

Approved 3-13-90  
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Don E. Crumbaker at  
Chairperson

~~3:30~~ ~~am~~ p.m. on February 21, 19<sup>90</sup> in room 519-S of the Capitol.

All members were present except:

Representatives D. Miller, Lowther, Hensley, all excused

Committee staff present:

Avis Swartzman, Revisor of Statutes Office  
Ben Barrett, Legislative Research  
Dale Dennis, Department of Education  
Thelma Canaday, Secretary to the Committee

Conferees appearing before the committee:

Ms. Pat Baker, Kansas Association of School Boards  
Ms. Neva Woodman, Wichita teacher  
Dr. Larry May, Assistant Superintendent, USD #202, Turner  
Ms. Brilla Highfill Scott, United School Administrators  
Mr. Craig Grant, Kansas National Education Association  
Ms. Lisa Day, Parent representing over 100 families  
Mr. Jim Yonally, Shawnee Mission Public Schools  
Dr. James McHenry, Executive Director, Kansas Child Abuse Prevention Council  
Dr. Arthur Cherry, Pediatrician, Topeka  
Mr. Curtis Hartenberger, School Board Member, USD #501  
Mr. Doug Bowman, Children & Youth Advisory Commission  
Ms. Marlene Merrill, Board of Directors, Kansas Child Abuse Prevention Council  
Dr. John Valusek, Psychologist, Wichita  
Ms. Juanita Decker, Kansas Association of School Psychologists  
Mr. Dwight Kirschner, McCracken  
Mr. Craig Grant, Kansas National Education Association  
Mr. John Koepke, Executive Director, Kansas Association of School Boards  
Representative Bowden

The meeting was called to order by Vice Chairman Empson.

The Vice Chairman opened hearings on HB 2813, concerning school districts, maintenance and teaching of preschool and kindergarten.

Representative Grotewiel testified for HB 2813. Representative Grotewiel said the intent of the bill is to give local school boards the necessary tools to be successful in educating our youth. (Attachment 1)

Ms. Baker spoke in support of HB 2813. Ms. Baker recommended making the changes optional for local districts. (Attachment 2)

Ms. Woodman testified in support of HB 2813. Ms. Woodman said because public demands for the schools to meet social needs as well as intellectual development are increasing, there is a need for early identification of negative behaviors. Ms. Woodman pointed out the earlier all children can benefit from a positive, instructive environment, the less likely we will see the negative, destructive resident of Kansas. (Attachment 3)

Vice Chairman Empson introduced written testimony from Dr. Larry May who was unable to be present for the hearing on HB 2813. Dr. May's testimony supports HB 2813 which provides full day kindergarten in the public schools. (Attachment 4)

Ms. Scott testified in support of HB 2813 if it is amended to make the legislation permissive. (Attachment 5)

Mr. Grant spoke in support of HB 2813. Mr. Grant said K-NEA does not support a mandate for preschool programs but rather an incentive for districts to offer the program. (Attachment 6)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION,

room 519-S, Statehouse, at 3:30 ~~xxx~~ p.m. on February 21, 1990.

Ms. Day spoke in opposition to HB 2813 as a representative of over 100 families in Johnson County. Ms. Day listed three reasons why she opposed HB 2813: 1) increase in tax burden, 2) current educational problems will continue and enlarge, 3) effective alternatives are discouraged. (Attachment 7)

After a time of discussion the hearings on HB 2813 were closed by Vice Chairman Empson.

Chairman Crumbaker assumed the leadership of the committee and opened hearings on HB 2818, concerning the prohibition of corporal punishment in school districts.

Dr. Cherry testified in support of HB 2818. Dr. Cherry said corporal punishment teaches violence and interferes with learning. Dr. Cherry believes children with learning disabilities are extremely vulnerable and are more apt to be recipients of corporal punishment than children who have no learning problems. Dr. Cherry pointed out there are alternatives to corporal punishment and many teachers have learned to use them. (Attachment 8)

Mr. Yonally testified in support of HB 2818. Mr. Yonally said while physical restraint must sometimes be used to protect the safety of others the Shawnee Mission School District believes there are more effective methods of disciplining than the use of physical punishment. (Attachment 9)

Dr. McHenry testified in support of HB 2818. Dr. McHenry said leaving the matter of corporal punishment to local control is not a good policy as a number of lawsuits have been filed by parents whose children have been subjected to this type of discipline. Dr. McHenry feels this is a waste of precious education dollars. (Attachment 10)

Mr. Hartenberger testified in support of HB 2818 on behalf of the Topeka School District as well as himself. Mr. Hartenberger said over two thousand children were abused in Kansas schools last year. Mr. Hartenberger feels the State has a responsibility to protect all its citizens, especially children who often have no one to represent them. (Attachment 11). Examples of corporal punishment as administered in Kansas schools were given by Mr. Hartenberger. (Attachment 12)

Mr. Bowman spoke in support of HB 2818 and submitted a list of organizations, some being national, which support the abolishment of corporal punishment in schools. (Attachment 13)

Ms. Merrill testified in support of HB 2818. Ms. Merrill believes corporal punishment is inappropriate and abusive and increases aggressive behavior and school vandalism as well as decreasing learning. (Attachment 14)

Mr. Dwight Kirschner spoke in support of HB 2818. Mr. Kirschner told of an incident of corporal punishment in which his grandson was involved. Mr. Kirschner believes violence begets violence and the use of corporal punishment is a form of negative education.

Dr. Valusek testified in support of HB 2818. Dr. Valusek said he believes it's only a matter of time before corporal punishment will be abolished in the schools nationwide and he hopes Kansas will not be one of the last states to fall in line. Dr. Valusek said he is grateful for the point of awareness concerning corporal punishment that has been reached by many organizations. Dr. Valusek asked the committee members to read the materials he provided for each of them. (Attachment 15)

Ms. Juanita Decker spoke in support of HB 2818. Ms. Decker submitted the position paper of Kansas Association of School Psychologists (Attachment 16) which advocates the prohibition of corporal punishment in the schools. Ms. Decker added her support to the testimony already given in favor of HB 2818 and said as long as corporal punishment is a legal option in our schools other alternatives cannot be fully implemented. (Attachment 17)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION,

room 519-S Statehouse, at 3:30 ~~xxx~~ p.m. on February 21, 1990

Mr. Grant testified in favor of HB 2818. Mr. Grant feels local boards should be able to exercise local control in developing policies on discipline, but that those policies should not include hitting children. (Attachment 18)

Mr. Koepke testified against HB 2818. Mr. Koepke pointed out many Kansas school boards have abolished corporal punishment by board policy but other local boards have chosen not to follow suit. Mr. Koepke said it is the position of the Kansas Association of School Boards that the decision regarding corporal punishment should be made by each local school board. (Attachment 19)

After a period of discussion the chairman closed the hearings on HB 2818.

Chairman Crumbaker announced because of the late hour hearings on HB 2827 would be deferred until tomorrow's meeting.

The meeting was adjourned by the chairman at 5:18 p.m.

The next meeting will be February 22, 1990 in Room 519-S at 3:30 p.m.

DATE Feb. 21, 20

GUEST REGISTER  
HOUSE  
EDUCATION COMMITTEE

NAME	ORGANIZATION	ADDRESS
D. MARIE DELCI	KS. Advisory Committee on Hispanic Affairs	1309 S. Topeka Blvd.
Craig Grant	H-NEA	Topeka
Curtis E. Harterberger	YSD 501 (Coppal Parish)	Topeka
David R. Kershner	Grandparent of abused child	McAubrey Kansas
Pat Baker	KASB	Topeka
William Plummer W.D.	self	Topeka
John Krogan	KASB	Topeka
Stacy M. Brown	self	Lawrence
Greg Jones	WICHITA FEDERATION OF TEACHERS	WICHITA
Robert Elliott	KFT	Wichita
Jane McBride	observer	Topeka
Steph Colles	KNEA	Topeka
Robin Gilbert	Kansas Child Abuse Hotline	Topeka
Brandia Loetz	KS Child Abuse Hotline	Topeka
JOHN E. VALUSEK, Ph.D.	PEOPLE ARE NOT FOR HITTING	WICHITA
LISA GETZ	ST. Francis Reg. MED CENTER	WICHITA
Pat Baum	YOUTH SERVICES SRS	TOPEKA
Doug Bowman	Children & Youth Advisory Comm.	"
Janice Decker	Ks. Assoc. of School Psychologists	Topeka
Shirley Buss	Harvey Co. Spec. Ed. Coop.	725 Main Newton, KS
Maureen Merrill	KS Child Abuse Prevention Council and KS Assoc of School Psychologists	725 Main St Newton, KS
Amy A Campbell	KS association of school psychologists Topeka Pub. Schools USD 501	1911 New Hampshire Lawrence KS <del>66046</del> 66046
Brilla Highfree Scott	USA	Topeka
Chuck Stuart	USA	Topeka



STATE OF KANSAS



TOPEKA

HOUSE OF  
REPRESENTATIVES

KEN GROTEWIEL

REPRESENTATIVE, NINETY-SECOND DISTRICT

1425 W. MURDOCK

WICHITA, KANSAS 67203-3178

(316) 265-2704

COMMITTEE ASSIGNMENTS

MEMBER: ENERGY AND NATURAL RESOURCES  
TAXATION  
LEGISLATIVE, JUDICIAL AND  
CONGRESSIONAL APPORTIONMENT

February 21, 1990

TO: Education Committee  
FROM: Representatives Grotewiel, Bowden and Gjerstad  
RE: HB 2813, Kindergarten and Pre-School Education

We believe that education should be viewed as a continuum that goes from good pre-natal care to adult education. HB 2813 is a bill that addresses one part of that continuum, kindergarten and pre-school education.

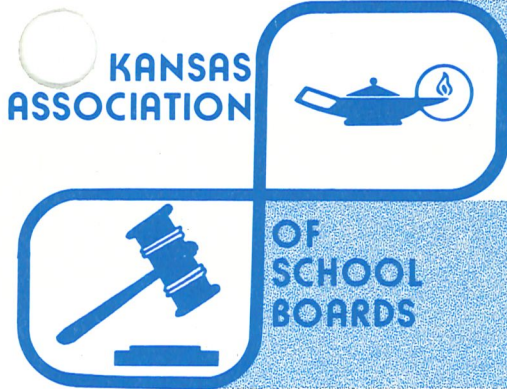
Currently, the bill makes these programs mandatory for the schools districts. This was not our intent and we support making them optional. Attendance by the students is already optional in the bill.

This bill and the others in our educational reform package should not be construed as a criticism of education. We simply want to give local school boards the necessary tools to be successful in the difficult job of educating our youth as well as those adults who desire to further their education.

Again, the danger of a mediocre system is that we may not be motivated to make the changes necessary to have an excellent educational system. As we all know, this legislature is often driven by crisis. Let's not wait for the crisis of failure. Let's move forward to meet the challenge that is upon us.

A handwritten signature in black ink, appearing to be "J. Grotewiel".

*Attachment 1  
House Education  
2-21-90*



5401 S. W. 7th Avenue Topeka, Kansas 66606  
913-273-3600

Testimony on H.B. 2813  
before the  
House Education Committee

by  
Patricia Baker, Associate Executive Director  
Kansas Association of School Boards

February 21, 1990

Thank you, Mr. Chairman, committee members for the opportunity to appear before you in support of the concept embodied in House Bill 2813.

