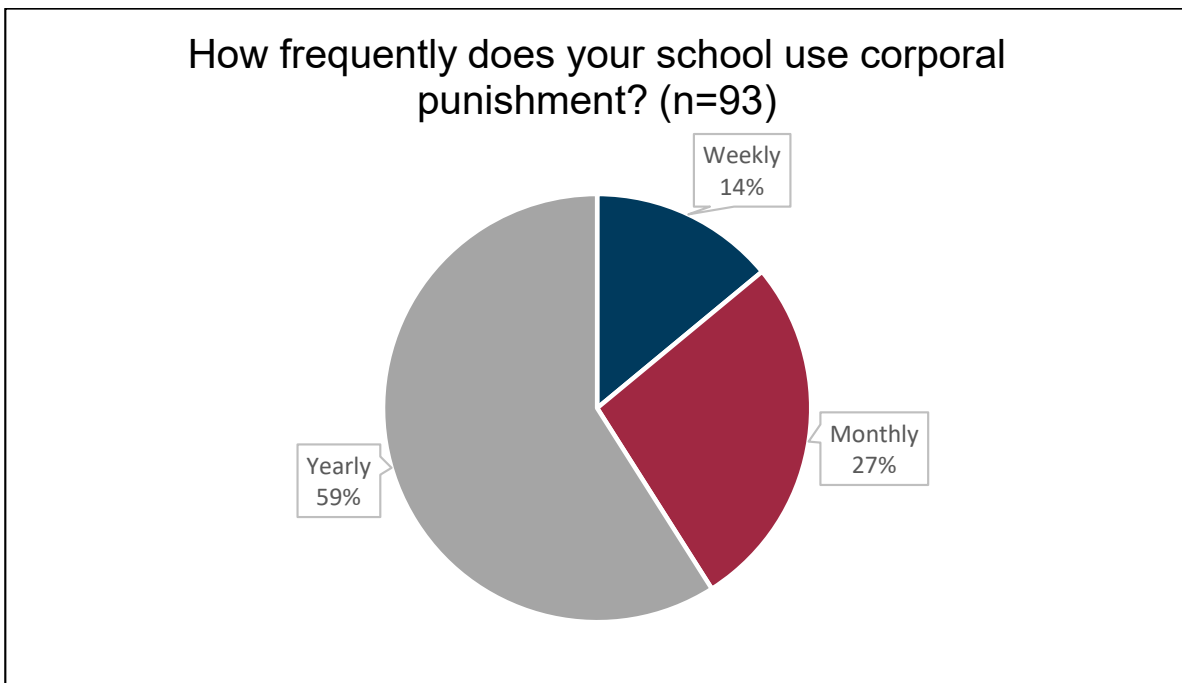


## The administration of corporal punishment

*We rarely use corporal punishment, but I think it can be effective if used properly.*

Of 93 principals, over half reported that their school uses corporal punishment yearly, but not every month, and about one-quarter of principals said that their school uses corporal punishment monthly. About 14 percent of principals said that they use corporal punishment weekly; no principal said that corporal punishment is used daily in their school.

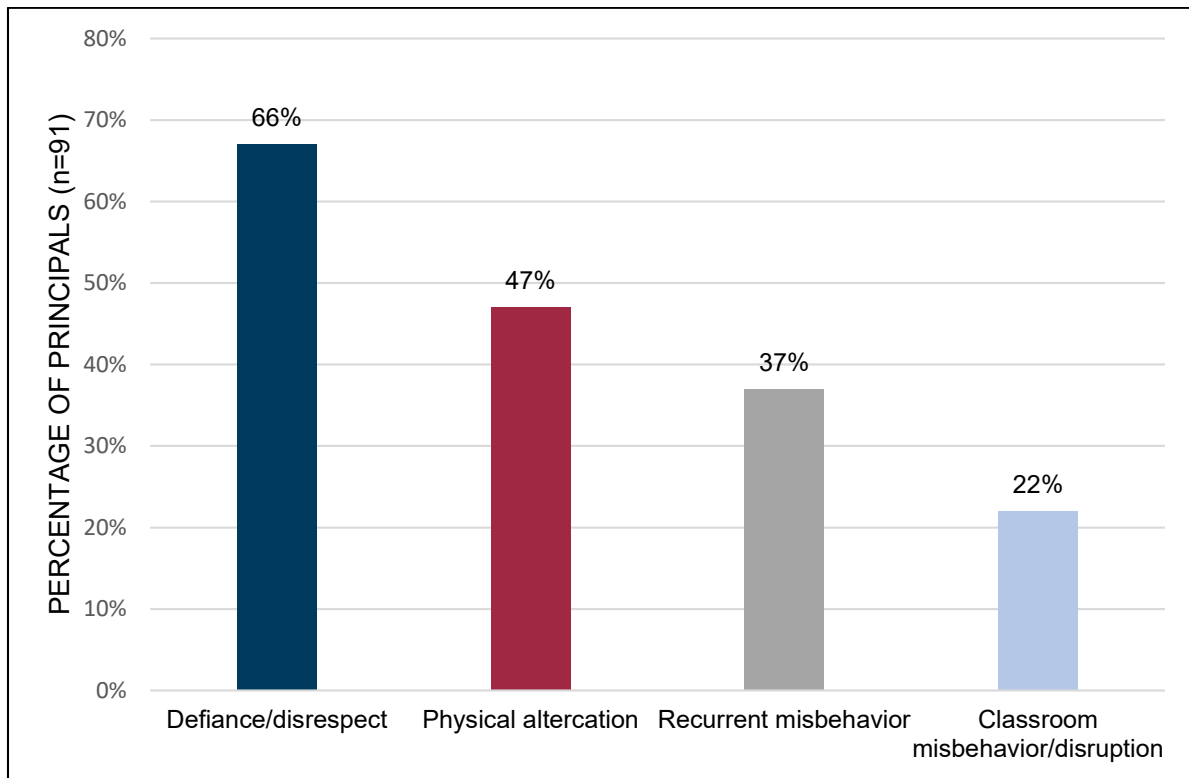
### Exhibit 15: Survey of principals | Estimate of how frequently corporal punishment is used



Source: OREA Survey, Nov. 2017

When asked to list the top three misbehaviors that result in the administration of corporal punishment in their school, principals most frequently listed defiance and disrespect, physical altercations, recurrent misbehaviors, and classroom misbehavior or disruptions in their top three reasons why corporal punishment is used in their school.

## Exhibit 16: Survey of principals | Most common misbehaviors that result in corporal punishment<sup>26</sup>



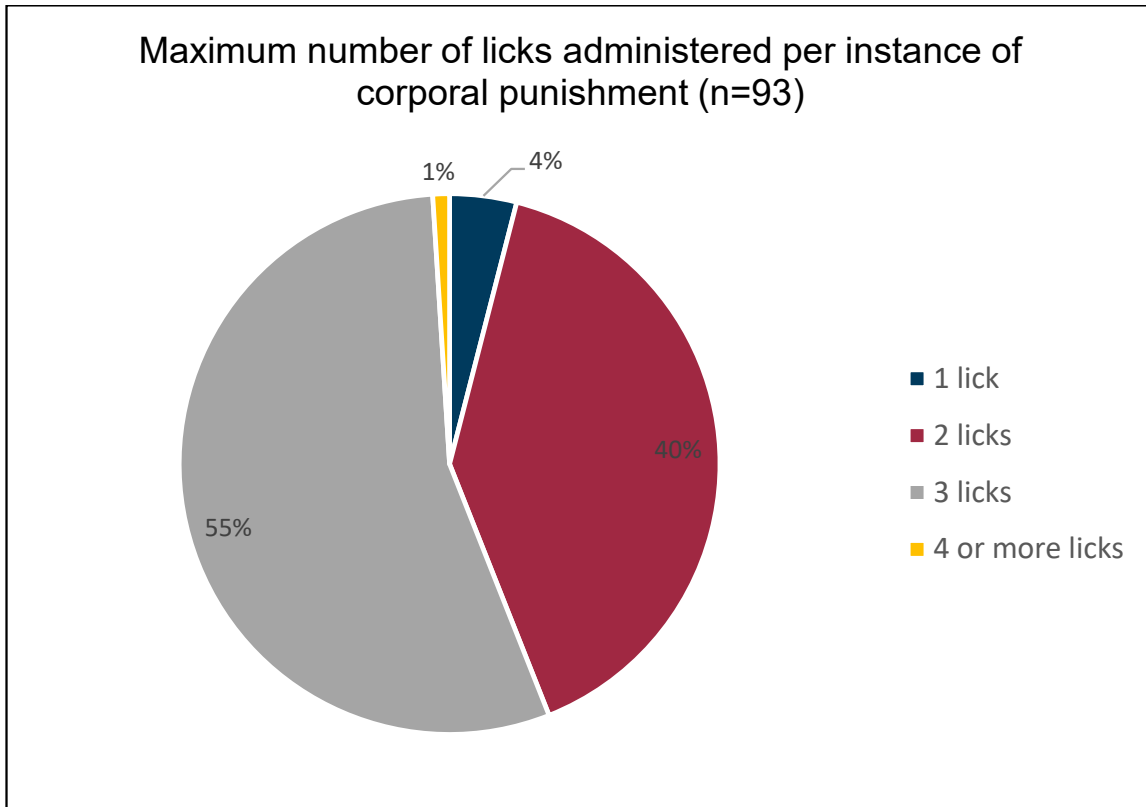
Source: OREA Survey, Nov. 2017

Principals were asked the maximum number of licks administered per instance of corporal punishment. Out of 93 principals, 51 said that they administer a maximum of three licks per instance. Of those 51 principals, nine specified that while their maximum is three, they usually administer one or two licks. One principal explained that at their school, the licks are administered very lightly and are not intended to hurt; another principal said that they give three licks to older students, while younger students receive one or two licks. Another 37 principals said that they administer a maximum of two licks. A small number of principals said that they administer one lick only; one principal said that they administer four or more licks.

*The board policy does not dictate a maximum number of times corporal punishment can be used, but if a student is paddled 3 times in one school year, we will consider another form of discipline.*

<sup>26</sup> Respondents were asked to list three misbehaviors; 91 principals listed at least one misbehavior, 82 listed at least two misbehaviors, and 63 listed three misbehaviors. Principals were not instructed to list the misbehaviors in rank order. The chart represents the most-frequently cited misbehaviors from the combined responses.

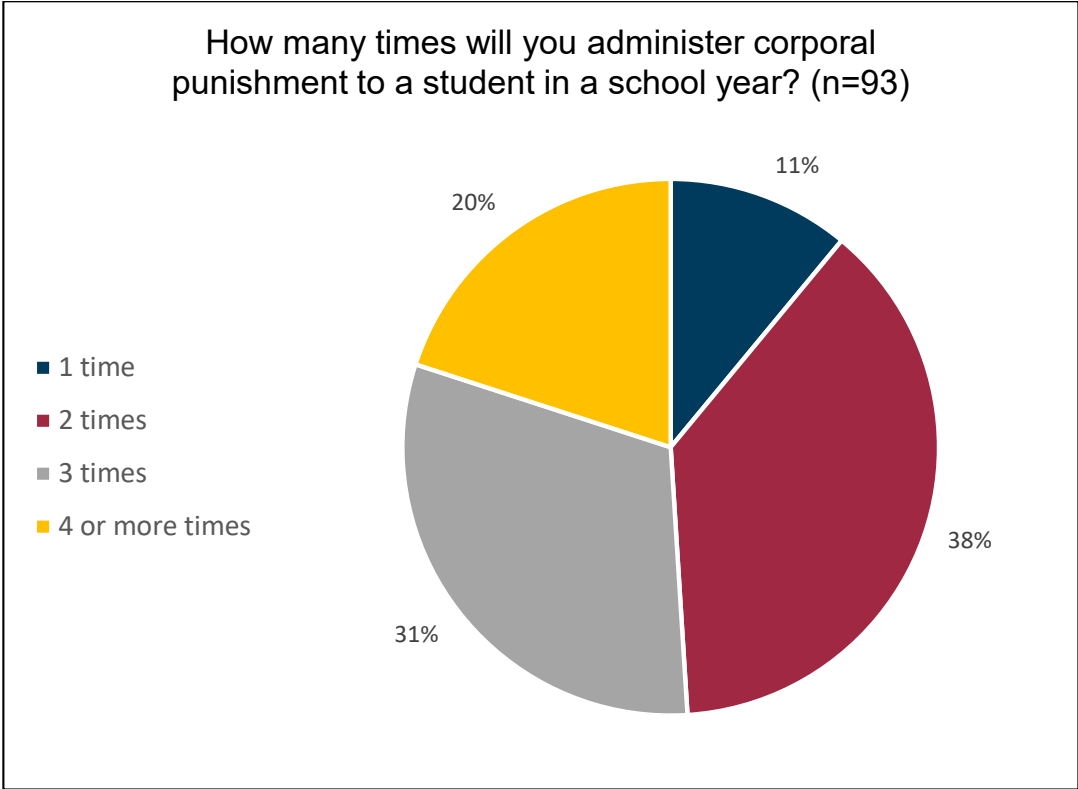
### Exhibit 17: Survey of principals | Maximum number of licks administered per instance of corporal punishment



Source: OREA Survey, Nov. 2017

Principals were asked the maximum number of times within a school year that corporal punishment would be administered to an individual student. Of 93 principals, about 40 percent said that they would administer corporal punishment a maximum of two times per year to an individual student, and about one-third of principals said that they would administer corporal punishment a maximum of three times. Twenty percent of principals said that they would administer corporal punishment four or more times to an individual student within a school year. Overall, five principals commented that parent input plays a role in how many times a student is paddled within a school year.

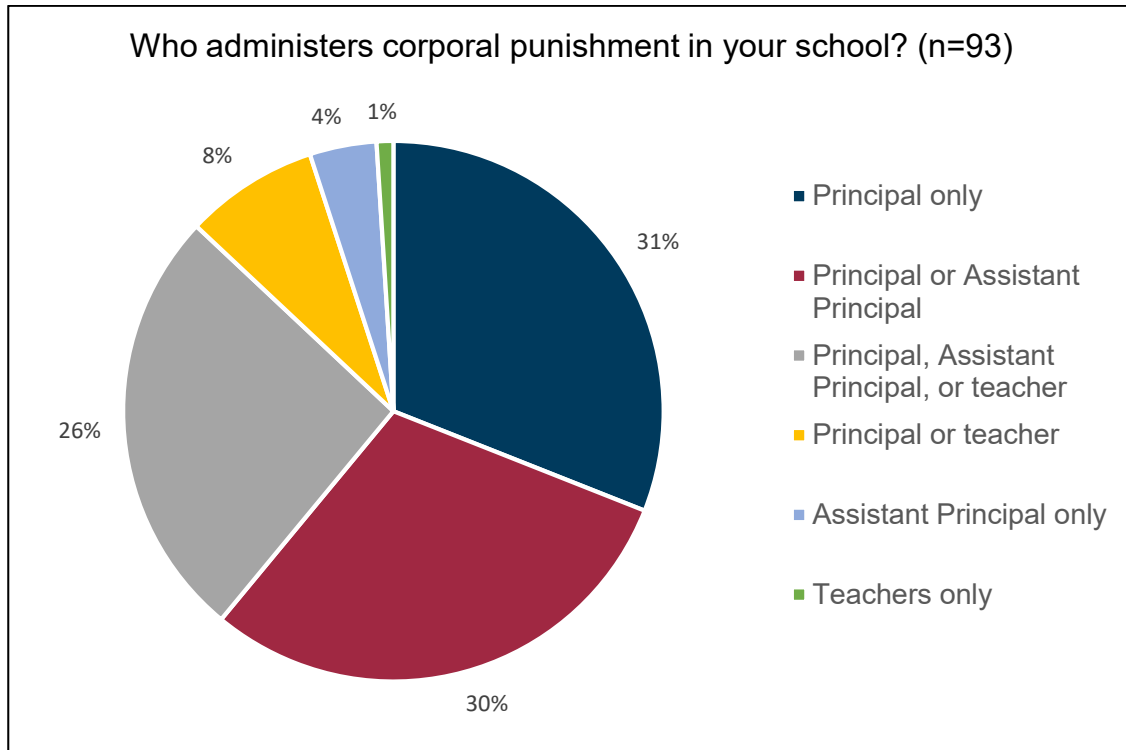
**Exhibit 18: Survey of principals | Maximum number of times a student may be corporally punished within a school year**



Source: OREA Survey, Nov. 2017

Principals were asked who administers corporal punishment in their school; they could select more than one answer. Of 93 principals, almost all indicated that they administer corporal punishment; over half said that the assistant principal administers corporal punishment; one-third said that teachers administer corporal punishment in their school. After further analysis of the survey responses, it was determined that in one-third of schools, the principal is the only person who administers corporal punishment, and in another one-third of schools, the principal and assistant principal are the only staff members who administer corporal punishment. In two-thirds of schools, teachers do not administer corporal punishment. In seven schools, the principals and teachers administer corporal punishment; in four schools only the assistant principal does. One principal reported that only teachers administer corporal punishment, while another principal specified that they have someone of the same gender administer corporal punishment to students.

