

An Analysis of Corporal Punishment Practices in the State of Tennessee

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CHAPTER 1: Introduction

Overview

This dissertation investigates the relationship between corporal punishment, race, and other demographic information. Corporal punishment is a form of discipline used since ancient times (Lambert, 2012). Corporal punishment is defined as the “infliction of physical pain upon a person’s body as punishment for a crime or infraction; denotes the physical disciplining administered by an adult (such as a parent or a teacher) to the body of a child ranging in severity from a slap to a spanking” (Corporal, 2008, para. 1). Since the beginning of this century, there has been a worldwide movement to abolish corporal punishment as a tool for reforming children when they misbehave (Global, 2008). In the United States, the majority of states have banned corporal punishment in public schools, but as the U.S. Department of Education pointed out in a recent policy statement on school-based corporal punishment, 15 states still authorize its use (King, 2016).

Corporal punishment is associated with spanking, hitting, pulling, slapping, and paddling. Although corporal punishment rates are on the decline, corporal punishment has been linked to crime (The Center for Effective Discipline, 2005). After corporal punishment has been administered, adrenalin output increases sharply during fear, anger, and physical punishment. When this is prolonged or often repeated, the endocrine balance fails to return to baseline. The victim becomes easily angered and prone to poor impulse control and spontaneous violent outbursts (Maurer & Wallerstein, 1987). According to the American Academy of Pediatrics (2012), corporal punishment may be responsible for mental health problems in children, such as depression, low self-esteem, and personality disorders.

In all 50 states, physical punishment is considered too severe for felons, murderers, and criminals regardless of crime or age. However, in many states, public schools are allowed to practice corporal punishment on students, which has been a point of controversy in recent years. This controversy has led policy makers to become aware of the physical and psychological impact that corporal punishment has on a child's wellbeing. In addition, research has shown that corporal punishment in schools is often administered in a discriminatory manner, with minorities and children with disabilities receiving a disproportionate share of this form of discipline (Arcus, 2002; Owens, 2005; Robinson et al., 2005). These two factors have helped to cause the use of corporal punishment in schools to come under scrutiny.

Each year, hundreds of thousands of students are subjected to corporal punishment in schools. Despite significant evidence that corporal punishment is detrimental to a productive learning environment, there is currently no federal prohibition on the use of physical discipline against children in public school. In fact, children in some states receive greater protections against corporal punishment in detention facilities than they do in their public schools (Parker & Vagis, 2010).

Significance of the Study

Research has shown that adolescents who are disciplined by corporal punishment are more likely to display violent behaviors, such as abusing one's spouse or romantic partner (Swinford, Demaris, Cernkovich, & Giordano, 2000). Research by Gershoff (2002) has also shown that individuals who are disciplined by corporal punishment as children are more likely to display antisocial behavior or suffer from mental health issues. In most developed countries, corporal punishment is no longer used as a means to discipline students in schools.

In the United States, at least 15 states still allow school administrators or faculty to discipline students by corporal punishment. Research has shown that most incidents of corporal punishment are found in the South. This research has also shown a wide variation in the use of corporal punishment, and North Carolina and Florida have almost stopped the practice of it in schools completely (Goodson & Fossey, 2012). Research has also shown that corporal punishment in Texas is mostly confined to small towns and rural areas (Phillips, 2012; Prejean, 2015).

No study of corporal punishment in Tennessee schools has been done that examined data recently released by the U.S. Department of Education's Office of Civil Rights. This study examined patterns and practices pertaining to corporal punishment in Tennessee public schools, and compared these findings with research findings for other Southern states (Broussard, Williams-Damond, Broussard, Fossey, & Slater, 2013; Prejean, 2015; Williams-Damond, 2013).

Statement of the Problem

Since colonial times, corporal punishment has been an important part of the educational process (Middleton, 2008). As Middleton (2008) stated, "the use of punishment in the school economy was intended as positive, aimed at helping the backslider to do willingly what he ought to do" (p. 1). Many educational theorists believed that the best motivation for students showing negative behavior was a threat of physical discipline (Middleton, 2008). Even today, many teachers support the use of corporal punishment because it is a relatively quick intervention compared to suspension or after-school detention. A teacher can administer corporal punishment to a misbehaving student in order to

quickly regain control of the classroom, without resorting to more time-consuming disciplinary measures (Stephey, 2009).

Currently in the United States, corporal punishment is illegal in 35 states. Even in the 15 states that permit it, the practice is gradually being abandoned, especially in urban school districts. For example, all eight major urban school districts in Texas have abolished corporal punishment, and corporal punishment is prohibited in the urban school districts of Florida (Goodson & Fossey, 2012; Phillips & Fossey, 2012).

Although studies have reported a decreased use of corporal punishment, according to data reported by the U.S. Department of Education Office for Civil Rights (OCR), Tennessee had the fifth highest rate of school-based corporal punishment in 2009-2010. Although the overall corporal punishment rates have declined during the past 30 years, disparate rates of physical punishment have persisted (Gershoff, 2008). Administrators need to examine the negative side effects associated with corporal punishment and work on abolishing it at the district level.

In the educational setting, corporal punishment is defined as the “intentional use of physical force to inflict pain, but not injury, for the purpose of correcting or controlling a child’s behavior” (Straus, 1994, p. 4). Corporal punishment can be a very humiliating experience for children and research has shown that this humiliation can have a negative impact on a student’s ability to solve problems effectively or rationally, and it may make students more oppositional, aggressive, and defiant (Hyman, 1995). Hyman (1995) asserted that approximately one half of students who are subjected to severe punishment develop an illness called Educationally Induced Post-Traumatic Stress Disorder (EIPSD). Such victimized students often experience difficulty sleeping, fatigue, feelings of sadness and

worthlessness, suicidal thoughts, anxiety episodes, increased anger with feelings of resentment and outbursts of aggression, deteriorating peer relationships, difficulty with concentration, lowered school achievement, antisocial behavior, intense dislike of authority, somatic complaints, tendency for school avoidance, school dropout, and other evidence of negative high-risk adolescent behavior (Dubanski, 1983; Reinholz, 1977). These symptoms do not encourage academic success in schools.

Research has also shown that using corporal punishment as a means to modify student behavior has many negative effects on student achievement and student mental health (Hyman, 1995). Hyman (1995) has further shown that students who receive corporal punishment may have deficiencies in ability, academic achievement, and social competence when compared to students who do not receive corporal punishment. Poole (1991) concluded that physically punished children became more rebellious, and are more likely to demonstrate vindictive behavior, such as seeking retribution against school officials and others in society.

The frequency of corporal punishment use on students remains high for some schools in the United States. According to the Office of Civil Rights (2007), school officials, including teachers, administered corporal punishment to 109,000 school children across the nation during the 2015-2016 school year. Although 15 states in the U.S. allow corporal punishment as a form of discipline in schools (NCPTC, 2013), corporal punishment rates vary greatly from state to state. For example, a recent study of corporal practices in Texas found that 66% of students attended schools in districts that prohibited corporal punishment by school-board policy (Prejean, 2015). On the other hand, a 2014 study of corporal punishment practices in Louisiana school districts found that only 40% of Louisiana students

attend school in school districts that have banned the practice (Broussard, 2014). According to the most recent annual report published by the National Center for Educational Statistics (NCES), which provides data on the percentages of students in each state who have been subjected to corporal punishment over a one-year period, Tennessee is ranked sixth in corporal punishment incidences (Office of Civil Rights, 2006).

Many professional organizations have come out against the use of corporal punishment in schools because of the harmful effect it has on students (Dupper & Dingus, 2008). According to Fossey and Slater (2013), “there is no legitimate justification” (p. 4) for the use of corporal punishment practices in our schools. Administrators in schools that still practice corporal punishment should find other means of disciplining their students. Districts around the world are using programs that focus on positive reinforcement, instead of negative consequences.

Support for the use of corporal punishment in schools has its roots in local custom, fundamental religious beliefs, and in the mistaken assumption that corporal punishment is an effective means of disciplining students, rather than a harmful approach (Kopansky, 2002). Among the myths surrounding the use of corporal punishment is the belief that the practice leads to the development of character, teaches respect, and is the only form of discipline that some children understand. Some educators believe that behavioral problems in the schools would increase if they were forced to abandon the practice of paddling their students.

Purpose of Study and Research Questions

The purpose of this research was to identify and analyze patterns and trends of corporal punishment within race and other demographics. This study examined data and looked at case law and its importance. This research answered the overarching question of

what were the characteristics of a Tennessee school district that used corporal punishment as a means of disciplining students. The following research questions guided the research of corporal punishment in Tennessee:

1. Is corporal punishment being administered to minority students at a greater rate than nonminority students in Tennessee schools?
2. Does a relationship exist between school district size and corporal punishment practices in Tennessee public schools?
3. What percentage of Tennessee school districts reported incidents of corporal punishment during the 2011-2012 school year according to corporal punishment data collected by the U.S. Department of Education's Office for Civil Rights?
4. What are the comparisons of corporal punishment rates when examining large, medium, and small school districts?

The above research questions were relevant to determine if research of corporal punishment practices in the state of Tennessee was similar to previous research. Research has consistently shown that African Americans are disproportionately beaten in public schools compared to other races (Center for Effective Discipline, 2002). While the use of corporal punishment has declined overall in the past 30 years, the disproportionate rate at which African American students are paddled has stayed the same or increased (Gershoff, 2008). Students are more likely to experience corporal punishment if they are poor, male, of ethnic minority status, or live within specific regions (Arcus, 2002; Owens, 2005; Robinson et al., 2005; Society for Adolescent Medicine, 2003). Williams-Damond (2014) showed that large urban school systems are discontinuing the use of corporal punishment. Other research has

also shown that urban school districts in the states of Florida and Texas are declining in the use of corporal punishment (Goodson, 2012; Phillips, 2012).

Limitations of the Study

This study had several limitations. First the assumption that all information reported by the Tennessee public schools to OCR to be accurate. Also, the findings concerning corporal punishment in Tennessee public schools were restricted to the examination of OCR data for Tennessee during the 2011-2012 school year, and were not transferable to corporal punishment practices in the schools of other states. In particular, corporal punishment was prohibited in 31 states and the District of Columbia. Other studies have shown that corporal punishment practices differ significantly, even in Southern states (Prejean, 2015; Timoll, 2015). Finally, corporal punishment is also on the decline even in the states that permit it, but this study was not able to compare OCR data for 2011-2012 with OCR data from earlier years because OCR data did not report corporal punishment data for all Tennessee school districts in the years prior to 2011-2012.

Assumptions of the Study

This study assumed that information provided by the school systems in the state of Tennessee to the U.S. Department of Education's Office for Civil Rights was accurate and provided correct school level information dealing with incidents of corporal punishment and student demographical information. This study also assumed that all public K-12 schools in the state of Tennessee completed the CRDC survey.

Chapter One Summary

This study examined corporal punishment data from the state of Tennessee. It examined the patterns and practices of corporal punishment in Tennessee and compared it to

corporal punishment research of other Southern states. Currently 19 states still permit the use of corporal punishment. The choice of research questions was relevant to see if the characteristics of the use of corporal punishment were similar to other Southern states.

CHAPTER 2: Literature Review

Corporal Punishment in the United States

For purposes of this study, corporal punishment was defined as the use of physical force with the intention of causing a child to experience pain, but not injury, for the purpose of correction or control of the child's behavior (Straus, 1994). According to OCR data, corporal punishment has been on the decline in the United States. Corporal punishment has been occurring since the colonial times, and has been an acceptable form of discipline in American culture. In the past, corporal punishment was the main form of discipline used by educators when punishing students. Corporal punishment, spanking, hitting, whipping, beating, paddling, and excessive force are terms used when describing physical punishment to a child or offender. In the 20th century, teachers in some schools were allowed to hit children with bamboo canes (Lambert, 2012).

Two examples of corporal punishment in the 20th century involved bamboo canes and leather straps. The leather straps usually had one or two tails attached and were used to hit students on the hands or on the backside for infractions. The bamboo canes were used on both boys and girls. Bamboo canes were very popular in primary and secondary schools to discipline students (Lambert, 2012). For example, in a 1979 decision, the Missouri Supreme Court affirmed the dismissal of a lawsuit brought by a student who was injured when a teacher struck her three times with a rattan stick, injuring the student's right hand and wrist. The court upheld a lower court ruling that the student sustained her injuries because she used her right hand to shield herself from the teacher's blows (*Streeter v Hundley*, 1979). The appellate court also agreed with the lower court's conclusion that the punishment was

administered in accordance with prescribed school regulations and had been meted out in reasonable manner.

Over the centuries, various types of items were used to inflict pain on students. In ancient times, flogging and birching were popular ways to discipline students. In the Middle Ages, discipline was severe. Boys were beaten with rods or birch twigs on the rear end. Whipping, stoning, and caning were other popular forms of corporal punishment. However, in the late 1960s-1970s, the cane was phased out. England, for example, banned the use of the cane in its schools in 1987. The ruler was also commonly used in schools to hit students on the hand in the 20th century (Lambert, 2012).

While paddling and whipping represent the more traditional methods of corporal punishment in schools, the courts have ruled that other activities involving physical pain on a student constitute corporal punishment as well. However, various professional organizations and public policy entities are beginning to bring attention to the harms caused by corporal punishment and are working on getting it banned in schools.

Corporal Punishment and Violence

In modern society, physical punishment is considered too severe for felons, murderers, criminals of all kinds and ages, including juvenile delinquents; and it is considered too demeaning for soldiers, sailors, servant and spouses to have corporal punishment inflicted on them. But it remains legal and acceptable for children who are innocent of any crime to be disciplined by corporal punishment (Maurer & Wallerstein, 1987). Despite negative outcomes associated with corporal punishment, children are being disciplined with it in schools. A study by Maryland-based anti-spanking advocate Guthrow (2002) suggested that corporal punishment is a contributing factor to many of society's ills.