We support allowing school districts to count, for enrollment purposes, students attending preschool and all day kindergarten in districts which choose to offer such programs. Federal mandates for pre-school education of the handicapped; pilot programs for pre-school and all-day kindergarten for at-risk students; and other efforts to provide early education militate for a recognition of how public schools are increasingly expected to meet not only the educational but the social needs of students.

If the provisions of H.B.2813 are amended to make the changes optional for local districts--we urge that the bill be favorable reported.

Thank you for your attention.

*Attachment 2  
House Education  
2-21-90*

Date: February 21, 1990  
To: Education Committee  
From: Neva Woodman  
Re: HB 2813

#### Educational Experiences:

1. 2 years clinical study & work experience in preschool at FHSU.
2. BS in Elementary Education/Speech Pathology-FHSU.
3. M.Ed.-WSU.
4. 2 yrs. at Institute of Logopedics in self-contained learning disabilities classroom, ages 10-13.
5. 1 yr. at private preschool (teaching & designing screening instrument).
6. 11 1/2 yrs. in LD resource room in Ks. Public schools; teaching, evaluation and implementing special programs.
7. Attended & given numerous workshops in 2 areas of special interest; learning styles & social skills.

#### Why a need for preschools?

Referring only to the "middle class" segment of preschool aged children, there exists a great diversity of early childhood experiences. A small number of children stay home with their mothers in neighborhoods where "everyone else is at work", some go with individual sitters, some with grandparents, others with large "corporation", such as KinderCare or smaller private schools. In larger Kansas communities, many minority children come from single parent families who more often than not, live with mothers who cannot read.

A class of kindergarteners on the first day of school can range from a child who cannot speak in complete sentences to one that may already have completed his/her first easy reader. Another child may grab a pencil from a classmate with a grunt while another can introduce their parents according to proper etiquette. Often a teacher spends half a day practicing line-up procedures without fighting instead of teaching phonetic principles.

Because of the increasing public demands for schools to meet all students' educational needs and the scope of individual early experiences, prerequisites for learning, such as social and language skills, must be identified and developed before first grade. This is an important year when positive academic experiences must be addressed to meet the demands of the future.

#### Important Components

A sequential and complete language program is necessary for adequate reading comprehension and written composition skills. According to Piaget, 3 to 5 year old children need to verbalize their living experiences. The more numerous concrete experiences a child has, the more word labels he

*Attachment 3  
House Education  
2-21-90*



can identify (expanded vocabulary) the more purposeful his/her memory will become (retention of factual details). The child will develop a basis for sequential order (follow directions) and have the ability to generalize between experiences (making proper choices). These early pre-reading experiences will aide his/her development in the intermediate school years when critiquing and analyzing what has been read.

Social interaction is a necessary condition for intellectual development. A young child needs to talk, discuss and dispute with others. This can be accomplished with class projects, group discussion and problem-solving, role-playing and dramatic play. Too often a first grade teacher spends a significant part of the day practicing appropriate social behavior. Many of these skills should be addressed during the preschool years. A child cannot learn sight words if he does not know how to maintain eye contact. The child cannot learn to write his name if he/she cannot keep his hands to himself. A child cannot follow school rules if that child has never experienced the consequences of his/her own behavior.

#### Summary

There are no guarantees that these formulas for early development will solve our current social problems. But there are some trends and data that merit our attention:

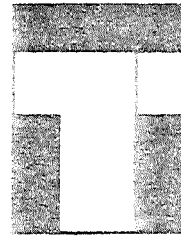
- 1) More boys than girls experience difficulties in reading and written language skills. As many as 80% of men in federal and state prisons had learning problems in school.
- 2) Children who experienced failure during their first two years in school, have greater difficulty becoming motivated in middle and high school to perform at their level, even with special intervention after second grade.
- 3) Many behavior problems in schools are centered around a child with low self-esteem due largely to the child's poor communication skills (language) and inadequate decision-making.

The earlier all children can benefit from a positive, instructive environment, the less likely we will see the adult as a negative, destructive resident of Kansas.

*A-3-2  
Blouse Ed.  
2-21-90*

TURNER UNIFIED SCHOOL DISTRICT No. 202

254. \_\_\_\_\_ ction Road • Kansas City, Kansas 66106  
(913) 262-1413



Dr. Larry May  
Assistant Superintendent  
Curriculum & Instruction

February 6, 1990

Representative Rick Bowden  
Room 281 W  
State Capitol Building  
Topeka, Kansas 66612

Dear Representative Bowden,

I read the Capital Report in the Kansas City Times, 2/3/90, with a great deal of excitement and optimism. I am a strong supporter of full day kindergarten in the public school. The Turner District began several full day programs for the 1988-89 school term and continued them into this school term. Since the State would not fund the full day program, the District made up the cost difference. With the current financial crunch, the superintendent has decided to drop the funding for the full day program. In 1987, 28 of the fifty states supported full day programs. Kansas was, obviously, not one of them.

I have considerable research and data in the full day program and wish to offer whatever service I can to you in your efforts to enact this bill. I wholeheartedly commend and support your efforts on behalf of improved programs for children. Keep up the great work!

Sincerely,

Dr. Larry May  
Assistant Superintendent

cc: Representative Diane Gjerstad  
Representative Ken Grotewiel



House Bill 2813

**PRESCHOOL AND KINDERGARTEN PROGRAMS**

Testimony presented before the House Education Committee

by

Brilla Highfill Scott, Associate Executive Director  
United School Administrators of Kansas

February 21, 1990

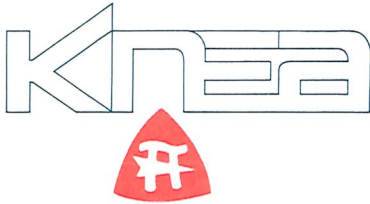
**Mr. Chairman and Members of the Committee:**

United School Administrators of Kansas supports HB 2813 in an amended form which would make this legislation permissive. The bill provides for the establishment of preschool and full-time kindergarten programs.

This bill, if amended and appropriately funded, provides incentives for districts to establish these necessary school programs. An adequate transition period will allow time for districts to plan for appropriate staff, facilities, and equipment.

Thank you for the opportunity to support the amended form of HB 2813.

*Attachment 5  
House Education  
2-21-90  
(913) 232-6566*



Craig Grant Testimony Before The  
House Education Committee  
Wednesday, February 21, 1990

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to visit with the committee about HB 2813.

Kansas-NEA supports what we believe to be the intent of HB 2813. If the intent is that if districts have preschool programs for three and four year olds, that those students should count in the SDEA formula. Districts should be given an incentive to provide such programs and this is the proper type of incentive. We are not supporting a mandate for preschool programs, rather an incentive for districts to offer such to the students in the district.

Kansas-NEA would support changes in HB 2813 to make sure that this is an incentive rather than a mandated program. Thank you for listening to our concerns.

*Attachment 6.  
House Education  
2-21-90*

OBJECTION TO:

HB 2813

**Introduction**

Hello. My name is Lisa Day. I am a homemaker and mother of four (4) children living in Overland Park. I am extremely appreciative for the opportunity to express my concerns about House Bill 2813. Basically, there are three (3) major reasons why we (over 100 families in Johnson County who I am speaking for) are opposed to it: a) it will increase our tax burden, b) it continues and enlarges current educational problems, and c) it discourages more effective alternatives.

**More Taxes**

With Kansas taxpayers already contributing in excess of \$3,900 per year for each student, adding three more grades for 3, 4 and 5-year olds could increase public education funding requirements 25%.

**Inferior Education**

Joe Clark, who was named one of the nation's top 10 principals, was in Overland Park a couple of weeks ago, and called America's public education an "impotent commodity" and "institutionalized child abuse." Though not necessarily agreeing with his choice of terms, I do believe it is common knowledge that our traditional schools are declining in effectiveness. If we look back to the time when American education was considered the best in the world, we will not find 3, 4, and 5-year olds going to school at least 6 hours each day, as the Bill stipulates.

*Attachment 7.  
House Education  
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If fact, the *Teachers College Record*, published by Columbia University and provided with this testimony, contains analysis of some of the best research ever done on the education of young children. It states that "In reviews of more than 8,000 related studies.... I (Dr. Raymond S. Moore) have not been able to find a single replicated experiment that has clearly demonstrated the desirability of early schooling or day care for the normal child who by some extra effort can have the security of a reasonably good home." (pg. 373)

If we continue the present education system and programs, while also bringing in younger children, are we really improving the quality and getting the results we want, or are we simply providing a government sponsored, taxpayer funded day care facility?

#### **Closed to Alternatives**

Dr. Moore goes on to say in his research that, "Nor have I found any evidence suggesting that the school is superior to the home through the elementary years. In fact, the evidence is clearly to the contrary."

House Bill 2813 seems to say that education can only take place if a student attends a certified classroom each day of the 180-day school year for at least 6 hours. Any one less than 13 years of age and not attending that school (HB 2813, pg. 4, line 23-26) will be reported to the secretary of social and rehabilitation services. With all the lip service for improving the public education system, why are highly effective alternatives ignored and parental rights abused to maintain current conditions?

Virtually all teachers will say that students perform better when their parents are involved and actively concerned with their education. According to Raymond Moore, "Home schoolers have few behavior problems, average above 2/3 of classroom youngsters in sociability and those who follow the Smithsonian

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House Ed.  
2-21-90

ideal average at least 30 percent higher on achievement tests than their classroom counterparts" (pg. 377). This is also consistent with our personal experience.

Therefore, more effective and less expensive educational alternatives should include ways to stimulate parental participation, not remove them from the system, as HB 2813 will do.

### **Summary**

Even though we are opposed to this bill, we can accept most of its provisions. I do not want to pay higher taxes, but if the majority of Kansans want more expensive education, our family will pay our share and consider it a privilege to live in this state and country.

I do not want to see the public education system continue to decline, even when HB 2813 is implemented. If it does, our four children, and millions of other children whose parents actively participate in their education, will still benefit from it. The public schools will provide less competition to them for the best jobs in the labor force.

However, the one aspect of the bill that simply cannot be accepted is the idea that the "state" is responsible for my children's education, and that my husband and I will be reported as abusive parents by retaining that duty. I appeal to you that, at the very least, you will remove any language in the bill that takes away the rights of parents to choose alternative educational programs for their own children.

*A-7-3  
House Ed.  
2-21-90*



# Official Memorandum

By

WILLIAM P. CLEMENTS, JR.

Governor of Texas

GREETINGS:

AUSTIN, TEXAS

The State of Texas is committed to excellence in education. We continually strive to improve the facilities, the curriculum, and the quality of public education. None-the-less, many parents choose to educate their children at home where individualized attention and family participation can be maximized to produce a quality education within the framework of family beliefs.

Many famous leaders and contributors to our society have been educated in this manner.

In recognition of the continued growth and importance of the private home school sector of education in this state, I hereby designate the first week of May, 1989, as:

## TEXAS HOME EDUCATION WEEK

In Texas and urge appropriate recognition thereof.


In official recognition whereof, I hereby affix my signature this 10th day of April, 1989

  
Governor of Texas

A-7-4  
House Ed.

