

**House Education and Labor
Subcommittee on Healthy Families and Communities**

“Corporal Punishment in Schools and Its Effect on Academic Success”

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Chairwoman McCarthy, Ranking Member Platts, and members of the subcommittee, thank you for inviting me to speak on the issue of corporal punishment in schools and its effect on student achievement. My name is Jana Frieler, and I am the principal of Overland High School in Aurora, Colorado, where I have served for five years. Our school is a comprehensive, public, suburban institution with over 2,100 students who speak 54 different languages. Nearly half of our students are eligible for free and reduced-price meals. Thirty-seven percent of our students are Black, and 22% are Hispanic. Diversity is something we celebrate. Our students can take part in leadership groups to help them appreciate our differences while participating in activities that celebrate their own cultures. Overland is also a college preparatory school with 21 different Advanced Placement courses in almost every subject area and an Institute for Math, Science, and Technology. Eighty-nine percent of our students who graduated from our school in 2009 are participating in some form of postsecondary education this year.

The Cherry Creek School District, where my school is located, covers approximately 110 square miles in the southeast metropolitan boundaries of the Denver area and serves approximately 48,700 students. Our district consists of 40 elementary schools, 1 charter school, 11 middle schools, 6 high schools and 1 alternative high school.

Today, I am also appearing on behalf of the National Association of Secondary School Principals, where I serve as president-elect. In existence since 1916, NASSP is the preeminent organization of and national voice for middle level and high school principals, assistant principals, and aspiring school leaders from across the United States and more than 45 countries around the world. Our mission is to promote excellence in middle level and high school leadership.

NASSP

In 2004, the NASSP Board of Directors adopted a position statement expressing our opposition to the use of corporal punishment in middle and high schools. The board revisited that position in February 2009 and reaffirmed our commitment to the six guiding principals on which the position statement is based:

- NASSP supports the federal goal of violence-free schools stated in Goals 2000: Educate America Act (1994). Every school in the United States should be free of drugs, violence, and the unauthorized presence of firearms and alcohol.
- The fundamental need of U.S. education is to find ways of engaging today's students in the excitement of learning. Fear of pain or embarrassment has no place in that process.
- Students have the right to learn in a safe and secure environment. Schools have a responsibility to model for and teach our youth methods of exerting authority and modifying behavior that are constructive, humane, and provide opportunities for growth.
- Many proven means of discipline promote self-control and the development of appropriate socially adaptive behaviors in constructive, nonharmful ways.
- Discipline and corporal punishment are not synonymous.
- Discipline should be applied consistently and fairly.

To avoid the alienation of youth and to address the issues that lead to corporal punishment, NASSP has a long history of supporting the personalization of the school environment and student learning. We believe that school climate must be one that never tolerates violence but instead focuses on each student's success and how the school can foster a proactive approach to discipline.

In 1996, NASSP published *Breaking Ranks: Changing an American Institution* in which we called for sweeping change in schools. Recommendations from that and later *Breaking Ranks* publications focus on areas that the school principal can influence directly. Some of the recommendations that apply to this topic are:

- Schools will create small units in which anonymity is banished.
- Every student will have a personal adult advocate.
- Schools will engage students' families as partners.
- Schools, in conjunction with agencies in the community, will help coordinate the delivery of physical and mental health services.

As you can see, recommendations such as these are the proactive part of discipline and must be part of the whole school planning and operations on a daily basis.

To this end, NASSP supported legislation approved by the House last month that would establish federal minimum standards on the use of physical restraint or seclusion in schools. The Keeping All Students Safe Act (H.R. 4247) would also ensure that state-approved crisis intervention programs include evidence-based skills training related to positive behavior supports and provide grants to states implementing schoolwide positive behavior support approaches to improving school climate. I understand that Chairwoman McCarthy will be introducing legislation to prohibit the use of corporal punishment in our nation's public schools, and NASSP will support that bill as well.

Corporal Punishment in Colorado

According to the American Civil Liberties Union (ACLU), in the United States at least 220,000 children in public schools are subjected to corporal punishment, or "paddling," in response to unacceptable behavior and/or inappropriate language. A disproportionate number of these students are minorities, male students, and students with disabilities. In fact, while Black students represent only 17% of the total student population, they receive 36% of the corporal punishment, more than twice the rate of White students.

Although corporal punishment is no longer tolerated in the military, prisons, or mental institutions, the U.S. Department of Education reports that 20 states still allow corporal punishment in full or in part, including my home state of Colorado. Long considered a "local control state," the Colorado legislature enacted the Safe Schools Act in 2004 to provide students with a safe, conducive learning environment that is free from disruptions. Each school district must develop "concisely written conduct and discipline codes that shall be enforced uniformly, fairly and consistently for all students." The district's conduct and discipline code must also include "policies and procedures for the use of reasonable and appropriate physical intervention

or force in dealing with disruptive students; except that no board shall adopt a discipline code that includes provisions that are in conflict with the [state] definition of child abuse.”

While corporal punishment is allowable in Colorado, I believe its use is rare and there are reasons for this. First are the liability issues that are of great concern to school officials; regardless of the immunity laws that protect the school staff who impose such punishments, the possibility for potential litigation is great. More importantly, however, the use of corporal punishment can serve as an impediment to student learning. If students need to feel safe in order to learn, striking a child as a punishment is completely counterintuitive to establishing a culture and climate of safety and therefore inhibits the learning that should be happening.