## Exhibit 19: Survey of principals | Who administers corporal punishment



Source: OREA Survey, Nov. 2017

When asked who typically serves as witness alongside the person administering corporal punishment, the most frequent response was either an administrator (principal or assistant principal) or teacher; 13 percent of principals listed a mix of staff members, including administrators, teachers, the school nurse, school resource officer, front office staff, or guidance counselor, who can serve as witnesses. Two principals said that parents may come to witness the administration of corporal punishment.<sup>27</sup> Of 93 principals, one said that they are not required to have a witness present alongside the person administering corporal punishment.

Principals also said that corporal punishment is most frequently administered in an administrator's office (either the principal or assistant principal); one quarter of principals said that corporal punishment is administered in a private room such as an empty classroom or conference room; five principals said that they administer corporal punishment in a hallway without students present.<sup>28</sup>

All 93 principals said that their school uses a paddle to administer corporal punishment. Of those principals, three specified that they must use a school board or district-approved paddle; another three said that they use a small or thin paddle, or otherwise student-size appropriate paddle.

<sup>27</sup> 91 principals answered the question on who serves as witness when corporal punishment is administered.

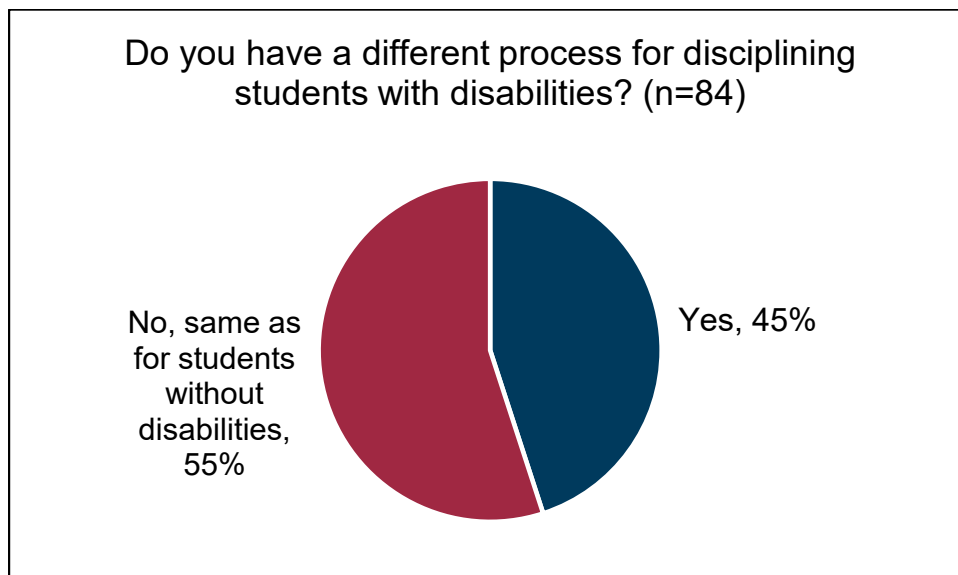
<sup>28</sup> 93 principals answered the question on where corporal punishment is administered in their school.

## Specific decisions for students with disabilities

Principals were asked a set of questions specifically about decisions they make when considering discipline options for students with disabilities. When asked if their school follows a different process or set of procedures when administering corporal punishment to students with disabilities, 55 percent said they follow the same process and procedures for students with and without disabilities, compared to 45 percent who said they follow a different process and set of procedures for students with disabilities.

*We basically follow the same process for both students with and without disabilities. However, the teacher and/or principal communicate more with parents of students with disabilities. Usually, we will contact the parent(s) before corporal punishment is used instead of sending a note home afterward.*

### Exhibit 20: Survey of principals | Do you follow a different process or procedure when administering corporal punishment to students with disabilities?



Source: OREA Survey, Nov. 2017

*For my school to use corporal punishment for a student with disabilities, the misbehavior would have to be much greater than for a student without disabilities. Also, we would give fewer licks at a reduced intensity level.*

Some principals provided comments to explain their school's process:<sup>29</sup>

- five principals said that they do not administer corporal punishment for students with disabilities;
- six principals said that there are certain types of disabilities that exempt certain students from corporal punishment,

<sup>29</sup> A total of 40 principals left additional comments in response to the question about their school's process for using corporal punishment for students with disabilities. An individual respondent may be represented in more than one of the listed bullet points.

such as a diagnosis of Autism or students with Emotional Disturbances, or severe disabilities or physical limitations;

- four principals said that they consider the type of disability before considering corporal punishment for a student with disabilities, but did not list any specific disabilities that would render a child ineligible for corporal punishment;

*Students with disabilities include a range of students with varying abilities, including those who have an IEP for speech, those who are Intellectually Gifted, as well as those with physical limitations. Principals need the ability to make decisions and do what is best for the students in their school.*

*My school does not paddle students with the most severe disabilities, unless the parent requests that we use corporal punishment for their child in writing.*

- four principals said that they consider the manifestation of disability (i.e., the behavior is caused by the disability) when deciding if corporal punishment is appropriate for a student with disabilities;
- 12 principals said that they review the IEP or behavior plan when deciding whether

to use corporal punishment for a student with disabilities;

- two principals said that they consult with their school's lead special education teacher or the district's special education director; and
- five principals said that they let parents decide if a student with disabilities will receive corporal punishment, while one principal specifically said that they do not let parents of students with disabilities make the decision.

*If a student with disabilities misbehaves, they should be treated the same as a student without disabilities.*

*Students with certain disabilities such as an emotional disturbance or physical handicap, or students who lack the mental capacity to understand the reason for the discipline, are not paddled. Additionally, we would not use corporal punishment for any student whose misbehavior is a result of their disability.*

Principals were asked which, if any, of the 15 IDEA disability categories<sup>30</sup> would render a student ineligible to receive corporal punishment in their school. Principals were asked to select all the options that apply in their school. Of the 63 principals who responded to this question, most said that they would not paddle a student with Autism, an Emotional Disturbance, an Orthopedic Impairment, or a Traumatic Brain Injury.

Over half of principals said that they would not paddle a student with disabilities who is under one of the following disability categories: Deaf-Blindness, Intellectual Disability, or Multiple Disabilities. Few principals said that a student who is Intellectually Gifted or has a Speech or Language Impairment would be ineligible for corporal punishment in their school.

*All students, those with and without disabilities, are given consideration on a case-by-case basis. Categorizing students to determine who should and should not be eligible for corporal punishment would dismiss my ability to choose the option that will work best for the individual student. I prefer to think, not categorize my students. No policy should remove the ability to think.*

<sup>30</sup> See Appendix C for a detailed explanation of this federal disability program.

Some principals provided comments to further explain their selections:<sup>31</sup>

- one principal said that they do not use corporal punishment for students with disabilities, and another three principals said they do not typically use corporal punishment for students with disabilities;
- 14 principals said that in their school the student’s disability, cognitive, and/or physical abilities are considered prior to using corporal punishment; of those 14 principals,
  - ◇ two said that they paddle only students who have a Specific Learning Disability, are Intellectually Gifted, or have a Speech or Language Impairment;
  - ◇ eight listed specific disabilities that would render a student ineligible, such as Autism, Post-Traumatic Stress Disorder, or an emotional, physical, or cognitive deficit;
  - ◇ three principals said that they consider the student’s disability, but did not provide any specific details regarding the types of disabilities that would prevent a student with disabilities from receiving corporal punishment in their school; and
  - ◇ the remaining principal said a student with severe disabilities would not be paddled unless the parent requests it in writing;
- 10 principals described that they do not follow a specific set of rules when making decisions about corporal punishment for students with disabilities because students are considered individually on a “case-by-case” basis; and
- four principals specifically said that “common sense” is used in making these decisions.

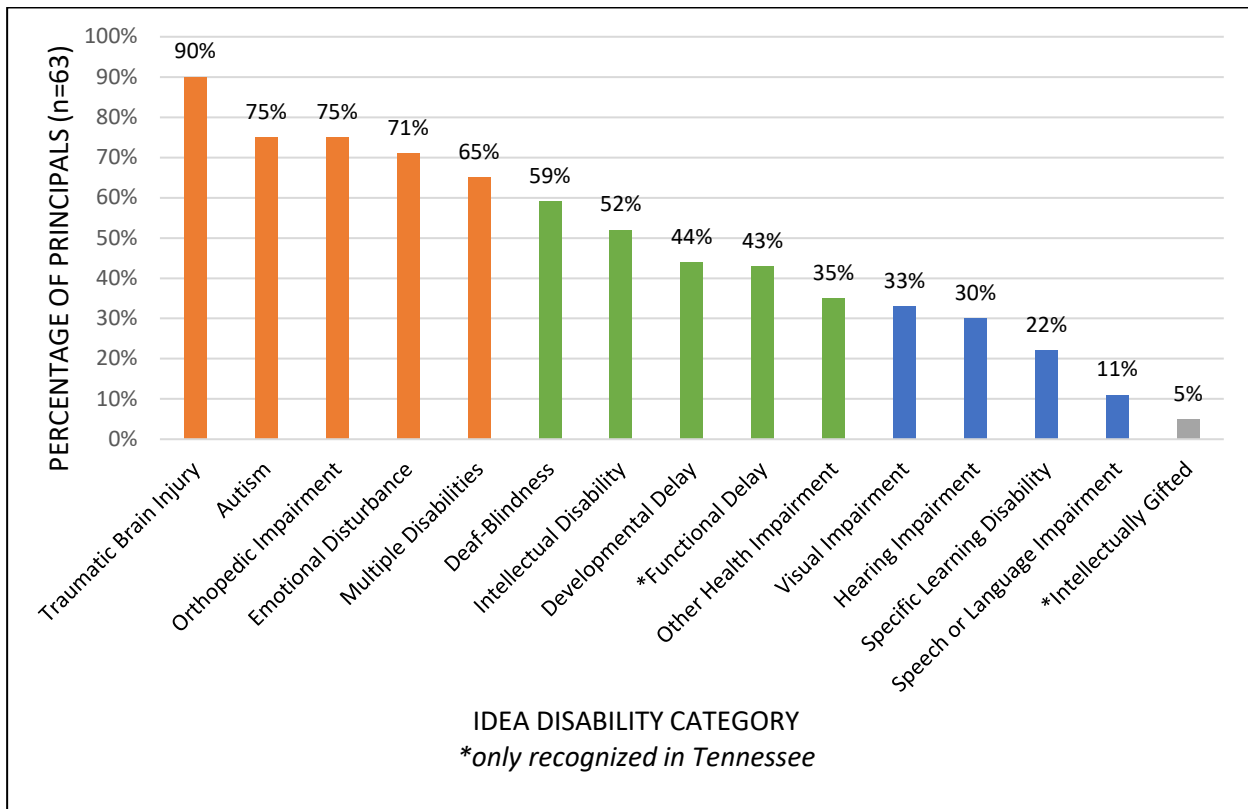
*Our district staff recommends that we do not use corporal punishment for students with disabilities, especially those with the most severe disabilities. We have not used corporal punishment for any student whose cognitive awareness would prevent them from understanding the reason for its use. We contact parents, regardless of the severity of the student’s disability, before using corporal punishment.*

Exhibit 21 shows the percentage of principals who indicated the disability categories that render students with disabilities ineligible for corporal punishment in their school.

<sup>31</sup> A total of 30 principals left additional comments for the question about which types of disabilities would render a student ineligible for corporal punishment. An individual respondent may be represented in more than one of the listed bullet points.



## Exhibit 21: Survey of principals | Percentage of principals indicating disability categories that render a student with disabilities ineligible for corporal punishment



Source: OREA Survey, Nov. 2017

Principals were asked if their school includes corporal punishment as a discipline option in students' IEPs and/or students with disabilities' behavior plans. Slightly less than half of principals said that they never

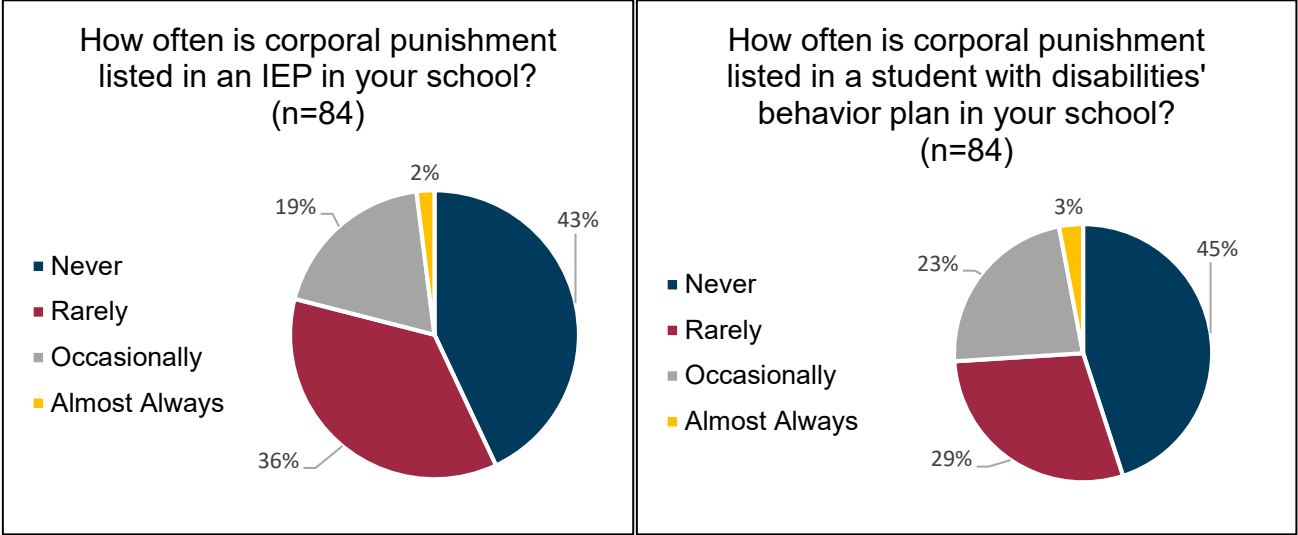
*I always check the student's IEP when considering corporal punishment for students with disabilities. If the student has an IEP for a behavior reason, then I won't use corporal punishment unless the parent requests it.*

list corporal punishment in

an IEP or a behavior plan for a student with disabilities. No principal said that they always list corporal punishment as an option; a small percentage of principals said that they almost always list corporal punishment in IEPs and behavior plans for students with disabilities. This means that a little over half of schools potentially list corporal punishment in IEPs or behavior plans for students with disabilities.