Guthrow's study also took a number of other factors into account, including state and local education spending, high school completion rates, percentage of births to unwed mothers, and poverty rates. Guthrow found that corporal punishment is legal in 8 of the 10 states with the highest murder rates. Louisiana, which has the highest murder rate in the country (Death Penalty Information Center, 2017), was ranked sixth in the nation in percentage of students struck by educators, according to Guthrow. Idaho has the lowest murder rate in the nation, and has the third lowest murder rate in the country, and ranks 18th by percentage of students hit (www.nospank.net/guthrow.htm).

Research on young adults who were disciplined with corporal punishment as adolescents has shown that these individuals have a greater propensity to use violence in social situations. The individuals were more likely to be abusive to a spouse or someone they were involved with in a romantic relationship. The study further showed that having been disciplined with corporal punishment was an important indicator of abnormal and violent behavior as an adult. In turn this abnormal behavior was a significant indicator for future acts of violence against one's spouse or romantic partner (Swinford, Demaris, Cernkovich, & Giordano, 2000).

A study conducted by Straus and Kantor (1994) also found that children who are disciplined by corporal punishment have a great probability of physically abusing their spouse or romantic partner later in life. Straus and Kantor also found that individuals who had been punished by corporal punishment were also more likely to abuse children. Their study showed that if a child was punished by corporal punishment the child was more likely to cause physical violence to a spouse and romantic partner as an adult. Corporal punishment was a significant indicator of spousal abuse, even when the impact of other variables such as

age, abuse of alcohol, and low socioeconomic status are accounted for. Straus and Kantor also found that the more an individual was punished by corporal punishment the more likely the individual was to engage in severe acts of child abuse.

According to Gershoff (2002), children subjected to corporal punishment are more aggressive, have more mental health issues, and a higher rate of criminal and other antisocial behavior than children who do not experience corporal punishment. Dr. Elizabeth Gershoff is a leading researcher on physical punishment. After reviewing decades of research, Gershoff wrote the *Report on Physical Punishment in the United States: What Research Tells Us About Its Effects on Children*, published in 2008 in conjunction with Phoenix Children's Hospital. The report recommended that parents and caregivers make every effort to avoid physical punishment and called for the banning of physical discipline in all U.S. schools. The report has been endorsed by dozens of organizations, including the American Academy of Pediatrics, American Medical Association, and Psychologists for Social Responsibility.

Although corporal punishment is still practiced in 19 states, the incidence of corporal punishment has shown a steady decline in recent years (Gershoff, 2008). Figure 1 illustrates the total number of students paddled declining in public schools. Data from Figure 1 relates to the number of students paddled can be obtained from the U.S. Department of Education Office of Civil Rights. Between 1994 and 2004, the number of students paddled declined from 470,683 students to 272,028 students.

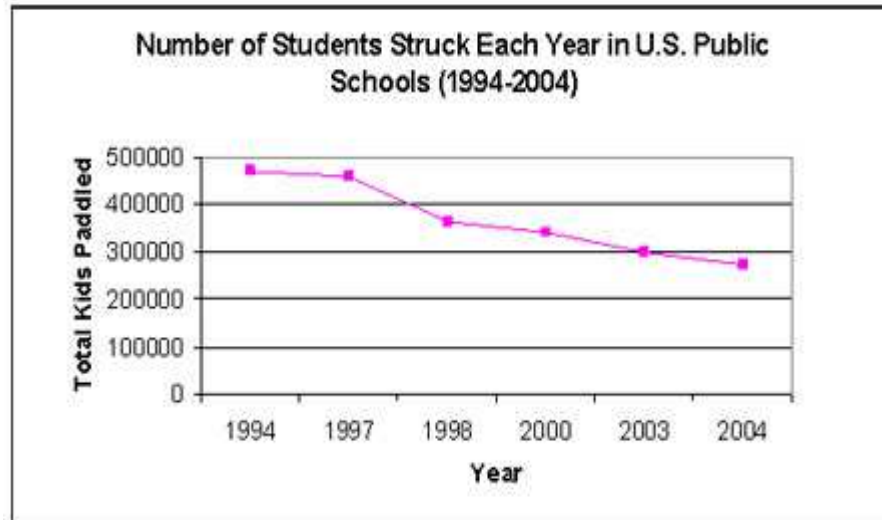


Figure 1. The number of students who have been struck in the U.S. public schools between 1994 and 2004 (Center for Effective Discipline, 2008).

The percentage of students struck for each state was found using information from the Office of Civil Rights (OCR). The percentages were calculated and the top ten states were ranked from highest to lowest. Eight of the top ten paddling states are in the top ten states with the highest incarceration rates (OCR, 2006). Table 1 shows the ten worst states, with Mississippi the highest, by percentages of students struck by educators in the 2006-2007 school year. Tennessee is the sixth ranked state with a percentage of 1.5 students struck by educators in the 2006-2007 school year.

Table 1

The 10 Worst States, by Percentage of Students Struck by Educators in the 2005-06 School

Year

Rank	State	Percentage
1	Mississippi	7.5
2	Arkansas	4.7
3	Alabama	4.5
4	Oklahoma	2.3
5	Louisiana	1.7
6	Tennessee	1.5
7	Texas	1.1
8	Georgia	1.1
9	Missouri	0.6
10	Florida	0.3

Although the OCR data is useful, it is not complete. Research has found that OCR data did not report corporal punishments for all school districts, and that OCR data apparently underreported corporal punishment in the public schools in some states, since OCR corporal punishment rates for some states showed less corporal punishment than the amount reported in data collected by the states themselves (Broussard, J., Williams, T., Broussard, M., Fossey, R., & Slater, R. (2013).

In addition, dissertation research at the University of North Texas and the University of Louisiana at Lafayette found that corporal punishment in Southern schools was more likely to occur in rural areas than major cities (Broussard, Williams-Damon, Broussard, Fossey & Slater, 2013). In Texas, for example, no major urban school districts permit students to be physically punished by educators (Phillips & Fossey, 2012).

Psychological Effects of Corporal Punishment

Research has shown that there is often a psychological impact associated with corporal punishment. According to Graziano (1992), frequent punishment has more to do

with a teacher's frustration level than with the child's misbehavior. Furthermore, Graziano (1990) asked why, by law, are teachers not allowed to strike an adult, but educators are allowed to hit a child? The long-term use of corporal punishment tends to increase the probability of deviant and antisocial behaviors, such as aggression, adolescent delinquency, and violent acts inside and outside the school (Straus, 1994). Such victimized students can have difficulty sleeping, fatigue, feelings of sadness and worthlessness, suicidal thoughts, anxiety episodes, increased anger with feelings of resentment and outbursts of aggression, deteriorating peer relationships, difficulty with concentration, lowered school achievement, antisocial behavior, intense dislike of authority, somatic complaints, tendency for school avoidance, school drop-out, and other evidence of negative high-risk adolescent behavior (Dubanski, 1983; Reinholz, 1977). Those symptoms do not encourage academic success in schools. Figure 2 shows the relationship between corporal punishment and post-traumatic stress in children. We see that as children believed they received more spankings the percentage of those students with high scores on measures of post-traumatic stress symptoms increased. Figure 2 shows less than 15% of the children who did not believe they received more spankings as a child showed signs of post-traumatic stress symptoms. As children believed they received more spankings we see an increase in the scores of the measures of post-traumatic stress. For the students who believed they received more spankings, over 30% received high scores on the post-traumatic stress symptoms indicators.

The More Spanking, The Greater the Probability of Post-Traumatic Stress Symptoms

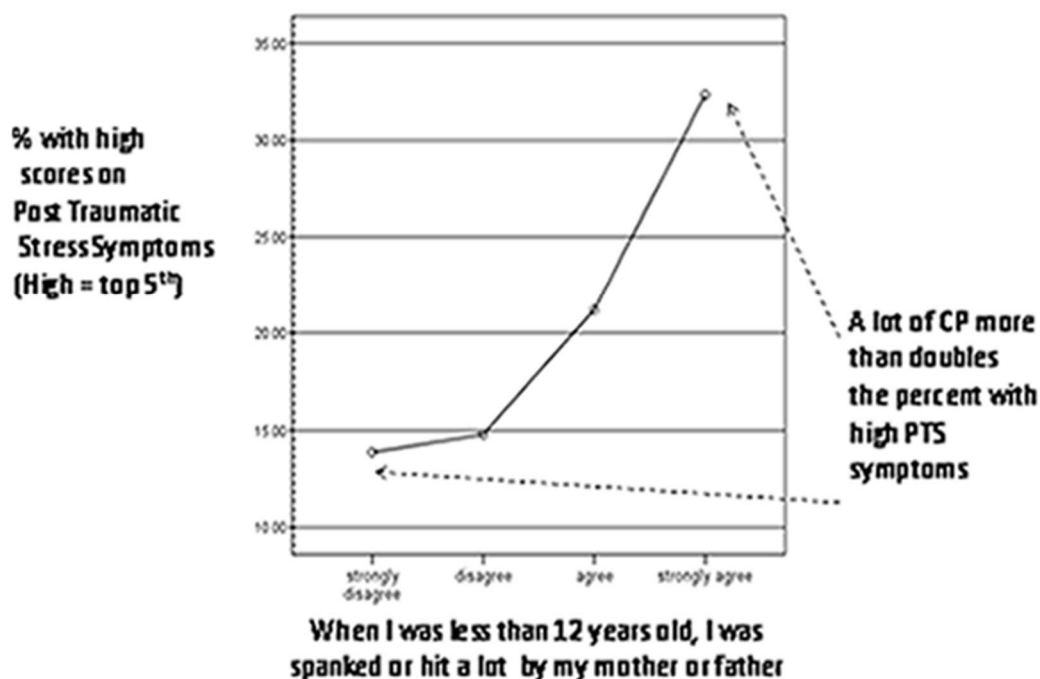


Figure 2. Comparison of spanking to the likelihood of post-traumatic stress (Straus, 2014).

Inconsistent or overuse of punishment in harsh and unskilled ways can have very undesirable, dangerous, and long lasting effects on the children who may develop negative personality traits such as disliking the punishing person; developing strong fears and anxieties; obstacles with learning; and learning to escape from or avoid people, places and things associated with harsh punishment. Children who are physically punished also learn to imitate the methods of punishment used by their parents and teachers (Mahwinney & Peterson, 1986). A school should be a safe place for students, a place where they should feel comfortable and secure. Administrators should reevaluate how they punish their students because of the mentioned side effects.

Research conducted by The Global Initiative to End Corporal Punishment of Children (2001) showed that corporal punishment has a wide range of negative outcomes, including:

direct physical harm, negative impacts on mental and physical health, poor moral internalization, increased aggression in children, increased perpetration and experience of violence in adults, increased antisocial behavior, poor cognitive development, and damaged family relationships. Corporal punishment does not produce long-lasting improvements in behavior; it negatively affects the social, psychological, and educational development of students; it contributes to the cycle of child abuse; and promotes pro-violent attitudes of youth (Andero & Stewart, 2002; Gershoff, 2010; Owen, 2005; Society for Adolescent Medicine, 2003).

Corporal punishment is associated with children's aggression and other antisocial behavior (towards peers, siblings and adults) (Smith, 2006). Corporal punishment may legitimize violence for children in interpersonal relationships because they tend to internalize the social relations they experience (Vygotsky, 1978). Ironically, the behavior parents are most likely to intend to prevent when they physically punish children is exactly the behavior they are likely to strengthen. Social learning theory (Bandura, 1969) suggests that physical punishment enables children to learn aggressive behavior through modeling. If parents try to modify their children's behavior through inflicting pain, then those children are likely to do the same to others when they want to influence other people's actions. Figure 3 illustrates the relationship between corporal punishment and a teenager's IQ. We see a negative relationship between corporal punishment and a teenager's IQ; that is, as the percentage of students who are spanked a lot increase, the IQ scores decrease. We can thus infer that the use of corporal punishment of children leads to a decrease in average IQ scores among children who receive this punishment.

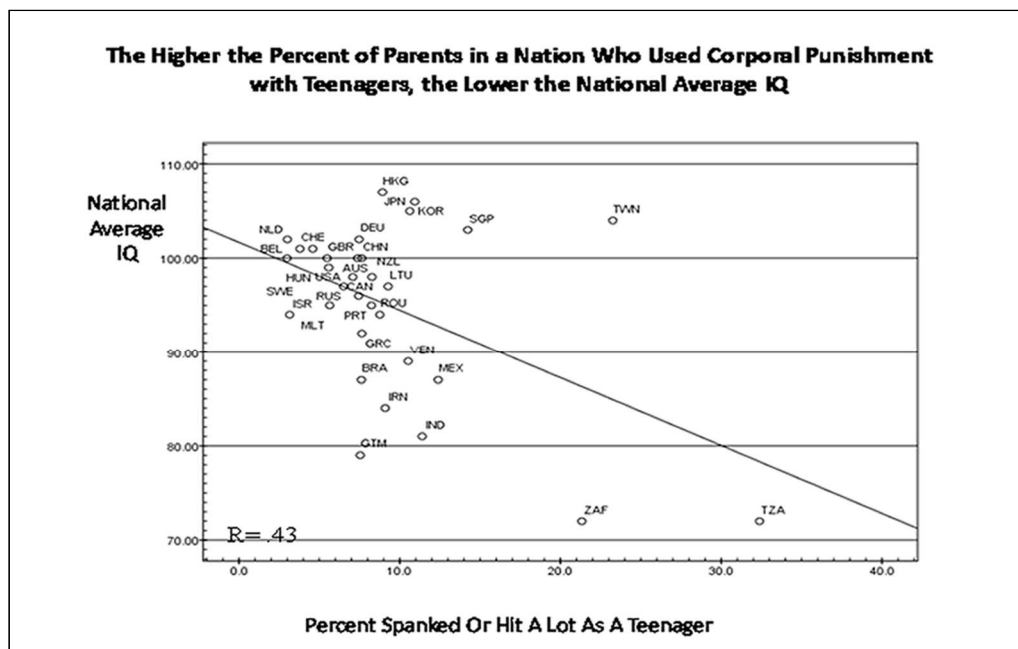


Figure 3. The higher the percent of parents in a nation who used corporal punishment with teenagers, the lower the national average IQ (Straus, 1994).

