

# A CALL TO END CORPORAL PUNISHMENT IN MISSISSIPPI



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Corporal punishment includes hitting, paddling, and inflicting pain on students for the purposes of discipline, control, and sometimes even humiliation. Corporal punishment is an antiquated practice, steeped in some of the darkest parts of United States history. To allow corporal punishment in school is to condone the physical and psychological abuse of children. The use of corporal punishment raises ethical questions, not only because of its short and long-term negative effects on children, but also because it perpetuates discriminatory discipline affecting historically marginalized students who have always borne the brunt of such practices. To ensure all students attend schools that are safe and inclusive, states should prohibit the use of corporal punishment and invest in evidence-based programs and practices that build student trust and relationships among educators, their peers, and other members of their school communities. Ending corporal punishment is a pre-condition for ensuring the successful implementation of a supportive, positive school climate.

## **THE HISTORY, DISPARITIES, & CONSEQUENCES ASSOCIATED WITH CORPORAL PUNISHMENT**

The history of corporal punishment as a discipline practice in schools chillingly recalls another physical punishment that was once common in the South—lynching, a tactic used to terrorize, traumatize, and maintain control over Black people.<sup>1</sup> From 1882 to 1968, over 4,000 lynchings

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<sup>1</sup> NAACP (2021). *History of lynching in America*. Retrieved December 16, 2021 from <https://naacp.org/find-resources/history-explained/history-lynching-america>; Equal Justice Initiative.

were carried out, primarily in Southern states.<sup>2</sup> The Equal Justice Initiative calls many of these murders “racial terror lynchings,” used to enforce Jim Crow Laws, racial segregation, and white supremacy in the U.S.<sup>3</sup> Many lynching victims were murdered for “minor social transgressions or for demanding basic rights and fair treatment.”<sup>4</sup>

Research has explored the connection between lynching and the current practice of corporal punishment. One study published this year in the journal *Social Problems* found that counties in the South that had the highest historic rates of lynching are significantly more likely to use corporal punishment on students today, and that relationship is especially strong for Black students.<sup>5</sup> The researchers concluded that, in the Southeastern states that were studied, the practice of corporal punishment “embodies and likely perpetuates histories of racialized violence, socioeconomic marginalization, and race-based exclusion.”<sup>6</sup> As one urban school board president put it, “In my mind’s eye, I see the sons and daughters of former slave owners beating the sons and daughters of former slaves.”<sup>7</sup>

**Black students receive far more corporal punishment than their white peers.** Black students were 2.5 times more likely to receive corporal punishment than white students in the 2017-2018 school year.<sup>8</sup> Corporal punishment is commonly applied for minor, arbitrary infractions, such as walking on the wrong side of the hallway or laughing at an inappropriate time.<sup>9</sup> Arbitrary infractions like these are subjective and give educators broad discretion to decide who gets punished and when.

When educators have broad discretion to discipline, students who have multiple, historically marginalized identities<sup>10</sup> are often the most disproportionately impacted. For example, studies

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(2017). *Lynching in America: Confronting the Legacy of Racial Terror* (3d Ed.)

<https://lynchinginamerica.eji.org/report/>.

<sup>2</sup> NAACP (2021); [Equal Justice Initiative](#) (2017).

<sup>3</sup> [Equal Justice Initiative](#) (2017).

<sup>4</sup> [Equal Justice Initiative](#) (2017).

<sup>5</sup> Ward, G., Petersen, N., Kupchik, A., & Pratt, J. (2021). Historic lynching and corporal punishment in contemporary Southern schools. *Social Problems*, 68, 41-62. <https://doi.org/10.1093/socpro/spz044>.

<sup>6</sup> Ward et al. (2021), p. 19.

<sup>7</sup> Pernell, L. (1990). Suffering the children: 35 years of suspension, expulsion, and beatings--The price of desegregation. *Harvard Blackletter Journal*, 7, 119.