*Most of the time, corporal punishment is listed in the IEP at the insistence of the parents.*

**Exhibit 22: Survey of principals | How frequently is corporal punishment listed as an option in an IEP or a behavior plan for a student with disabilities?**

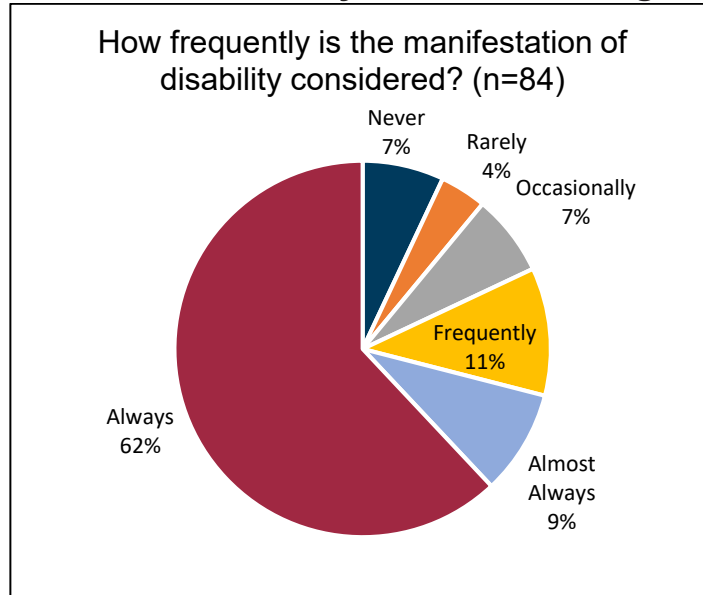


Source: OREA Survey, Nov. 2017

*If the student's misbehavior is a manifestation of their disability, we would be less likely to use corporal punishment as a discipline option.*

Principals were asked how frequently they consider the manifestation of a student's disability before selecting a discipline option.<sup>32</sup> Out of 84 principals, two-thirds said that they always, or almost always, consider the manifestation of disability. About 10 percent said that they never or rarely do.

### Exhibit 23: Survey of principals | How frequently do you consider the manifestation of a student's disability before selecting a discipline option?



Source: OREA Survey, Nov. 2017

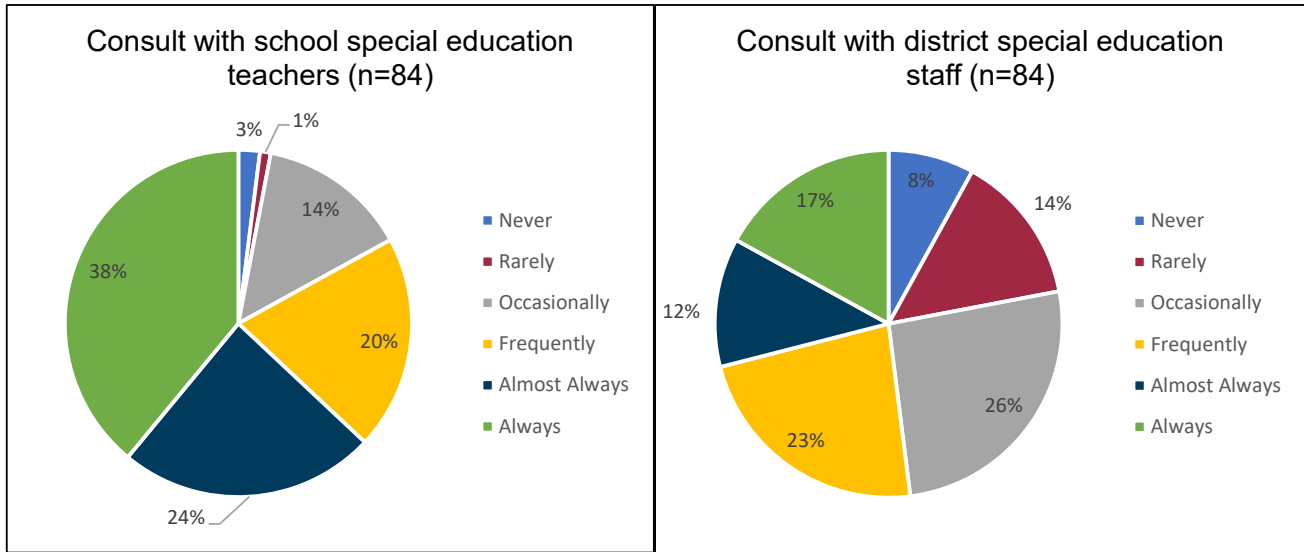
*To my knowledge, we have not considered the manifestation of disability for corporal punishment. We do consider the manifestation of disability (as part of the manifestation determination) when we are changing the placement of a student with disabilities.*

*My director of schools and special education supervisor are always available to assist with students with disabilities. I could call them with questions or for help at any time.*

Principals were asked how frequently they consult with their school's special education teacher(s) and/or the district's special education staff prior to selecting a discipline option for students with disabilities. Principals are more likely to consult with their school's staff than the district special education staff: about 80 percent of principals said that they frequently, almost always, or always consult with their school's special education teachers compared to about half of principals who said they consult with their district's special education staff frequently, almost always, or always.

<sup>32</sup> The manifestation of a student's disability includes behaviors that are caused by the disability. One district has a board policy prohibiting corporal punishment for students with disabilities if the misbehavior is a manifestation of the disability. This is differentiated from the manifestation determination, which is mandated by federal IDEA law. A manifestation determination hearing is required within 10 school days of a decision to change the placement (i.e., placement in an alternative educational setting) of a student receiving services under IDEA. Short term removals (i.e., abbreviated removals from the classroom, time-out, and being sent to the principal) do not count toward the 10 days.

## Exhibit 24: Survey of principals | How frequently do you consult with your school's and/or district's special education staff prior to selecting a discipline option for students with disabilities?



Source: OREA Survey, Nov. 2017

### General comments from principals

Throughout the survey, principals were given the opportunity to leave additional comments regarding their school's use of corporal punishment. Of the 119 principals representing schools that use corporal punishment, 107 left additional comments.<sup>33</sup> The most frequent comment was regarding parental consent, with 59 principals saying that they obtain parental consent before administering corporal punishment. Other notable comments representing the spectrum of respondents' opinions are as follows:

*Even though we use corporal punishment as a last resort, it is important that we keep it as a discipline option. Having paddling as an option deters bad behavior. If we were not allowed to use corporal punishment, student behavior would be much worse.*

- 26 principals said that corporal punishment is rarely used in their school;
- six principals said that their school uses a positive approach to discipline;
- three principals said that they only use corporal punishment if it is requested by the student's parent(s);
- 18 principals mentioned that parents of students in their school request and/or support the use of corporal punishment compared to one principal who said parents are opposed to its use;
- two principals mentioned that they have parents come to their school to witness the administration of corporal punishment;

<sup>33</sup> 107 of 119 principals left additional comments to one or more questions throughout the survey. Each of the 107 individual respondent's comments were combined across survey questions to create a comprehensive list of each unique respondent's comments. The survey comments were then analyzed for commonalities and recurrent themes; an individual principal can be represented in more than one of the listed bullet points.

*We use corporal punishment as a last resort and we will only paddle a child once in a school year. We have success with our students because we involve the parents throughout the process. Corporal punishment would not be used if a child were misbehaving due to an emotional issue. Each individual child is different; involving the parents is key to building trust.*

- one principal said that sometimes parents will come to the school to paddle their child;
- three principals mentioned that an important key to using corporal punishment is parental trust of school administrators;
- two principals expressed their opposition to using corporal punishment;
- six principals expressed their support for corporal punishment;
- one added that they would reconsider being a

school administrator if corporal punishment were no longer allowed in their district;

- 17 principals said that corporal punishment is an effective form of discipline in their school;

*We rarely use corporal punishment in my school, but it remains an effective discipline option. It is especially effective for special education students who have limited consequences.*

of those 17 principals:

◇ two said that corporal punishment is especially effective for students with disabilities because it is an immediate consequence, and because students with disabilities already have limited consequences for their misbehavior;

• eight principals said that when making decisions about discipline, consideration is given to all students, those with and without disabilities, on a case-by-case basis;

• a total of three principals said that they will only use corporal punishment for students with disabilities if written in their IEPs;

- a total of nine principals said that they do not use corporal punishment for students with disabilities; and
- another 11 principals said that it is extremely rare for them to use corporal punishment for a student with disabilities.

*Per the board policy, I can stop corporal punishment in my school while other schools in the district could keep using it. I choose not to administer corporal punishment. The option remains for my teachers to use corporal punishment, though I strongly suggest they not use it. They are not allowed to paddle a student without parent permission.*

*I am grateful that I am able to use corporal punishment in my school. Though it is used as a last resort, my students know it is an option. Corporal punishment is not used as a first-line discipline – students know that repeated misbehaviors may result in a paddling – they know they have the choice to make better decisions.*

*I make sure I hear all sides of the story before using corporal punishment, and it is never administered in anger. I make sure paddling is used as a learning experience; my students know it is their choice to behave or not. I explain to them that when they are grown and out of school, bad choices will result in consequences, so it is important to learn to make good choices now. I do not paddle students whose parents do not consent, though students who know paddling is an option for them behave better. If corporal punishment were no longer allowed in my district or the state, I would reconsider being a school administrator.*

## ***Schools where corporal punishment is allowed, but not used***

*I have made the choice not to use corporal punishment in my school, even with parent permission. It is too much of a liability, and the district office discourages its use.*

Slightly less than one-third of principals who took the survey (31 percent) represent schools in districts where corporal punishment is allowed per board policy, but their school does not use it to discipline students. Of those 108 principals, about 40 percent said that their school stopped using corporal punishment within the last five years, about 30 percent said their school stopped using it within the last six to 10 years, and

one-quarter of principals said that their school has not used corporal punishment in 11 or more years.

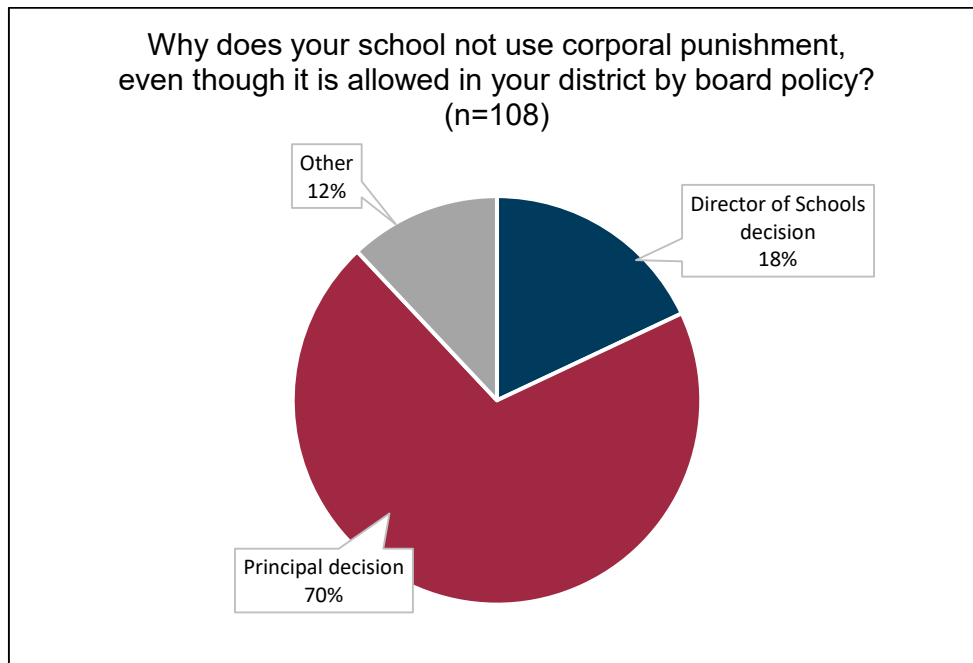
Principals were asked why their school does not use corporal punishment, even though it is allowed per their district's board policy; 70 percent of the principals said that they made the decision not to use corporal punishment in their school while 18 percent of principals said that their director of schools told them not to use it. Of the remaining 12 percent of principals, several shared why their school does not use corporal punishment even though it is allowed per their school board policy:

*My school does not use corporal punishment for students with disabilities unless it is written in their IEPs. It must be recommended by a behavioral specialist or the special education director, and the parents must also be in agreement.*

- two principals said that their specific school is not eligible to use corporal punishment (e.g., adult high school does not use corporal punishment, grades K-5 do not use corporal punishment);
- two principals cited legal concerns;
- another two principals said that they stopped using corporal punishment due to parent input; and
- three principals said that they made a joint decision with the director of schools not to use corporal punishment.

*Based on my experience as a principal, it is more effective to determine why a student is misbehaving. We then focus on changing that behavior without using corporal punishment.*

## Exhibit 25: Survey of principals | In districts that allow corporal punishment, why is it not used?



Source: OREA Survey, Nov. 2017

### General comments from principals

*Parents ask us to use corporal punishment, but I have made the decision not to use it in my school. I would rather work with the parents and student to figure out what is causing the misbehavior. We follow a set of discipline guidelines that helps our school maintain a productive learning environment.*

Throughout the survey, principals were given the opportunity to leave additional comments regarding their school's non-use of corporal punishment. Of the 108 principals representing schools that do not use corporal punishment even though their school board policy allows it, 54 left additional comments.<sup>34</sup> Notable remarks representing the spectrum of respondents' opinions are as follows:

- 15 principals expressed opposition to using corporal punishment;
- 12 principals said that their school utilizes positive approaches to behavior modification;
- eight principals said that they found corporal punishment to be inappropriate and/or ineffective, compared to four principals who said that they thought it was an effective means of discipline for some students and would like to be able to use it;

*I would like to use corporal punishment again, but it is not worth the fight with parents. Student misbehavior has doubled since we stopped using corporal punishment.*

<sup>34</sup> 54 of 108 principals left additional comments to one or more questions throughout the survey. Each of the 54 individual respondent's additional comments were combined across survey questions to create a comprehensive list of each unique respondent's comments. The survey comments were then analyzed for commonalities and recurrent themes; an individual principal can be represented in more than one of the listed bullet points.

- a total of eight principals cited legal concerns over using corporal punishment;
- five principals said that parents in their school oppose the use of corporal punishment while another five principals said that parents in their school support it and ask for it to be used;
- three principals stated that their school is limited in discipline options, and that it is becoming difficult to find effective means to discipline students;
- two principals said that teachers in their school have expressed their support for the use of corporal punishment; and
- one principal said that their school has students who would prefer corporal punishment over alternative discipline options.

*Personally, I think that corporal punishment can be effective for some students. However, it is a very contentious issue and parents don't support it. I would like to learn about other effective discipline practices as the options we use, such as suspension, are problematic. We are reprimanded by the state and told that we suspend too many kids. It's difficult to keep kids in detention after school because parents have transportation issues. If a student is suspended from riding the bus for bad bus behavior, they have no other way to get to school and we get in trouble for our attendance rates. We don't want to give writing assignments as a form of discipline because it will give kids a negative association with writing. I'm not allowed to use physical activity or academic assignments as a method of punishment. I'm out of options. What can we do?*

## ***Schools where corporal punishment is not allowed per board policy***

A little over one-third of principals who took the survey represent schools in districts where corporal punishment is not allowed per board policy. Out of 125 principals, about 60 percent said that corporal punishment used to be allowed in their district. Of those 72 principals, about 45 percent said that their district's corporal punishment policy was rescinded over 11 years ago and 20 percent said that their school board rescinded the policy within the last five years. About 17 percent of principals said they were unsure how many years it had been since their school board rescinded its corporal punishment policy.

*I have been working as an educator for over 30 years. The threat of someone filing a lawsuit against me for using corporal punishment is too great for me to use it as a discipline option.*

*My district thought that corporal punishment was an unjust form of punishment and that it encouraged violence.*

Principals were asked why their school board chose to stop allowing corporal punishment within the district. Of the 42 principals who responded to this question, 14 said it was considered ineffective and/or inappropriate, seven specifically cited liability/legal concerns, and eight principals said that their director of schools suggested the change in policy.