Turner and Miller (2015) looked at the long-term effect of corporal punishment on individuals who experienced some form of corporal punishment in the early teens. They looked at the effect corporal punishment may have on depression in young adults and looked at the negative effects corporal punishment had on an individual's self-esteem. They found that the number of corporal punishment incidents was significantly and positively correlated with depression in young adults. The relationship between depression and corporal punishment was analyzed using a simple linear regression and it was determined that corporal punishment was a significant indicator of depression. They also tested another model that added other types of punishment to the analysis, and corporal punishment remained a significant predictor of depression. A study of college students who were disciplined by corporal punishment as children found several long-term negative effects caused by corporal punishment. These college students had more negative interactions with

individuals and had fewer friends. They were also more likely to suffer from anxiety, depression, and had grades that were below average (Bryan & Freed, 1982).

A study conducted by Straus and Kantor (1994) also found that the corporal punishment of children can have negative effects on corporal punishments in later years. Their study found that children who were disciplined by corporal punishment had a greater chance of suffering from depression as an adult. The significant impact of corporal punishment on the chance of suffering from depression as an adult was not diminished by controlling for the effect of other variables, such as gender or socioeconomic status. This study showed that individuals punished by corporal punishment were more likely to think about committing suicide and to abuse alcohol as an adult.

Turner and Finkelhor (1996) found a significant difference in the impact of corporal punishment on depression, on gender, and the number of incidents of corporal punishment. The study looked at the impact of corporal punishment and depression using a multivariate logistic regression model. When looking at gender and corporal punishment it was found that women were 3.19 times more likely to suffer from depression than men, when both groups were subjected to corporal punishment as children. They also found that individuals who were disciplined by corporal punishment more often were more likely to suffer from depression. Those children who were disciplined often by corporal punishment had odds there were three times higher that they would also suffer from depression.

A study was done on the long-term effect of corporal punishment on self-esteem and depression in children. A multiple regression analysis was done modeling the effect that the stress of corporal punishment had on a child's self-esteem and depression levels. Those children who were stressed about the threat of corporal punishment had higher occurrences

of depression. Similar results were found concerning the relationship between corporal punishment and self-esteem. Those children who were stressed about the threat of corporal punishment had lower self-esteem than those children who did not stress about the threat of corporal punishment (Mulvaney & Mebert, 2010).

Views of Professional Organizations

Although numerous professional organizations and groups are against corporal punishment, it has yet to be banned in schools around the United States. According to information provided by the Global Initiative to End All Corporal Punishment (www.endcorporalpunishment.org), the practice has been completely banned from schools throughout Europe, including Russia. In some European countries even parents are not allowed to spank their children. Other countries around the world that have banned the practice including Costa Rica, Israel, Kenya, New Zealand, Tunisia, Uruguay, and Venezuela. The U.S. is in the minority of developed countries that still practices corporal punishment in schools. While corporal punishment is a form of physical punishment, there are varying definitions of corporal punishment as defined by professional organizations, and all deal with the maltreatment of students and the climate of violence.

The American Academy of Family Physicians (AAFP) opposes corporal punishment in schools. The AAFP defines corporal punishment in schools “as the purposeful infliction of bodily pain or discomfort by an official in the educational system upon a student as a penalty for disapproved behavior” (AAFP, 2013). This definition of corporal punishment differs from previous definitions in that it does not denote specifics, like whether spanking or slapping are defined as corporal punishment. Other evidence from the AAFP indicates that corporal punishment is not as effective as other means of behavior management, and may

make behavior worse. The AAFP supports alternative methods to correct student behavior in school. For example, the AAFP recommends that parents pay more attention to their children, reward positive behavior immediately with smiles, words of praise, and other signs of affection.

The American Academy of Child and Adolescent Psychiatry (AACAP) also does not support corporal punishment as a method of correcting a child's behavior. The AACAP's philosophy promotes the adult letting children know what is expected of their behavior. They also believe that if talking with children does not work, then the parent should speak with a doctor about their child's behavior concerns. The AACAP defines corporal punishment as spanking, a method used by 65% of parents of young children in the United States.

Ineffective discipline methods, including corporal punishment, risk straining the caregiver/child relationship and exacerbating a child's psychiatric symptoms (American Academy of Child Adolescent Psychiatry, 2012). The AACAP (2012) believes that corporal punishment can lead to aggressive behavior, bullying, fear, low self-esteem, and thinking that hitting is acceptable.

The American Civil Liberties Union (ACLU) is against the use of corporal punishment as well. The ACLU stated in 2008 that, "Studies show that beatings can damage the trust between educator and student, corrode the educational environment, and leave the student unable to learn effectively, making it more likely he or she will leave school. African-American students are punished at disproportionately high rates, creating a hostile environment in which minority students struggle to succeed" (ACLU, 2008). The ACLU believes in alternative methods of discipline that respond better to a student's needs. The ACLU endorses Positive Behavior Support (PBS), which allows students to earn incentives

for appropriate behaviors and provides consequences for misbehavior. When implementing PBS, the school should focus on three to five behavioral expectations that are positively stated and easy to remember. In other words, rather than telling students what not to do, the school should focus on the preferred behaviors. Here are some examples of alternative models for behavioral modification that have been effective: Respect Yourself, Respect Others, and Respect Property; Be Safe, Be Responsible, Be Respectful; Respect Relationships and Respect Responsibilities. Through the use of PBS, student expectations are made clear across the school in a consistent manner to promote positive behavior.

The National Education Association (NEA) is another organization that opposes corporal punishment in schools. The NEA stated that corporal punishment is harmful to students and has no evidence to support the use of corporal punishment in schools as a strategy leading to positive student engagement and learning (NEA, 2010). Similarly, NEA also endorses the use of PBS in schools to promote positive behavior. NEA believes children can achieve social and academic success.

Figure 4 shows the national rates of graduation for students in paddling states versus non-paddling states. Looking at the states with graduation rates that are above the national average, we see 19 of those states do not use corporal punishment, while 9 do use corporal punishment. Among the states with graduation rates below the national average, 11 use corporal punishment in schools and 8 do not use corporal punishment in schools. Thus the states that do not use corporal punishment as a means to discipline students have a higher graduation rate than the states who do use corporal punishment as a way of disciplining students.

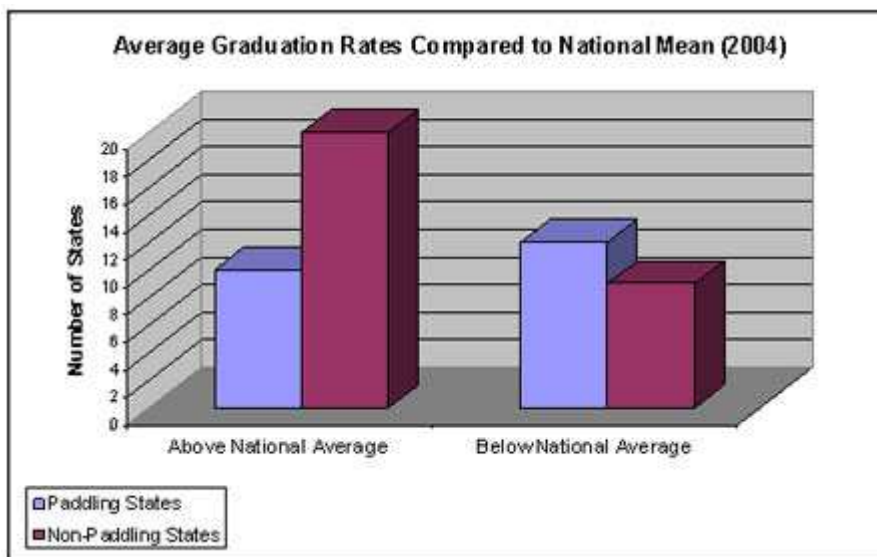


Figure 4. Average graduation rates compared to national mean. (Center for Effective Discipline, 2007).

Race and Gender

Corporal punishment is used disproportionately against certain groups of students, including boys, African-American students, and special education students. African-American students comprise 17.1% of the nationwide student population, while they comprise 35.6% of those paddled (OCR, 2006). Even while overall corporal punishment rates have declined during the last 30 years, disparate rates of physical punishment of African-American students have persisted (Gershoff, 2008). Williams-Damond's (2014) study of corporal punishment in Mississippi found that African American students were twice as likely to be paddled as non-African American students. Williams-Damond's study helps to reiterate that African American boys are targeted more frequently than other races.

Students are more likely to experience corporal punishment if they are poor, male, of ethnic minority status, live within specific regions (Arcus, 2002; Owen, 2005; Robinson et al., 2005; Society for Adolescent Medicine, 2003) or have an existing disability (Rollins, 2012). In addition, the students' learning environment is negatively impacted and may cause

minorities to struggle in school. In Tennessee, students with disabilities are 2.1 times as likely to be paddled as the school population as a whole (OCR, 2006). The vast majority of state laws permitting paddling do not distinguish between students with disabilities and students without disabilities, despite the fact that corporal punishment is prohibited in some states' psychiatric institutions (Colo. Rev. Stat. sec. 27-10.5-115(1); N.C. Gen. Stat. sec. 122C-59; S.C. Code Ann. sec. 44-24-280). The Kentucky statute permitting corporal punishment allows corporal punishment of "mentally disabled persons"(Ky. Rev. Stat. Ann. sec. 503.110(1)). Texas prohibits certain types of confinement for students with disabilities, but allows them to be paddled (Tex. Educ. Code Ann. sec. 37.0021).

Boys are subjected to corporal punishment at much higher rates than girls. Nationwide, boys make up 78.3% of those paddled, while girls make up 21.7% (OCR, 2006). Boys are paddled more than girls in all states that use corporal punishment. Figure 5 shows the percentage of students who receive corporal punishment who are male. Tennessee punishes males at a percentage of 80% compared to the national average of 78% (OCR, 2006).

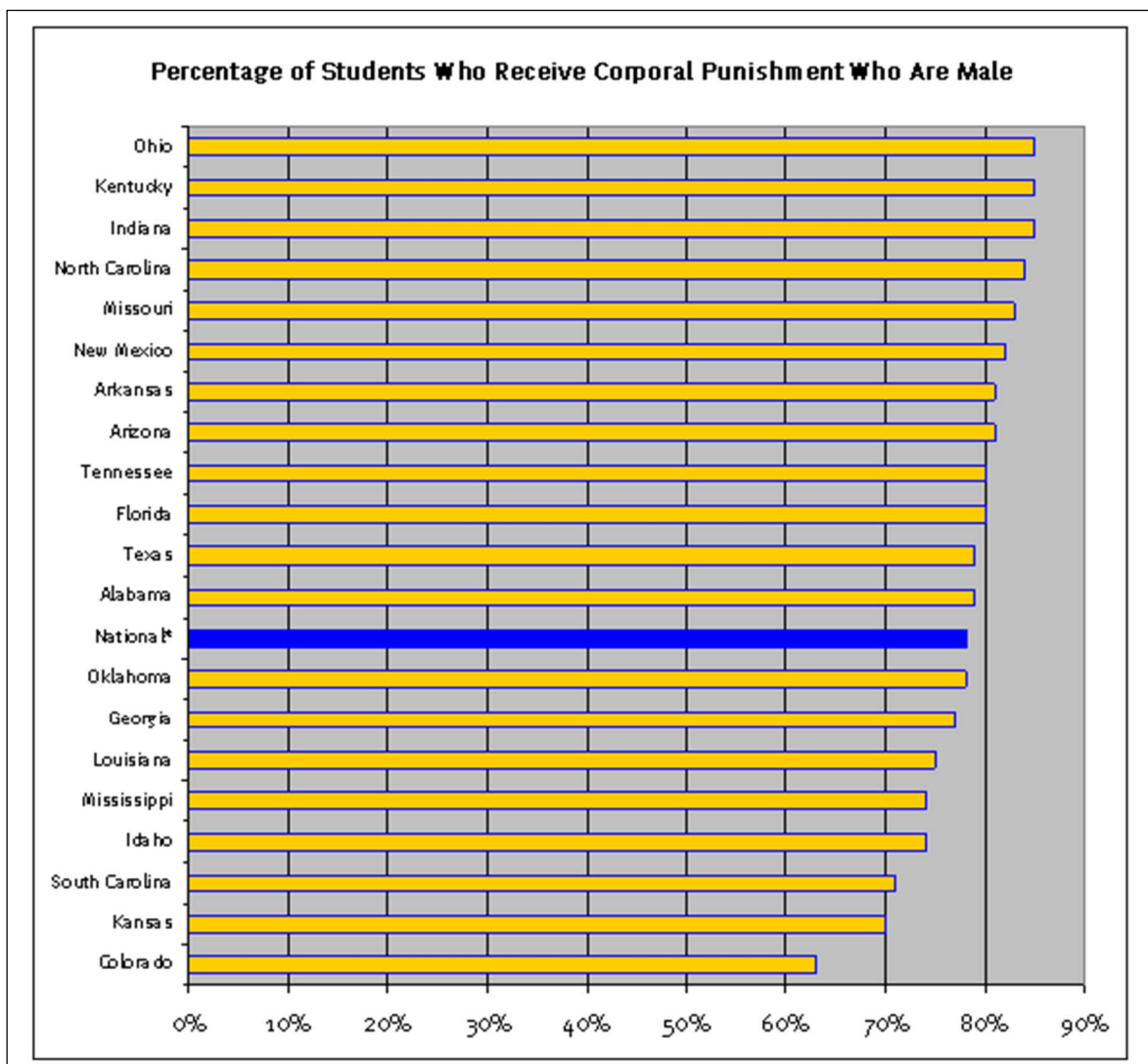


Figure 5. Percentage of male students who receive corporal punishment by state. Source: US Department of Education, Office for Civil Rights (OCR), “Civil Rights Data Collection 2006,” March 26, 2008, <http://ocrdata.ed.gov/ocr2006rv30/xls/2006Projected.html> (accessed July 18, 2008).