<sup>8</sup> U.S. Department of Education, Office for Civil Rights. (2020). *Civil Rights Data Collection, 2017-2018*. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-2017-18.html>

<sup>9</sup> Southern Poverty Law Center & Center for Civil Rights Remedies (2019). *The striking outlier: The persistent, painful and problematic practice of corporal punishment in schools*. [https://www.splcenter.org/sites/default/files/com\\_corporal\\_punishment\\_final\\_web\\_0.pdf](https://www.splcenter.org/sites/default/files/com_corporal_punishment_final_web_0.pdf).

<sup>10</sup> This concept refers to intersectionality, which is a way to evaluate the various forms of inequality that can impact a person by taking into consideration their race, gender, class, sexuality, immigration status, and other aspects of their identity. Oftentimes, those most likely to experience inequality and discrimination are those whose identities are historically marginalized. Some historically marginalized students include Black students and students with disabilities. Studies have consistently found that the risk for discrimination increases when students are members of multiple, historically marginalized identities. For example, while both Black students and students with disabilities are at risk for higher rates

show that educators often exhibit “adultification” bias when disciplining Black girls.<sup>11</sup> Adultification bias is a gendered and racial bias, where adults perceive Black girls as loud, defiant, sexually knowledgeable, and less innocent and less in need of care than white girls.<sup>12</sup> Combined with adultification bias, broad discretion to enforce arbitrary school policies is likely to lead to increased punishment of Black girls for normal behaviors for which educators would not usually punish white girls. This discriminatory discipline against Black girls plays out across all aspects of school discipline, including corporal punishment. In the 2015-2016 school year, Black girls were 3 times more likely than white girls to receive corporal punishment<sup>13</sup>—even though the data show they are no more likely to misbehave in school.<sup>14</sup>

**Students with disabilities also make up a large population of students who are disproportionately targeted for corporal punishment.** In the 2017-2018 school year, students with disabilities made up 21% of all instances of corporal punishment, despite comprising only 17% of the student population.<sup>15</sup>

Corporal punishment is ineffective as a pedagogical tool to improve student behavior.<sup>16</sup> According to the American Academy of Pediatrics, corporal punishment can increase aggression and the risk of mental health disorders in children.<sup>17</sup> In the short term, corporal punishment can result in injury necessitating medical attention; in the long term, it is associated with lower academic performance, higher rates of absenteeism, bullying, damaged student-teacher relationships, and increased likelihood of involvement in the juvenile and criminal legal systems.<sup>18</sup> The disproportionate use of corporal punishment on Black students, particularly, can take a further toll on student mental health, as it forces Black students to confront the intergenerational trauma of racially-motivated and state-sanctioned violence in the U.S.

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of suspension, Black students with disabilities are more likely to be suspended than either of the other groups alone.

<sup>11</sup> Epstein, R., Blake, J.J., González, T. (2017). *Girlhood interrupted: The erasure of Black girls' childhood*. <https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2017/08/girlhood-interrupted.pdf>.

<sup>12</sup> National Women's Law Center & The Education Trust (2020). “... and they cared”: *How to create better, safer learning environments for girls of color*. [https://nwlc.org/wp-content/uploads/2020/08/FINAL\\_NWLC\\_EDTrust\\_Guide.pdf](https://nwlc.org/wp-content/uploads/2020/08/FINAL_NWLC_EDTrust_Guide.pdf).

<sup>13</sup> U.S. Department of Education, Office for Civil Rights. (2018). *Civil Rights Data Collection, 2015-2016*. Retrieved from: <https://ocrdata.ed.gov/>.

<sup>14</sup> [Southern Poverty Law Center & Center for Civil Rights Remedies](#) (2019).

<sup>15</sup> U.S. Department of Education, Office for Civil Rights. (2020). *Civil Rights Data Collection, 2017-2018*. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-2017-18.html>.

<sup>16</sup> [Southern Poverty Law Center & Center for Civil Rights Remedies](#) (2019).

<sup>17</sup> Fox, M. (2018, Nov.) *Here's what spanking does to kids. None of it is good, doctors say*. NBC News. <https://www.nbcnews.com/health/health-news/here-s-what-spanking-does-kids-none-it-good-doctors-n931306>.

<sup>18</sup> [Southern Poverty Law Center & Center for Civil Rights Remedies](#) (2019).