## General comments from principals

Throughout the survey, principals were given the opportunity to leave additional comments.<sup>35</sup> Of the 125 principals representing schools in districts where the school board policy does not allow corporal punishment, 72 left additional comments. Notable remarks representing the spectrum of respondents' opinions are as follows:

*Even if corporal punishment were allowed in my district, I would not use it.*

*Banning corporal punishment has produced no negative effects in my school. I don't think corporal punishment is effective – it should not be used in Tennessee public schools.*

- 22 principals said that corporal punishment was not effective or appropriate, compared to six principals who said it worked for some students and would like to be able to use it;
- nine principals expressed their personal opposition to corporal punishment, saying they would not use it even if it were an option in their district;
- a total of 10 principals cited liability or legal concerns over using corporal punishment;
- another 10 principals said that their school uses positive approaches to discipline;
- six principals described corporal punishment as outdated and pointed to societal changes affecting opinions of corporal punishment;
- two principals said that parents in their school support corporal punishment and ask them to use it on their child compared to one principal who said parents in their school oppose its use;

*I have parents who support corporal punishment and others who oppose it. Some parents would prefer corporal punishment be used rather than problem solve with the school.*

*Corporal punishment was removed as a discipline option in my district, but nothing has replaced it. I see more and more students with emotional and mental issues for which we have no training. Corporal punishment was effective in my school. We are now very limited in discipline options.*

- two principals said they have parents on both sides of the issue;
- four principals said that their teachers need training to be equipped to handle the behavior issues that are prevalent in today's students;
- two principals expressed concern that their school is limited in effective discipline options; and
- one principal said that some of their students have requested a return to corporal punishment because they have after-school jobs and would prefer to be paddled than be late to work due to after-school detention.

*We utilize an approach that helps our students learn to make better choices. We talk with them and figure out what is causing their misbehavior, and then we develop strategies to help them do better. We work on anger management and other issues that help to address the underlying problems.*

<sup>35</sup> 72 of 125 principals left additional comments to one or more questions throughout the survey. Each of the 72 individual respondent's additional comments were combined across survey questions to create a comprehensive list of each unique respondent's comments. The survey comments were then analyzed for commonalities and recurrent themes; an individual principal can be represented in more than one of the listed bullet points.

## Data

Data showing the use of corporal punishment in Tennessee public schools is available from the Office for Civil Rights (OCR) within the U.S. Department of Education. The Tennessee Department of Education (TDOE) does not collect data on corporal punishment use.<sup>36</sup> Schools and districts self-report corporal punishment data to OCR biennially (i.e., every two years). The most current data publicly available is from the 2013-14 school year. Data from the next reporting year, 2015-16, is projected to be available in 2018. The following data sections outline:

- trends identified in Tennessee school-level data for the most recent three years available;
- discussion of the disproportionate use of corporal punishment for students with disabilities;
- limitations in data collection and reporting that may impact accuracy and relevance; and
- the methodology used to analyze data.

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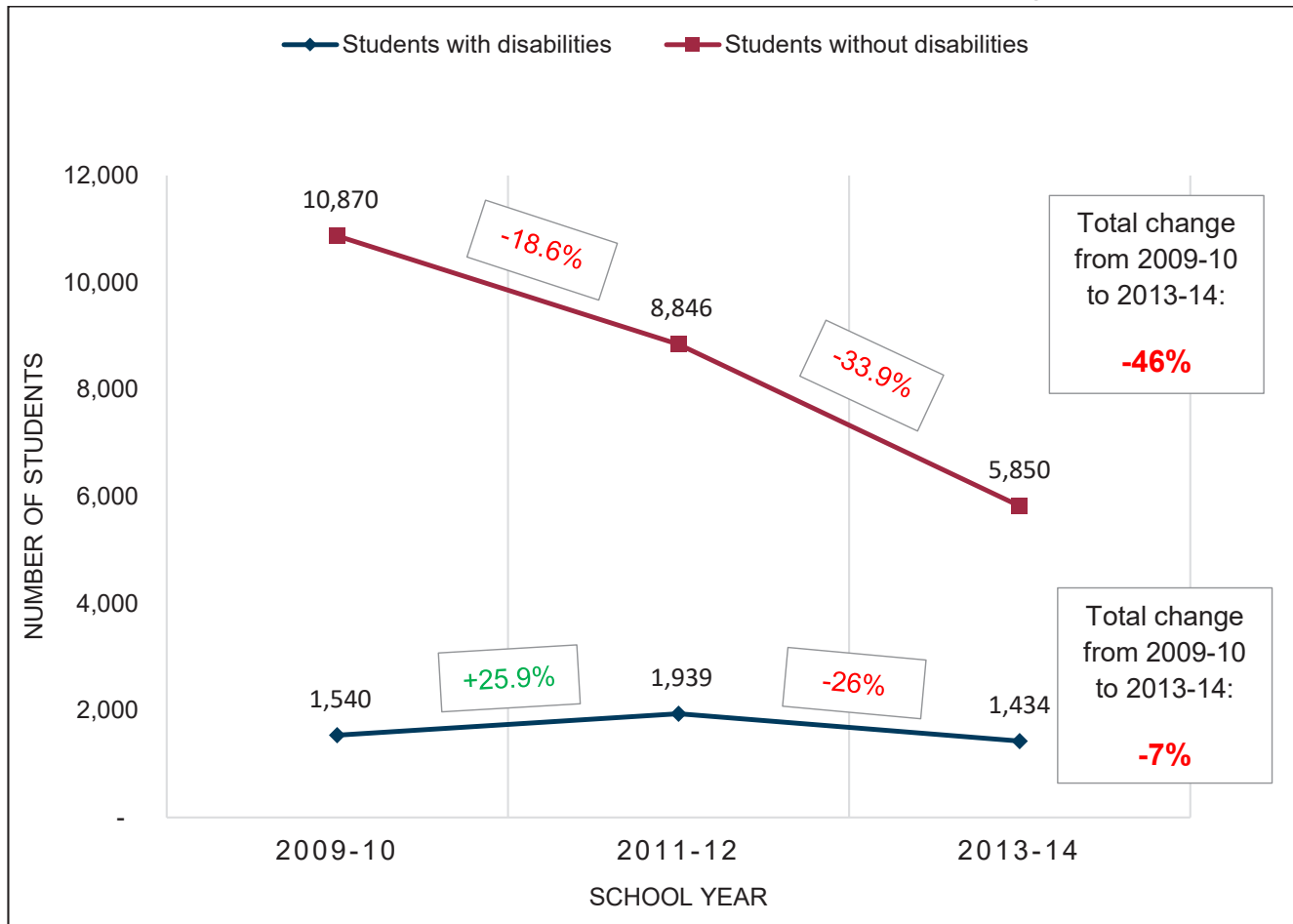
<sup>36</sup> TDOE collects data on other forms of discipline, including in-school suspension, out-of-school suspension, alternative placement, and expulsion.

## Trends

### *Number of students receiving corporal punishment*

Reviewing corporal punishment use in Tennessee schools over the past three reporting years shows that the number of students with disabilities receiving corporal punishment declined from 2009-10 to 2013-14, but not by as much as the number of students without disabilities who received corporal punishment. There were about 7 percent fewer students with disabilities who received corporal punishment in 2013-14 than in 2009-10, while the number of students without disabilities receiving corporal punishment was reduced by about 46 percent across the same time frame. The number of students without disabilities receiving corporal punishment declined for each of the three reporting years, while the number of students with disabilities who received corporal punishment peaked in 2011-12. (See Exhibit 26.)

**Exhibit 26: Number of students with and without disabilities receiving corporal punishment, 2009-10, 2011-12, and 2013-14 school years**

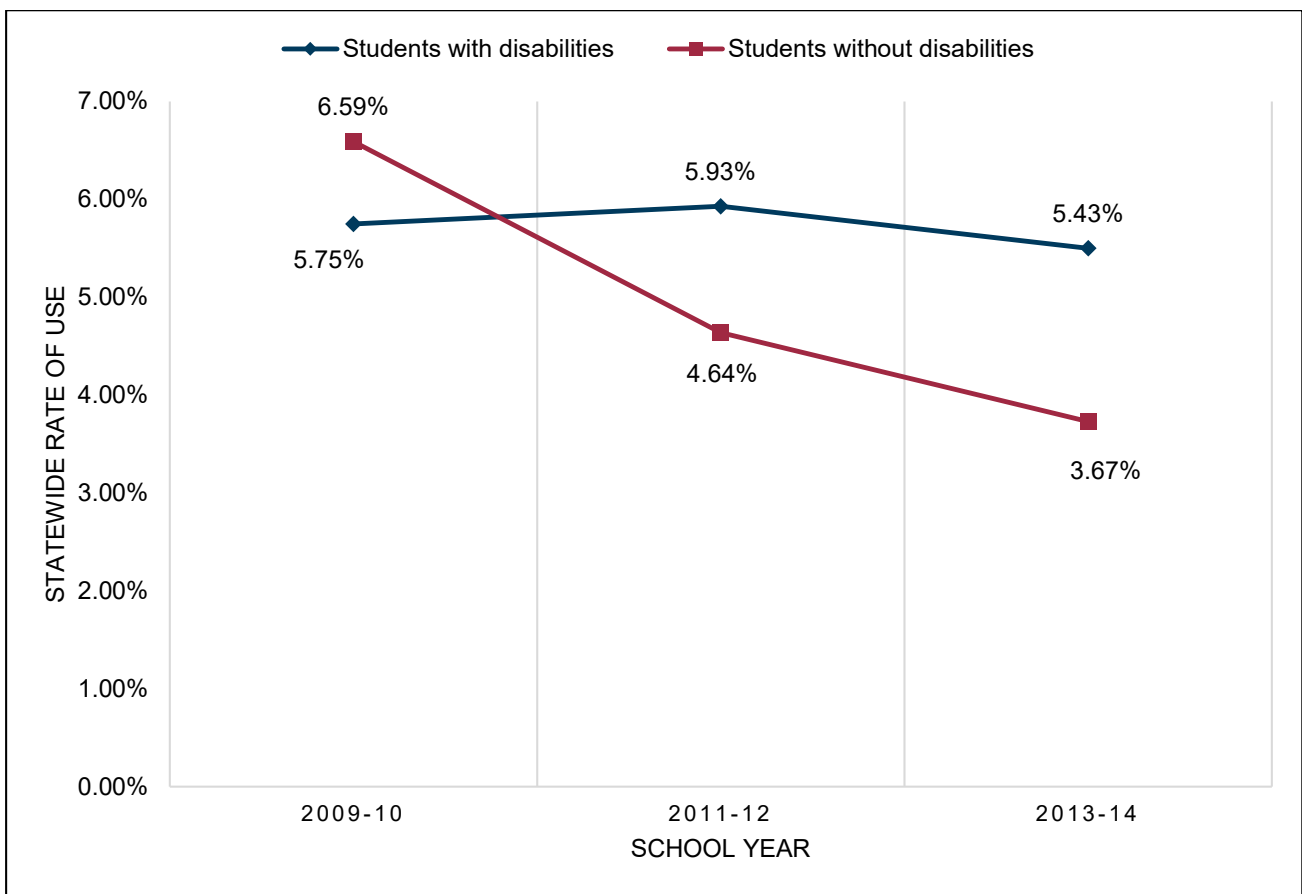


Source: OREA analysis of U.S. Department of Education Office for Civil Rights data from 2009-10, 2011-12, and 2013-14 school years.

## ***Statewide rate of corporal punishment use***

In 2009-10, the statewide rate of corporal punishment use for students with disabilities was lower than the statewide rate for students without disabilities. In the following two reporting years, the opposite was true: students with disabilities received corporal punishment at a higher rate than their peers. The rate of corporal punishment use for students with disabilities declined from 2011-12 to 2013-14, but was higher in 2011-12 than in 2009-10. Rates of corporal punishment use for students without disabilities was the highest in 2009-10, then declined in the following two reporting years, dropping nearly 3 percentage points from 2009-10 to 2013-14. (See Exhibit 27.)

**Exhibit 27: Statewide rates of corporal punishment use for students with and without disabilities, 2009-10, 2011-12, and 2013-14 school years**



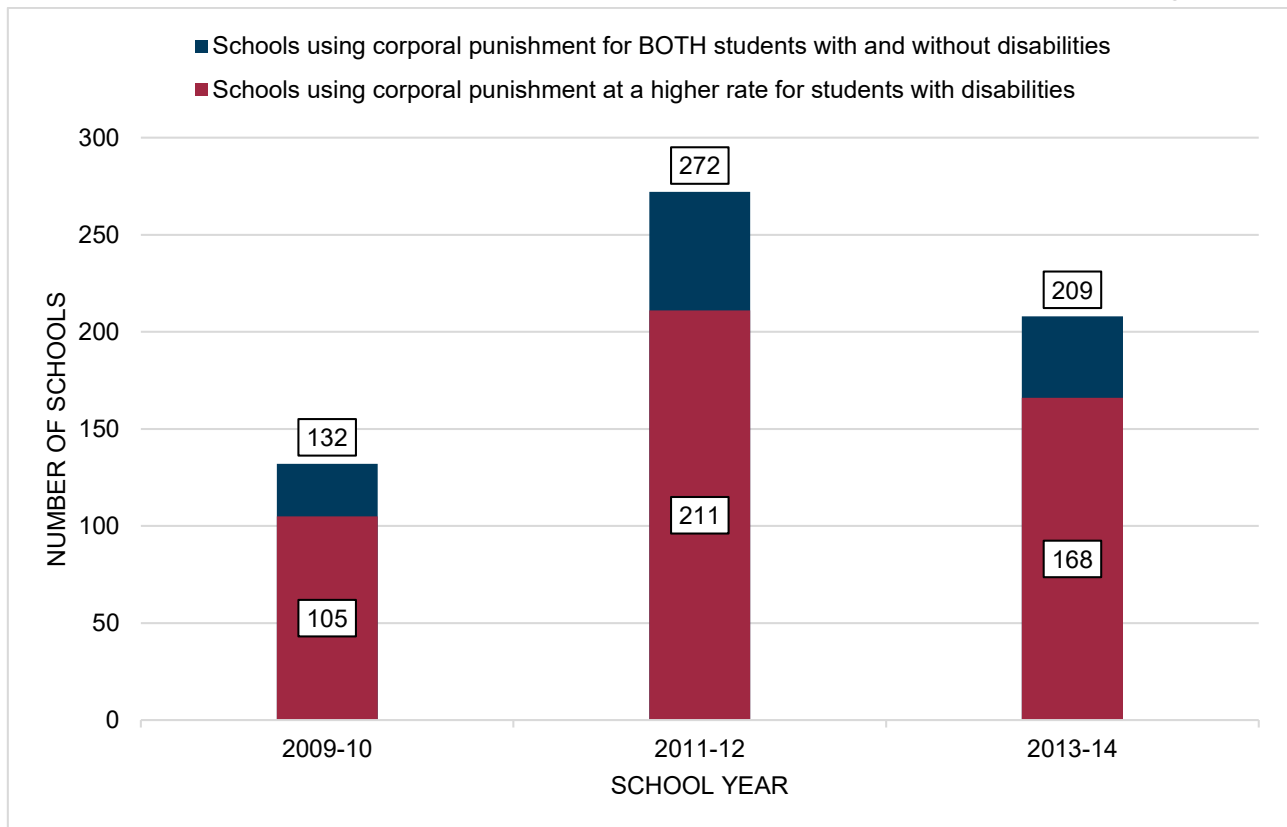
Source: OREA analysis of U.S. Department of Education Office for Civil Rights data from 2009-10, 2011-12, and 2013-14 school years.

Note: The statewide rate of use includes only schools that reported corporal punishment data for any student. Schools that reported no data of corporal punishment use were excluded from the calculation.

## ***Number of schools using corporal punishment***

In all three reporting years, about 80 percent of the schools that reported using corporal punishment for students with and without disabilities used it at a higher rate for students with disabilities. (See Exhibit 28.) The remaining schools (about 20 percent) did not use corporal punishment at a higher rate for students with disabilities.