2-21-90





The State of Texas  
House of Representatives

WHEREAS, Teaching children at home was the primary method of teaching children from the earliest times in America; and

WHEREAS, While most children in the first two centuries of America received their pre-college training at home, this country had an extremely high literacy rate according to the studies of Daniel Webster, Alexis de Tocqueville, and Pierre Du Pont, and was recognized as the most educated nation on earth; and

WHEREAS, Home schooling has produced such men and women as Martha Washington, Abigail Adams, John Quincy Adams, Abraham Lincoln, Thomas Edison, Woodrow Wilson, Franklin D. Roosevelt, General Douglas MacArthur, Phillis Wheatley, Agatha Christie, and Dr. Frank Vandiver, recent past president of Texas A&M University; and

WHEREAS, The right of parents to choose the form of education for their children has been recognized in many major court decisions, including *Pierce v. Society of Sisters*, *Farrington v. Tokushige*, and *Wisconsin v. Yoder*; and

WHEREAS, More than three-quarters of the children of Texas were educated at home through the first two decades of this century, and this right of parents has been recognized by the State of Texas since that time; and

WHEREAS, Most children educated at home have been shown to score above average on nationally standardized tests that measure academic and social development and ability; and

WHEREAS, The State of Texas is alleviated of much responsibility to care for children who are educated at home; and

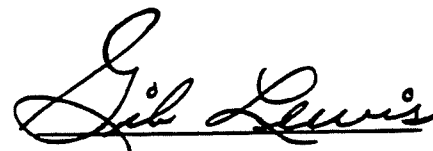
WHEREAS, The State of Texas is saved hundreds of thousands of dollars in expenditures by parents who educate their children at home; and

WHEREAS, Home education as practiced by the citizens of Texas has been repeatedly shown to satisfy the interests of the state in education; now, therefore, be it

RESOLVED, That the House of Representatives of the 71st Texas Legislature recognize the considerable dedication of parents who educate their own children and commend them for the contributions they make to the State of Texas, their local communities, and their own children; and, be it further

RESOLVED, That the Texas House of Representatives join with the governor of Texas in applauding home education in Texas during Texas Home Education Week as proclaimed by the governor for the first full week of May, 1989; and, be it further

RESOLVED, That official copies of this resolution be prepared and presented to members of the home education movement and that an official copy be prepared for prominent display as expressions of the highest respect and commendation from the members of the Texas House of Representatives.



Gil Lewis  
Speaker of the House

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House Ed.  
2-21-90

House Education Committee February 21, 1990  
Arthur Cherry, M.D.

Why Should the State of Kansas abolish corporal punishment in the Public Schools?

What is it? Corporal Punishment is the deliberate infliction of pain. Examples include striking with a hand, paddle or other instrument; excessive discomfort such as forced standing or confinement in an uncomfortable place; or forcing to eat obnoxious substances.

It is not: force or physical restraint used to protect from physical injury, obtain possession of a weapon or protect property from damage.

Where is it legal?

The United States is one of the few countries which still allows corporal punishment. Others include Iran, Uganda, parts of Australia, Canada and New Zealand.

Corporal Punishment is banned by law or state board of education regulation in 19 states including Nebraska, Iowa, Minnesota and North Dakota. Kansas Law allows the local school board to use corporal punishment at their discretion. The large school districts of Topeka, Kansas City and Wichita have banned corporal punishment.

Is Corporal Punishment used?

There were over a million recorded cases in the U.S. in 1985-86. The actual incidence is probably 2 - 3 times that.

What other state institutions in Kansas allow corporal Punishment? Physical punishment is not allowed in mental hospitals, the military, in prisons, foster homes or other facilities under the supervision of SRS. The only state institution in Kansas which allows corporal punishment is the public school.

Does abolishing corporal punishment mean no discipline?

It absolutely does not. Teaching discipline is our responsibility as parents and educators. Research proves that teaching acceptable behavior can be accomplished more effectively without the threat or infliction of physical or psychological pain. Research also shows that corporal punishment produces both physical and permanent psychological damage called the post traumatic stress disorder.

What is wrong with corporal punishment?

1. The use of corporal punishment teaches children to use physical violence to control behavior. Children who grow up in such an atmosphere become angry, frustrated adults who become violent themselves and defy authority.

*Attachment 8  
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2. Corporal Punishment impairs the responsible development of children, interferes with learning, and increases vandalism and student aggression in schools.

3. There is no moral justification for decriminalizing acts of physical force against a child when using force against an adult constitutes battery. Hitting an animal with a board constitutes cruelty.

4. Data shows that corporal punishment is directed against the most vulnerable. The smallest children, those who live in poverty, those who have learning problems, and those who belong to racial minorities are punished in greater numbers.

5. Better alternatives exist. Most teachers never use corporal punishment. 90% is inflicted by only 5% of educators.

What about "local option"? Policies regarding text books, curriculum, numbers of days in the school year and age of attendance are not decided by local option. Why should this policy be an option?

The incidence of child abuse in the United States is ten times greater than in any other developed country. We are teaching our children that it is proper and acceptable to hit when we want to change behavior. Children or spouses or anyone whose behavior we want to change are fair game. Due process is denied. One person can judge that an offense has been committed, sentence the offender to punishment and execute the punishment. We are showing them that big strong people in authority whom they respect and love have not only a right but a duty to inflict pain to get desired results. This must change. Our schools need to teach effective discipline techniques to parents and children.

We must stop giving the message that the State of Kansas says that hitting is O.K.

References Hyman I, Wise, J: Corporal Punishment in American Education Philadelphia: Temple University Press. 1979  
Gil D, Violence against Children. Cambridge Massachusetts: Harvard University Press  
Gordon, T: Teacher Effectiveness Training. New York, Wyden 1970  
Taylor, L: Think Twice: The Medical Effects of Physical Punishment. Berkley, CA. Generation Books 1985  
Material on Discipline and Classroom Management is available from The National Education Association Public Library P.O. Box 509, West Haven, CT 06516

A-8-2  
House Ed.  
2-21-90

TESTIMONY BEFORE THE HOUSE COMMITTEE ON EDUCATION

FEBRUARY 14, 1990

Mister Chairman, and members of the committee, my name is Jim Yonally, representing the board of education of the Shawnee Mission School District. I am pleased to have the opportunity to appear today in support of House Bill 2818.

Each year, meeting in November, our board adopts a legislative program designed to address the educational issues to come before the legislature in the upcoming year. Our current program contains the following statement regarding the issue before you today:

"We would support legislation to prohibit corporal punishment in schools as a method of discipline. We recognize that physical restraint must sometimes be used, when necessary to protect the safety of others. We believe there are other, and more effective, methods of disciplining students, than the use of physical punishment."

That is our statement, and our position, and I would be happy to try to answer any questions. Thank you for your time and attention.

*Attachment 9  
House Education  
2-21-90*



**Kansas  
Child Abuse  
Prevention Council**

715 West 10th Street  
Topeka, Kansas 66612  
(913) 354-7738

140 N. Hydraulic, Suite 700  
Wichita, Kansas 67214  
(316) 262-8434

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**TESTIMONY IN SUPPORT OF HB 2818**

The Kansas Child Abuse Prevention Council is pleased to support the passage of HB 2818, an act prohibiting the infliction of corporal punishment upon pupils. We believe that the more you know about corporal punishment, the more you understand that better alternatives are available. During a time when we are attempting to enhance our educational system, corporal punishment fails to measure up to "best practice." The Committee will be hearing from expert witnesses who are well-qualified to speak to this point.

In the face of valid research demonstrating that corporal punishment does not achieve its intended objectives, proponents have tended to fall back to the position that the matter is best left to "local control." That line of reasoning turns its back on the state's interest in promoting "best practice" throughout its educational system. It also ignores the financial liability issues facing those districts that have not adopted policies banning corporal punishment.

A 1988 decision by the US Supreme Court opened the way for federal lawsuits aimed at corporal punishment in the schools. The Court let stand an appeals court ruling that excessive punishment by school authorities violated an individual's right to due process of law. In the case in question, paddling had left scars on a third grade girl.

During the past year in Kansas and Missouri, a number of lawsuits have been filed against school districts by parents. It seems to us a waste of precious education dollars to spend them in litigation, or for settlements and high liability insurance premiums, all in the name of protecting the option to use a discredited disciplinary strategy.

As a former teacher, I can tell you that no job is more demanding, or more important, than educating young people. Educators require the best tools we can put in their hands. We think it should be a matter of public policy in Kansas that the paddle is not such a tool.

Testimony submitted by James McHenry, Ph.D.  
February 21, 1990

**EXECUTIVE DIRECTOR**  
James McHenry, Ph.D.

*Attachment 10  
House Education*

# The University of Kansas Medical Center School of Medicine-Wichita

Pediatrics

February 17, 1990

House Bill #2818

To Whom It May Concern:

Parenting requires discipline. The origin of the word discipline means to teach. To be an effective parent the parent(s) should learn the skills to be effective teachers.

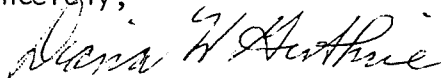
Teachers can become frustrated and resort to corporal punishment. At these times, isn't the teacher moving to the level of the student (by hitting)? - rather than using the skills taught through education to handle small, large or one on one encounters???

Just as teachers must learn to use the tools of effective discipline and do so in the manner that enhances the learning of interactive skills in children, so parents must also be aware that they may acquire these skills. If the children are punished by corporal means in the schools, what kind of an example does that set for the parents in the home?

Let us all strive to not punish the way we were punished, but to discipline in ways that will assist our children to learn that "might is not necessarily right." The result would be that individuals will be better able to teach others right from wrong and actually have the child feel better about it.

The introduction of this bill is a start. Please support it with the knowledge that you are not only supporting a learning process but also the growth and development of healthy children-to-adults in the future.

Sincerely,



Diana W. Guthrie, RN, PhD, FAAN, CDE  
Professor of Pediatrics/Psychiatry

DWG/dg

Thank You Mr. Chairman and members of the committee for your time and the opportunity to appear before you to speak on HB 2818. We share one interest and that is to do what is best and right for children. To let you know something about me, I'm Curtis E. Hartenberger a; father of two children attending Topeka Public Schools, member of the USD 501 Topeka Board of Education, Vice President of Region 14 and a member of the Board of Directors of the Kansas Association of School Boards (KASB), member of the Insurance Board of Trustees of (KASB), President of Concerned Fathers of Topeka, and a member of the Topeka Catholic Social Services Board of Directors.

Corporal punishment of children in schools has a long sordid history and can be traced to the mid 1700's through written accounts.

"Schools could be called real torture-chambers for children and young people. All day long the hazel-rod, the ruler ... and the cowhide reign, or they fly around the class-room to warn the sluggish ones and the chatter-boxes or to call on them to step out. Then, they were given a sound thrashing. How inventive were some school tyrants concerning their punishments ...! There is rarely a morning on which you do not see servants or even parents in the streets, dragging violently to school boys who cry at the top of their voices. The kids are often wrapped up in a bed sheet after a misfortune had happened the night before."

By the late eighteenth century in America and England it became evident that harsh physical punishment militated against opening children's minds. Educators were

*Attachment 11  
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particularly influential in the formulation of arguments against corporal punishment. Lyman Cobb and Horace Mann repudiated the rod because "it evoked a passionate reaction both in those whipping and in those being whipped. It also created disorder, degrading human beings to the level of animals."