Corporal punishment is specifically prohibited in the Cherry Creek School District, which governs my school. Every year, the *Student Conduct and Discipline, Rights and Responsibilities* handbook is distributed to school staff members and parents to explain the district’s policies for ensuring a safe education environment. Consistent with state law and as long as it is not in conflict with the legal definition of child abuse, however, the handbook states that our discipline policies and procedures *may* include acts of reasonable and appropriate physical intervention or force if a student is placing him or herself or others in danger. As the principal of Overland High School, I must submit an annual report to the board of education that includes information on the number of conduct and discipline code violations that occurred at my school and list any behavior on school property “that is detrimental to the welfare or safety of other students or of school personnel, including behavior that creates a threat of physical harm to the student or to other students.”

Personal Testimony

I have been a school administrator for over 15 years and, as such, have made countless decisions regarding the discipline of students. I have never resorted to corporal punishment nor do I condone the practice. I believe that discipline should not be aimed at punishment, but rather used as a learning opportunity for our students. If we focus on punishing our students through threats, coercion, or physical punishment, they may simply learn to avoid getting caught in order to escape the consequences and therefore may become doomed to repeat, not change, their behavior. If we focus on using the situation as a learning opportunity, however, we teach them instead to learn from their mistakes and how to better handle future situations in a more positive manner. Personally, I have had much success with this practice. If the student understands his or her responsibility in the matter and the consequence for the misbehavior is perceived as fair and reasonable, parents and students are much more likely to accept the outcome, regardless of its severity.

As a school administrator, I have always worked to create opportunities that are best for my students. Programs, activities and events that enhance student performance take priority, but it’s important to realize that for academic growth to occur, it must take place in a supportive school environment—a culture that promotes the students’ sense of belonging to the school helps them take ownership of their learning and values them as important members of the school community. This type of personalized learning environment can increase attendance, decrease

dropout rates, and decrease disruptive behavior—and eliminate the need for a punishment-focused discipline system.

While my philosophy sounds simple, creating this type of school environment is, in reality, quite complex. School leaders must intentionally focus on establishing a positive, supportive school environment with policies and procedures that affect the culture and continually monitor the climate and revising it as necessary. Clear expectations regarding student behaviors must be conveyed to students, staff members, and parents. Fair and natural consequences, as opposed to punitive ones, must be employed at all times.

Programs such as schoolwide positive behavior support, widely used in Colorado, can assist school leaders by tracking of discipline infractions by type and time, which allows resources and human capital to be placed where they are most needed. School climate and culture surveys are also given to students, staff members, and parents to provide insight and valuable information as to how the school's environment is perceived by all stakeholders.

Dr. James Comer, one of the country's leading child psychiatrists, has said, "No significant learning occurs without a significant relationship." Establishing this trusting relationship is even more essential to the academic development of minority students and those living in poverty—students who research shows are more likely to receive corporal punishment if it is allowed. So while the establishment of a positive, supportive school environment is important in every school, it is paramount in schools with diverse or high-poverty populations.

Unfortunately, the wishes and best interests of adults are often the basis of decisions made in some schools. And while it is important to consider the needs of all members of the school community, decisions must be made in the best interests of the students being served. Based on my personal philosophy and experiences as well as my position as president-elect of NASSP, I offer the following recommendations to guide schools in developing a positive, supportive environment that promotes the academic growth and personal development of every student at the school:

- Abolish all policies and procedures that allow or promote corporal punishment or are focused on punitive measures.
- Help students achieve academic success through the identification of strengths and deficiencies and provide students with the instruction, interventions, and support necessary for success.
- Establish discipline policies and practices that promote growth and self-discipline and are based on fair, reasonable, and consistent rules.
- Employ disciplinary consequences that are natural, logical, and meaningful and contain an instructional or reflective component.
- When appropriate, implement personalized behavioral contracts that are collaboratively developed by school personnel, the student, and the parent(s).

- Encourage positive reinforcement of appropriate behavior.
- Establish programs that emphasize early diagnosis of social or behavioral problems and provide the students and their teachers with the appropriate interventions and support.
- Encourage programs that emphasize values, citizenship, school pride, and personal responsibility and support the mental health needs of students.
- Use school and/or community-based counseling for individuals or groups.
- Develop systems that promote strong parent-school and community-school communications and relationships.
- Provide professional development opportunities for school leaders and all staff members (teachers, support staff, bus drivers, playground aides, etc.) to gain and/or refine skills in classroom management, conflict resolution, relationship building, positive behavioral supports, etc.

In 1943, Abraham Maslow published his well known research on the hierarchy of needs. The need to feel safe is the second most important attribute after basic life needs such as food and shelter. Maslow's hierarchy tells us that if the first level is not met, progress in the second is impossible and so forth. A clear conclusion is that if a student does not feel safe, then other life functions cannot take place. The educational parallel to this research is that if students don't feel safe at school, they cannot learn; this has been supported by multiple research studies. The threat of physical punishment hanging over a student's head does not promote a climate of security or learning. For this reason and the ones I have stated previously, I firmly encourage Congress to enact legislation prohibiting the use of corporal punishment in all schools nationwide.

Madam Chairwoman, this concludes my prepared testimony, but I would be happy to answer any questions you or the other committee members may have.

Thank you again for this opportunity.