Race also surfaces as an area of concern related to corporal punishment (Center for Effective discipline, 2002). African Americans are disproportionately beaten in public schools compared to other races (Center for Effective Discipline, 2002). While the use of corporal punishment has declined overall in the past 30 years, the disproportionate rate at which African-American students are corporally punished has stayed the same or increased

(Gershoff, 2008). The most recent statistics available demonstrate that, when compared to relevant percentages of the nationwide student population, both African-American boys and girls are significantly more likely to be punished than their white counterparts. African-American students make up 17.1% of the nationwide student population, but 35.6% of those paddled (OCR, 2006). African-American students are 1.4 times more likely to get paddled than expected given their proportion of the student body (OCR, 2006). Native Americans are rated as the second highest paddled group. Native American students are paddled at more than two times the rate that would be expected given their proportion of the student body (OCR, 2006).

White boys are also beaten at disproportionate rates, though the disparity is less stark. White boys are 1.6 times more likely to be paddled than might be expected given their proportion of the student population in 13 corporal punishment states (OCR, 2006). While girls are paddled less than boys as a group, African-American girls are more than twice as likely to be subjected to paddling than their white counterparts (OCR, 2006). In the 13 states that paddle more than 1,000 students per year, African-American girls are 2.07 times as likely as white girls to be corporally punished (OCR, 2006). Figure 6 shows the disparity of more African American girls hit than white girls in Mississippi and Texas: In Texas, the rate of corporal punishment for black females was 8 percentage points higher than the total female population. In Mississippi, black females were subjected to corporal punishment at a rate that was 19 percentage points higher than the rate for the total female population. In both states, white females were below the percentages of total female population who received corporal punishment as a means of discipline.

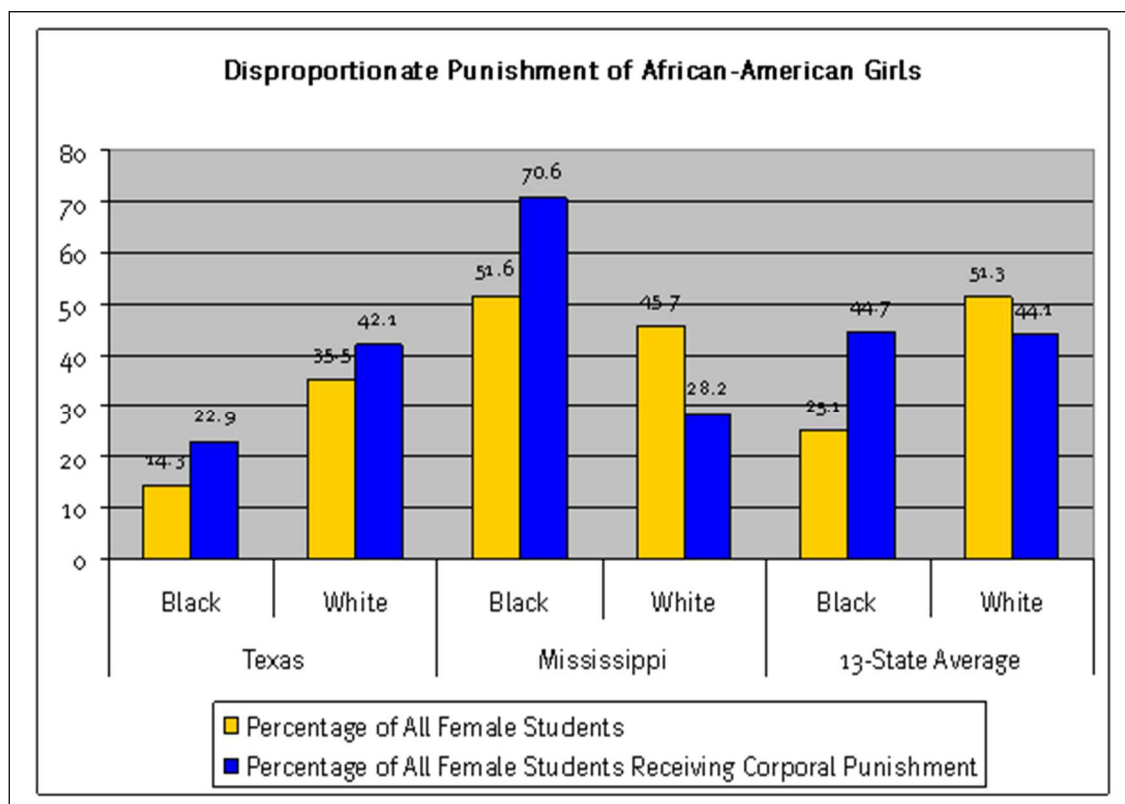


Figure 6. Comparison of corporal punishment between black and white female students. Source: OCR, “Civil Rights Data Collection 2006.”

Corporal Punishment and Students with Disabilities

In today’s society, where no child should be beaten at school, special education students are exceptionally vulnerable to harm from corporal punishment. OCR data shows that nationwide, 41,972 special education students received corporal punishment in the 2006-2007 school year (OCR, 2006). Mississippi and Texas were targeted states in which a report by the ACLU indicated that in Mississippi 5,831 special education students were recorded as being physically punished in the 2006-2007 school year; while in Texas, the figure was 10,222 (OCR, 2006). Special education students are beaten in disproportionate numbers when compared to the general student population, according to data from OCR.

Corporal punishment can be particularly harmful for special education students, as it can exacerbate the student’s underlying condition. In addition to causing physical and mental

harm, corporal punishment can create barriers for students with disabilities. Corporal punishment is an inappropriate form of discipline especially for students with disabilities. The child with a discipline problem may not be acting out of his behavior problems but rather out of his disability (ACLU, 2008).

Legal Aspects of Corporal Punishment

Constitutional issues pertaining to corporal punishment in the schools. As previously discussed, corporal punishment in schools has been accepted in the United States since colonial times under principles of the common law. In essence, school teachers were given the same privilege to enforce physical punishment on students that the students' parents enjoyed.

In 1977, the Supreme Court heard a challenge to corporal punishment in schools based on constitutional arguments. In *Ingraham v. Wright* (1977), two students who were severely paddled in the Miami-Dade County School District of Florida argued that corporal punishment in school was a violation of the Eighth Amendment's prohibition against "cruel and unusual punishment." They also argued that the administration of corporal punishment without a pre-deprivation hearing was a violation of procedural due process under the Fourteenth Amendment.

In a 1977 decision, the U.S. Supreme Court rejected both arguments. First, the Court ruled that the Eighth Amendment simply did not apply in the school setting. Rather the Amendment was intended to protect people from physical punishment as part of the criminal justice process.

As to the argument that students were entitled to a hearing before being paddled at school, the Court stated that state law remedies for excessive corporal punishment were

adequate protection against abusive corporal punishment practices. Thus, students who believed they had been unjustly or excessively paddled could bring a tort suit for their injuries, and, in some circumstances, could also file criminal charges against an educator who administered corporal punishment that was so severe that it constituted a battery under state criminal law.

In the aftermath of *Ingraham v. Wright*, a number of cases were filed in the federal courts in which students argued that corporal punishment reaching a high level of brutality constituted a violation of the students' liberty interest in bodily integrity, and was thus a violation of substantive due process under the Fourteenth Amendment. As outlined in Lewis Wasserman's comprehensive essay (2011), almost all federal appellate courts that have considered this question have agreed that corporal punishment so severe as to be shocking to the conscience was a violation of substantive due process. The only exception to this trend has been the Fifth Circuit Court of Appeals, which has repeatedly refused to recognize this principle, holding that students who were excessively punished had adequate state law remedies, and thus could not bring a constitutional cause of action no matter how severe. The Fifth Circuit reiterated its position as recently as 2014 in *Clayton v. Tate County School District* (2014) (Fossey & Williams-Damond, (2015).

Tennessee is in the Sixth Federal Judicial Circuit, and the Sixth Circuit Court of Appeals has endorsed the proposition that excessive corporal punishment of students by educators can indeed be a violation of substantive due process. In *Webb v. McCullough* (1987), the first of these cases, Thomas McCullough, a school principal, allegedly injured a female student during a school-sponsored student trip in Hawaii. McCullough, suspecting students were imbibing alcohol, went to a hotel room occupied by Wendy Webb, a high

school student. Webb locked herself in the bathroom, and McCullough forced the door open with his shoulder, injuring Webb when the door struck her. McCullough reportedly injured Webb again when he swung the door open a second time and then grabbed Webb, threw her against a wall and slapped her.

On appeal, the Sixth Circuit took note of the fact that the incident did not take place at school, where the need for physical discipline was arguably at its greatest. The court stated that under the circumstances a trier of fact might find that “McCullough’s need to strike Webb was so minimal or non-existent that the alleged blows were a brutal and inhumane abuse of McCullough’s official power, literally shocking to the conscience” (p. 1159). In such event, the court concluded, McCullough might face liability for a substantive due process violation (Wasserman, 2011, p. 1049).

In two subsequent cases, the Sixth Circuit again recognized a federal constitutional cause of action for a violation of substantive due process based on a claim of excessive corporal punishment at school. In *Archev ex rel. Archev v. Hyche* (1991), the appellate court acknowledged that a substantive due process violation might occur when the corporal punishment was so severe “that it amounted to a brutal and inhumane abuse of official power literally shocking to the conscience” (p. 3). In the case before it, however, the Sixth Circuit ruled that the evidence presented did not amount to a constitutional violation.

Likewise, in *Saylor v. Board of Education* (1997), involving the paddling of a 14-year-old boy for fighting with another student, the Sixth Circuit ruled that the corporal punishment inflicted (five licks with a paddle) was not conscience shocking and that the educator who inflicted the punishment was entitled to qualified immunity from suit.

Corporal punishment under Tennessee law. Corporal punishment is banned in childcare centers, prisons, and after school programs in Tennessee. According to the Tennessee Department of Education Rule Number 0520-12-01-15, “After school programs serving adolescents may not use corporal punishment.” However, corporal punishment is allowed and practiced in schools. Tennessee does not have an explicit definition of corporal punishment. Corporal punishment policies vary from district to district, and each district is responsible for creating its own rules and regulations. According to the Tennessee Department of Education Policy 6.314, each local school board shall adopt such rules and regulations as it deems necessary to implement and control any form of corporal punishment in the schools in its district. Table 2 shows how different districts define corporal punishment in Tennessee. Some districts consider corporal punishment as spanking, while others view it as paddling and some consider both paddling and spanking as the definition of corporal punishment. The majority of the school districts in the state of Tennessee leave it up to the school board to define corporal punishment with 73 districts. Thirty-five districts have no formal definition of corporal punishment and 20 districts that define it as paddling.

Table 2

Definitions of corporal punishment in Tennessee. Prepared by Policy in the office of General Counsel and The Department of Research, Planning, and Improvement (2013)

Definition of Corporal Punishment	Number of Districts
Physical Force Contact	3
Spanking	2
Paddling/Spanking	2
Paddling	20
TSBA Policy	73
No Definition	35

Tennessee has several statutes, rules, and regulations that help define whose role it is to administer corporal punishment, as well as statutes that allow the disciplined students to seek medical attention. According to Tennessee Code §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 district schools. As a result of this statute, corporal punishment can be practiced in any Tennessee school with the rules and regulations being determined by each district's board. So long as each district makes up its own rules and regulations, there is no state definition of corporal punishment because it differs district to district.

According to Tennessee Code § 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. Therefore, any student can be subjected to corporal punishment in the classroom. Students can be spanked, paddled, or disciplined using any method as long as it is done in a reasonable manner.

Tennessee Code § 49-6-4402 goes into further detail about the administrative process that needs to be used when corporal punishment is being administered to a student. As set forth in the following statute, a witness must be present when administering corporal punishment and the chief administrative officer or designee may administer corporal punishment:

The chief administrative officer, or the chief administrative officer's designee, of any institution in which the schools are located, may use corporal punishment in a reasonable manner and in accordance with this part against any pupil for good cause in order to maintain discipline and order within such schools.

Corporal punishment may be administered only in a classroom situation and only in the presence of the director of schools or chief administrative officer of the school and one (1) other faculty witness.

Tennessee also has a statute describing the parameters of reasonable force when administering corporal punishment to students. It also lists who can administer corporal punishment, and provides that corporal punishment is not to be used to isolate or restrain students. According to Tennessee Code §49-6-4107:

A teacher, principal, school employee or school bus driver, in exercising the person's lawful authority, may use reasonable force when necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another person.

Subsection (a) does not authorize use of corporal punishment by a person not permitted to administer corporal punishment under § 49-6-4103 or chapter 6, part 44 of this title.

Subsection (a) does not authorize restraint or isolation of students for whom restraint or isolation is prohibited under chapter 10, part 13 of this title.

Presently, Tennessee school districts can set their own rules and regulations about corporal punishment. Similarly, the Missouri Department of Children's Services is permitted by Missouri law to establish their own rules and regulations. Tennessee Code § 49-4-4403 states:

The department of children services shall adopt rules and regulations that specifically designate the method of imposing corporal punishment and the circumstances that warrant corporal punishment in the schools within its special school district. The rules and regulations shall provide for only

corporal punishment that is reasonably necessary for the proper education of the pupil.

No corporal punishment shall be imposed until the rules and regulations have been promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

The rules and regulations shall provide for a written record to be kept of all use of corporal punishment, including the name of the person requesting the punishment and a brief description of the circumstances warranting its use.

The Department of Children Services has a more strict set of rules that must be followed in order to administer corporal punishment to students. First, the department is required to create a list of rules and regulations that adhere to the Uniform Administrative Act. Then the department must have a written record documenting the incident and identifying the person who requested the punishment. Unlike Tennessee statutes that must be followed in schools, the Department of Children Services statute seems to be more thorough and precise in what it expects when administering corporal punishment.

Students do have rights when it concerns corporal punishment. Tennessee placed a few parameters in place for students who have been subjected to corporal punishment.

According to Tennessee Code § 49-6-4404:

Within forty-eight hours of imposition of corporal punishment within the special school district, the pupil shall have the right to be examined by a physician to determine if the punishment was excessive.

In any case in which the punishment is excessive, the pupil shall have the same civil and criminal remedies as any other pupil in the public schools.