Those early educators recognized what we know now as the cycle of violence. We know that children who are abused learn to abuse and continue to abuse as adults. Some abuse us or our parents. Violence is learned not inherited. Is it not sad that children learn that violence against people is okay in some schools districts? I am testifying in support HB 2818 on behalf of the Topeka School District and personally . The reasons for supporting this bill are: (1) over two thousand children were abused in Kansas Schools last year. Our current laws would not allow this kind of treatment of children in their own homes.; (2) the abuse is discriminatory toward males and non white males. In any school district males are punished three times as often as females.; (3) Prohibiting corporal punishment works in school districts in Kansas from Concordia and Ellsworth to Topeka, Silver Lake and Wichita. Corporal punishment is not needed to maintain order in our schools as there are more effective ways to discipline. We have over 15,000 children in our schools and do not have to use corporal punishment to maintain discipline in any of our schools.; and (4) It

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teaches that violence against people is not acceptable and that there are better ways to discipline.

Some may raise the issue that if this HB 2818 is adopted it will remove local control from local school districts. I maintain that this argument is blue smoke and mirrors to hide the real issues already mentioned. When the current laws to prevent abuse of children and adults in their own homes were passed was removal of local control raised as an issue? I believe in local control, but I also believe that the State has a responsibility to protect all of its citizens. How is it right that children can be hurt in school where they spend most of their waking hours, and our State would not allow the same treatment by that child's parents or relatives. Finally, people from all parts of Kansas have contacted me asking that this legislature do something to protect children in our schools because their local school district refuses to stop hurting children. My contacts have come from East to West and North to South. This bill would right that wrong therefore we ask that you support HB2818.

Curtis E. Hartenberger  
2109 S.W. Huntoon  
Topeka, Kansas 66704  
February 21, 1990

*A-11-3  
House Ed.  
2-21-90*

## CORPORAL PUNISHMENT IN KANSAS SCHOOLS

The following examples have occurred in Kansas Schools and would be considered child abuse if a parent did the same punishment to their own children in their own homes.

1. A kindergarten mentally handicapped child was repeatedly hit with a board for not sitting in his chair. The teacher made the rest of the class sit in a circle around her and a witness while she hit the child on his bottom with the board. The child was left with visible bruises and welts as a result of the "discipline".

2. A second grade boy's teacher made him tie another child (a girl) in her chair while the rest of the class was in the room. The boy was made to tie the other girl's legs, and arms to the desk chair while the other children and teacher watched. The girl who was tied in the chair remained tied for the remainder of the morning until the noon lunch time. When she was released from her bonds the little girl had red marks on her legs and arms where she was bound.

3. A sophomore boy was made to stand in a closed closet, with no light, for a week during class time because he refused to follow a teacher's instruction. His older brother had just been killed in an auto accident, and his mother and father had entered a treatment program. The boy refused to answer questions in class. People from the town who knew the boy and the family appealed to the principal, superintendent and school board to stop what they thought was cruel and abusive treatment of this boy. Their appeals had no effect as the punishment was continued for a week.

4. A mother who had been referred to SRS for protective services for abusing her children by hitting learned not to hit her children. Later she called SRS to report that the teachers in the school where her children were attending were hitting her children without her permission and leaving marks and bruises on them. She had repeatedly asked the principal and superintendent to stop the hitting. Her requests were not successful in keeping the teachers from hitting her children (all elementary age). She was upset because she was reported for hitting her children and the school was leaving more pronounced injuries and marks on her children than she did when reported to SRS. Her social worker was concerned that the school was abusing her children and nothing was being done to stop it.

5. An elementary age boy (5th grade) was called "stupid", told that he would amount to nothing, told that he could not do the work, and was not being recognized in class when he did have answers. He was told that his father was no good. All of this was said by the teacher in front of the rest of

*Attachment 12  
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the class. Some of the children in the class began calling the boy names like (bastard, fool, stupid, jig, nigger, and other names). When the boy would get mad at the names and hit one of the children taunting him he was sent to the office and hit by the principal with a board and witnessed by the classroom teacher and another teacher. Eventually the boy attempted suicide. The mother could do nothing to stop the physical and verbal abuse done on her son at school.

6. An elementary age girl child (third grade) was hit at school on the back, around the base of the skull, and on the buttocks because she did not stay in her chair and "talked back" to the teacher. The intensity of the hitting increased. After the last punishment incident this little girl was admitted to the emergency room. The girl sustained brain damage from the last incident of "discipline". She is now learning to walk again and will be in special education in the same school district when she can go back to school.

ADDITIONAL INCIDENTS OF ABUSE OF OUR CHILDREN IN OUR KANSAS PUBLIC SCHOOLS CAN BE LISTED AND DOCUMENTED.

NINETEEN STATES HAVE PASSED LEGISLATION TO DO AWAY WITH CORPORAL PUNISHMENT IN SCHOOLS. KANSAS IS NOT ONE OF THE NINETEEN.

CEH 8-18-89

*a-12-2  
House Ed.  
2-21-90*



STATE OF KANSAS

MIKE HAYDEN, GOVERNOR

CHILDREN AND YOUTH ADVISORY COMMITTEE

SMITH-WILSON BLDG  
300 S.W. OAKLEY  
TOPEKA, KANSAS 66606-1898

913-296-2017

KANSAS 561 2017

Testimony Before the House Committee on Education  
Representative Don Crumbaker, Chairman

HOUSE BILL NO. 2818  
February 21, 1990

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, THANK YOU FOR THE OPPORTUNITY TO TESTIFY TODAY IN SUPPORT OF HOUSE BILL NO. 2818. MY NAME IS DOUG BOWMAN, AND I AM HERE ON BEHALF OF THE CHILDREN AND YOUTH ADVISORY COMMITTEE.

TEACHERS AND OTHER ADULTS SHOULD NOT BE ROLE-MODELING VIOLENCE AS AN ACCEPTABLE PROBLEM-SOLVING TECHNIQUE. ARE WE TRYING TO RELAY A MESSAGE OF "MIGHT MAKES RIGHT"? IN AN ATMOSPHERE THAT SHOULD BE CONDUCIVE TO BUILDING A STUDENT'S SELF-ESTEEM, DO WE ENDORSE AN ACT WHICH HUMILIATES AND BELITTLES THAT YOUNG PERSON? THERE ARE MANY ALTERNATIVE FORMS OF DISCIPLINE, SOME OF WHICH HAVE BEEN PROVEN TO BE MORE EFFECTIVE. PARENT CONFERENCES, BEHAVIORAL CONTRACTS, REFERRALS TO SCHOOL COUNSELORS, IN-SCHOOL SUSPENSIONS, DETENTIONS, AND EXPULSIONS ARE A FEW POSSIBILITIES.

WE BELIEVE THAT THIS BILL REPRESENTS AN ACTION WHOSE TIME HAS COME. WHEN ADDRESSING ENDANGERMENT OR ABUSE OF CHILDREN, THE STATE OF KANSAS MUST TAKE A STAND. AT TIMES, LOCAL OPTIONS MUST BE LIMITED BECAUSE OF THE BEST INTERESTS OF OUR CHILDREN. WE ARE NOT ALONE IN THIS BELIEF. I HAVE ATTACHED A LIST OF SOME OF THE NATIONAL ORGANIZATIONS WHICH SUPPORT THE ABOLISHMENT OF CORPORAL PUNISHMENT IN SCHOOLS. THE CHILDREN AND YOUTH ADVISORY COMMITTEE JOINS IN THE CALL FOR THIS ACTION. WE URGE YOU TO CONSIDER FAVORABLY HOUSE BILL NO. 2818. THANK YOU.

*Attachment 13  
House Education  
2-21-90*

National Organizations that Oppose Corporal  
Punishment in Schools

ACTION for Child Protection  
2323 S. Troy Street, #202F  
Aurora, CO 80014

American Orthopsychiatric  
Association  
19 W. 44th Street, #1616  
New York, NY 10036

American Civil Liberties Union  
132 W. 43rd Street  
New York, NY 10036

American Humanist Association  
Seven Hardwood Drive, Box 146  
Amherst, NY 14226

American Medical Association  
535 N. Dearborn Street  
Chicago, IL 60610

American Public Welfare  
Association  
1125 15th, NW #300  
Washington, DC 20005

American Prosecutors, Institute  
1033 N. Fairfax Street, #200  
Alexandria, VA 22314

American Humane Association  
9725 E. Hampton Ave.  
Denver, CO 80231

American Association for  
Counseling and Development  
5999 Stevenson Avenue  
Alexandria, VA 22304

American Academy of Pediatrics  
1331 Pennsylvania Ave, NW #721N  
Washington, DC 20004

SCAN Associates  
P. O. Box 7445  
Little Rock, AR 72217

American Bar Association  
750 N. Lakeshore Drive  
Chicago, IL 60611

or  
1800 M Street, Suite 200  
Washington, DC 20036

American Public Health  
Association  
1015 15th St., NW  
Washington, D.C. 20005

American Psychological  
Association  
1200 17th Street, NW  
Washington, DC 20036

Americans For Democratic Action  
815 15th St., NW, Suite 711  
Washington, D.C. 20005

Association of Junior Leagues  
825 Third Avenue, 27th FL  
New York, NY 10022

Association for Childhood  
Education International  
11141 Georgia Avenue, Suite 200  
Wheaton, MD 20902

Association For Humanistic  
Education  
P.O. Box 923  
Carrollton, GA 30117

Boys Clubs of America  
611 Rockville Pike, #520  
Rockville, MD 20852

Camp Fire, Inc.  
4601 Madison Avenue  
Kansas City, MO 64112

Child Abuse & Family Violence  
1050 Connecticut NW, #300  
Washington, DC 20036

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Child Welfare League  
440 1st Street, NW #520  
Washington, DC 20001

Childhelp USA  
1345 El Centro Avenue  
Hollywood, CA 90025

Children's Defense Fund  
122 C Street, NW  
Washington, DC 20001

Council For Exceptional Children  
1920 Association Drive  
Reston, VA 22091

Friends Committee on  
National Legislation  
245 Second Street, NE  
Washington, DC 20002

General Federation of Women's  
Clubs  
1734 N. Street, NW  
Washington, DC 20036

C. Henry Kempe National Center  
for the Prevention and  
Treatment of Child Abuse and  
Neglect  
1205 Oneida Street  
Denver, CO 80220

National Black Child Development  
Institute, Inc.  
1463 Rhode Island Avenue, NW  
Washington, DC 20005

National Council of Teachers of  
English  
1111 Kenyon Road  
Urbana, IL 61801

National Education Association  
1201 16th Street, NW, Room 416  
Washington, DC 20036

National Crime Prevention Council  
733 15th Street, NW #540  
Washington, DC 20005

National Association of Social  
Workers  
7981 Eastern Avenue  
Silver Spring, MD 20910

National Child Abuse Coalition  
1116 F Street, NW #302  
Washington, DC 20004

National Association for the  
Advancement of Colored People  
4805 Mt. Hope Drive  
Baltimore, MD 21215

National Council of Jewish Women  
1101 15th Street, NW # 1012  
Washington, DC 20005

National Mental Health  
Association  
1021 Prince Street  
Alexandria, VA 22314

National Indian Education  
Association  
1115 Second Avenue, South  
Minneapolis, MN 55403

National Association of School  
Psychologists  
655 15th Street, NW  
Washington, DC 20005

National PTA  
1201 16th Street, NW Rm 621  
Washington, DC 20036

National Exchange Club  
3050 Central Avenue  
Toledo, OH 43606

Network of Runaway & Youth  
905 6th Street, NW #411  
Washington, DC 20024

Parents United  
P.O. Box 952  
San Jose, CA 95108

Parents Anonymous  
6733 S. Sepulveda Boulevard.  
Suite #270  
Los Angeles, CA 90045

Society for Adolescent Medicine  
P.O. Box 3462  
Granada Hills, CA 91344

Unitarian Universalist Assembly  
Dept. of Social Responsibility  
25 Beacon Street  
Boston, MA 02108

A-13-3  
House Ed.  
2-21-90

Testimony by:  
Marlene Merrill

I am an educator, school psychologist, and parent. I am opposed to the use of corporal punishment in our schools.