**Exhibit 28: Number of schools using corporal punishment at a higher rate for students with disabilities, 2009-10, 2011-12, and 2013-14 school years**



Source: OREA analysis of U.S. Department of Education Office for Civil Rights data from 2009-10, 2011-12, and 2013-14 school years.

Note: The figures include only schools that reported data of corporal punishment use for BOTH students with and without disabilities. The figures do not include schools that reported data only for students with or without disabilities.

For each of the three reporting years, there were schools that reported using corporal punishment for students with disabilities but not for students without disabilities:

- five schools in 2009-10,
- 12 schools in 2011-12, and
- eight schools in 2013-14.

Considering the number of schools using corporal punishment and the enrollment of students with and without disabilities in those schools provides context to the number of students receiving corporal punishment and the statewide rate of use. The school year with the greatest number of students with disabilities receiving corporal punishment (2011-12) was also the year with the highest enrollment of students with disabilities in schools using corporal punishment. The same cannot be said for students without disabilities: enrollment peaked for students without disabilities in schools using corporal punishment in 2011-12, while the number of students without disabilities receiving corporal punishment declined steadily over the three reporting years. There were also more schools reporting corporal punishment use in 2011-12 than in the previous or next reporting year. (See Exhibit 29.)

**Exhibit 29: Schools using corporal punishment, enrollment, and number of students receiving corporal punishment, 2009-10, 2011-12, and 2013-14 school years**

	2009-10		2011-12		2013-14	
	Students with disabilities	Students without disabilities	Students with disabilities	Students without disabilities	Students with disabilities	Students without disabilities
Enrollment in schools using corporal punishment	26,795	164,925	32,680	190,604	26,433	159,382
Students receiving corporal punishment (Refer to Exhibit 26)	1,540	10,870	1,939	8,846	1,434	5,850
Statewide rate of use (Refer to Exhibit 27)	5.75%	6.59%	5.93%	4.64%	5.43%	3.67%
Number of schools using corporal punishment	<b>350: used with any student</b> 132: used with BOTH students with and without disabilities 213: used ONLY for students without disabilities 5: used ONLY with students with disabilities		<b>439: used with any student</b> 272: used with BOTH students with and without disabilities 155: used ONLY for students without disabilities 12: used ONLY with students with disabilities		<b>379: used with any student</b> 209: used with BOTH students with and without disabilities 162: used ONLY for students without disabilities 8: used ONLY with students with disabilities	

Source: OREA analysis of U.S. Department of Education Office for Civil Rights data from 2009-10, 2011-12, and 2013-14 school years.

Note: Schools that reported no data of corporal punishment use were excluded from the calculation.

Appendix E includes a list of the schools that reported corporal punishment data in one or more of the last three reporting years (2009-10, 2011-12, and 2013-14). The number of students with and without disabilities enrolled, and the number of students receiving corporal punishment, as well as the rate of use per school is included.

## **Explaining disproportionality**

It is not possible to conclusively determine why students with disabilities receive corporal punishment at higher rates than their peers. This is due in part to the lack of good data on corporal punishment use.

### ***Other research on discipline and students with disabilities***

None of the studies OREA reviewed addressed why students with disabilities receive corporal punishment at a higher rate than their peers without disabilities. A 2013 study published in the *Journal of Emotional and Behavioral Disorders* examined the predictors of using other types of discipline (e.g., suspension, expulsion, etc.) for students with disabilities.

The study found that students with emotional and behavioral disorders, attention deficit hyperactivity disorder, and Specific Learning Disabilities were more likely to be subject to exclusionary discipline.<sup>A</sup>

Students with disabilities who were classified as having “positive social skills,” however, were less likely to receive exclusionary discipline. (Students with “positive social skills” in the study were those with a high social adjustment score, which was based on teacher ratings of student behavior, including how well the student got along with peers and how well the student avoided situations that might result in trouble.) It is not known if findings related to exclusionary discipline would be applicable to the use of corporal punishment. Identifying the factors that produce disproportionality in the use of corporal punishment for students with disabilities would require further research.

### ***Corporal punishment by IDEA disability category***

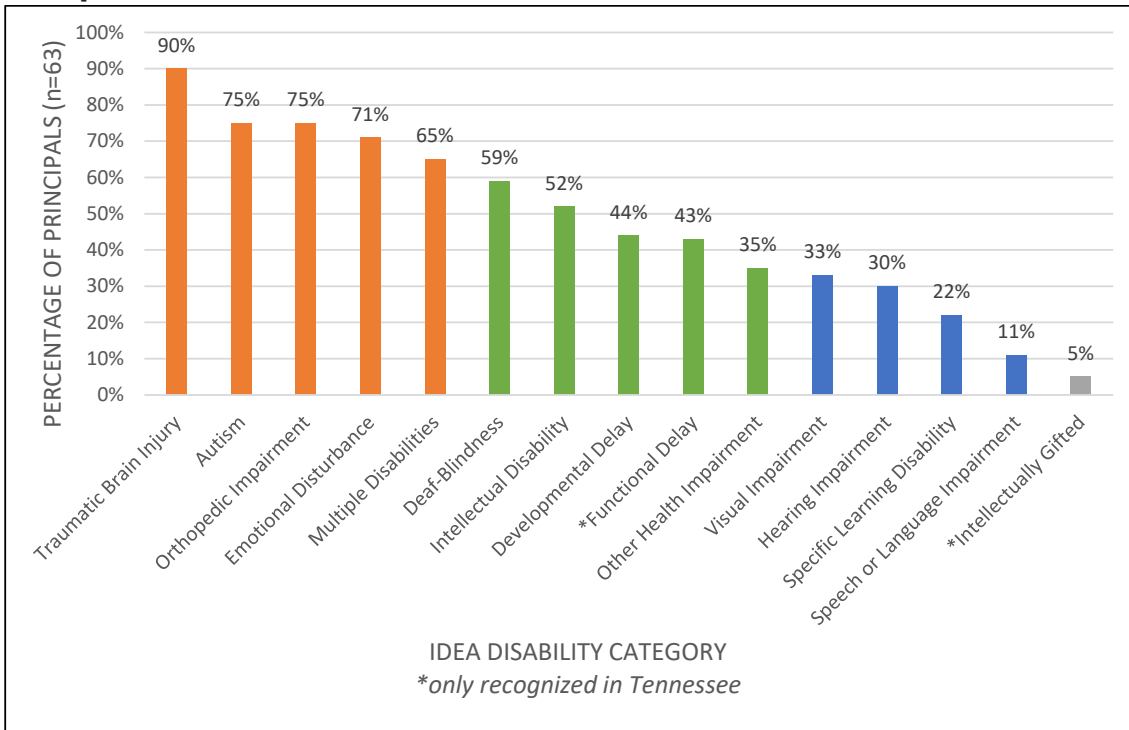
It is possible that students with less severe disabilities are receiving corporal punishment more than severely disabled students, but because the data does not distinguish among disability categories it is not possible to determine if severely disabled students are receiving corporal punishment more often than students with greater cognitive, emotional, and physical abilities.<sup>37</sup>

As part of OREA’s survey on corporal punishment, principals of schools that use corporal punishment were asked which, if any, of the IDEA disability categories would render a student ineligible to receive corporal punishment in their school. Of the 63 principals who responded to this question, most said that they would not paddle a student with a Traumatic Brain Injury, Autism, an Orthopedic Impairment, or an Emotional Disturbance. (See Exhibit 30.)

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<sup>37</sup> See Appendix C for a detailed explanation of IDEA and Section 504.

### Exhibit 30: Survey of principals | Percentage of principals indicating disability categories that render a student with disabilities ineligible for corporal punishment

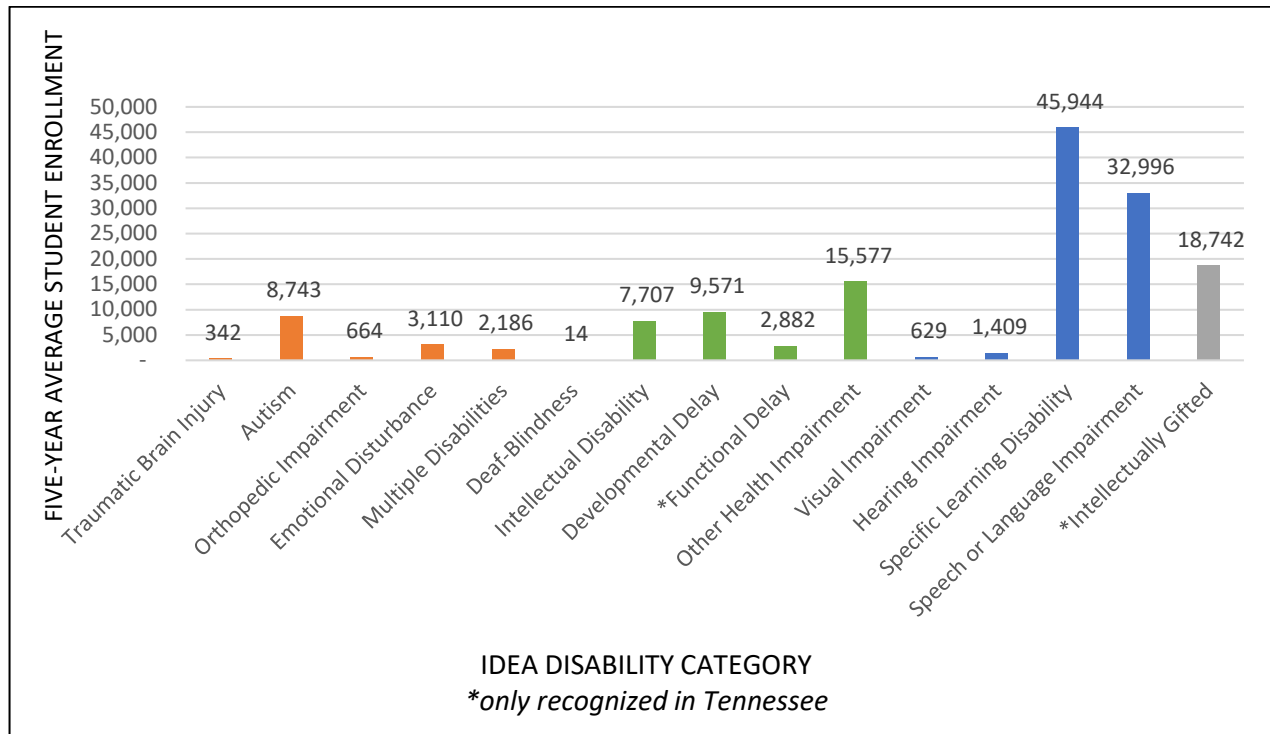


Source: OREA Survey, Nov. 2017

While this information is based on survey responses from 63 principals, it suggests which types of students with disabilities may be more or less likely to receive corporal punishment. Comparing this information to the number of students enrolled in each disability category in Tennessee shows that the three disability categories that are the most likely to receive corporal punishment are also the three disability categories with the highest enrollment: Specific Learning Disability, Speech or Language Impairment, and Intellectually Gifted. (See Exhibit 31.)



**Exhibit 31: IDEA disability category enrollment in Tennessee public schools | Five-year average student enrollment for 2012-13 through 2016-17 school years<sup>38</sup>**



Source: Tennessee Department of Education, 2012-13, 2013-14, 2014-15, 2015-16, and 2016-17 school years.  
 Note: the figures represent the average enrollment in each disability category over the past five years (2012-13 through 2016-17), for all Tennessee public schools.

**Disproportionate use of corporal punishment and students with disabilities in other states**

Tennessee is not alone in using corporal punishment disproportionately for students with disabilities. Two reports from independent foundations analyzing OCR’s data from 2006-07<sup>B</sup> and 2011-12<sup>C</sup> found that students with disabilities were administered corporal punishment at disproportionately higher rates across most of the states where corporal punishment is allowed by law.

According to the study analyzing 2006-07 data, Tennessee had the fourth highest rate of corporal punishment use for students with disabilities;<sup>39</sup> in that reporting year, students with disabilities received corporal punishment at a rate that was about 1.5 percentage points higher than their nondisabled peers in Tennessee. The second report analyzing the 2011-12 data did not include this information for comparison. Neither report addressed why students with disabilities receive corporal punishment at higher rates compared to students without disabilities.

<sup>38</sup> Due to data suppression, it was not possible to show enrollment just for the districts that allow or for the schools that use corporal punishment.

<sup>39</sup> According to the study analyzing 2006-07 data, the 11 states with the highest rates of corporal punishment use for students with disabilities, in order from highest to lowest, was: Mississippi, Arkansas, Alabama, Tennessee, Louisiana, Oklahoma, Georgia, Texas, Missouri, Kentucky, and Florida.

## **How other states address corporal punishment for students with disabilities**

Of the 22 states that allow corporal punishment (either explicitly through state law or state law makes no reference to corporal punishment), three address corporal punishment for students with disabilities in state law. (See Exhibit 32.)

### ***Missouri***

Missouri state law authorizes the use of corporal punishment and directs local boards of education to include in their discipline policies if corporal punishment is allowed within the district. State law also requires that all district staff receive annual training on their district's discipline policy, including methods for disciplining students with disabilities.

### ***North Carolina***

North Carolina state law authorizes the use of corporal punishment and directs local boards of education to determine if it is allowed within the district. Applicable to all students, state law mandates that parents be given the opportunity annually to opt out of corporal punishment for their child, in writing. Local school districts are required to report annually to the State Board of Education the number of students who receive corporal punishment (including the number of students who are disabled), as well as the reason corporal punishment was administered.

### ***Oklahoma***

Oklahoma state law directs each local board of education to adopt a discipline policy. Though not specific to students with disabilities, state law also requires the Oklahoma State Department of Education (OSDE) to provide local districts with materials on effective discipline alternatives to corporal punishment annually.

In 2017, Oklahoma passed House Bill 1623, stipulating that corporal punishment may not be used for students with the most severe disabilities (as determined by OSDE) unless it is addressed annually in the student's individualized education program (IEP). This condition may be waived for a student with disabilities if their parent provides written consent.

## Exhibit 32: State laws addressing corporal punishment for students with disabilities

<p align="center"><u>Missouri:</u></p> <p align="center"><b>Requires annual training for all district staff</b></p>	<p align="center"><u>North Carolina:</u></p> <p align="center"><b>Requires LEAs to report data to State Board of Education</b></p>	<p align="center"><u>Oklahoma:</u></p> <p align="center"><b>Requires corporal punishment be listed in the IEP, if an option</b></p>
<p>All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities, and instruction in the necessity and requirements for confidentiality.</p>	<p>Each local board of education shall report annually to the State Board of Education on the number of times that corporal punishment was administered. The report shall include, among other things, the number of students who received corporal punishment who were also students with disabilities, and the reason for the administration of the corporal punishment for each student who received corporal punishment.</p>	<p>School district personnel shall be prohibited from using corporal punishment on students identified with the most significant cognitive disabilities (according to criteria established by the State Department of Education) unless addressed in an annual IEP. A waiver to this provision shall be granted if the parent or legal guardian of a student provides written consent.</p>

Source: Missouri Code 9-160-261; North Carolina Statute 115C-390.4; Oklahoma Statute 70-13-116

### Limitations

#### *Available data is not current*

Data on the use of corporal punishment is self-reported by schools and districts biennially to OCR. A multiyear lag exists between the reporting year and when data is publicly available; the most recent publicly available data on corporal punishment use is from the 2013-14 school year. The next reporting year’s data (2015-16) is anticipated to be released in 2018.

#### *Reporting errors exist*

The data on corporal punishment is self-reported, and OREA’s research identified some reporting errors. After reviewing 2013-14 data in an interview, administrators at one school indicated they had reported the number of instances corporal punishment was administered, not the number of students receiving corporal punishment. Additionally, when reporting data to OCR for the 2009-10 school year, one school listed a greater number of students receiving corporal punishment than were enrolled in that category, resulting in a rate of use exceeding 100 percent.

