



June 28, 2010

Representative Carolyn McCarthy  
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Washington, D.C. 20515

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**Re: Coalition Sign-on Letter in Support of the “Ending Corporal Punishment in Schools Act”**

Dear Representative McCarthy:

On behalf of the ACLU and the undersigned coalitions, organizations, and individuals, we applaud the introduction of your bill, the “Ending Corporal Punishment in Schools Act,” which addresses the damaging use of corporal punishment against our nation’s school children. This important legislation will eliminate the use of corporal punishment in both public schools and private schools which serve students receiving federal services, as well as assist in creating a safer learning environment for every child. It is a vital step toward ensuring that our schools are places where students and educators interact in positive ways that foster students’ growth and dignity.

According to data from the Department of Education, nearly a quarter of a million students were subjected to corporal punishment in public schools in the 2006-2007 school year. Despite the many problems associated with the hitting or paddling of students, corporal punishment is a legal form of school discipline in 20 states. Aside from the infliction of pain and physical injury that often result from the use of physical punishment, these violent disciplinary methods impact students’ academic achievement and long-term well-being.<sup>1</sup> Harsh physical punishments do not improve students’ in-school behavior or academic performance. In fact, one recent study found that schools in states where corporal punishment is used perform worse on national academic assessments than those schools in states that prohibit corporal punishment.

Moreover, evidence indicates that corporal punishment is disproportionately applied against certain groups of students. According to the Department of Education, while African Americans made up 17.1 percent of public school students nationwide, they accounted for 35.6 percent of those who were paddled during the 2006-2007 school year. Similarly, although students with disabilities

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<sup>1</sup> For more information see *Corporal Punishment in Schools and Its Effect on Academic Success: Hearing Before the H. Education and Labor Subcomm. on Healthy Families and Communities*, 111<sup>th</sup> Cong. 2 (2010) (statement of the American Civil Liberties Union and Human Rights Watch).

constituted 13.7 percent of all public school students, they made up 18.8 percent of those who are subjected to corporal punishment. These students are often punished simply for behaviors arising out of their disabilities, such as autism or Tourette's syndrome. Hitting any student should be an unacceptable practice, but the disproportionate application of corporal punishment against these populations further undermines their educational environment.<sup>2</sup>

The bill's key provisions eliminating the use of corporal punishment in schools will assist in ensuring the safety of all students and educators. While this bill would be even stronger if it permitted families to enforce its provisions to protect students, the prohibition on the use of physical punishment against students is supported by other important accountability measures, such as allowing funds to be withheld from educational agencies that fail to comply, and ensuring that a plan is in place to alert school personnel and parents of policies eliminating corporal punishment for students.

In addition, the legislation also gives schools and educators new tools to foster a positive school climate by encouraging the use of school-wide positive behavior supports, an evidence-based approach to school discipline proven to reduce school discipline referrals and support improved academic outcomes. The bill establishes a grant program which provides funds to educational agencies in order to develop and implement positive behavioral supports and interventions in the classroom and throughout the school.

The federal government has a significant interest in ensuring a positive learning environment for the nation's students. With schools both eliminating the harmful practice of corporal punishment and implementing positive, evidence-based policies, this legislation helps students achieve access to a safe and high-quality education. We thank you for your important leadership on this issue and hope the bill will move swiftly through the House.

If you have any questions, please contact Deborah J. Vagins, ACLU Legislative Counsel, at [dvagins@dcaclu.org](mailto:dvagins@dcaclu.org) or (202) 715-0816.

Sincerely,

American Civil Liberties Union (ACLU) *and the following organizations and coalitions:*

Advancement Project  
American Association of People with Disabilities  
American Association of University Women (AAUW)  
Autism National Committee (AutCom)  
Bazelon Center for Mental Health Law  
Center for Community Alternatives  
Center for Effective Discipline  
Center for Law and Education  
CHADD - Children and Adults with Attention-Deficit/Hyperactivity Disorder  
Charles Hamilton Houston Institute for Race and Justice at Harvard Law School  
Children & Family Justice Center, Northwestern University School of Law

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<sup>2</sup> *Id.* at 3-4.

Children's Healthcare Is a Legal Duty  
Children's Law Center of Massachusetts  
Concerns Citizens for a Better Greenville  
Council of Parent Attorneys and Advocates, Inc. (COPAA)  
Delta Consortium for a Social Change  
Dignity in Schools Campaign Core Group  
Disability Law Center of Massachusetts  
Disability Rights Wisconsin  
Education Law Center  
Equip for Equality  
Family Alliance to Stop Abuse and Neglect (NJ, PA, NY)  
Family Network on Disabilities  
Gay, Lesbian and Straight Education Network  
Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline (Gwinnett STOPP)  
Human Rights Watch  
Independent Commission on Public Education  
Law Offices of Andréa Marcus  
Lawyers' Committee for Civil Rights Under Law  
LEADERSHIP Counts!  
Maryland Coalition for Inclusive Education  
Mississippi Coalition for the Prevention of Schoolhouse to Jailhouse  
Mississippi Delta Catalyst Roundtable  
NAACP  
NAACP Legal Defense and Educational Fund, Inc.  
National Association of Secondary School Principals (NASSP)  
National Coalition to Abolish Corporal Punishment in Schools  
National Disability Rights Network  
National Economic and Social Rights Initiative (NESRI)  
National Education Association (NEA)  
National PTA  
National Urban League  
National Women's Law Center  
NCLR (National Council of La Raza)  
New York Lawyers for the Public Interest  
Nollie Jenkins Family Center, Inc.  
Ohio Poverty Law Center  
Parents And Teachers Against Violence In Education  
Public Citizens for Children and Youth  
Public Counsel Law Center, Los Angeles  
Respect ABILITY Law Center  
Restorative Schools Vision Project  
Safe Children Incorporated  
Sargent Shriver National Center on Poverty Law  
Secular Coalition for America  
Southern Disability Law Center  
Southern Echo, Inc.

Southern Juvenile Defender Center  
Southern Poverty Law Center  
Sunflower County Parents and Students Organization  
TASH  
Tennesseans For Non-Violent School Discipline  
The Hitting Stops Here!  
The Leadership Conference on Civil and Human Rights  
University of Oregon Institute on Violence and Destructive Behavior  
Waters & Associates, LLC  
YAPS (Youth as Public Speakers)

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