Over the past several years I have presented workshops on effective strategies to use in place of spanking or hitting school children. To make these presentations more personable a pilot survey collected information about the types of discipline people who are now working as mental health or school professionals received when they were in school. Seventy-two (72%) percent reported they received some form of school discipline, usually when they were in elementary school. Over a quarter, twenty-seven percent (27%) received corporal punishment. When asked their feelings about receiving corporal punishment the responses ranged from embarrassment, humiliation, and anger to feelings of being abused, hate, and hostility. These results are quite significant. Especially since this sample is a highly educated group and since ninety-five (95%) percent of the sample were currently working in education. The figure of 27% is quite high because this sample represents individuals who likely had school experiences that were generally positive.

Corporal punishment is inappropriate and abusive. Since it models the use of violence to maintain power it increases the probability of retaliation. Research studies have shown corporal punishment increases aggressive behavior, increases school vandalism, and decreases learning. Because of its abusive nature, corporal punishment tends to cut off communication. In school the child becomes reluctant to respond in the classroom, the expression of ideas necessary for problem solving is inhibited, and the healthy development of self esteem is discouraged. All research in education and psychology shows no benefit in the use of corporal punishment but much long-term harm is evident.

Better alternatives exist. Ninety percent (90%) of the corporal punishment is inflicted by only five percent (5%) of the educators. Corporal punishment is not necessary to maintain control in our schools. The U.S. is one of the few developed countries that stills allows teachers to hit children. The practice has been banned in 17 states. Many proven methods of positive non-abusive behavior management procedures have been developed and can be employed in any classroom setting with behaviors at any level of severity. Some examples of effective discipline strategies that can replace corporal punishment are:

- in-school suspension programs,
- peer pressure isolation procedures,
- individual and group contracts,
- point systems,

daily home-school reporting programs,  
altering teacher praise-criticism ratios in the classroom  
so that desired actions are reinforced and undesired behaviors  
are extinguished.

In closing corporal punishment is ineffective and can have  
harmful effects on students. Educators who use corporal  
punishment may open themselves up to legal actions because its  
similarity to assault and child abuse. Corporal punishment is not  
a necessary strategy for maintaining classroom discipline because  
many more effective strategies that are non-abusive exist. I  
urge you to vote to abolish corporal punishment in Kansas.

*Marlene Merrill*

Marlene Merrill  
3306 Country Club Drive  
Wichita, Kansas 67208



SCHOOL CORPORAL PUNISHMENT

Mr. Dennis Doris, President  
Kansas-NEA  
715 West Tenth  
Topeka, Kansas 66612

July 22, 1977

Dear Dennis:

I just finished reading the 30-page pamphlet, "What K-NEA is doing to stamp out child abuse." I must tell you I'm impressed with K-NEA's concern and the amount of time you've already devoted to this project. However, I must immediately add I'm also quite frustrated and disappointed because of the apparent inability of anyone at K-NEA Staff, the Governor of Kansas, the Department of Social Rehabilitation, and/or other Kansas groups to recognize a glaringly obvious fact. The failure to perceive this fact is most likely the result of semantics and word usage.

Look at the definition of child abuse in the Kansas State Law, then focus upon the words "injury or harm inflicted." An injury is "damage or hurt done" or "an act which injures." To injure is to harm, hurt, or wound; to hurt is to cause physical pain, injury, or damage of any kind. If you are willing to spend some time thinking about the meaning of these words, and if you can keep an open mind, you will inevitably be led to an important and shocking discovery. Many of those teachers and school administrators who advocate and make use of corporal punishment could be indicted themselves under the child abuse law except for the fact that we have a set of contradictory laws on the books.

School personnel and parents have the legal right to hit, hurt, cause pain to, and injure children with boards, paddles, hoses, sticks, and a variety of implements. Now how can anyone affiliated with education in Kansas or elsewhere actually believe they are helping to stamp out child abuse when they simultaneously encourage a special and legally protected form of it in the schools? I am not trying to attack you or blame teachers for their failure to understand. But I am pleading that a sincere effort be made to open our eyes!

seek

Why, if it's all right to hit children with boards in school and in all the homes of America, do you think you'll ever help stamp out child abuse? Do you really believe that protecting the teacher's right to report "suspected cases of abuse" is going to make any significant difference? Probably on the same day that a teacher in any school in Kansas is reporting a "suspected" case of abuse, 1,000 or more kids are being hit forcefully, painfully, and often bruisingly by principals and/or teachers throughout the state.

To continue issuing press releases about stamping out "this dreadful evil" of child abuse while continuing to ignore, overlook, not care, or simply remain silent about the uses of corporal punishment in the homes and schools is a gross disservice. To take pride in conducting workshops "to increase public awareness and understanding of the problem" might, in fact, be harmful rather than helpful because your focus is misdirected. This is so because your efforts are not really "preventive" as you believe and proclaim. Your efforts are all after-the-fact instances aimed at a pitifully small sample of confused, frustrated, and often inadequate parents. However, this same basic attitude is reflected in the national mentality concerning crime and violence in general. For example, almost the entire nation is more concerned about the establishment of laws for the purpose of punishing criminals after capture than it is about attempting to prevent the development of criminal activities in the first place.

As a nation of people addicted to TV, we seem to be losing the ability to think. Because of that, even highly respected educators cannot see that, next to the homes, schools throughout America are the second most important sustainer of all types of violence learnings in our society. In effect, without realizing it, the K-NEA and other educational organizations are committed to stamping out child abuse if someone else is doing the abusing. But don't ever let it be said that this problem of child abuse is in any way related to our culturally approved practice of hitting children in our schools. When we hurt children in school, we do it for "good" purposes; child abusers hurt for "bad" purposes. How blind we have been and how blind we continue

to be is largely the result of having learned to hide behind words.

When we hit a child at home or at school and call it "spanking," when we hit a child and call it "necessary corporal punishment" (for ostensibly good purposes), we are hitting, nonetheless. We are also providing effective models which vividly and painfully demonstrate that hitting and hurting are socially approved behaviors. The only real difference between our hittings and child-abuse hittings which are not approved is that one set is legal while the other is not. That's the main distinguishing characteristic. A secondary difference concerns the degree of force used while hitting which no one can measure anyway unless the skin or bones are broken. Please note that the motives for hitting don't really make much difference either, except to pacify the hitter. Regardless of the intent, the results are the same. Every form of hitting hurts and lends support to the development of violence learnings.

I hope you haven't taken any comfort or derived any satisfaction from the recent Supreme Court ruling which found that corporal punishment in school is not considered to be "cruel and unusual punishment" and therefore is not forbidden by the Eighth Amendment. It has never been considered "cruel" to hit children in our society and it certainly isn't unusual. In fact, the hitting of children is the single most widespread form of unrecognized violence which exists within our society.

I've spent more than ten years of my life trying to bring this simplest of observations to the attention of a wide variety of professional and non-professional groups throughout the nation. Even though I understand why it meets with such massive resistance and why the lack of awareness is so pervasive, I nevertheless become overwrought at times. This is one of those occasions.

Kansas has the opportunity to become the first state in the nation to work toward a statewide plan to reduce child abuse. Kansas educators can play an important role in that process and I support those efforts. However, what I'm

seeking goes beyond child abuse. I'm hoping Kansas will also become the first state in the nation to actively adopt, support, and promote the development of a new national ethic: People Are Not For Hitting and Children Are People, Too. But that will not come to pass without the active support of all educational components which function within our state. Nor can it happen as long as we cling to the practice of using corporal punishment in our schools.

By the way, having said all of the above which can easily be misinterpreted as merely a negative expression of opinion, let me conclude by extending you the highest compliment possible for working toward the development of education for parenting throughout the state. This, indeed, is a true preventive approach. And, if it comes into being, it will provide a valuable side-effect which is not even recognized. Kansas teachers will themselves soon learn that effective parenting does not depend upon or make use of any form of hitting. Therefore, if statewide parenting education does occur, perhaps all school personnel will eventually be led to abandon corporal punishment themselves. What a great day to look forward to!

Best wishes,

John E. Valusek, Ph.D.

JEV:cs

cc: Robert Bennett, Governor, State of Kansas  
James Sisung, Exec. Director, K-NEA  
Merle R. Bolton, Commissioner of Education  
Marion McGhehey, Exec. Director, KASB  
SuEllen Fried, Kansas Chapter, NCPA  
Kathleen White, Pres., Kansas PTA



### National Organizations Supporting A Ban On Corporal Punishment in Schools

- American Academy of Pediatrics
- American Association for Counseling and Development
- American Bar Association
- American Civil Liberties Union
- American Medical Association
- American Orthopsychiatric Association
- American Psychological Association
- American Public Health Association
- Association for Humanistic Education
- Council for Exceptional Children
- Friends Committee on National Legislation
- Mental Health Association
- National Association for the Advancement of Colored People
- National Association of Social Workers
- National Center for Study of Corporal Punishment and Alternatives
- National Committee for the Prevention of Child Abuse
- National Education Association
- National Parent Teachers Association
- Society for Adolescent Medicine
- Unitarian Universalist General Assembly
- U.S. Department of Defense: Office of Dependents' Schools

### Why Corporal Punishment Must Be Eliminated:

- The use of corporal punishment in schools is highly discriminatory in that it is used more often on minority children, males, and students with special needs.
- Children subjected to corporal punishment often show an *increase* in aggression, anti-social behaviors and learning problems.
- There is a link between the use of corporal punishment on children and later problems of delinquency, vandalism, low self-esteem, rejection of teachers and criminal behavior.
- Children tend to model behaviors they see in adults. The use of corporal punishment models violence as a solution to problems.
- The use of corporal punishment in schools may increase anxiety for both recipients and observers, and thus decrease learning for all students.
- The availability of corporal punishment may discourage teachers and others from seeking better means of discipline.
- Schools that prohibit corporal punishment have not shown an increase in disciplinary problems.
- Corporal punishment is an ineffective means of discipline.

3  
Attachment 1 - 2  
House Education  
2-21-90

# CORPORAL PUNISHMENT FACTS AND FICTION

Kerth T. Lundell  
Dayton School Psychologist

The issue of corporal punishment in education has been fiercely debated for many years. It is an emotional issue for many individuals. Teachers and administrators who support this practice often feel that it is an essential tool for classroom discipline, and many feel that effective alternatives simply do not exist. Those opposed to the practice argue that behaviors can be managed in more humane ways. Many view corporal punishment as a form of child abuse.

In recent years, many states and school districts have begun to examine this issue to determine if corporal punishment can and should be abolished. Whenever this debate begins, supporters of corporal punishment use several common arguments in their attempts to maintain the practice. The purpose of this paper is to examine ten common arguments for corporal punishment. These arguments are evaluated in view of the current research evidence available on this topic.