## A SNAPSHOT OF CORPORAL PUNISHMENT DATA IN MISSISSIPPI

From the Reconstruction Era until the Civil Rights Movement, Mississippi had one of the highest rates—if not *the highest* rate—of lynching in the United States,<sup>19</sup> anchoring its history in state-sanctioned violence against its Black residents. Over time, this dark history and culture of violence against Black residents has made its way into Mississippi school discipline practices.

Current data show that Mississippi has the highest corporal punishment rate in the country. In the 2017-2018 school year, Mississippi enrolled 481,374 students and reported 20,309 students receiving corporal punishment. The most current data (2017-2018) from the U.S. Department of Education's Civil Rights Data Collection (CRDC) show that:

- Mississippi has the highest number of children receiving corporal punishment (20,309) of any state in the nation, representing *over 25% of all incidents of corporal punishment in the United States*.
- The number of Black students receiving corporal punishment in Mississippi (12,740) is the highest in the nation and represents *over half of the total cases of corporal punishment among Black students in the United States*.
- Black girls represent less than 50% of the school-aged girls in the state but *73.1%* of the girls who were struck.
- The number of Black girls receiving corporal punishment in Mississippi (3,419) represents *more than half of the cases of corporal punishment for Black girls in the entire country* and exceeds the number of corporal punishment cases *for all girls* in any other state.
- The number of Black girls struck in Mississippi (3,419) is *more than six times greater* than the state (Arkansas) with the next highest number of corporal punishment cases for Black girls (555).
- The number of Black boys hit in Mississippi (9,321) is far higher than any other state and is *five times greater* than the total number of Black boys hit in Texas (1,721), which has a much larger population.

Mississippi's corporal punishment practices reflect major disparities for students who live at the intersection of multiple, historically marginalized identities, such as Black girls, who continue to be adultified and treated more harshly than their white counterparts. The data highlighted above show that Black girls are struck by the adults charged with their education 3 times more often than white girls. A shocking report by the Southern Poverty Law Center and the Center for Civil Rights Remedies found that “nearly half (43.8 percent) of all [B]lack girls who received corporal punishment in U.S. public schools in the 2013–14 school year were in Mississippi.”<sup>20</sup> That year,

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<sup>19</sup> NAACP (2021); [Equal Justice Initiative](#) (2017); Klein. R. (2020). Where lynching terrorized Black Americans, corporal punishment in schools lives on. [https://www.huffpost.com/entry/lynching-black-americans-corporal-punishment-schools\\_n\\_5f08c837c5b63a72c3419cb2?guccounter=1](https://www.huffpost.com/entry/lynching-black-americans-corporal-punishment-schools_n_5f08c837c5b63a72c3419cb2?guccounter=1)

<sup>20</sup> [Southern Poverty Law Center & Center for Civil Rights Remedies](#) (2019).

Mississippi also had the “largest difference in risk for corporal punishment when comparing [B]lack girls and white girls.”<sup>21</sup>

Corporal punishment is prohibited in most other Mississippi state institutions, including the foster care system, resource homes, group homes, and other residential facilities.<sup>22</sup> This widespread prohibition by other child-serving agencies is a clear acknowledgement that the State understands the harmful effects of corporal punishment, particularly for students who have experienced trauma. That clearly begs the question of why Mississippi continues the practice of corporal punishment in its schools. Rather than being first in the nation in rates of school corporal punishment, Mississippi should strive to lead in practices and programs that keep students safe while fostering their wellbeing, growth, and academic success.

## RECOMMENDED ALTERNATIVES TO CORPORAL PUNISHMENT

States should ban the use of corporal punishment in schools and invest time and resources into building positive school climate and culture and fully integrating approaches that ensure holistically safe learning environments. At a minimum, states must support the full implementation of evidence-based, whole-school processes, programming, and policies, such as:

- Restorative and transformative justice
- Culturally effective, responsive, and affirming student support staff, including but not limited to counselors, social workers, psychologists, and restorative/transformative justice practitioners
- Positive Behavioral Interventions & Supports (PBIS)
- Multi-Tiered System of Supports (MTSS)
- Culturally affirming social-emotional learning
- Relationship-centered schools
- Conflict resolution and peer mediation<sup>23</sup>
- Mentoring
- Authentic family engagement

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<sup>21</sup> [Southern Poverty Law Center & Center for Civil Rights Remedies](#) (2019).