Other schools may have misreported corporal punishment data in this manner. If schools reported the number of instances corporal punishment was used rather than the number

of students receiving corporal punishment, and schools administer corporal punishment to individual students more than once in a school year, the data would overrepresent the number of students who received corporal punishment. Principals and directors of schools were given the opportunity to review their school's or district's 2013-14 data through OREA's corporal punishment survey and were asked to report any discrepancies. OREA did not receive any statements of misreported data from the survey.

### ***Data is not reported by disability category***

Based on a review of the disability categories served under IDEA and Section 504, there is a spectrum of disabilities for which students may receive services in Tennessee schools, ranging from temporary medical issues to a severe cognitive disability. When schools report corporal punishment data to OCR, students with disabilities are identified as receiving services under IDEA or Section 504; no further details are provided. The lack of specificity prevents OREA from determining which types of students with disabilities receive corporal punishment. See Appendix C for a detailed explanation of IDEA and Section 504.

### ***Tennessee-specific disability categories not included in data***

The two disability categories (Functional Delay and Intellectually Gifted) that are recognized in Tennessee but not by the federal IDEA law have a combined five-year average enrollment of about 21,600 students. Any student identified solely under one of these two disability categories in Tennessee would not be counted as a student with disabilities when schools report to OCR, as long as schools abide by OCR's instruction to report using the federally-recognized disability categories. (It is unclear if schools follow this instruction.) This potential exclusion of students should be considered when reviewing Tennessee's corporal punishment statistics.

## **Methodology**

### ***Variables***

When schools report corporal punishment data to OCR, students with disabilities are reported as receiving services under IDEA or Section 504.<sup>40</sup> To perform the data analysis, students receiving services under these programs were combined to create the variable, "students with disabilities." The category for "students without disabilities" includes all other students enrolled that were not identified as receiving disability services or accommodations.

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<sup>40</sup> OCR instructs schools to report any student receiving services under both IDEA and Section 504 under IDEA only (not both categories) to prevent a duplicate headcount.

## Formulas

Rates of use were calculated for each school that reported using corporal punishment. The rates for individual schools were calculated by using the enrollment of students with and without disabilities per school and number of students with and without disabilities receiving corporal punishment per school that reported corporal punishment data. (See Exhibit 33.)

### Exhibit 33: Formulas used to calculate rates of use for schools

$$\text{Rate of corporal punishment use for students with disabilities per school} = \frac{\text{Number of students with disabilities receiving corporal punishment per school}}{\text{Number of students with disabilities enrolled per school}}$$

$$\text{Rate of corporal punishment use for students without disabilities per school} = \frac{\text{Number of students without disabilities receiving corporal punishment per school}}{\text{Number of students without disabilities enrolled corporal punishment per school}}$$

Source: OREA

The statewide rate of corporal punishment use was calculated by using the number of students with and without disabilities receiving corporal punishment and the total enrollment of students with and without disabilities in schools that used corporal punishment for that reporting year. (See Exhibit 34.)

### Exhibit 34: Formulas used to calculate statewide corporal punishment rate

$$\text{Rate of corporal punishment use for students with disabilities, statewide} = \frac{\text{Number of students with disabilities receiving corporal punishment per school}}{\text{Number of students with disabilities enrolled in schools reporting corporal punishment data}}$$

$$\text{Rate of corporal punishment use for students without disabilities, statewide} = \frac{\text{Number of students without disabilities receiving corporal punishment per school}}{\text{Number of students without disabilities enrolled in schools reporting corporal punishment data}}$$

Source: OREA

## ***Potential issues with rates based on small numbers***

The rates of use of individual schools are based on small numbers of students (especially the rates for students with disabilities) which can be problematic. Because the denominators are small, a minor change in the numerator can produce volatile rates of use. For example, a school may have a total of 10 students with disabilities enrolled, and if two of those students receive corporal punishment, the school's rate of corporal punishment use for students with disabilities would be 20 percent. Adding or subtracting one student with disabilities receiving corporal punishment would change the rate of use by 10 percentage points in either direction.

For students without disabilities, the denominator is typically larger (i.e. schools typically have more students enrolled without disabilities than with disabilities), so a change to the numerator creates a smaller change in the rate of use. If a school has 300 students without disabilities enrolled, and 30 of them receive corporal punishment, the school's rate of use is 10 percent. Adding or subtracting one student receiving corporal punishment creates a much smaller change to the school's rate of use, one-third of 1 percentage point in either direction. In this example, removing one student receiving corporal punishment creates a rate of use of 9.67 percent while adding one student creates a rate of use of 10.33 percent.

One study addressing this issue<sup>d</sup> suggests using averages across multiple years (i.e. five-year average enrollment and number of students receiving corporal punishment) to reduce volatility in rates from one year to the next. It was not possible to calculate five-year average rates of use per school for this report because many schools do not report corporal punishment data in each reporting year. It would be problematic to create multi-year average rates of use for some schools but not all schools. To address this issue, Appendix E contains enrollment and corporal punishment use numbers alongside the rates of use for each school that reported data in one or more of the past three reporting years (2009-10, 2011-12, and 2013-14). Readers can compare the rate of use to the number of students enrolled and receiving corporal punishment, rather than the rate of use alone.

## ***Districts without available data***

The most recent year of corporal punishment data available is from the 2013-14 school year. Since that time, two districts allowing corporal punishment formed (Arlington Community Schools and Millington Municipal Schools). These two districts were not included in the data analysis or count of schools using corporal punishment since they were not included in the 2013-14 data. One district that allows corporal punishment per board policy did not submit corporal punishment data to OCR in 2013-14 (Robertson County). Accordingly, the schools in this district were not included in the data analysis or count of schools using corporal punishment for the 2013-14 school year.

## Policy Considerations

**The General Assembly may wish to require the Tennessee Department of Education to collect corporal punishment data by disability category.** More specific corporal punishment data for students with disabilities would help policymakers pinpoint which types of students with disabilities (e.g., Speech or Language Impairment, Intellectual Disability, Autism) receive corporal punishment and at what rate compared to their peers. This data could include the two Tennessee-specific disability categories (Intellectually Gifted and Functional Delay) that are potentially not reflected as students with disabilities in the federal data. Corporal punishment data for students receiving services under Section 504 could also be gathered.

**The General Assembly may wish to require that school board policies specifically address the use of corporal punishment for students with disabilities.** Of the 109 school board policies that allow corporal punishment, 108 do not specifically address corporal punishment for students with disabilities. There is wide variation in how schools and districts approach corporal punishment for students with disabilities across Tennessee, and these variations provide a number of policy options for potential inclusion in school board policies, such as:

- **Prohibition of corporal punishment for some or all students with disabilities:** OREA found that some Tennessee principals who use corporal punishment exempt students with certain disabilities, such as those with Traumatic Brain Injury, Autism, an Orthopedic Impairment, or an Emotional Disturbance. Students in other disability categories, such as Speech or Language Impairment or Specific Learning Disabilities, were more likely to be subject to corporal punishment. Four directors of schools indicated their districts do not use corporal punishment for students with disabilities. Of 107 principals, nine stated they do not use corporal punishment for students with disabilities, and 11 principals said it is rare for them to do so.
- **Restrict the use of corporal punishment for students with disabilities by requiring one or more of the following:**

Parental consent – Though not specific to students with disabilities, eight board policies require that parents be contacted prior to the administration of corporal punishment, while 31 board policies specify that parents may opt-out of corporal punishment for their child. Fifty-eight principals who responded to OREA’s 2017 survey indicated that a parent is called each time before corporal punishment is administered. Mandatory parental consent could be required for students with disabilities.

Manifestation of disability assessment – One board policy prohibits the use of corporal punishment for students with disabilities if the misbehavior is a manifestation of the

student's disability (i.e., the student's behavior is caused by his or her disability). One director said they tell principals to consider the manifestation of disability before using corporal punishment for a student with disabilities, and four principals said that they follow this practice.

Inclusion in the Individualized Education Program (IEP) or Section 504 Plan – In 2017, Oklahoma passed a law prohibiting the use of corporal punishment for students with the most significant cognitive disabilities, unless addressed annually in their IEP. Based on OREA's survey data, three principals said that they will only use corporal punishment for a student with disabilities if written in the IEP. An IEP is developed and reviewed annually by a team that includes the child's parent(s), regular and special education teachers, and other specialists.

**Schools and districts should review and improve their data reporting methods.**

To prevent errors in the reporting of corporal punishment data identified by OREA, schools and districts should review their reporting procedures and ensure corporal punishment data is reported correctly.



## Endnotes

<sup>A</sup> Lisa Bowman-Perrott, Michael R. Benz, Hsien-Yuan Hsu, Oi-Man Kwok, Leigh Ann Eisterhold, and Dalun Zhang, “Patterns and Predictors of Disciplinary Exclusion Over Time: An Analysis of the SEELS National Data Set,” *Journal of Emotional and Behavioral Disorders*, Vol. 21 (2), 2013, pp. 83-96.

<sup>B</sup> Alice Farmer, “Impairing Education: Corporal Punishment of Students with Disabilities in U.S. Public Schools,” Human Rights Watch/American Civil Liberties Union, August 2009.

<sup>C</sup> Elizabeth T. Gershoff and Sarah A. Font, “Corporal Punishment in U.S. Public Schools: Prevalence, Disparities in Use, and Status in State and Federal Policy,” *Society for Research in Child Development*, Vol. 30 (1), 2016, pp. 1-26.

<sup>D</sup> Paul A. Buescher, “Statistical Primer: Problems with Rates Based on Small Numbers (Revised),” North Carolina Department of Health and Human Services, Division of Public Health, State Center of Health Statistics, No. 12, 1997, rev. 2008.

# Appendix A: Letter of request

**DOLORES GRESHAM**

STATE SENATOR

26<sup>th</sup> SENATORIAL DISTRICT

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Senate Chamber  
State of Tennessee  
NASHVILLE

**COMMITTEES:**

CHAIRMAN  
Education

MEMBER

Commerce and Labor  
Energy, Agriculture and Natural Resources

July 11, 2017

Comptroller Justin Wilson  
1st floor, Tennessee State Capitol  
600 Charlotte Avenue  
Nashville, TN 37243

Comptroller Wilson,

It has come to our attention that there is a disparity in the numbers of children with disabilities and children without disabilities with regards to disciplinary action including corporal punishment in Tennessee schools. It appears that children with disabilities are receiving disciplinary action including corporal punishment at a much higher rate. We would appreciate it if the Office of Research and Education Accountability could research this and report back your findings as questions have arisen with regard to this situation.

As ever, thank you for all you do for the people we both serve.

Sincerely,

Senator Dolores Gresham  
Chair, Senate Education Committee  
26th Senatorial District

Senator Rusty Crowe  
Chair, Senate Health and Welfare  
3rd Senatorial District

cc: Commissioner Candice McQueen, Department of Education  
Chief of Staff Jason Mumpower, Comptroller's Office  
Director Russell Moore, Office of Research and Education Accountability

## Appendix B: Tennessee School Boards Association model board policies on corporal punishment

### Exhibit 1: Tennessee School Boards Association model board policy for districts that allow corporal punishment

Monitoring:  <b>Review: Annually, in March</b>	<b>Corporal Punishment</b>	Descriptor Code:  <b>6.314</b>	Issued Date:
		Rescinds:	Issued:

Any principal, assistant principal, or any teacher with the approval of the principal may use corporal punishment in a reasonable manner against any student for good cause in order to maintain discipline and order within the public schools in accordance with the following guidelines: <sup>1,2</sup>

1. Corporal punishment shall be administered only after other less stringent measures have failed or if the conduct of a student is of such nature that corporal punishment is the only reasonable form of punishment under the circumstances;
2. The instrument to be used shall be approved by the principal;
3. Corporal punishment shall be administered in the presence of another professional employee; and
4. The nature of the punishment shall be such that it is in proportion to the gravity of the offense, the apparent motive and disposition of the student, and the influence of the student's example and conduct on others.

A disciplinary record shall be maintained and shall contain the name of the student, the type of misconduct, the type of corporal punishment administered, the name of the person administering the punishment, the name of the witness present, and the date and time of punishment.

Disciplinary records shall be filed in the school office and made available to parents or students, whichever is appropriate.

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Legal References

1. TCA 49-6-4103
2. TCA 49-6-4104

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Cross References

- Code of Behavior and Discipline 6.300  
Student Records 6.600

Source: Tennessee School Boards Association

**Exhibit 2: Tennessee School Boards Association model board policy for districts that do not allow corporal punishment**

Monitoring:  <b>Review: Annually, in March</b>	Descriptor Term:  <b>Corporal Punishment</b>	Descriptor Code:  <b>6.314</b>	Issued Date:
		Rescinds:	Issued:

Corporal punishment shall not be used as a disciplinary measure in any school.<sup>1</sup>

The director of schools shall be responsible for developing and implementing in-service training programs for teachers and staff in the use of alternative, positive measures of discipline.

\_\_\_\_\_

Legal References

- 1. TCA 49-6-4104

\_\_\_\_\_

Cross References

- Code of Behavior and Discipline 6.300
- Student Records 6.600

Source: Tennessee School Boards Association

## Appendix C: Defining students with disabilities | Section 504 and IDEA

For students with disabilities, the data is disaggregated into two categories: students receiving disability services under Section 504 of the federal Rehabilitation Act of 1973 (Section 504) and students receiving services under the federal Individuals with Disabilities Education Act (IDEA). While it is possible for a student to receive services under both programs, it is uncommon, and the Office for Civil Rights (OCR) within the U.S. Department of Education instructs schools to report unduplicated counts of students receiving services under these two programs. Per OCR’s data reporting instructions, students served under Section 504 includes students who are served only under Section 504, while students served under IDEA may also include students who are served under Section 504.

Exhibit 1 displays the definitions and specific instructions given to schools by OCR for reporting on students with disabilities.