## **CORPORAL PUNISHMENT ARGUMENT #1:**

**"Corporal punishment works! It is an effective behavior management strategy."**

It is widely believed that the behaviors of students can be managed through the use of corporal punishment. These beliefs are, however, based more upon hunch, folklore, and conjecture than on empirical evidence. In the massive amount of educational research that has been done over the years, there are no empirically based studies that support the use of corporal punishment. No supportive evidence was found in major reviews of this literature done by Rose<sup>1</sup> and Bogiovanni.<sup>2</sup> Thus, although a large number of teachers and administrators use corporal punishment, they are using the procedure in the absence of any evidence supporting its effectiveness. This fact alone should be cause for concern.

While there is no research evidence to support the use of corporal punishment, there are numerous research studies that indicate that this practice has negative effects. For example, a study in the suburbs of Portland, Oregon, showed a high correlation between school vandalism and corporal punishment.<sup>3</sup> In another study of 12 schools in London, it was revealed that corporal punishment increased the frequency of discipline behaviors.<sup>4</sup> Students in these schools tended to do better in schools where classes started on time, teachers praised frequently, and students felt successful. Many findings of this nature can be found in the literature. Some of the other side effects of corporal punishment are listed in later sections of this paper.

## **CORPORAL PUNISHMENT ARGUMENT #2:**

**"Corporal punishment is necessary to maintain control in our schools."**

Physical punishment was a time-honored tradition in the English schools out of which American schools grew. There, rapping on knuckles and beatings with birch rods were frequent and expected parts of the teaching process. As Amer-

ican public education has progressed, many educators have continued to maintain the belief that corporal punishment is necessary to maintain control in our schools.

Individuals who believe that corporal punishment is "necessary" are simply not looking at the facts and figures available on this subject. The National Center for the Study of Corporal Punishment and Alternatives in the Schools has concluded that the elimination of corporal punishment does not harm school discipline or the learning climate.<sup>5</sup> The Committee for More Effective School Discipline, sponsored by the Mental Health Association in Ohio, has compiled research on the countries, states, and cities that have banned the practice of corporal punishment.<sup>6</sup> The U.S.A. is one of only four countries in the developed world that continues to allow teachers to hit children. The practice has been banned in the following states: New Jersey, Rhode Island, New Hampshire, Massachusetts, Hawaii, Maine, Vermont and New York. A growing number of major city school districts have banned it. These include Atlanta, Baltimore, Chicago, Los Angeles, Milwaukee, New York, Philadelphia, Pittsburgh, San Francisco, Seattle, and St. Louis. Washington D.C., which is a major urban school district, banned corporal punishment in the 1920's.

Many major organizations support the elimination of corporal punishment in the schools.<sup>7</sup> These include the American Public Health Association, American Psychological Association, NAACP, European Court of Human Rights, and the National Education Association.

## **CORPORAL PUNISHMENT ARGUMENT #3:**

**"Corporal punishment is necessary as a threat, even if it is never used."**

For good discipline to be maintained in a classroom, the students do have to know that there are positive consequences for desirable behaviors and negative consequences for undesired actions. A wide variety of non-punitive techniques are available for eliminating disruptive behaviors, and several of these will be listed later in this paper. These procedures have been proven to be effective, and they can be employed so that educators can control disruptive students without threatening to use physical punishment.

## **CORPORAL PUNISHMENT ARGUMENT #4:**

**"Corporal punishment is not harmful to students."**

Physical punishment can have several undesirable side effects. Four of these are frequently referred to in the educational psychology literature:

**1. Temporary Suppressing:** While some educators may feel that corporal punishment is effective in eliminating negative behaviors, they often are unaware of the long-term effects. Research in behavior conditioning has shown that physical punishment only leads to a "temporary suppression" of the behavior. As B.F. Skinner, an expert in the operant conditioning, states, "... punished behavior is likely

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appear after the punitive contingencies are withdrawn.<sup>8</sup> This simply means that, after the threat of physical punishment is diminished, the punished behavior is likely to recur.

**2. Escape and Avoidance:** Individuals seek to escape from, or avoid, aversive situations. This basic principle operates in many of our schools. Students who leave the school building or fail to attend are able to escape or postpone the failure, frustration, and punishment they experience in their classrooms.

**3. Model for Aggression:** Research also suggests that an important method for learning is "social modeling." Numerous studies by Albert Bandura, an authority on social learning theory, indicate that many aggressive behaviors are learned when one individual observes and imitates another.<sup>9</sup> This research indicates that corporal punishment is especially likely to foster aggressive acts. When a child sees an adult strike another person who has violated a rule, that child is learning that "violence breeds violence." In view of the demonstrated power of social modeling or observational learning, it is particularly ironic that a teacher or administrator would strike a student because that student had struck another student.

The American Psychological Association is particularly concerned about this side effect. In their statement against the use of corporal punishment, they state that,

"...physical violence imprinted at an early age and the modeling of violent behavior by punishing adults induces habitual violence in children."<sup>10</sup>

**4. Physical ("Emotional") Reactions:** Corporal punishment may also produce the side effect of physical ("emotional") reactions. Being hit by an adult with a wooden paddle is a traumatic event for some youngsters, and such physical symptoms as nausea and vomiting have occurred. Many adults would likely react the same way under these circumstances.

**CORPORAL PUNISHMENT ARGUMENT #5:**  
"A lot of good, experienced teachers and administrators use corporal punishment."

A wide variety of teachers and administrators still use corporal punishment, and many of these individuals are, of course, capable, caring educators. There is some recent research evidence, however, that suggests that certain types of individuals are more apt to employ this technique.

A study titled "Personality Characteristics of the Users of Corporal Punishment in the Schools" was recently published in the *Journal of School Psychology*. The authors, Rust and Kinnard, summarize as follows:

Rokeach Dogmatism Scale and the Eysenck Personality Questionnaire were correlated with educator-reported use of corporal punishment. Respondents were from a medium-size school district in Tennessee. Results indicated that closed-mindedness, as measured by the Rokeach scale, and Neuroticism, as measured by the Eysenck Scale, were highly correlated with reported use of corporal punishment. Of the remaining two dimensions of personality measured by the Eysenck questionnaire, Extroversion

found to be moderately correlated with reported use of corporal punishment while Psychoticism showed no significant relationship. A significant negative correlation was found between years of experience in teaching and use of corporal punishment. Frequency of physical punishment used on an educator when he/she was in grades K - 12 was positively correlated with reported use of corporal punishment. Heavy users of corporal punishment tended to be relatively inexperienced, close-minded, neurotic, and impulsive as compared to their peers who did not use corporal punishment.<sup>11</sup>

In a national survey of school principals, Rose found that female principals were more likely to use corporal punishment than male principals.<sup>12</sup> However, the males who used it, used it more frequently. He also found that principals in smaller school districts reported a disproportionately higher use. This finding may be partially due to the fact that many major city school districts now prohibit the practice.

**CORPORAL PUNISHMENT ARGUMENT #6:**  
"Corporal punishment is usually administered 'fairly' by teachers and administrators."

According to the survey by Rose, corporal punishment is often administered for vague, ill-defined reasons such as "disrespect for teachers", "back talk", "refusal to work", "immature behavior", etc.<sup>13</sup> This study also indicates that, nationally, corporal punishment is more likely to be used on male and minority students.

**CORPORAL PUNISHMENT ARGUMENT #7:**  
"Some educators might be able to do without it, but a few still need corporal punishment to teach effectively."

A majority of teachers never use corporal punishment, yet they teach students who periodically exhibit behavior problems. Those who do feel they must employ physical punishment need to upgrade their teaching skills so that they can effectively manage behaviors via more positive procedures.

During the past decade a wide variety of effective, nonaversive discipline strategies have been developed. School systems need to make sure that teachers and administrators have adequate in-service training opportunities so that these skills can be acquired.

**CORPORAL PUNISHMENT ARGUMENT #8:**  
"If teachers and administrators favor its use, it should stay."

Principals and teachers who favor the use of corporal punishment should be aware of the fact that the National Education Association is among numerous professional organizations opposing this practice.<sup>14</sup> The NEA has issued statements on this matter saying that corporal punishment is "ineffective", "may increase discipline behavior", "hinders learning", "does not develop self-discipline", "develops aggressive hostility", etc. In response to a question regarding corporal punishment, Mary Hatwood Futrell, NEA President, made this statement:

We should not be engaged in corporal punishment. I support in-school suspensions, out-of-

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school suspensions, detention hall, but when it comes to whipping kids, or hitting kids, I don't think that's the responsibility of the teachers. I've taught for 20 years and I've never had to hit a child, and I've had some pretty tough ones.<sup>15</sup>

Some research has shown that attitudes about the necessity of corporal punishment can change after new discipline strategies are learned. In one study in Ottawa, Canada 85% of principals and 50% of teachers favored corporal punishment. However, a few years later, after the practice was banned, the researchers could find no educators in that district that believed corporal punishment had a place in Ottawa education.<sup>16</sup>

### **CORPORAL PUNISHMENT ARGUMENT #9: "Educators who use corporal punishment are on firm legal ground."**

The practice of corporal punishment in schools was upheld by the Supreme Court in the *Ingraham v. Wright* case in 1977.<sup>17</sup> Yet, many school districts have outlawed its use. One reason is that, in striking children, educators open themselves up to legal actions. We live in an age of litigation, and educators need to be aware of their legal liabilities. The issue of child abuse is complex, and the definitions are rather vague. Many organizations and individuals consider corporal punishment to be a form of child abuse, and they will jump at the chance to take legal action when an opportunity arises.

### **CORPORAL PUNISHMENT ARGUMENT #10: "If corporal punishment is taken away, educators will be left with no practical control techniques."**

A wide variety of positive, nonaversive behavior management procedures have been developed and can be employed in any classroom setting with behaviors at any level of severity. Many books have been written on these procedures, and in-service training programs have been developed. Several effective discipline strategies are listed below:

- Altering teacher praise-criticism ratios in the classroom so that desired actions are reinforced and undesired behaviors are extinguished.
- Using peer pressure isolation procedures so that students do not reinforce misbehavior with attention.
- In-school suspension programs that lower suspension and expulsion rates and keep misbehaving students in school.
- Saturday school, which is a form of detention.
- Parent pickup programs, where educators work with parents to establish immediate consequences for disruptions.
- A wide variety of individual or group contracts can be used to increase academic skills and decrease rule violations.
- Point systems are very effective and can be set up with students at any grade level.
- Self-monitoring systems can be established so that misbehaving students become aware of their own actions.
- Daily home-school reporting programs are easy to set up and are effective with many youngsters.

These are just a few of the positive behavior management techniques that can serve as alternatives to physical punishment. School systems should make sure that teachers and administrators have opportunities to become skilled in employing these procedures.

## **CONCLUSION**

In this paper, we have examined ten common arguments for corporal punishment. We have looked at these in view of the facts that are presently available. In our evaluation, we have found that corporal punishment is not a necessary strategy for maintaining classroom discipline. Physical punishment can have harmful side effects on students, and educators who use this procedure open themselves up to legal actions.