Like many other states, Tennessee law provides teachers with statutory immunity from lawsuits for actions taken as part of their employment duties. Tennessee Code § 29-20-201 states:

(1) Except as may be otherwise provided in this chapter, all governmental entities shall be immune from suit for any injury which may result from the activities of such governmental entities wherein such governmental entities are engaged in the exercise and discharge of any of their functions, governmental or proprietary.

(2) The general assembly finds and declares that the services of governmental entity boards, commissions, authorities and other governing agencies are critical to the efficient conduct and management of the public affairs of the citizens of this state.

Complete and absolute immunity is required for the free exercise and discharge of the duties of such boards, commissions, authorities and other governing agencies.

Members of boards, commissions, authorities, and other governing agencies must be permitted to operate without concern for the possibility of litigation arising from the faithful discharge of their duties.

(3) All members of boards, commissions, agencies, authorities, and other governing bodies of any governmental entity, created by public or private act, whether compensated or not, shall be immune from suit arising from the conduct of the affairs of such board, commission, agency, authority, or other governing body. Such immunity from suit shall be removed when such conduct amounts to willful, wanton, or gross negligence.

(4) When immunity is removed by this chapter any claim for damages must be brought in strict compliance with the terms of this chapter.

(5) Notwithstanding this chapter or any other law to the contrary, a governmental entity that places and properly maintains a clearly visible and adequate flood warning sign or barricade at a flooded road area shall be immune from suit for any injury resulting from a violation of § 55-10-205(c). The immunity from suit shall be removed when the governmental entity's conduct amounts to willful, wanton, or gross negligence. It shall be deemed gross negligence if an authorized government employee signaled the motor vehicle operator that it was safe to drive past the sign or barricade and the operator or any passengers in the operator's motor vehicle were injured or killed in the flooded road area due to the employee's signaling the motor vehicle to drive past the sign or barricade.

Tennessee Code §29-20-205 states that immunity from suit of all governmental entities is removed for injury proximately caused by a negligent act or omission of any employee within the scope of his employment except if the injury arises out of:

- (1) the exercise or performance or the failure to exercise or perform a discretionary function, whether or not the discretion is abused;
- (2) false imprisonment pursuant to a mittimus from a court, false arrest, malicious prosecution, intentional trespass, abuse of process, libel, slander, deceit, interference with contract rights, infliction of mental anguish, invasion of right of privacy, or civil rights;
- (3) the issuance, denial, suspension or revocation of, or by the failure or refusal to issue, deny, suspend or revoke, any permit, license, certificate, approval, order or similar authorization;

- (4) a failure to make an inspection, or by reason of making an inadequate or negligent inspection of any property;
- (5) the institution or prosecution of any judicial or administrative proceeding, even if malicious or without probable cause;
- (6) misrepresentation by an employee whether or not such is negligent or intentional;
- (7) or results from riots, unlawful assemblies, public demonstrations, mob violence and civil disturbances;
- (8) or in connection with the assessment, levy or collection of taxes; or
- (9) or in connection with any failure occurring before January 1, 2005, which is caused directly or indirectly by the failure of computer software or any device containing a computer processor to accurately or properly recognize, calculate, display, sort, or otherwise process dates or times, if, and only if, the failure or malfunction causing the loss was unforeseeable or if the failure or malfunction causing the loss was foreseeable but a reasonable plan or design or both for identifying and preventing the failure or malfunction was adopted and reasonably implemented complying with generally accepted computer and information system design standards. Notwithstanding any other provision of the law, nothing in this subdivision shall in any way limit the liability of a third party, direct or indirect, who is negligent. Further, a person who is injured by the negligence of a third party contractor, direct or indirect, shall have a cause of action against the contractor.

Tennessee has several statutes that set boundaries on teachers, principals, school employees, and bus drivers when it comes to administering corporal punishment. They should be knowledgeable of the rules and regulations set forth by their districts school boards

and adhere to those rules. They should make sure there is good cause, witnesses, and that they are not using excessive force. To ensure that teachers are not using excessive force, students have the right to seek medical attention within 48 hours of the imposition of corporal punishment. To summarize, school personnel should be knowledgeable of the statutes surrounding corporal punishment and students need to know that they have rights too.

Corporal punishment in the schools and the common law. In *Ingraham v. Wright* (1977), the Supreme Court acknowledged that public schools could administer corporal punishment under common law. The courts also stated that corporal punishment does not constitute cruel and unusual punishment under the Eighth Amendment, and that due process does not have to be afforded to students. At common law, a single principle has governed the use of corporal punishment since before the American Revolution: Teachers may impose reasonable but not excessive force to discipline a child (Harper & James, 1956). The prevalent rule in this country today privileges such force as a teacher or administrator "reasonably believes to be necessary for [the child's] proper control, training, or education." Restatement (Second) of Torts § 147 (2) (1965); see *id.*, § 153 (2).

Historically, the use of corporal punishment by teachers was based on the theory of *in loco parentis*, wherein the teacher's authority was defined as "a partial delegation of parental authority." The idea was that the teacher stands in place of the parents and has the right to administer corporal punishment. Although that idea supports the common law privilege granted to teachers to use reasonable punishment, the privilege can no longer be defended on the grounds that the teacher serves as the parental authority.

The Supreme Court's recognition of a school official's right to administer corporal punishment on students in its 1977 decision is consistent with the common law in the United States as it was stated in the *Restatement (Second) of Torts*, which summarizes the general principles of common law United States tort law. Section 147 of the *Restatement* states that parents have the privilege to apply reasonable force or confinement to the child in order to control the child and prevent misconduct, as well as to maintain order in the household, and to train and educate the child. At common law, this parental privilege includes all people treated by the law as the equivalent of a parent including teachers. Section 147(2) states:

One other than a parent who has been given by law or has voluntarily assumed in whole or in part the function of controlling, training, or educating a child, is privileged to apply such reasonable force or to impose such reasonable confinement as he reasonably believes to be necessary for its proper control, training, or education, except in so far as the parent has restricted the privilege of one to whom he has entrusted the child (American Law Institute, 1965).

Although parents and teachers have a legal privilege to administer corporal punishment to children, they must do so in a reasonable manner. Section §150 lists factors involved in determining reasonableness of punishment as stated:

In determining whether force of confinement is reasonable for the control, training, or education of a child, the following factors are to be considered:

Whether the actor is a parent

The age, sex, and physical and mental condition of the child

The nature of his offense and his apparent motive

The influence of his example upon other children of the same family or group

Whether the force or confinement is reasonably necessary and appropriate to compel obedience to a proper command

Whether it is disproportionate to the offense, unnecessarily degrading, or likely to cause serious or permanent harm.

Similar to having the privilege to administer corporal punishment in public schools, counselors, private school officials, and camp leaders also have the right to administer corporal punishment under §152. However, §153 allows parents the right to restrict the privilege, but subsection (2) states the following:

§153(2) One who is in charge of the education or training of a child as a public officer is privileged to inflict such reasonable punishments as are necessary for the child's proper education or training, notwithstanding the parent's prohibitions or wishes.

Therefore, §153(2) states that parents may request that their child not receive corporal punishment, but the school holds the power to administer punishment as necessary to ensure the child is being properly educated.

The *Restatement of the Law (Second)* is a precise summary of common law principles in the United States. Since the Supreme Court has left the decision of administering corporal punishment to the states, it is in the school personnel's best interest to ensure that corporal punishment is being administered fairly and justly, and within the common law standards.

Tennessee Supreme Court and corporal punishment in the public schools:

Marlar v. Bill (1944). This researcher identified very few Tennessee court decisions involving corporal punishment in Tennessee public schools. Indeed, the Tennessee Supreme

Court has decided only one case on this topic since the turn of the twentieth century: *Marlar v. Bill*, decided in 1944.

In *Marlar v. Bill* (1944), a student sued the school superintendent and the student's school for battery after the superintendent administered "slight punishment" to the student with a ruler, apparently in punishment for theft of a dime. The trial court dismissed the case, and the Tennessee Supreme Court affirmed.

In upholding the punishment, the court emphasized that Tennessee school teachers have the authority to administer corporal punishment to students as long as the punishment is inflicted in a temperate manner. The court quoted extensively from a venerable secondary source, which the court approved:

A teacher is responsible for the discipline of his school, and for the progress, conduct, and deportment of his pupils. It is his imperative duty to maintain good order, and to require of his pupils a faithful performance of their duties. To enable him to discharge these duties effectually, he must necessarily have the power to enforce prompt obedience to his lawful commands, for which reason the law gives him the power, in proper cases, to inflict corporal punishment on refractory pupils, and this is true in private as well as in public schools. The schoolmaster's authority is sanctioned, it seems, practically, and judicially, on the same ground as the right of a parent to chastise his child. Indeed, it is said that for this purpose he represents the parent and has the parental authority delegated to him; that he stands in loco parentis. But this is true only in a limited sense. He has no general right to chastise for all offenses, as has the parent. His right is restricted to the limits of his jurisdiction and responsibility as a teacher. Also the power to inflict punishment thus delegated to and vested in the

school teacher is not the full extent of the parents' right because the power of correction, vested in parents, is little liable to abuse, being continually restrained by natural affection, and the school teacher, of course, has no such natural restraint, and, therefore, must be limited to temperately exercising the power to inflict such punishment as is necessary to answer the purposes for which he is employed. (*Marlar v. Bill*, 1944, p. 635, quoting from *24 Ruling Case Law*, p. 638, internal quotation marks omitted).

Marlar v. Bill is a significant decision because the Tennessee Supreme Court approved moderate corporal punishment in public schools prior to the passage of the Tennessee statutes that gave educators the authority to administer corporal punishment to students. In the *Marlar* opinion, the Tennessee Supreme Court endorsed a teacher's authority to inflict temperate corporal punishment based solely on the principles of common law.

Tennessee Appellate Court decisions. In addition to *Marlar v. Bill*, the Tennessee appellate courts have decided a handful of cases involving corporal punishment in the public schools. These cases will be briefly discussed.

In *Pinner v. Lanier* (1991), a more recent decision, a Tennessee appellate court held that Tennessee's statutory immunity provisions protected teachers from suit based on excessive corporal punishment, since administering corporal punishment is a "discretionary function." This is an important decision because the court ruled that teachers who perform corporal punishment are engaging in a discretionary act that shields them from liability under Tennessee's governmental immunity law.

In *Pinner*, Carol Pinner, the mother of a first-grade student sued Steve Lanier, two other school employees, and the Tipton County Board of Education for injuries allegedly

sustained when Lanier, a physical education teacher, paddled Pinner's son for misbehaving in Lanier's class. Apparently, the paddling (two licks with an "approved board") was not severe, although Pinner noticed bruises on her son's buttocks.

A trial court dismissed Pinner's case, and the Tennessee Court of Appeals affirmed. Under Tennessee law, the court observed, school teachers are authorized to administer corporal punishment. Moreover, governmental employees, including school district employees, are immune from suit when they engage in a "discretionary function" within the scope of their employment duties. In the court's opinion, administering corporal punishment was a "*discretionary function*" and the teacher who paddled Pinner's son was entitled to immunity from suit under Tennessee law.

Tennessee does not have numerous court cases dealing with corporal punishment in Tennessee schools. Although Tennessee allows corporal punishment to be used in the public schools, parents are not taking legal action to protect their children from corporal punishment. One can assume that the teachers are practicing corporal punishment in a moderate fashion and not where it shocks the conscious.

Chapter Two Summary

In the past corporal punishment was the primary tool used to modify the behavior of disobedient students. Corporal punishment has been found to have many negative consequences, such as a propensity to use violence. Corporal punishment is disproportionately used on African American students, male students, and students with disabilities. Many professional organizations are opposed to using corporal punishment as a form of discipline. The laws that govern the use of corporal punishment in education are there to protect the teachers and school administrators instead of the students.

CHAPTER 3: Research Methodology

Introduction

The research methodology chapter provides information on the data collection methods and statistical analysis used in this study. The chapter begins with the sampling design, the variables used in the study, and how data were collected. Next, the research questions and statistical analyses to be used to analyze data for each question are presented.

The data used in this study originated from the Civil Rights Data Collection (CRDC), which is conducted by the U.S. Department of Education. The survey data used in this study covered the survey years 2000-2011. The U.S. Department of Education uses the CRDC to gather vital information on civil rights and education topics found in public schools. This includes information such as student and school characteristics, student outcomes, and programs and services offered in public schools. This information can be examined by disability, sex, limited English proficiency, and race. Schools across the nation complete the survey every other year and the CRDC has been used to collect this data since 1968. The U.S. Department of Education's Office of Civil Rights uses the CRDC to develop policies for the monitoring and protecting of civil rights laws (Education, 2014). The data for the CRDC have been collected every two years from public school systems in the 50 states and the District of Columbia. Each school in a district that takes part in the CRDC survey submits data for the survey.

The U.S. Department of Education and the Office of Civil Rights work to make sure the data provided by the survey are precise and provides a complete picture of the educational opportunities of students in the US. The data provided by the school systems undergoes several data verifications and any errors are corrected by the school system. The

superintendent of each school system is responsible for certifying the submitted data. A stratified random sample of schools is used to guarantee the survey has a large enough sample to have trustworthy estimates of the population (Education U. D., Civil Rights Data Collection: State and National Estimation Data Notes, 2014).

Sampling Design

This study was comprised of 142 public school districts in the state of Tennessee. All Tennessee public school districts were used as part of the sample group for the quantitative analysis of this study. The sample of Tennessee schools was made up of all public schools in the state, which included alternative schools and charter schools. The state of Tennessee is made up of both rural and urban areas. The United States Census Bureau has two classifications for urban areas. The first is known as urbanized areas made up of 50,000 or more individuals, and the second is known as urban clusters made up of more 2,500 individuals, but less than 50,000 individuals (Bureau, 2014). The state of Tennessee has 1,784 schools with an enrollment of approximately 950,000 that serves students from Pre-K to 12th grade, with over 62,000 teachers, and over 4,000 school administrators (Tennessee Department of Education, 2014).