### Exhibit 1: OCR definitions and reporting instructions for students with disabilities

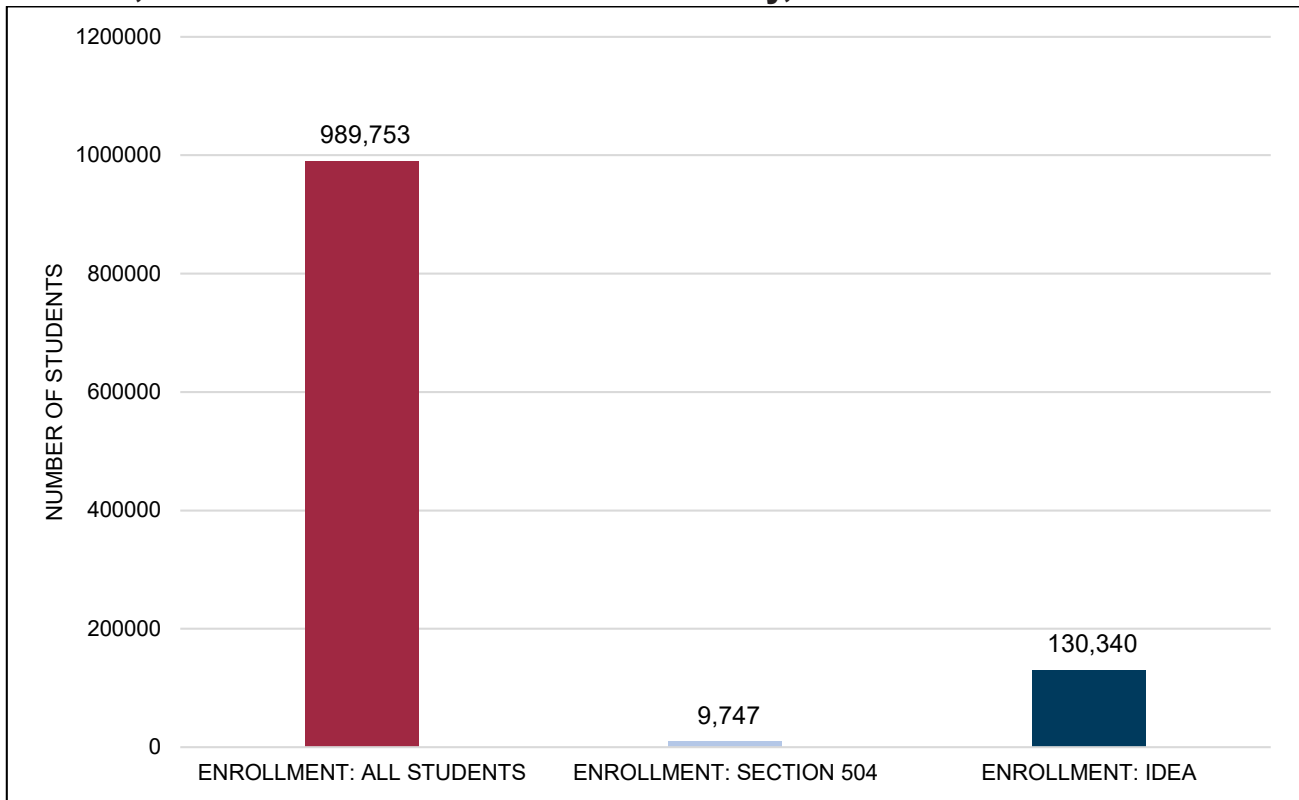
Students with disabilities (IDEA)	Students with disabilities (Section 504 only)
<p>Students with intellectual disabilities; hearing impairment, including deafness; speech or language impairment; visual impairment, including blindness; serious emotional disturbance; orthopedic impairment; autism; traumatic brain injury; developmental delay; other health impairment; specific learning disability; deaf-blindness; or multiple disabilities and who, by reason thereof, receive special education and related services under the Individuals with Disabilities Education Act (IDEA) according to an Individualized Education Program, Individual Family Service Plan, or service plan.</p> <p>The “Students with Disabilities (IDEA)” column in the survey items always refers to students with disabilities who receive special education and related services under IDEA.</p>	<p>Students with a disability, who receive related aids and services solely under Section 504 of the Rehabilitation Act of 1973, as amended, and not under the Individuals with Disabilities Education Act (IDEA).</p> <p>The “Section 504 only” column in the survey items always refers to students with disabilities who receive related aids and services under Section 504 of the Rehabilitation Act of 1973, as amended, and not under IDEA.</p>

Source: U.S. Department of Education, Office for Civil Rights

Upon reviewing Tennessee’s enrollment of students with disabilities, there are considerably more students served under IDEA than Section 504 in Tennessee; students served only under Section 504 account for less than 1 percent of the total student enrollment. Considering all students served under IDEA and/or Section 504, students with disabilities make up about 14 percent of the total enrollment of students in Tennessee.

Exhibit 2 shows the enrollment of students under Section 504 and IDEA compared to total school enrollment for the 2013-14 school year.

## Exhibit 2: Tennessee public schools enrollment, 2013-14 school year | All students, students enrolled in Section 504 only, and students enrolled in IDEA



Source: U.S. Department of Education, Office for Civil Rights

### Section 504

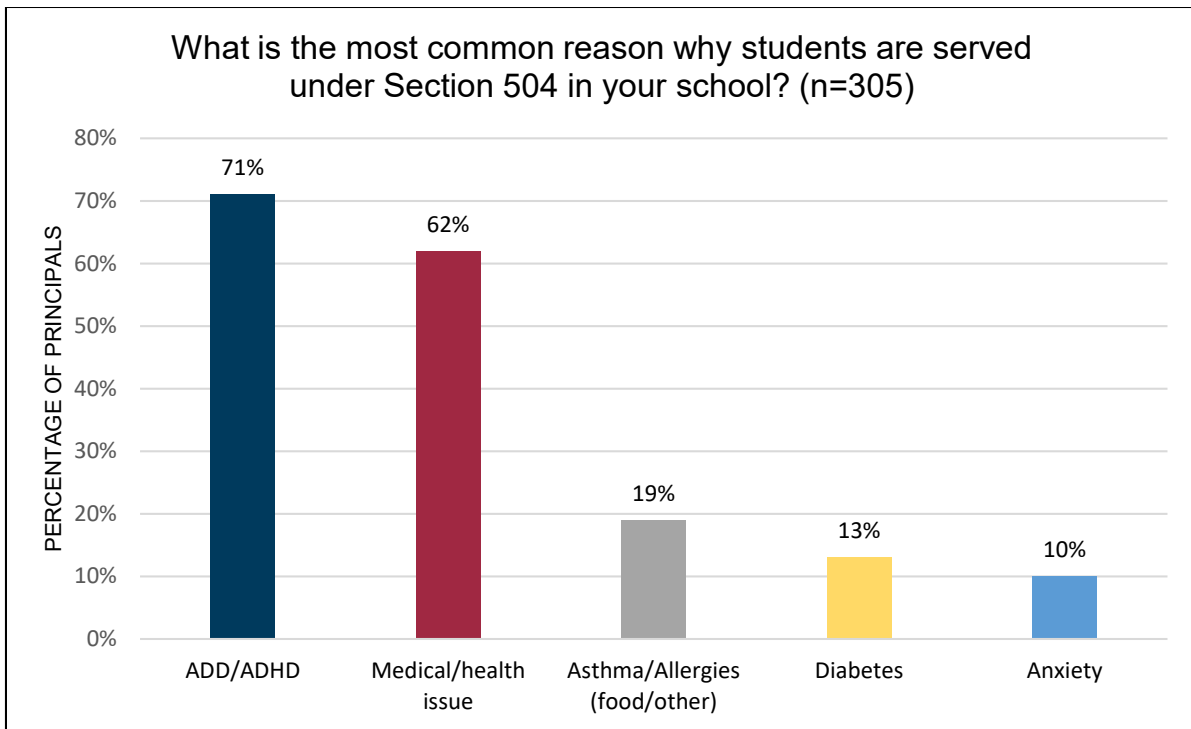
Section 504 is a federal law that addresses access and protections for students with disabilities. Section 504 says that no otherwise qualified individual with a disability shall be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any federally-funded program or activity because of their disability.

As part of OREA’s survey on corporal punishment, principals were asked to list the top three reasons or diagnoses for which students in their school are served under Section 504. Of the 305 principals who responded to this question, almost three-quarters listed attention deficit disorder or attention deficit hyperactivity disorder (ADD/ADHD) in their top three reasons for which students are on a Section 504 plan in their school. Over half of principals (62 percent) listed general medical or health issues, 19 percent listed asthma or allergies (food or other), 13 percent listed diabetes, and 10 percent said anxiety.

#### The Rehabilitation Act of 1973, Section 504

*“No otherwise qualified individual with a disability in the United States...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...”*

### Exhibit 3: Survey of principals | Most common reasons students are served under Section 504<sup>1</sup>



Source: OREA Survey, November 2017

Section 504, which ensures access and participation, is distinguished from IDEA, which focuses on school support and services. For example, a student with a broken arm wearing a cast may have a 504 plan to ensure that his or her inability to write is accommodated. Another example would be a student with ADD or ADHD, who may need additional time to take a quiz or test but is not impacted academically by the disorder. If the student struggles academically, then evaluating the student for services provided under IDEA may be considered.

### IDEA

IDEA is a federal law that makes available a free and appropriate public education to eligible children with disabilities, and ensures that those children receive special education and related services designed to meet their unique needs. The federal government provides funding to states that have policies and procedures that meet specified conditions, including:

- having a goal of providing a full educational opportunity to all children with disabilities;
- conducting a child find to identify, locate, and evaluate children who are in need of special education and related services;
- developing an individualized education program (IEP) for each child with a disability; and
- ensuring children with disabilities are educated in the least restrictive environment, to the maximum extent appropriate.

<sup>1</sup> Respondents were asked to list the top three reasons, diagnoses, or identifications for which students in their school are served under Section 504; they were not instructed to list them in rank order. 305 principals listed at least one reason, 248 listed at least two reasons, and 159 listed three reasons. This chart represents the most common answers from the combined responses.

When students are evaluated for services under IDEA, they are identified by a disability category; in some cases, students may be identified under more than one category. Tennessee recognizes two additional disability categories that are not recognized under the federal IDEA statute: Functional Delay<sup>2</sup> and Intellectually Gifted. This creates another limitation in the available data on corporal punishment, because OCR instructs schools to report their data based on the federal IDEA disability categories. If schools adhere to this guideline, any students classified solely under the Tennessee-specific disability categories would not be represented as students with disabilities under IDEA in the OCR data, and would instead be represented as students without disabilities who received corporal punishment.

### **What is an Individualized Education Program?**

*An Individualized Education Program (IEP) is required for any child receiving services under the federal IDEA program, and is a written statement including the following:*

- *how the child's disability affects their involvement and progress in the general education curriculum,*
- *measurable annual academic and functional goals,*
- *the special education and related services the child will receive, and*
- *an explanation of the extent to which the child will not participate with other nondisabled children in the regular classroom.*

*The IEP is developed and reviewed annually by a team that includes the child's parent(s), regular and special education teachers, and other specialists.*

### **Intellectually Gifted students in Tennessee**

*Tennessee recognizes Intellectually Gifted as an IDEA disability category for the purpose of serving these students with an IEP. According to the Tennessee Department of Education, "Intellectually Gifted means a child whose intellectual abilities, creativity, and potential for achievement are so outstanding that the child's needs exceed differentiated general education programming, adversely affect educational performance, and require specifically designed instruction or support services."*

Exhibit 4 lists the disability categories recognized under IDEA, including the two specific categories recognized in Tennessee.

<sup>2</sup> The Tennessee Department of Education defines Functional Delay as "a continuing significant disability in intellectual functioning and achievement which adversely affects the student's ability to progress in the general school program, but adaptive behavior in the home or community is not significantly impaired and is at or near the level appropriate to the student's chronological age," including significantly impaired intellectual functioning and/or deficient school achievement. Students identified as having a Functional Delay will have an adaptive behavior score above the level required for meeting Intellectual Disability eligibility standards.



## Exhibit 4: Disability categories recognized under IDEA

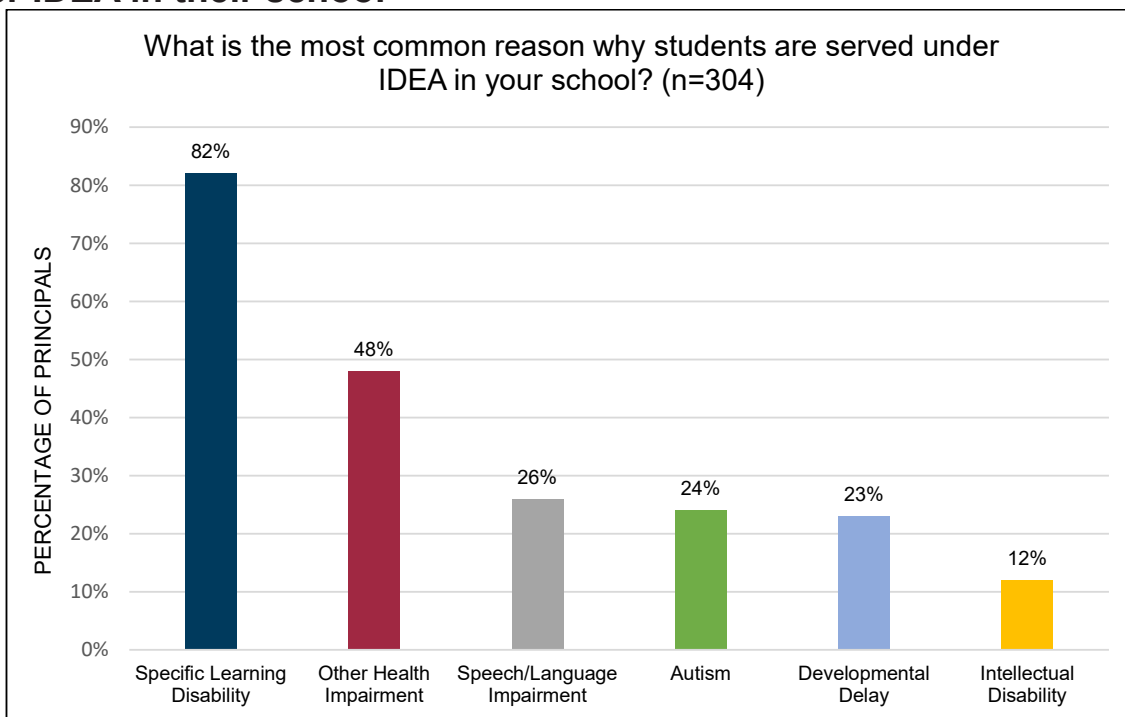
IDEA disability categories	
Autism	Multiple Disabilities
Deaf-Blindness	Orthopedic Impairment
Developmental Delay	Other Health Impairment
Emotional Disturbance	Specific Learning Disabilities
<i>Functional Delay*</i>	Speech or Language Impairment
Hearing Impairment (incl. Deafness)	Traumatic Brain Injury
Intellectual Disability	Visual Impairment
<i>Intellectually Gifted*</i>	

Source: U.S. Department of Education; Tennessee Department of Education

Note: \* indicates a disability category recognized in Tennessee, but not by federal IDEA statute.

As part of the survey on corporal punishment, principals were asked to list the top three reasons or diagnoses for which students in their school are served under IDEA. Of the 304 principals who responded to this question, over three-quarters listed Specific Learning Disability, such as for reading or math, in the top diagnoses for which students are served under IDEA in their school. About half of principals (48 percent) listed Other Health Impairment, one-quarter listed Speech/Language Impairment, 24 percent listed Autism, 23 percent listed Developmental Delay, and 12 percent said Intellectual Disability.

## Exhibit 5: Survey of principals | Most common reasons students are served under IDEA in their school<sup>3</sup>

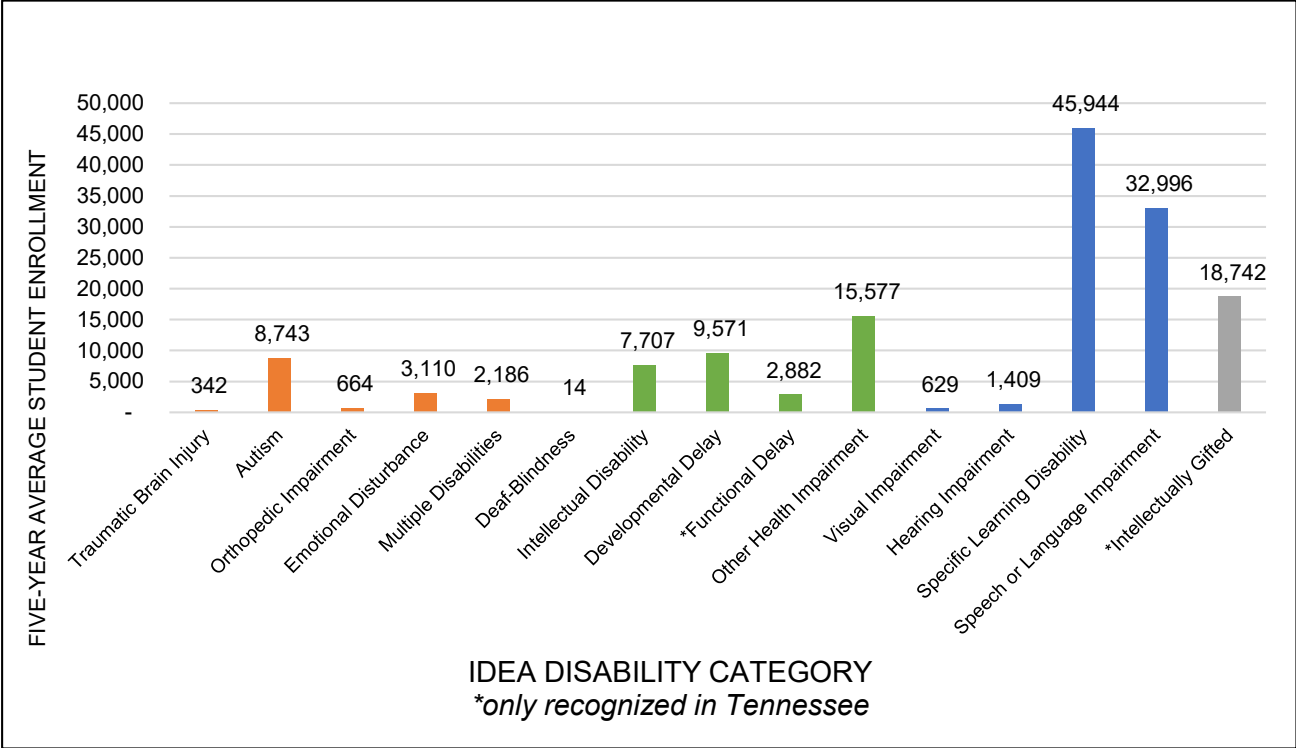


Source: OREA Survey, Nov. 2017

<sup>3</sup> Respondents were asked to list the top three reasons, diagnoses, or identifications for which students in their school are served under IDEA; they were not instructed to list them in rank order. 304 principals listed at least one reason, 266 listed at least two, and 221 listed three reasons. Exhibit 5 represents the most common answers from the combined responses.