A wide variety of effective alternatives to corporal punishment are now available. In setting up discipline procedures, an educator can choose to employ behavior management strategies that are either positive or negative. The approach that a teacher takes can have profound effects upon the students in his or her classroom. This influence is eloquently stated by Hiam Ginott who, as a young teacher, wrote these words:

I have come to a frightening conclusion. I am the decisive element in the classroom. It is my personal approach that creates the climate. It is my daily mood that makes the weather. As a teacher I possess tremendous power to make a child's life miserable or joyous. I can be a tool of torture or an instrument of inspiration. I can humiliate or humor, hurt or heal. In all situations it is my response that decides whether a crisis will be escalated or de-escalated, and a child humanized or de-humanized.<sup>18</sup>

## **REFERENCES**

1. Rose, T.: Current uses of corporal punishment in American public schools. *Journal of Educational Psychology*, 76: 427-441, 1984.
2. Bongiovanni, A.: An analysis of research on punishment and its relation to the use of corporal punishment in the schools. In L.A. Hyman & J.H. Wise (Eds.), *Corporal punishment in American education*, (pp. 351-372). Philadelphia: Temple University Press, 1979.
3. Corporal Punishment Fact Sheet. Developed by the Committee for More Effective School Discipline. Sponsored by the Mental Health Association in Ohio, 50 West Broad Street, Room 2440, Columbus, Ohio 43215, 1985.
4. Heisner, J.: Tanning of tails: where do you stand? *Instructor*, 90: 26-51, 1980.
5. Kessler, G.: Spanking in school: deterrent or barbarism? *Childhood Education*, 61: 175-176, Jan/F. 1985.
6. Corporal Punishment Fact Sheet. op. cit.
7. Ibid.
8. Skinner, B.: *Beyond Freedom and Dignity*. New York, Alfred A. Knopf, 1971, p. 62.
9. Bandura, A.: *Aggression: A Social Learning Analysis*. Englewood Cliffs, N.J., Prentice-Hall, 1973.
10. Van Dyke, H.: Corporal punishment in our schools. *Cleaning House*, 57: 296-300, My, 1984.
11. Rust, J. and Kinnard.: Personality characteristics of users of corporal punishment in the schools. *Journal of School Psychology*, 21: 91-105, 1983, p. 91.
12. Rose, T. op. cit.
13. Ibid.
14. Corporal Punishment Fact Sheet. op. cit.
15. Futrell, M.: *Sunday Gazette Mail*, Charleston, W.V., Feb. 26, 1984.
16. Corporal Punishment Fact Sheet, op. cit.
17. *Ingraham v. Wright*, 430 U.S. 651, 1977.
18. Ginott, H.: *Teacher and Child*. New York, Macmillan, 1972.





# PEOPLE ARE NOT FOR HITTING:

## A New Social Maxim For Reducing Violence

by John E. Valusek, Ph.D.

**A** maxim can be defined as a guiding principle, a general truth, or a rule of conduct confirmed by experience and related to practical concerns of life. A maxim is usually expressed in terse, concise, or abbreviated form as a proverb or wise saying. I offer the words, *People Are Not For Hitting*, as an idea or concept which incorporates these characteristics of a maxim. In other places and on other occasions, I have referred to this maxim as a new ethic, new standard, or new national value whose intent is to reduce violence and promote human well-being.

Speaking of values, in November of 1976, the National Association of Homes for Children adopted a very impressive Code of Ethics. The very first statement in the opening paragraph of the Code contains a clearly worded commitment to "protect children in our care from abuse or maltreatment." The NAHC thereby recognizes and is concerned that many children in our society live in a situation of risk to their physical and emotional well-being. The Association is clearly committed to reducing that risk. However, I suggest this expressed concern might need much closer inspection be-

cause people tend to attribute different meanings to the same words.

From my perspective, I find it sobering to realize that the majority of adults in America actually approve of the hitting of children but seldom consider that hitting to be mistreatment or abusive. What follows is an attempt to shed some light on this observation and to suggest there is another dimension to child abuse and violence which is usually overlooked by most of us.

Human violence takes many forms, but the vast majority of all violent personal interactions makes use of intentional painful force which is inflicted upon another person against his will. The most common means of exercising that force can be described as some form or variation of hitting. It is obvious that "hittings" regularly occur during rapes, riots, wife battering, child abuse, school violence against teachers and students, and are regularly employed by violent delinquents and adults through the use of fists, knives, murder by guns and/or other instruments. These observations strongly suggest that if we could teach all people *never* to hit anyone under any circumstances at any time, violence and its impact on

mental health would cease to be a major problem.

Given that the above statements are true, what if we could discover how people learn to become hitters and also develop new understandings to modify that process? This discovery has already been made and the new understandings already exist. There is sufficient evidence available in a wide variety of research reports to strongly support the following observations:

- 1) Most violent adult criminals were exposed to repeated beatings and other harsh family conditions during their childhood years.
- 2) Recidivist juvenile delinquents were almost invariably exposed to repeated thrashings by belts, boards, fists, electric cords and other implements in their homes.
- 3) Most recalcitrant school students who eventually become school expulsions were exposed to frequent spankings, hittings, and beatings at home and a variety of corporal punishment practices at school.
- 4) The adults who engage in and are most likely to be found guilty of child abuse were themselves abused as children.
- 5) Most extremely frightened, in-

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hibited, shy, and withdrawn individuals in our society who are labeled mentally ill or severely neurotic became that way through excessive exposure to a variety of fears in early childhood. One of the greatest sources of fear is the combined threat and use of physical pain and love withdrawal.

6) The recent United States Supreme Court finding that corporal punishment in the schools does not meet the Eighth Amendment test of "cruel and unusual punishment" is not really surprising. It has never been considered cruel to hit children in our nation and it certainly isn't unusual. In fact, it happens to be the *single most widespread form of disguised violence* employed in our society. However, it is not recognized as an act of violence by most of us who use it.

In each of the above, physical hitting with or without exposure to a variety of verbal, psychological, or emotional hittings will be found to occur.

Please note that except in two general instances, *no* form of hitting is ever approved anywhere in our society. In both of the exceptions, the hittings are legally, morally, ethically, and culturally approved:

1) We can hit anyone in self-defense and/or hire surrogates, i.e., police officer, national guard, etc., to do it for us.

2) We can hit any or all of our children in our homes, schools, churches and in most child care institutions any time we wish to do so, provided we call our hittings "spankings," do it with good intentions, and do not break any bones or bruise the flesh to excess.

It is my contention that the historical tradition and presently sanctioned practice of hitting children throughout our society provides the initial impetus for teaching them how to become hitters themselves. When that teaching is reinforced by other factors, many of the novice hitters move on to become users of more

extreme forms of violence, up to and including the killing of other persons. Therefore, to cry out against the horrors of child abuse, to demand protection against rapists, wife-batterers, violent teen-agers, and destructive adults is entirely meaningless. *You cannot logically expect these forms of hitting will ever disappear from any society which preaches and teaches the value and rightness of hitting children.* And not only preaches and teaches such, but also smiles with approval when the preaching and teaching are converted to actual use.

We are long overdue in coming to understand that *human violence is learned behavior.* It is one of the earliest of our learnings. We begin to teach children even before they learn to speak that hitting is a necessary part of human existence and everyone engages in it. Most parents were taught to hit their children because their own parents hit them when they were children. In addition, these parental teachings were reinforced by school systems which punished and threatened to punish by hitting children with paddles, sticks, belts, rubber hoses, boards, rulers and a variety of other implements. In this way, even the child with the most lowly level of intelligence learns the value of hitting and incorporates it within his nervous system, along with his experiences of pain, whenever he is hit. He learns that hitting is a useful means for expressing frustration toward anyone who is not responding according to his personal desires. He learns how to become a hitter and how to justify his hittings. He learns this from the most important adults in his life, his parents and teachers. Their right to be direct teachers of the uses of violence is upheld by the law and the courts and is generally approved by most churches.

Therefore, the means for bringing about a significant reduction in future violence is almost as easy as saying it. Stop hitting people yourself and teach everyone, everywhere, at every age that "People

Are Not For Hitting and Children Are People, Too." Exalt this teaching as one of our greatest and most noble virtues and violence *will* be diminished.

Many persons might consider this idea to be fanciful and impossible to achieve, however, we already have some precedents to guide us. Long ago, we eliminated witch burnings, the flogging of seamen by navy captains, corporal punishment of convicted criminals, cruel treatment of the mentally ill, public whippings for a variety of misdemeanors and abusive third degree police procedures. We have also established laws against all forms of assault and battery. In other words, we have eliminated all legal uses of physical pain as a form of punishment against any adult under any circumstances for any reason. But we still actually encourage the use of hitting against the one segment of our population which is totally dependent upon us and has no recourse—our children. We must now learn to stop the practice of hitting children in our homes, in our schools, in our churches, and throughout society in general. To continue using this unnecessary, thoughtless, and unkind practice is inconsistent with our proclaimed concerns about human rights, human respect, and human dignity.

#### ABOUT THE AUTHOR

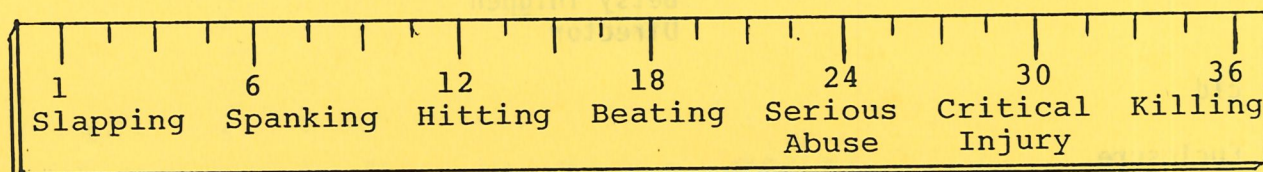
*John E. Valusek, Ph. D., a certified psychologist, is a former public school and college teacher who now devotes his time to writing, public lecturing, staff development workshops, and the Cooperative Urban Teacher Education Program of Kansas which prepares teachers for inner-city schools. For the past several years he has been engaged in a personal campaign to establish a new national ethic of non-violence. In behalf of this cause he has appeared on numerous radio and television shows, including Donahue and the Today show, has written many articles on the subject and has lectured extensively.*

SOME FORMS AND VARIATIONS OF HITTING  
John E. Valusek, Ph.D.

Type of Painful Stroke	Instrument	Usual Label	Effect
1. Single mild slap 2. Repeated mild slaps 3. Single forceful slap 4. Repeated forceful slaps	Open hand	Slapping or Spanking	Mild to Moderate Pain
5. Single mild strike 6. Repeated mild strikes 7. Single forceful strike 8. Repeated forceful strikes	Switch Stick Ruler Wooden spoon Hair brush Fly swatter Rolled newspaper	Spanking	Mild to Moderate or Severe Pain
9. Single blow 10. Repeated blows	Belt Paddle Rubber hose Broom handle Electric cord	Spanking Hitting Beating Abuse	Moderate to Severe Pain
11. Single blow 12. Repeated blows	Closed fist	Hitting Fighting Battery Abuse	Moderate to Severe Pain
13. Repeated forceful blows	Fists, belts, boards, kicks or blows by any hand-held or thrown object, instrument or weapon	Hitting Battery Severe Abuse	Severe Pain: Usually Requires Medical Attention
14. Single or repeated blows	Any instrument, means or weapon which causes death to occur	Killing Murder	Severe Pain to End of Life

Note: Items #1-10 are called discipline if used by parents or school administrators against children. Yet, these same items plus #11-12 are all called hitting or fighting if done by children to children. Hitting by any other name is hitting all the same. All forms of it cause pain.