<sup>22</sup> Mississippi Division of Family and Children’s Services (2017). *Section D: Foster Care Policy*. <https://www.mdcps.ms.gov/wp-content/uploads/2017/09/DFCS-Policy-Section-D-09-11-17.pdf>; Mississippi Department of Child Protection Services (2018). *License requirements and operations standards for Congregate Care providers*. <https://www.mdcps.ms.gov/wp-content/uploads/2018/07/Congregate-Care-Final-7.24.18.pdf>.

<sup>23</sup> Practices like conflict resolution and peer mediation should not be used in situations such as allegations of sexual harassment, sexual assault, and dating violence. Mediation generally assumes both parties share some responsibility for the incident, requires the parties to come to a compromise, and often requires direct interaction between the abuser and the survivor. This process can imply that the survivor is somehow at fault for their abuse, re-traumatize survivors, and pressure them into inappropriate resolutions. Instead, these situations require a restorative process that is victim-centered and focused on repairing the harm caused to the victim with sufficient safeguards in place to prevent further harm to the victim.

In their report Reclaim Social-Emotional Learning: Centering Organizing Praxis for Holistically Safe Schools, Communities for Just Schools Fund and their partners—community organizers in the education justice movement, including Nollie Jenkins Family Center—offered a definition of culturally affirming social-emotional learning (SEL). This definition names what culturally affirming SEL should look like and feel like in schools.

Culturally affirming SEL is the process through which people of all ages:

- Recognize and process emotions;
- Set and strive toward personal/collective goals and liberation, while embracing failures as lessons;
- Feel and show empathy;
- Establish and maintain positive relationships with ourselves, our land, and our community;
- Make collective decisions;
- Identify the intersections between the “-isms” (including colonialism, white supremacy, anti-Blackness, homophobia, cispremacry, linguicism, ableism, and all forms of oppression); and
- Dream the world we deserve into being.

In moving to ban the use of corporal punishment in schools, states and school districts must strive to ensure that other forms of punitive and exclusionary discipline, like suspensions, expulsions, and alternative school placements, are not used in its stead. In particular, states and school districts are encouraged to work proactively to prevent an increased reliance on school resource officers or other law enforcement referrals. Also, states and school districts should closely monitor the implementation of the positive alternatives outlined above to ensure that these interventions and supports are not used as other forms of policing and control.

Schools must be places where all students feel safe and where their needs are met. We must collectively engage in the work of advancing conversations about safety beyond fear, punishment, policing, and incarceration, and towards restorative action: building relationships within our school communities with the power to prevent and heal the traumas of interpersonal and systemic violence and to nurture the inherent genius of Black and Brown youth.<sup>24</sup>

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<sup>24</sup> Communities for Just Schools Fund. (2018, December). *Do the harder work--Create cultures of connectedness in schools: A youth and parent organizer response to the Federal Commission on School Safety*. Retrieved from <https://www.cjsfund.org/do-the-work>.

## WHO WE ARE:

The ***Federal School Discipline & Climate Coalition (FedSDC)*** is a diverse group of local community organizers, national organizations, directly impacted students, youth, families, and community members that exists to protect the interests and educational rights of Black and Brown students through a racial and educational equity lens.

***Nollie Jenkins Family Center (NJFC)*** is a community organization based in Durant, Mississippi. Foundational to our rich history of leading youth and community organizing efforts is our unwavering commitment to educational equity and justice. Central to our organizing efforts are parent education training and support, work to dismantle the school-to-prison pipeline, and efforts to build the leadership skills of youth of color. Our efforts span from local and state to the federal level. Nollie Jenkins Family Center is:

- A member of the [Mississippi Delta Catalyst Roundtable](#);
- Founders of the [MS Coalition to End Corporal Punishment](#);
- On the steering committee of the national Dignity in Schools Campaign (DSC); and
- A member of the Federal School Discipline & Climate Coalition (FedSDC) and co-chair of the FedSDC corporal punishment working group