Based on data provided by the Tennessee Department of Education (TDOE), the three disability categories with the highest enrollment statewide are Specific Learning Disability, Speech/Language Impairment, and Intellectually Gifted. Due to data suppression, it was not possible to display disability category enrollment numbers just for districts or schools that use corporal punishment. TDOE suppresses data showing less than 10 students in a group. For example, if fewer than 10 students are in a disability category, the number is suppressed.

**Exhibit 6: IDEA disability category enrollment in Tennessee public schools | Five-year average student enrollment for 2012-13 through 2016-17 school years**



Source: Tennessee Department of Education, 2012-13, 2013-14, 2014-15, 2015-16, and 2016-17 school years.  
 Note: The figures represent the average enrollment in each disability category over the past five years (2012-13 through 2016-17), for all Tennessee public schools.

## Appendix D: Tennessee school districts | Board policies and data reported to OCR

District (#) <sup>1</sup>	Is corporal punishment allowed per board policy? (August 2017)	Percentage and number of schools that said they use corporal punishment as a discipline option <sup>2</sup> when reporting to OCR for 2013-14	Percentage and number of schools that reported data of corporal punishment use for students <u>without</u> disabilities <sup>3</sup> to OCR for 2013-14	Percentage and number of schools that reported data of corporal punishment use for students <u>with</u> disabilities <sup>4</sup> to OCR for 2013-14
Achievement School District***	No	n/a	n/a	n/a
Alamo City Schools	No	n/a	n/a	n/a
Alcoa City Schools (3)	Yes	0%	0%	0%
Alvin C York Institute*** (1)	Yes	100% (1)	100% (1)	0%
Anderson County	No	n/a	n/a	n/a
Arlington Community Schools**	Yes	Data unavailable	Data unavailable	Data unavailable
Athens City Schools	No	n/a	n/a	n/a
Bartlett City Schools	No	n/a	n/a	n/a
Bedford County (14)	Yes	43% (6)	43% (6)	29% (4)
Bells City School District (1)	Yes	100% (1)	100% (1)	0%
Benton County (7)	Yes	14% (1)	14% (1)	0%
Bledsoe County (5)	Yes	0%	0%	0%
Blount County	No	n/a	n/a	n/a
Bradford Special School District (2)	Yes	0%	0%	0%
Bradley County (19)	Yes	11% (2)	0%	5% (1) *
Bristol City Schools	No	n/a	n/a	n/a
Campbell County (12)	Yes	50% (6)	33% (4)	0%
Cannon County (7)	Yes	86% (6)	43% (3)	29% (2)
Carroll County (1)	Yes	0%	0%	0%
Carter County (15)	Yes	60% (9)	47% (7)	0%
Cheatham County (13)	Yes	23% (3)	23% (3)	15% (2)
Chester County (6)	Yes	67% (4)	17% (1)	17% (1)
Claiborne County (12)	Yes	0%	0%	0%
Clay County (3)	Yes	100% (3)	100% (3)	0%
Cleveland City Schools (9)	Yes	0%	0%	0%
Clinton City Schools	No	n/a	n/a	n/a
Cocke County (12)	Yes	67% (8)	67% (8)	50% (6)
Coffee County (9)	Yes	67% (6)	56% (5)	22% (2)
Collierville City Schools	No	n/a	n/a	n/a
Crockett County (5)	Yes	60% (3)	60% (3)	20% (1)
Cumberland County (12)	Yes	75% (9)	67% (8)	50% (6)
Davidson County	No	n/a	n/a	n/a
Dayton City Schools (1)	Yes	100% (1)	100% (1)	100% (1)
Decatur County (4)	Yes	0%	0%	0%

District (#) <sup>1</sup>	Is corporal punishment allowed per board policy? (August 2017)	Percentage and number of schools that said they use corporal punishment as a discipline option <sup>2</sup> when reporting to OCR for 2013-14	Percentage and number of schools that reported data of corporal punishment use for students <u>without</u> disabilities <sup>3</sup> to OCR for 2013-14	Percentage and number of schools that reported data of corporal punishment use for students <u>with</u> disabilities <sup>4</sup> to OCR for 2013-14
DeKalb County (7)	Yes	43% (3)	43% (3)	14% (1)
Dickson County (15)	Yes	20% (3)	20% (3)	13% (2)
Dyer County	No	n/a	n/a	n/a
Dyersburg City Schools	No	n/a	n/a	n/a
Elizabethton City Schools (5)	Yes	20% (1)	20% (1)	0%
Etowah City Schools (1)	Yes	100% (1)	100% (1)	0%
Fayette County (9)	Yes	44% (4)	44% (4)	22% (2)
Fayetteville City Schools (3)	Yes	67% (2)	67% (2)	33% (1)
Fentress County (7)	Yes	71% (5)	71% (5)	71% (5)
Franklin County (12)	Yes	50% (6)	50% (6)	33% (4)
Franklin Special School District	No	n/a	n/a	n/a
Germantown City Schools	No	n/a	n/a	n/a
Gibson County Special School District (9)	Yes	44% (4)	44% (4)	22% (2)
Giles County (8)	Yes	88% (7)	75% (6)	50% (4) *
Grainger County (9)	Yes	0%	0%	0%
Greene County (16)	Yes	75% (12)	75% (12)	50% (8)
Greeneville City Schools	No	n/a	n/a	n/a
Grundy County (7)	Yes	86% (6)	86% (6)	29% (2)
Hamblen County (18)	Yes	0%	0%	0%
Hamilton County (78)	Yes	26% (20)	19% (15)	13% (10) *
Hancock County (3)	Yes	0%	0%	0%
Hardeman County (9)	Yes	56% (5)	56% (5)	56% (5)
Hardin County (7)	Yes	86% (6)	86% (6)	71% (5)
Hawkins County (18)	Yes	11% (2)	11% (2)	11% (2)
Haywood County (5)	Yes	100% (5)	100% (5)	80% (4)
Henderson County (9)	Yes	67% (6)	67% (6)	56% (5)
Henry County (6)	Yes	100% (6)	67% (4)	33% (2)
Hickman County (8)	Yes	75% (6)	38% (3)	25% (2)
Hollow Rock-Bruceton Special School District (2)	Yes	100% (2)	100% (2)	50% (1)
Houston County (5)	Yes	0%	0%	0%
Humboldt City Schools (4)	Yes	0%	0%	0%
Humphreys County (7)	Yes	71% (5)	57% (4)	29% (2)
Huntingdon Special School District (4)	Yes	50% (2)	50% (2)	50% (2)
Jackson County (4)	Yes	100% (4)	100% (4)	100% (4)

District (#) <sup>1</sup>	Is corporal punishment allowed per board policy? (August 2017)	Percentage and number of schools that said they use corporal punishment as a discipline option <sup>2</sup> when reporting to OCR for 2013-14	Percentage and number of schools that reported data of corporal punishment use for students <i>without</i> disabilities <sup>3</sup> to OCR for 2013-14	Percentage and number of schools that reported data of corporal punishment use for students <i>with</i> disabilities <sup>4</sup> to OCR for 2013-14
Jefferson County (13)	Yes	15% (2)	15% (2)	0%
Johnson City Schools	No	n/a	n/a	n/a
Johnson County (7)	Yes	43% (3)	43% (3)	29% (2)
Kingsport City Schools	No	n/a	n/a	n/a
Knox County	No	n/a	n/a	n/a
Lake County (3)	Yes	100% (3)	100% (3)	67% (2)
Lakeland City Schools	No	n/a	n/a	n/a
Lauderdale County (8)	Yes	75% (6)	75% (6)	75% (6)
Lawrence County (12)	Yes	67% (8)	67% (8)	0%
Lebanon Special School District (6)	Yes	100% (6)	50% (3)	50% (3)
Lenoir City Schools	No	n/a	n/a	n/a
Lewis County (4)	Yes	100% (4)	75% (3)	50% (2) *
Lexington City Schools (2)	Yes	50% (1)	50% (1)	50% (1)
Lincoln County (8)	Yes	88% (7)	50% (4)	13% (1)
Loudon County (9)	Yes	0%	0%	0%
Macon County (8)	Yes	38% (3)	38% (3)	25% (2)
Madison County (27)	Yes	52% (14)	52% (14)	0%
Manchester City Schools (3)	Yes	100% (3)	100% (3)	67% (2)
Marion County (9)	Yes	56% (5)	44% (4)	44% (4)
Marshall County (9)	Yes	89% (8)	89% (8)	67% (6)
Maryville City Schools	No	n/a	n/a	n/a
Maury County	No	n/a	n/a	n/a
McKenzie Special School District (3)	Yes	100% (3)	100% (3)	67% (2)
McMinn County (9)	Yes	100% (9)	44% (4)	33% (3)
McNairy County (9)	Yes	89% (8)	89% (8)	44% (4)
Meigs County (4)	Yes	25% (1)	25% (1)	0%
Milan Special School District (3)	Yes	100% (3)	100% (3)	67% (2)
Millington Municipal Schools**	Yes	Data unavailable	Data unavailable	Data unavailable
Monroe County (13)	Yes	92% (12)	69% (9)	54% (7)
Montgomery County	No	n/a	n/a	n/a
Moore County (2)	Yes	50% (1)	50% (1)	0%
Morgan County (8)	Yes	0%	0%	0%
Murfreesboro City Schools	No	n/a	n/a	n/a
Newport City Schools (1)	Yes	100% (1)	100% (1)	100% (1)

District (#) <sup>1</sup>	Is corporal punishment allowed per board policy? (August 2017)	Percentage and number of schools that said they use corporal punishment as a discipline option <sup>2</sup> when reporting to OCR for 2013-14	Percentage and number of schools that reported data of corporal punishment use for students <i>without</i> disabilities <sup>3</sup> to OCR for 2013-14	Percentage and number of schools that reported data of corporal punishment use for students <i>with</i> disabilities <sup>4</sup> to OCR for 2013-14
Oak Ridge City Schools	No	n/a	n/a	n/a
Obion County (7)	Yes	86% (6)	86% (6)	86% (6)
Oneida Special School District	No	n/a	n/a	n/a
Overton County (8)	Yes	75% (6)	75% (6)	13% (1)
Paris Special School District (3)	Yes	33% (1)	33% (1)	0%
Perry County (4)	Yes	50% (2)	50% (2)	0%
Pickett County (2)	Yes	50% (1)	50% (1)	50% (1)
Polk County (6)	Yes	83% (5)	83% (5)	50% (3)
Putnam County (18)	Yes	50% (9)	22% (4)	0%
Rhea County (7)	Yes	43% (3)	43% (3)	14% (1)
Richard City Special School District (1)	Yes	0%	0%	0%
Roane County	No	n/a	n/a	n/a
Robertson County**	Yes	Data unavailable	Data unavailable	Data unavailable
Rogersville City Schools	No	n/a	n/a	n/a
Rutherford County (47)	Yes	17% (8)	15% (7)	6% (3) *
Scott County (7)	Yes	0%	0%	0%
Sequatchie County (3)	Yes	33% (1)	33% (1)	33% (1)
Sevier County (28)	Yes	14% (4)	14% (4)	0%
Shelby County	No	n/a	n/a	n/a
Smith County (9)	Yes	100% (9)	56% (5)	22% (2)
South Carroll Special School District (1)	Yes	100% (1)	100% (1)	0%
Stewart County (5)	Yes	0%	0%	0%
Sullivan County	No	n/a	n/a	n/a
Sumner County	No	n/a	n/a	n/a
Sweetwater City Schools (4)	Yes	100% (4)	100% (4)	100% (4)
Tennessee Department of Children's Services (Youth Development Centers)***	No	n/a	n/a	n/a
Tennessee School for the Blind***	No	n/a	n/a	n/a
Tennessee School for the Deaf***	No	n/a	n/a	n/a
Tennessee State Board of Education***	No	n/a	n/a	n/a
Tipton County (14)	Yes	93% (13)	93% (13)	93% (13)

District (#) <sup>1</sup>	Is corporal punishment allowed per board policy? (August 2017)	Percentage and number of schools that said they use corporal punishment as a discipline option <sup>2</sup> when reporting to OCR for 2013-14	Percentage and number of schools that reported data of corporal punishment use for students <i>without</i> disabilities <sup>3</sup> to OCR for 2013-14	Percentage and number of schools that reported data of corporal punishment use for students <i>with</i> disabilities <sup>4</sup> to OCR for 2013-14
Trenton Special School District (3)	Yes	67% (2)	67% (2)	67% (2)
Trousdale County (3)	Yes	0%	0%	0%
Tulahoma City Schools	No	n/a	n/a	n/a
Unicoi County (8)	Yes	88% (7)	63% (5)	50% (4)
Union City Schools (3)	Yes	100% (3)	100% (3)	67% (2)
Union County (10)	Yes	10% (1)	10% (1)	0%
Van Buren County (2)	Yes	100% (2)	100% (2)	50% (1)
Warren County (11)	Yes	73% (8)	55% (6)	18% (2)
Washington County (15)	Yes	53% (8)	53% (8)	40% (6)
Wayne County (7)	Yes	100% (7)	86% (6)	71% (5) *
Weakley County (11)	Yes	91% (10)	0%	0%
West Carroll Special School District (3)	Yes	100% (3)	100% (3)	100% (3)
West Tennessee School for the Deaf***	No	n/a	n/a	n/a
White County (9)	Yes	67% (6)	67% (6)	44% (4)
Williamson County	No	n/a	n/a	n/a
Wilson County	No	n/a	n/a	n/a

Source: OREA review of school board policies, Aug. 2017; US Department of Education, Office for Civil Rights data, 2013-14 school year.

\*District contains at least one school that reported data of corporal punishment use with students with disabilities, but not for students without disabilities.

\*\*Data was unavailable for three districts that have policies allowing corporal punishment use as of August 2017: Arlington Community Schools and Millington Municipal Schools (neither were school districts in the 2013-14 school year), and Robertson County (OCR indicates this district has missing corporal punishment data for the 2013-14 school year). These three districts were included in the count of 109 total districts allowing corporal punishment, but were not included in any other totals.

\*\*\*Indicates a special school or district. The state special schools (Alvin C. York Institute, Tennessee School for the Blind, Tennessee School for the Deaf, and the West Tennessee School for the Deaf), the Achievement School District, the State Board of Education, and the Department of Children's Services are treated as school districts in terms of creating their own policies for the school(s) within their jurisdiction.

<sup>1</sup> Number in parenthesis indicates the total number of schools in the district for the 2013-14 school year.

<sup>2</sup> Percentage indicates the number of schools that responded 'yes' when asked by OCR, 'Does this school use corporal punishment?' divided by the total number of schools in the district in the 2013-14 school year.

<sup>3</sup> Percentage indicates the number of schools that reported data to OCR of corporal punishment use for students without disabilities, divided by the total number of schools in the district in the 2013-14 school year.

<sup>4</sup> Percentage indicates number of schools that reported data to OCR of corporal punishment use with students with disabilities divided by the total number of schools in the district in the 2013-14 school year.







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