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# WAGES HEAD START

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Goldsboro, N.C. 27530

Offices:  
300 N. Virginia Street  
Telephone:  
[919] 734-8846

Project Head Start  
Department of Health & Human Services

December 2, 1985

Dr. John Valusek  
3629 Mossman St.  
Wichita, Kansas 67208

Dear Dr. Valusek:

I want to share with you an experience I had with eighteen public school teachers during fall quarter at our Community College. The course, "Discipline Strategies in the Classroom" was actually offered for day care workers, but eighteen public school teachers signed up for the course. We separated teachers and day care workers making two courses.

I don't believe I have ever encountered a more frustrated group of people than these teachers. Angry, weary, confused, they came demanding a strategy that would be guaranteed to solve the chaos they were experiencing in their classrooms. Their anger was directed first at their children for being so "bad", then at the system for making them responsible for the bad behavior, and finally at me when I challenged their paddling policy and failed to give them a "quick fix" for their problems.

The first four weeks with them turned into a battle of wits with all of them defending their right to spank and me taking a lone stand against spanking. They were rude, close-minded, and insulted that anyone dare challenge something they had done for years. They were certain that if they could not spank, students would take over the classroom and they would have no control. Actually, from their descriptions of the classroom, this had already happened!

The story has a most happy ending. Just at a point when I was ready to throw in the towel, a few began trying some things we had discussed in class. (Basically, I teach from an Adler, Dreikus, Glasser, etc. philosophy.) These teachers were surprised to say the least, that positive reinforcement, logical consequences, etc. could be so effective. As they began relating their "successes" to the class, others tried out the newly-learned methods in class. It was a wonderful and rewarding experience for us all, but I am convinced it would never have worked if I had not used those first few weeks to challenge their paddling policies. This was done primarily with your book, and I am so grateful for it. It is so rational, logical, and practical. It is also very convincing.

I have attached the various answers to a final exam question given by each class member. The question was: "Now that you have read Dr. Valusek's book, and assuming it has influenced you in some way, how will your behavior change?"

I hope that you will find these answers as rewarding as I have. The whole experience has been such a positive one for me, and I look forward to teaching another group of teachers next quarter.

Thank you for your book and your campaign against hitting.

Sincerely,

Betsy Thigpen  
Director

cld

Enclosure

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KASP POSITION PAPER

ON

CORPORAL PUNISHMENT

The Kansas Association of School Psychologists serves the mental health and educational needs of all children and youth. The use of corporal punishment as a disciplinary procedure in the schools can negatively affect the social, educational, and psychological development of students. The use of corporal punishment by school officials provides a model of behavior for children that sanctions hitting as an appropriate reaction to rule breaking. Many alternative strategies exist that have been proven to be effective in maintaining school discipline. Given the potential consequences (on student development) of using corporal punishment, the documented failure of corporal punishment to teach appropriate behavior, and the existence of effective, nonviolent methods of school discipline, the Kansas Association of School Psychologists advocates the prohibition of corporal punishment in the schools.

Position Statement approved at General Membership-Executive Board Meeting on Saturday, November 8, 1986.

*Attachment 16.  
House Education  
2-21-90*

KANSAS ASSOCIATION OF SCHOOL PSYCHOLOGISTS SUPPORTS

HOUSE BILL NO. 2818

Definition

Corporal punishment is defined as the intentional infliction of physical pain, physical restraint, and/or discomfort upon a student as a disciplinary-technique. Corporal punishment does not include use of reasonable and necessary physical force: (a) to quell a disturbance that threatens physical injury to any person or destruction of property; (b) to obtain possession of a weapon or other dangerous objects within a pupil's control; and (c) for the purpose of self-defense or the defense of others.

Use and Effectiveness of Corporal Punishment

There have been numerous scientific investigations regarding the administration of corporal punishment as a disciplinary measure. These studies have found that corporal punishment often is administered in a haphazard fashion rather than being used as a "last resort". The severity of the punishment has been found to be inconsistent with the severity of the infraction. Further, even when specific limitations are set on the use of corporal punishment, they frequently are ignored.

Corporal punishment also often appears to be administered in a discriminatory manner. The most frequent recipients have been students with emotional or behavioral problems, as well as Black, Hispanic, and lower socioeconomic status white students. In addition, corporal punishment most frequently is administered to male students by male staff.

The use of corporal punishment has not been found to significantly reduce school discipline problems nor to promote a positive learning environment for students or teachers. Moreover, its use is often a symptom of frustration, lack of knowledge about effective alternatives, and a generally punitive atmosphere. In fact, the availability of corporal punishment may discourage teachers and others from seeking better means of discipline.

The use of corporal punishment has been associated with a broad range of undesirable consequences which potentially affect students, teachers, families and the community. Corporal punishment in the educational setting may increase anxiety for both recipients and observers, and thus may decrease all students' learning. Additionally, punishment negatively reinforces any behavior which is successful in avoiding or eliminating the punishment. Thus, if the student learns that social withdrawal, truancy, dropping out, or aggression will decrease the likelihood of punishment, these behaviors may increase.

*Attachment 17  
House Education  
2-21-90*

Corporal punishment also can increase alienation and anxiety as well as retaliation, with more aggressive actions. Retaliatory aggressive behaviors can be directed toward the source of the punishment, toward others in the environment, or toward inanimate objects. Thus, as a consequence of employing corporal punishment, school personnel must attend to the safety of other students and school property.

Children learn many behaviors through modelling. Thus, corporal punishment not only models violent solutions to problems, but it fails to demonstrate more positive techniques for the student to learn. It does not promote self-discipline and legitimizes violence and aggression as acceptable methods of problem solving by those adults from whom the student is expected to learn. As a result, corporal punishment promotes a form of behavior that is inconsistent with the values of the school, and it may increase the likelihood of violence and aggression as means to solve problems.

The consequences of allowing schools to use physical force on children go beyond adversely affecting a child's development or even a single classroom of children who witness a paddling. Schools serve as examples for parents and children, often influencing a broader spectrum of familial attitudes and practices. Continued use of corporal punishment in the schools sanctions its use in the home. Parents often learn disciplinary techniques from teachers. If a child is "paddled" at school, the parent may assume that corporal punishment is a proven effective method of discipline which should be used freely at home. Educators thus indirectly become teachers of potentially harmful disciplinary practices.

Supporters of a ban on corporal punishment are not advocating the end of discipline, just the end of using physical force to control students. Classroom discipline is essential; without it very little teaching or learning can take place. A positive disciplinary approach, one not dependent on violence, can maintain order while enhancing a student's ability to learn personal, social, and academic skills.

#### Alternatives to Corporal Punishment

The Kansas Association of School Psychologists advocates a positive, preventive approach to classroom management and school discipline. The availability of alternatives and adequate support services have been shown to be important factors influencing classroom disciplinary procedures. The following are just a few of the alternatives:

- a. Quiet places (corners, small rooms, retreats).
- b. Teaming of adults- teachers, administrators, aides<sup>+</sup>volunteers to take students aside when they are disruptive and listen to them, talk to them, and counsel them until periods of instability subside.
- c. Social workers, psychologists, and counselors to work on a one-to-one basis with disruptive students or distraught teachers.

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d. Provisions of alternative experiences for students who are bored, turned off, or otherwise unreceptive to particular educational experience. i.e. independent projects, work-study experience, drop out -- drop back-in programs.

e. Class discussion of natural consequences of good and bad behavior (not threats or promises) of what behavior is right or what behavior achieves desired results.

f. In-Service programs to help teachers and other school staff learn a variety of techniques for building better interpersonal relations between themselves and students.

g. Training for students and teachers in crisis intervention.

h. Training for students on student advocacy.

i. Staff-student jointly developed discipline policy and procedures.

j. Staff-student committee to implement discipline policy.

Many of these techniques are mostly directed toward classroom atmosphere and school climate. Research has documented, however, that increase student involvement and decreased discipline problems directly result from a positive school environment. A positive school environment sets the stage for effective instruction. Secondary benefits included improved self-esteem among students and faculty, higher levels of self-control and discipline, increased awareness of alternative coping strategies, and understanding of how to use resources to help solve problems.

### Conclusion

The use of physical punishment in the classroom both physically and emotionally damages children. Even though physical punishment may sometimes stop a student's undesirable behavior in the short run, its detrimental effects far outweigh the benefits of momentarily restoring classroom order.

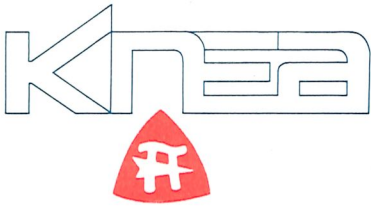
As long as corporal punishment is a legal option in our schools, other alternatives cannot be fully implemented. Alternative positive means of discipline cannot succeed if both teachers and children know the ultimate weapon is the paddle.

To continue using this unnecessary, thoughtless, and unkind practice is inconsistent with our proclaimed concerns about human rights, human respect and human dignity. And we don't have to wait until tomorrow; we can start right now.

Juanita K. Decker  
KASP Legislative Chairperson

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Craig Grant Testimony Before The  
House Education Committee  
Wednesday, February 21, 1990

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to visit with the committee about HB 2818.

Kansas-NEA supports HB 2818. At our last Representative Assembly in April of 1989, our delegates overwhelmingly added the following paragraph to our resolution on discipline:

K-NEA further believes that corporal punishment should not be used as a means of disciplining students.

When added to the preceding paragraph and the paragraph after, one can get the true flavor of our position. The three paragraphs state:

Kansas-NEA believes discipline is essential in promoting optimum learning in the school, and K-NEA recognizes the concern for the discipline problem.

K-NEA further believes that corporal punishment should not be used as a means of disciplining students.

K-NEA also believes that boards of education, in conjunction with local affiliates (teachers' associations), should develop policies which would provide necessary administrative support to the teacher for the maintenance of a positive learning environment.

*Attachment 18.  
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In essence, our local delegates believe that the local boards should be able to exercise local control in developing policies on discipline, but that those policies should not include hitting children.

Because of our policies, Kansas-NEA supports HB 2818 and hopes the committee acts favorably on the bill.

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Testimony on H.B. 2818  
Before The  
House Education Committee

February 18, 1990

by  
John W. Koepke, Executive Director  
Kansas Association of School Boards

Mr. Chairman and members of the Committee, we appreciate the opportunity to appear before you once again on behalf of our member boards of education. House Bill 2818 deals with a subject about which our members have had extensive discussions and given careful consideration over the past several years. It is still our position that the decision regarding corporal punishment in the schools ought to be decided at the local level.

As you are no doubt aware, many Kansas school districts have abolished corporal punishment by board policy in recent years. For what they believe are good and sufficient reasons, other local boards have chosen not to follow suit. We believe they ought to have the right to make that decision. The issue was considered by our Delegate Assembly in December of 1989 and a majority of our members voted to support our long standing position of making the decision regarding corporal punishment one that is made by each local school board. To preserve that decision making authority, we would ask that H.B. 2818 not be given favorable consideration.

Thank you again for the opportunity to present our views, and I would be happy to answer any questions.

*Attachment 19 .  
House Education  
2-21-90*