Research Design

The research design section of this study discusses the variables that were used in this study, the collection and processing of the data, and the quantitative methods that were used to analyze the data in this study. The variables that were used in this study were district level information. The data were downloaded from the CRDC website and reformatted for analysis. Finally, the data were analyzed with several quantitative methods such as student *t*-test, and Spearman's *rho* correlation.

Methodology Variables in the Study

The following variables were used in this study: district enrollment, corporal punishment incidents, year of survey, race of the student, and geographical area. Table 3 provides further descriptive information on the variables used in this study.

Table 3

Variables in the study

Name of Variable	Definition	Measure	Independent or Dependent
District Enrollment	Number of students enrolled in a school district in a given year of a survey.	NUMBER	Independent
Corporal Punishment Incidents	Number of corporal punishment incidents in a given year of a survey	NUMBER	Dependent
Year of Survey	The year the survey data were collected	NUMBER	Independent
Race of the Student	Race category of the students survey	American Indian or Alaska Native, Asian, Hawaiian/Pacific Islander, Hispanic, Black, White, Two or More Races	Independent
Geographical Area	Type of geographical area of the school	Urban or Rural	Independent

Data Collection and Processing

The data were downloaded from the CRDC website and was reformatted for data analysis used in this study. The current format of the CRDC data set has one row of information for each district that reports information to the CRDC. This row has counts of corporal punishment incidents subdivided by race. This information was transposed so that there is one column for each of the following: the race of the student, the year of survey, and

the count of corporal punishment incidents. The creation of these new columns allowed for statistical analysis using *t*-test and Spearman's *rho* correlation.

Research Design: Quantitative Methods

Several types of quantitative analysis were used to analyze Tennessee's corporal punishment data. Descriptive statistics such as the mean, median, mode, variance, and standard deviation were generated for the following district enrollment and corporal punishment incidents. The mean provided an average number of corporal punishment incidents by year of survey, race of the students, and geographical area. The median was also determined for the number of corporal punishment incidents by year of survey, race of the students, and geographical area. The variance, which is an indicator of how far the observations in a data set are from the mean of the data, was determined for the number of corporal punishment incidents by year of survey, race of the students, and geographical area. The standard deviation, which is also an indicator of how far the observations in a data set are from the mean of the data set, was found for the number of corporal punishment incidents by year of survey, race of the students, and geographical area. These descriptive statistics showed the measures of central tendency and variability of each variable. These statistics also provided information on the counts and distributions of each variable, and helped to determine if the assumptions of the methods used to analyze the data were satisfied (Creswell, 2002).

The Statistical Analysis System (SAS) was used to determine the mean, median, mode, variance, standard deviation, and the number of corporal punishment incidents by year of survey, race of the students, and geographical area (SAS, 2013). SAS was also used to determine the frequency counts by race of the students, year of survey, and geographical

area. SAS was used to perform the following statistical analysis of the CRDC data: t – test and the Spearman’s ρ correlation.

Spearman’s ρ is a nonparametric measure of correlation that is used to determine the strength of a relationship between continuous and/or discrete variables (Hinkle, Wiersma, & Jurs, 2003). Spearman’s ρ was used to determine the type of relationship, if any, between a school district’s size and its corporal punishment practices. The Spearman’s ρ is the correct measure of correlation when at least one of the variables being analyzed is ordinal. Spearman’s ρ showed the direction of the relationship between the enrollment of school districts and the number of corporal punishment incidents (Gay, Mills, & Airasian, 2012). A t -test was used to determine if a difference exists between the two-levels of an independent variable with respect to the dependent variable (Hinkle, Wiersma, & Jurs, 2003).

Research Questions

This study was guided by four research questions. These research questions reviewed at the number of corporal punishment incidents by race of the student, the size of the districts, changes in the use of corporal punishment from 2001 to 2012, the number of corporal punishment incidents, and a district’s geographical area.

Research Question 1. Is corporal punishment being administered more to minority students at a greater rate than nonminority students in Tennessee schools?

Rational for Question 1. Research on corporal punishment in other states has found that Black students are subjected to corporal punishment at a disproportional rate compared to other races. Of the nationwide population of students, only 17.1% are black, but black students made up 35.6% of those who were paddled (Murphy, Vagins, & Parker, 2010). Over the last 30 years, the use of corporal punishment in schools has decreased, but the

disproportional use of corporal punishment has persisted (Gershoff, 2008). This study determined if this trend was seen in Tennessee public schools.

Data analysis for Question 1. In order to analyze data necessary to answer Question 1, data were downloaded from the CRDC. An independent sample *t*-test was used to determine if white students have a different number of corporal punishment incidents than the other races.

A *t*-test was used to determine if a difference exists between the two-levels of an independent variable with respect to the dependent variable (Hinkle, Wiersma, & Jurs, 2003). For Question 1, race of the student was the independent variable and the number of corporal punishment incidents was the dependent variable. A *t*-test was used because the race variable consisted of two categories white, and other. A *t*-test determined if there was a significant difference in the mean number of corporal punishment incidents between the two race categories. The Statistical Analysis System (SAS) statistical software package was used to do the analysis for question 1.

Research Question 2. Does a relationship exist between school district size and corporal punishment practices in Tennessee public schools?

Rational for Question 2. A study of the public schools in the state of Mississippi found a significant relationship between a school's size and the corporal punishment practices of the school (Williams-Damond, 2014). The second research question of this study determined if a similar relationship existed in the state of Tennessee. The results of this question helped to guide school officials in making decisions concerning the size of schools in the state of Tennessee in regards to corporal punishment.

Data analysis Research Question 2. The analysis for Question 2 required a transformation of the district enrollment variable and the number of corporal punishment incidents into categorical variables. The number of corporal punishment incidents were reformatted into a categorical variable because of the amount of variability between the school districts when looking at the number of incidents of corporal punishment. The first step in the transformation of the number of corporal punishment incidents was the creation of a total number of corporal punishment incidents over the years surveyed by the CRDC. Next this total number of corporal punishment incidents variable was changed into a categorical variable with the following levels: low, medium, and high. Finally the district enrollment variable was also transformed into a categorical variable with similar categories.

The statistical analysis for Question 2 was conducted with Spearman's *rho* (r) correlation. Spearman's *rho* is a nonparametric measure of correlation that is used to determine the strength of a relationship between continuous and/or discrete variables (Hinkle, Wiersma, & Jurs, 2003). Spearman's *rho* was used to determine the type of relationship, if any, between a school district's size and its corporal punishment practices. Spearman's *rho* was used to analyze this question because the two variables, district enrollment and the number of corporal punishment incidents, were being reformatted into ordinal data, which was categorical data with a meaningful order associated with the categories. The number of corporal punishment incidents and district enrollment were both changed from continuous variables to categorical variables. Corporal punishment incidents were categorized into low, medium, and high. District enrollment was also categorized into low, medium, and high categories. The Spearman's *rho* is the correct measure of correlation when at least one of the variables being analyzed is ordinal. Spearman's *rho* showed the direction of the relationship

between the enrollment of school districts and the number of corporal punishment incidents (Gay, Mills, & Airasian, 2012). SAS was used to perform this analysis.

Next the study looked at the possible change in the use of corporal punishment in Tennessee over the years covered by the CRDC.

Research Question 3. What percentage of Tennessee school districts reported incidents of corporal punishment during the 2011-2012 school year according to corporal punishment data collected by the U.S. Department of Education's Office for Civil Rights?

Rational for Question 3. The analysis of this question shows the percentage of school districts in the state of Tennessee that do not report any incidents of corporal punishment to the OCR for the 2011-2012 school year.

Data analysis for Question 3. Percentages of the Tennessee school districts who reported incidents of corporal punishment during the 2011-2012 school year were calculated. Next, the study looked at the difference in corporal punishment rates between rural and urban areas.

Research Question 4. What are the comparisons of corporal punishment rates when examining large, medium, and small school districts?

Rational for Question 4. The analysis of this question helped to determine if the number of corporal punishment incidents were seen more frequently in the larger school districts or the smaller school districts. This may lead to more insight into some of the environment issues of corporal punishment in the different size school districts.

Data analysis for Question 4. The statistical analysis for Question 4 was conducted by comparing the counts of corporal punishment incidents of the top ten school districts from the three different enrollment levels. For this question there were three enrollment levels

large school district, great than 5,000 total enrollment, medium school districts, between 1,501 and 5,000 enrollment, and small school districts, enrollment of 1,500 or less.

Comparisons were made between the different enrollment levels to determine which enrollment categories had more incidents of corporal punishment.

Validity

External validity is the degree the finding of a study can be valid for a group of people outside of the study (Gall, Gall, & Borg, 2007). In this study external validity was evident due to the sampling design and sample weight used by the CRDC. The CRDC employed a stratified random sample to guarantee that the sample of schools includes a large enough sample to have reliable estimates. A rolling stratified sample provided a representative sample of schools that take part in the survey. Sampling weights were also used to determine state and national estimates in the CRDC. The sample weights used in the CRDC factored in the probability that a district was selected to be a part of the survey. The sampling weights allowed for bias to be reduced from nonresponses, and to increase the accuracy of sample estimates (Education, 2014). The state that was examined in this study is Tennessee, but similar analysis can be allowed to the CRDC data for other states which shows evidence of external validity.

Chapter Three Summary

This chapter included the sampling procedure and overview of the data, and also included the research design. Details of the variable selection and the data analysis were also explained. Table 4 provides research questions and the statistical method used to answer the research question.

Table 4

Research questions and Methods of Analysis

Research Question	Statistical Analysis
1. Is corporal punishment being administered more to black students than to students of other races in Tennessee public districts?	A <i>t</i> -test
2. Does a relationship exist between school size and corporal punishment practices in Tennessee public schools?	Spearman's <i>rho</i> (<i>r</i>) correlation
3. What percentage of Tennessee school districts reported no incidents of corporal punishment during the 2011-2012 school year according to corporal punishment data collected by the U.S. Department of Education's Office for Civil Rights?	
4. What are the comparisons of corporal punishment rates when examining large, medium, and small school districts?	

CHAPTER 4: Data Analyses

Introduction

Chapter 4 summarizes the results of the data analyses for this study. The statistical analysis for this study consisted of several quantitative procedures, such as *t-test*, and Spearman's *rho* correlation. Inferential and descriptive statistics are presented to provide answers to each research question.

The purpose of this research was to identify and analyze patterns and trends of corporal punishment in race and other demographic variables. This study examined data and looked at case law and its importance. This research answered the overarching question of what were the characteristics of school districts in the state of Tennessee that used corporal punishment as a means of disciplining students. The analyses of this study looked at the use of corporal punishment by race, correlation between corporal punishment use and district size, and a description of corporal punishment in the 2011-2012 school year in the state of Tennessee. The summary of the above described statistical analyses is found in this chapter.

Characteristics of the Sample

The data used in this study originated from the Civil Rights Data Collection (CRDC), which is compiled by the U.S. Department of Education. The survey data used in this study covers the survey years 2000-2011. The U.S. Department of Education uses the CRDC to gather vital information on civil rights and education topics in public schools. This includes information such as student and school characteristics, student outcomes, and programs and services offered in public schools. This information can be examined by disability, sex, limited English proficiency, and race. Schools across the nation complete the survey every other year, and the CRDC has been used to collect this data since 1968. The U.S. Department

of Education's Office of Civil Rights uses the CRDC to develop policies for the monitoring and protecting of civil rights laws (Education, 2014). The data for the CRDC have been collected every two years from public school systems in the 50 states and the District of Columbia. Each school in a district that takes part in the CRDC survey submits data for the survey.

This study was comprised of 142 public school districts in the state of Tennessee. All Tennessee public school districts were a part of the sample group for the quantitative analysis of this study. The sample of Tennessee schools was made up of all public schools in the state which included alternative schools and charter schools. The state of Tennessee is made up of both rural and urban areas. The state of Tennessee has 1,784 schools with an enrollment of approximately 950,000 that serves students from Pre-K to 12th grade with over 62,000 teachers and over 4,000 school administrators (Tennessee Department of Education, 2014).

Research Question 1

Is corporal punishment being administered to minority students at a greater rate than nonminority students in Tennessee public schools?

Data analysis 1. Table 5 shows the average number of corporal punishment incidents, per 1,000 students by race for each survey year. This analysis was done to get an understanding of the number of counties that provided information on corporal punishment occurrences and average number of corporal punishment occurrences each year of the survey. The two race categories were white and other. The other categories consists of all individuals who were not white. Each year of the study saw a higher average occurrence of corporal punishment incidents, per 1,000 student by race, for the other race category.

Table 5

Mean Number of Corporal Punishment Incidents by Survey Year

Survey Year	Number of Counties	Race	Mean	Standard Deviation
2000	137	Other	52.19	69.83
		White	45.20	42.41
2004	72	Other	42.08	63.31
		White	32.72	35.22
2006	73	Other	28.81	48.32
		White	21.65	27.91
2009	104	Other	30.76	56.16
		White	23.15	36.56
2011	141	Other	26.11	40.83
		White	17.09	25.65

*The statistics in this table are based on corporal punishment incidents per 1000 students.

A *t-test* was used to determine if a significant difference existed between the two race categories: white and other. Table 6 shows the mean corporal punishment incidents for race.

Table 6

Mean Number of Corporal Punishment Incidents

Race	N	Mean	Standard Deviation
Other	527	36.33	57.37
White	527	28.36	36.03

*The statistics in this table are based on corporal punishment incidents per 1000 students.

This analysis showed that the other race category had a higher mean number of corporal punishment incidents with an average of 36.33 ($SD = 57.37$). The results showed the average number of corporal punishment incidents for whites was 28.36 ($SD = 36.03$). Table 7 shows the results of the equality of variance test, which determined whether to use the equal or unequal variance for the *t-test*. The data showed an $F(1, 526) = 2.54, p < 0.0001$, thus the null hypothesis was rejected and an unequal variance *t-test* was used. Table 8 shows the *t-test* results. The data showed that $t(883.09) = 2.70, p = 0.0071$. Thus, the null hypothesis was rejected. Therefore there was a significant difference between the number of corporal

punishment incidents between whites and the other races. Thus students in the other race category were disciplined by corporal punishments at a greater rate than students in the white race category. Based on the information from Table 5, it was decided to look at the number of corporal punishment incidents by year.

