

Although teachers may not usually be held financially liable for instances of corporal punishment they put their positions in danger.

Methods and Materials of Corporal Punishment

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As a pre-test for this minicourse, try to identify which of these methods and materials are reported in court cases in the 1800s and which are reported in modern court decisions:

1. Because a student incorrectly spelled a word and refused to try again, a teacher hit him in the head with his fist, kicked him in the face, and wore out two whips on him.
2. A teacher slapped some elementary school students in the face and isolated others in an unsupervised closet until they were discovered by another teacher.
3. A teacher severely flailed two students, resulting in black-and-blue marks on their backs and arms.
4. Ordering students to run, not walk, back from lunch and warning that the last student back to the room would get a whipping, the teacher grabbed the last student by the shoulder and violently kicked him in the back.

Items 1 and 3 are attributable to court cases in the 1800s, whereas items 2 and 4 are from cases decided during this past decade. For those of you who thought that students' rights cases only emerged in the 1960s, the court decisions from the nineteenth century may be surprising. More importantly, adages like "reading, writing, and 'rithmetic taught to the tune of a hickory stick" and "spare the rod, spoil the child," are apparently not limited in their in-school application to earlier times.

Whereas a few states, like New Jersey and California, have banned corporal punishment in the public schools, a review of modern court decisions reveals the persistence of age-old techniques and instruments as well as the introduction of some innovative methods and materials of this direct form of discipline in many areas of the country. While the wooden paddle is the timeworn implement *de rigueur*, belts, rulers, and rattan sticks also continue to be common.

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Reflecting modern educational ingenuity, other cases revealed such punishment to have been meted out with a tennis shoe and a coffee cup.

For those of you who think that paddling is a trite torture, a teacher has designed this innovative technique: in order to discipline two sixth-grade students, he required each one to paddle the other ten times on the buttocks in front of the entire class. Educators in other districts successfully offered paddling as an option, having it serve as an alternative for detention or suspension at the choice of the student.

For those of you that yearn for more modern instruments, teachers have not ignored advances in technology. A sixth-grade teacher had disciplinary problems with several male miscreants who threw objects, interrupted classmates, wouldn't remain in their seats, and recited a filthy poem. The teacher's creativity came to the fore. He purchased a cattle prod, which is a heavy-duty-battery-operated instrument used to herd livestock via electric shocks. The teacher used this instrument on the misbehaving boys on several occasions in front of the class. He branded those students who requested not to be shocked in a different way, by listing their names on a "Coward's List" on the blackboard. Another teacher, who had 48 years' experience, sprayed a disobedient female student with a "sneeze gun," a miniaturized device that, when activated, discharges a substance that causes temporary eye irritation to the person affected.

But the modern mind does not rely on advanced technology. One teacher pierced a female student's upper arm with a straight pin; perhaps this disciplinary technique was inspired by acupuncture. Another teacher struck several male students in the genitals—for not behaving properly.

Several corporal punishment cases are scenes of action rivaling professional wrestling or roller derby. Not to be outdone by Hulk Hogan one enterprising teacher used for disciplinary purposes a straight arm bar, followed by a half nelson, and then a full nelson. In another case, a 230-pound teacher told a sixth grader to stop talking during study hall. Someone remarked, "the elephant is angry." Thinking the source was the reprimanded student, the teacher grabbed him by the shoulders, shook him, and pushed him into a blackboard, causing the student to hit his head and fall to the floor. As if that weren't enough, the teacher then lifted the student by his hair and arm and proceeded to push him into a bookcase, again causing the student to hit his head and fall down. The teacher then told the class: "Look at him. He is crying like a baby." Similarly, despite repeated reprimands, a physical education teacher engaged in a string of no fewer than 20 incidents of corporally punishing children in grades 2-5, including pushing them into walls, pulling their hair and ears, lifting and carrying them by the neck, and hitting them with soccer balls all to the accompaniment of a panoply of profanity.

Of course, these court cases represent the kind of extreme conduct that has caused legal action, such as suits by parents and terminations by school boards. Nevertheless, the end is not in sight. The teachers lost in only about 40 percent of a comprehensive sample of "modern" court decisions.*

There is an important difference, however, within the overall pattern of outcomes. Although the parents' constitutional challenges, criminal complaints, and tort suits were mostly rejected, the boards' termination actions were largely upheld. Thus, the best legal avenues for limiting or prohibiting corporal punishment are legislation on the state level and enforcement at the school district level. * For the relevant citations, see Scott and Zirkel's article in *West's Education Law Reporter*, 1987, v. 36, pp. 267-71.