Table 7

Equality of Variances

Method	Nominator df	Denominators df	F Value	Pr > F
Folded F	526	526	2.54	<0.0001

*The statistics in this table are based on corporal punishment incidents per 1000 students.

Table 8

t-Test Results for Race

Method	Variance	df	t Value	Pr > t
Pooled	Equal	1051	2.70	0.0070
Satterthwaite	Unequal	883.09	2.70	0.0071

*The statistics in this table are based on corporal punishment incidents per 1000 students.

Table 9

Equality of Variance Test for Race by Year

Year	Method	F Value	Pr > f
2000	Folded F	2.71	<0.0001
2004	Folded F	3.23	<0.0001
2006	Folded F	3.00	<0.0001
2009	Folded F	2.36	<0.0001
2011	Folded F	2.53	<0.0001

*The statistics in this table are based on corporal punishment incidents per 1000 students.

Table 9 shows the results of the equality of variance test for each year of the study. The data showed $F(1, 136) = 2.71, p < 0.0001$ and $F(1, 71) = 3.23, p < 0.0001$, for the 2000 and the 2004 survey years respectively. The data also showed $F(1, 72) = 3.00, p < 0.0001$, $F(1, 103) = 2.36, p < 0.0001$, and $F(1, 140) = 2.53, p < 0.0001$ for the survey years 2006,

2009, and 2011, respectively. Thus, the null hypothesis was rejected for each equality of variance test for each year of the study. Therefore, the unequal variance *t*-test results were used to determine if there was a significant difference in the average number of corporal punishment instance between the two race categories.

Table 10

t-Test Results for Race by Year

Year	Method	Variance	df	<i>t</i> Value	Pr > <i>t</i>
2000	Satterthwaite	Unequal	222.36	1.00	0.3192
2004	Satterthwaite	Unequal	111.10	1.10	0.2749
2006	Satterthwaite	Unequal	115.23	1.10	0.2753
2009	Satterthwaite	Unequal	176.99	1.16	0.2484
2011	Satterthwaite	Unequal	235.64	2.22	0.0273

*The statistics in this table are based on corporal punishment incidents per 1000 students.

Table 10 shows the results of the *t*-test for each year of the study. There was no significant difference in the two race categories for the 2000 and 2004 school year. For the 2000 school year the data showed $t = 1.00(222.36)$, $p = 0.3192$, and in the 2004 school year the data showed $t(111.10) = 1.10$, $p = 0.2749$. There was also no significant difference in the two race categories for the 2006 and 2009 school year. For the 2006 school year the data showed $t = 1.10(115.23)$, $p = 0.2753$, and in the 2009 school year the data showed $t(176.99) = 1.16$, $p = 0.2484$. There was a significant difference in the two race categories for the 2011 school years. In 2011 the average number of corporal punishment incidents for white students was 26.11 ($SD = 40.83$), and for other students the average number of corporal punishment incidents was 17.09 ($SD = 25.65$). Thus in the final year included in this study the other students race category had a significantly higher average number of corporal punishment incidents than the white race category of students.

Table 11

Comparison of Corporal Punishment to Population

Year	Race	Percent of Population	Percent of Corporal Punishment Incidents
2000	White	72.9%	51.8%
	Other	27.1%	48.5%
2004	White	70.5%	33.8%
	Other	29.5%	66.2%
2006	White	69.2%	71.1%
	Other	30.8%	28.9%
2009	White	68.3%	75.9%
	Other	31.7%	24.1%
2011	White	67.4%	73.6%
	Other	32.6%	26.4%

Next, the percentage of corporal punishment incidents in relation to the population of students in the state of Tennessee determined. The comparison between school population and incidents of corporal punishment can be seen in Table 11. In 2000, the other race category had 48.5% of the corporal punishment incidents, but only made up 27.1% of the population. Thus the other race category made up less than 30% of the population, but received almost half of the corporal punishment occurrences. There was a similar result for 2004 survey year. The other race category received 66.2% of the corporal punishment incidents and made up only 29.5% of the total population. In the survey years 2006, 2009, and 2011, the data showed corporal punishment incidents that were more closely aligned to the population of the school system. For 2006, the other race category made up 30.8% of the total population and 28.9% of the corporal punishment incidents. Looking at 2009, the data showed that the other race category made up 31.7% of the total population and were the targeted students in 24.1% the corporal punishment incidents. The results were similar in 2011, where the other race category made up 32.6% of the population, and were involved in 26.4% of the corporal punishment incidents.

Thus, in the first two years of data collected in the survey the data showed that minority students made up a larger percentage of the corporal punishment incidents, when compared to the percentage of the population of the school system in Tennessee. For the 2006, data collection year the percent of corporal punishment incidents was similar to the population percentage of the school system. In the last two years of data collection, the minority students did not make up a large portion of the corporal punishment incidents when compared to the minority student portion of the population of Tennessee schools.

The above analysis showed in the 2000 and 2004 survey years that corporal punishment was being administered at a greater rate to minority students. When looking at the average number of corporal punishment incidents there was a significant difference in the years 2006, 2009, and 2011, where white students had a higher average number of corporal punishment incidents than minority students. In the 2006 survey year, the rate of corporal punishment incidents was similar to the population of that school year. For the last three years of the survey the data showed that corporal punishment was being administered at a reduced rate to minority students compared to nonminority students.

Summary of conclusions for research question 1. The study covered the years 2000, 2004, 2006, 2009, and 2011. Over the five different time periods data was collected for this study, minority students had a higher average rate of corporal punishment incidents in all years of the study.

It was next determined if a significant difference existed between the average number of corporal punishment incidents between minority students and white students. The average number of incidents over all the years of the study was reviewed. The results of the analysis showed a significant difference between the average number of corporal punishment

incidents between white students and minority students. Next, the average number of corporal punishment incidents for each year of the study was reviewed. The results showed no significant differences in the average number of corporal punishment incidents in the years 2000, 2004, 2006 and 2009. In 2011 there was a significant difference in the average number of corporal punishment incidents. Minority students had a higher rate of corporal punishment incidents than white students. These results were similar to what past research has shown about those who were disciplined by corporal punishment. Most research has found that African Americans were paddled at higher rates than whites (Broussard, Williams-Damond, Broussard, Fossey, & Slater, 2013; Prejean, 2015; Williams-Damond, 2013).

Finally, the percentage of corporal punishment incidents in relation to the population of students in the state of Tennessee was examined. In 2000 and 2004, minority students made up less than 20% of the population, but received almost half of the corporal punishment occurrences. For the final three years of data collection, the results differed. Minority students made up 30% of the population, but received less than 29% of the corporal punishment incidents for each year of the study.

Research Question 2

Does a relationship exist between school district size and corporal punishment practices in Tennessee public schools?

Data analysis 2. Spearman's *rho* correlation was used to determine if a relationship existed between school district size and corporal punishment practices in Tennessee public schools. Spearman's *rho* is a nonparametric measure of correlation that is used to determine the strength of a relationship between continuous and/or discrete variables (Hinkle, Wiersma, & Jurs, 2003). Both the school district size and the number of corporal punishment incidents

were reformatted as categorical variables. The number of corporal punishment incidents and the school district size variables were reformatted with the following categories, school district size was reformatted into small, medium, and large: and corporal punishment incidents were reformatted into low, medium, and high. The school district size categorical variable had the following criteria, the small category was an enrollment between zero and 1,500, the medium category was an enrollment between 1,501 and 5,000, and the large category was greater than 5,000. The corporal punishment incidents categorical variable had the following criteria, the low category consisted of incidents between zero and twenty-five, the medium category consisted of incidents between twenty-six and 150, and the high category consisted of incidents greater than 150. Table 12 shows the frequency distribution of the school district size variable. The majority of the districts fell into the medium-size category with $N = 233$ (44%), followed by the high category with $N = 189$ (36%), and then the low category with $N = 105$ (20%). The frequency distribution for the number of corporal punishment incidents were shown in Table 13.

Table 12

Count of School District Size by Category

School District Size	N	Percent
Small	105	20%
Medium	233	44%
Large	189	36%

Table 13

Count of Corporal Punishment Incidents by Category

Corporal Punishment Categories	N	Percent
Low	199	38%
Medium	183	34%
High	145	28%

The distribution between the three categories was similar. The low category had $N = 199$ (38%). The medium category was next with $N = 183$ (34%). The high category had the fewest individuals with $N = 145$ (28%). Table 14 shows the results of the correlation analysis. There was a weak positive statistically significant relationship between the enrollment of a school district and the number of corporal punishment incidents. The Spearman's ρ correlation was $r(527) = 0.171, p < 0.0001$. Thus as district enrollment increased, corporal punishment incidents also increased.

Table 14

Spearman's Rho Correlation Analysis for Corporal Punishment and District Size

	District Enrollment	Corporal Punishment
District Enrollment	1	0.171 ($p < 0.0001$)
Corporal Punishment	0.171 ($p < 0.0001$)	1

Based on the results of the Spearman's ρ correlation analysis there was a weak relationship between school district size and corporal punishment practices in Tennessee public schools.

Summary of conclusions for research question 2. The number of corporal punishment incidents and the size of the school district were formatted into the following categories: small, medium, and large for school district size, and low, medium, and high for corporal punishment incidents. When looking at the size of the school districts, most of the school districts fell into the medium category, followed by the large and the small categories. When looking at the counts of corporal punishment more schools districts fell into the low category, followed by the medium and the high categories. Based on the Spearman's ρ analysis the data showed a weak positive relationship between school district size and

corporal punishment incidents. Thus as school district enrollment increased the number of corporal punishment incidents also increased.

Research Question 3

What percentage of Tennessee school districts reported incidents of corporal punishment during the 2011-2012 school year according to corporal punishment data collected by the U.S. Department of Education's Office for Civil Rights?

Data analysis 3. Of the 142 public systems in the state of Tennessee, 141 of those systems provided corporal punishment information for the 2011-2012 school year.

Table 15

Number of Corporal Punishment Districts in Tennessee by School System for 2011-2012

Corporal Punishment Status	Count	Percentage
Reported Corporal Punishment	94	66.7%
No Reported Corporal Punishment	47	33.3%

Table 15 shows the number of Tennessee school systems that reported incidents of corporal punishment and those that did not report incidents of corporal punishment. The data showed 94 or 66.7% of the 141 school systems reported the use of corporal punishment for the 2011-2012 school year. Looking at the schools systems that did not report incidents of corporal punishment, the results showed 47 or 33.3% of the 141 school systems fell into this category. Thus, two thirds of Tennessee's school systems reported using corporal punishment to discipline students during the 2011-2012 school year.

Table 16

Number of Corporal Punishment in 2011-2012 by School System Size

Enrollment Categories	Corporal Punishment Categories		
	High	Medium	Low
	N	N	N
Large (More than 5,000)	6	14	23
Medium (1,501 to 5,000)	10	16	26
Small (0 to 1,500)	1	12	23

Table 17

Percent of Corporal Punishment in 2011-2012 by School System Size

Enrollment Categories	Corporal Punishment Categories		
	High	Medium	Low
	Percent	Percent	Percent
Large (More than 5,000)	4.3%	9.9%	16.3%
Medium (1,501 to 5,000)	17.1%	18.4%	18.4%
Small (0 to 1,500)	0.7%	8.5%	16.3%

*The percentages do not equal 100% due to rounding by tenths.

Next, different demographical information was looked at to get a better understanding of the school districts that reported incidents of corporal punishment. Table 16 and Tables 17 provide information on the number and percentage of corporal punishment incidents by school system size. The largest corporal punishment category was low with $N = 72$, (51%). When looking at the enrollment categories numbers, within the low corporal punishment grouping, there were similar counts. The data had $N = 23$, (16.3%) for the large enrollment category, $N = 26$, (18.4%) for the medium enrollment category, and $N = 23$, (16.3%) for the small category. Next, the medium corporal punishment category was studied. The data

showed $N = 52$, (36.8%). The enrollment categories within the medium corporal punishment grouping had $N = 14$, (9.9%) for the large enrollment category. For the medium enrollment category $N = 26$, (18.4%), and in the small enrollment category $N = 12$, (8.5%). The corporal punishment category with the least amount of incidents was the high category, with $N = 17$, (12.1%). The numbers within the high corporal punishment category were $N = 6$, (4.3%) for the large enrollment category, $N = 10$, (7.1%) for the medium enrollment category, and $N = 1$, (0.7%) for the small enrollment category.

The following tables describe racial breakdowns and incidents of corporal punishment in the 2011-2012 school year. Table 18 gives the total number of corporal punishment incidents by race. For the 2011-2012 school year there were 6,534 white students who were disciplined by corporal punishment, and 2,342 minority students who were disciplined by corporal punishment. The results showed that white students were disciplined by corporal punishment almost three times more than minority students. Of the total number of corporal punishment incidents, the results showed that white students made up 73.6% of the total number, and minority students made up 26.4% of the total number.

Table 18

Total Number of Corporal Punishment Incidents by Race for 2011-2012 School Year

Race	Number of Incidents	Percent of Incidents
White	6,534	73.6%
Other	2,342	26.4%

Table 19 gives the racial breakdown for the top ten school systems with incidents of corporal punishment. Of the ten school systems with the highest incidents of corporal punishment in Tennessee, seven had the majority of corporal punishment incidents administered to white students. These schools systems were Overton County with 97.6%,

Dekalb County with 98.3%, McNairy County with 86.2%, Fentress County with 97.5%, Coffee County with 92.7%, Monroe County with 94.9%, and Henry County with 76.4%. The other three school systems either had a majority of the minority students being disciplined by corporal punishment or the incidents were very similar. The data showed Madison County and Lauderdale County with a majority of minority students being disciplined by corporal punishment. In Madison County 76.3% of the incidents of corporal punishment were minority students, and in Lauderdale County 55.8% of the incidents of corporal punishment were minority students. In Tipton County, which had the most incidents of corporal punishment, white students made up 50.1% of the incidents of corporal punishment, while minority students made up 49.9% of the incidents of corporal punishment.

Table 19

Top Ten School Systems with Incidents of Corporal Punishment by Race

School System	Race	Number of Incidents	Percent of Incidents
Tipton County	White	596	50.1%
	Other	593	49.9%
Overton County	White	376	97.9%
	Other	8	2.1%
Dekalb County	White	364	98.3%
	Other	6	1.7%
McNairy County	White	299	86.2%
	Other	48	13.8%
Fentress County	White	317	97.5%
	Other	8	2.5%
Coffee County	White	294	92.7%
	Other	23	7.3%
Lauderdale County	White	130	44.2%
	Other	164	55.8%
Monroe County	White	222	94.9%
	Other	12	5.1%
Henry County	White	178	76.4%
	Other	55	23.6%
Madison County	White	53	23.7%
	Other	171	76.3%

Summary of conclusions for research question 3. For the 2011-2012 school year, 141 of the 142 public school systems in the state of Tennessee reported corporal punishment information to the U.S. Department of Education's Office for Civil Rights. The data showed 66.7% of the school systems reported the use of corporal punishment for the 2011-2012 school year. Next to be examined was the relationship between the number of corporal punishment incidents by enrollment categories and the corporal punishment categories.

School systems that fell into the medium enrollment category had the most reported uses of corporal punishment with 43.9%, followed by the large enrollment category at 30.5% of the corporal punishment incidents, and only 25.5% of the corporal punishment incidents were in the small enrollment categories. Looking at the incidents of corporal punishments the data showed most of the enrollment categories fell into the low category at 51%.

Next the researcher looked at the top ten school systems with incidents of corporal punishment. The two school systems with the most incidents of corporal punishment both fell into the large enrollment category. The next eight school systems fell into the medium enrollment categories. Next examined were the corporal punishment incidents by race for the 2011-2012 school year. The data showed that 73.6% of white students received incidents of corporal punishment, and 26.4% of the incidents of corporal punishment were experienced by minority students. Next looked at were the incidents of corporal punishment of the top ten school systems by race. In seven of the ten school systems had that more than 75% of the incidents of corporal punishment were experienced by white students. The school system with the most incidents of corporal punishment had 50% of the white students and 50% of the minority students were discipline by corporal punishment. In the two remaining school

systems minority students made up the majority of those who were discipline by corporal punishment.

Research Question 4

What are the comparisons of corporal punishment rates when examining large, medium, and small districts?

Data analysis 4. The counts of corporal punishment incidents were compared for the top ten school districts from each of the three different enrollment levels. For this question there were three enrollment levels large school district, great than 5,000 total enrollment, medium school districts, between 1,501 and 5,000 enrollment, and small school districts, enrollment of 1,500 or less.

Table 20

Top Ten Large School Systems by Enrollment with Incidents of Corporal Punishment for 2011-2012

School System	Total Enrollment	Number of Corporal Punishment Incidents	Percent of Corporal Punishment Incidents
Memphis	107,485	0	0.0%
Davidson County	79,373	0	0.0%
Knox County	58,710	0	0.0%
Shelby County	46,698	91	0.2%
Hamilton County	43,193	74	0.2%
Rutherford County	38,953	5	0.0%
Williamson County	32,828	0	0.0%
Montgomery County	30,393	0	0.0%
Sumner County	28,101	114	0.4%
Wilson County	16,370	2	0.0%

Table 20 gives a listing of the top ten large enrollment school systems by population and the number of corporal punishment incidents. Of the top ten large enrollment school systems by population, five reported no incidents of corporal punishment. The five counties

that reported corporal punishment incidents, the incidents ranged from a high of 114 incidents to low of 2 incidents. Thus those individuals who were disciplined by corporal punishment made up a very small percent of the student population of large enrollment schools systems.

Table 21

Top Ten Medium School Systems by Enrollment with Incidents of Corporal Punishment for 2011-2012

School System	Total Enrollment	Number of Corporal Punishment Incidents	Percent of Corporal Punishment Incidents
Maryville	4,998	0	0.0%
Cocke County	4,929	125	2.5%
Clairborne County	4,777	11	0.2%
Marion County	4,664	88	1.8%
Union County	4,568	10	0.2%
Weakley County	4,517	67	1.5%
Lauderdale County	4,465	294	6.6%
Rhea County	4,427	62	1.4%
Coffee County	4,419	317	7.2%
McNairy County	4,340	347	8.0%

Table 21 shows the top ten medium enrollment school systems by population and the number of corporal punishment incidents in those systems. Of the top ten medium enrollment school systems, only one reported no incidents of corporal punishment. Thus nine of the top ten medium enrollment school systems reported incidents of corporal punishment. Two of the school systems reported incidents of over 300, one reported corporal punishment incidents of close to 300, and another reported incidents just over 100. The range of corporal punishment incidents of the other five school systems was between 10 and 67.

Table 22

Top Ten Small School Systems by Enrollment with Incidents of Corporal Punishment for 2011-2012

School System	Total Enrollment	Number of Corporal Punishment Incidents	Percent of Corporal Punishment Incidents
Union City Schools	1,484	156	10.5%
McKenzie	1,479	40	2.7%
Manchester	1,471	48	3.3%
Houston County	1,423	0	0.0%
Trenton Special School District	1,382	116	8.4%
Fayetteville	1,296	20	1.5%
Oneida	1,291	0	0.0%
Trousdale County	1,291	16	1.2%
Huntingdon	1,288	90	7.0%
Perry County	1,219	28	2.3%

Finally Table 22 shows the top ten small enrollment school systems by population and the number of corporal punishment incidents in those systems. Only two small enrollment school systems reported no incidents of corporal punishment. Thus eight of the top ten small enrollment school systems reported incidents of corporal punishment. Two of the school systems reported incidents of over 100, one reported corporal punishment incidents of close to 100. The range of corporal punishment incidents of the other five school systems was between 16 and 48.

Summary of conclusions for Research Question 4. Looking at the top ten school systems in each enrollment category showed similar results as seen in past research. The top ten large enrollment school systems had 286 incidents of corporal punishment, but these incidents only represented less than one-tenth of one percent of the population. For the top ten medium enrollment category school systems, there were 1,321 incidents of corporal

punishment which represented almost 3% of the population. Finally the top ten small enrollment category school systems had 514 incidents of corporal punishment which accounted for almost 4% of the population. Thus the information provided in tables 21 and 22 indicate the incidents of corporal punishment in the medium and small enrollment category school systems made up a larger percentage of the population across the state of Tennessee for the 2011-2012 school year which matched the trend found in the state of Texas.

Chapter 4 Summary

For the five survey years covered in this study, minority students were disciplined by corporal punishment at a higher rate than white students. When looking at the relationship between district size and corporal punishment there was a weak positive relationship between incidents of corporal punishment and district size. A strong majority of Tennessee school districts (66 %) reported using corporal punishment as a means of disciplining students.

CHAPTER 5: Summary, Conclusions, and Future Research

Introduction

Chapter 5 provides a summary of the study, the information learned from the data analysis, conclusions from each of the research questions, and implications of possible future research concerning corporal punishment in the state of Tennessee.

The results of the analysis of this study showed support for several reasons leading to Tennessee having one of the highest rates of incidents of corporal punishments. Chapter 5 also provides a summary of the main results of the analysis of this study.

Major Findings

Several major findings came about from studying corporal punishment in the state of Tennessee. First, medium size school districts, with enrollments between 1,501 and 5,000, reported the greatest number of corporal punishment incidents. This definition of a medium school district is relatively small because the average enrollment of the ten largest school systems in Tennessee was approximately 50,000 students. The results from this study showed that 53.9% of corporal punishment incidents took place in medium enrollment level school systems. This finding is in harmony with Prejean's findings that small Texas districts reported higher percentages of students receiving corporal punishment than larger Texas districts (Prejean, Fossey, & Trahan, 2015).

The next major finding showed that a higher percentage of white students experienced corporal punishment than nonwhites in a majority of the years studied. The first two years of the study saw corporal punishment being administered at a greater rate to minority students than white students, but in the last three years of the study this occurrence was not found. This finding is in contrast to the findings of other researchers. Past research

has found that corporal punishment was disproportionately administered to minority students and African American students in particular (Broussard, Williams-Damond, Broussard, Fossey, & Slater, 2013; Prejean, 2015; Williams-Damond, 2013). This result may have occurred because the larger school districts in Tennessee with high percentages of corporal punishment have abolished corporal punishment which is in harmony with Goodson's findings for Florida and Phillips' findings for Texas (Goodson & Fossey, 2012; Phillips & Fossey, 2012). Thus it could be that corporal punishment is now largely confined to small towns and rural areas where white students make up the majority of the school population.

The next major finding was that a relationship exists between school district size and corporal punishment practices. A weak positive relationship was found between school district size and corporal punishment practices. This finding is similar to findings from demographic studies of corporal punishment practices in other states: notably Florida and Texas (Goodson & Fossey, 2012; Phillips & Fossey, 2012).

The final major finding was that corporal punishment rates in Tennessee's ten largest districts were quite low. Five of those districts reported no corporal punishment incidents and two more reported seven or less incidents of corporal punishment. Three of the ten largest school districts reported corporal punishment incidents in double figures, but the percentage of students who experienced corporal punishment in those school districts was quite low. This fits with research and commentary about the demographics of corporal punishment in other states: Texas, Florida, and North Carolina (Broussard, Williams-Damond, Broussard, Fossey, & Slater, 2013; Prejean, 2015; Williams-Damond, 2013).

Implications for Future Research

Past research has shown that individuals who are disciplined with corporal punishment are more likely to use violence in social situations or display violent behavior as an adult (Swinford, Demaris, Cernkovich, and Giordano, 2000). Individuals disciplined by corporal punishment are more aggressive and experience more mental health issues (Gershoff, 2002). Future research in the state of Tennessee could be done to see if similar trends exist.

Past studies show a disproportional number of African American students are disciplined with corporal punishment (Gershoff, 2008). The results of this study showed this to be true in 2000 and 2004, but in the years 2006, 2009, 2011 there was no disproportional use of corporal punishment of minority students. The results for years 2006, 2009, and 2011 are different from what has been seen in past research. Past research has shown that African American students were paddled at higher rates than whites. Future research can be done to see what has led to this trend in the state of Tennessee.

For 2011-2012 school year, three school systems in the state of Tennessee did have a disproportional number of minority students who were disciplined by corporal punishment. Future research in those three school systems should be done to see what is leading to this disproportional use. This future research could look at the relationship between student-teacher ratios, or the gender and racial characteristics of teachers within those three school systems.

Implications for Educational Research, Leadership, and Practice

This study reinforces earlier studies on corporal punishment practices in other Southern states (Phillips, 2012, Goodson, 2012, Diamond Williams, 2014, Timoll, 2015),

which found that corporal punishment in public schools is on the decline in the states where it is still authorized. These studies also generally found that corporal punishment is more common in small towns and rural communities and rarely practiced in urban districts. As discussed in Chapter Two, research has shown that corporal punishment of students does not produce long-term positive results for student behavior. Moreover, there is solid evidence that corporal punishment of children and youth is associated with mental health problems that extend into adulthood and that it is administered disproportionately to minority students (Gershoff, 2008; Turner, & Muller, 2015).

Therefore, Educational Leadership programs that prepare educational leaders in states where school-based corporal punishment is still practiced should address corporal punishment in graduate-level courses on education law and education policy. Educational leaders need to understand that corporal punishment is on the decline in the school setting all across the United States and has been abolished in more than 30 states. Thus, school administrators who continue to use corporal punishment as a disciplinary tool are acting contrary to best practice.

More importantly, research has clearly established that corporal punishment of children and youth can increase the risk of long term mental health problems for the students who receive corporal punishment. Therefore, it is imperative that graduates of educational leadership programs are aware that corporal punishment is disfavored in most American school districts and is increasingly understood as an ineffective and harmful disciplinary strategy.

Chapter 5 Summary

This chapter gives a summary of the questions used to guide this study, along with a summary of the findings and conclusions. Finally, this chapter provided possible avenues of future research.

DISSERTATION SUMMARY

This dissertation was guided by four research questions concerning corporal punishment in the state of Tennessee, and administration of corporal punishment by race and district size. The study was comprised of 142 public school districts in the state of Tennessee, and used several methods to analysis the data. Quantitative descriptive statistics, independent sample *t*-test, and Spearman's *rho* correlation were used to analyze the data for the four research questions.

First, this study showed at one time minority students were administered corporal punishment at a higher rate than white students in Tennessee school districts, but in recent years this was not the case. Second, this study showed a minor positive relationship between school district size and the use of corporal punishment. Next, a description of the use of corporal punishment during the 2011-2012 school year. Finally, this study found that the incidents of corporal punishment in the medium and small enrollment category school systems made up a larger percentage of the population across the state of Tennessee for the 2011-2012 school year which matched the trend found in the state of Texas.

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ABSTRACT

This dissertation examines the use of corporal punishment in 142 Tennessee public school districts, as well as the data from the United States Department of Education Office of Civil Rights to identify demographic patterns and trends regarding corporal punishment in the state of Tennessee. This project also studies the relationship between school district enrollment and corporal punishment. This dissertation uses quantitative methods to analyze the data.

The results of this study finds that medium-sized school districts (student enrollment between 500 and 1500 students) report the greatest number of corporal punishment incidents. Also, a higher percentage of white students experience corporal punishment than nonwhite students in a majority of the years studied. The study also finds that a relationship exists between district size and corporal punishment practices. Corporal punishment rates in Tennessee's 10 largest districts are quite low. The findings of this research are similar to those found in past research in Texas, Mississippi, and North Carolina.

BIOGRAPHICAL SKETCH

Born in Baton Rouge, Louisiana on December 20, 1978, Melanie Kennedy Guillory is the daughter of Leo and Carolyn Kennedy. Melanie was married in 2002 to Christopher Guillory and resides in Gonzales, Louisiana. She is the mother to three children: Grant, Lauren, and Gabriel Guillory. She is a kindergarten teacher in Ascension Parish.

Melanie holds a Bachelor in Science in Early Childhood Education from Louisiana State University (2001), as well as a Masters in Arts in Education with a Reading Specialist Endorsement (2006).

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