

Teachers Can Be Bullies, Too

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I. Introduction

By allowing teachers and administrators to threaten to or physically punish our students, we encourage them to harass and bully students. Currently, nineteen states allow the use of corporal punishment¹ in public schools.² Punishment methods include hitting, slapping, spanking, shoving, excessive exercise drills, the use of objects, etc.³ The consequences to the student may not end when physical punishment ends. Recently bullying in our schools came to the forefront of the public eye, with some students going so far as to commit suicide to escape the torment.⁴ Bullying involves unwanted aggressive behavior, potentially over a period of time, based on a real or perceived power imbalance.⁵ Forms of bullying may include threats, rumors, verbal and physical attacks, and purposefully excluding someone from a group.⁶ Schools should be a place where students observe positive and pro-social models of behavior, especially when dealing with conflict and problems.⁷ They should not be a place where students encounter and learn bullying behaviors and tactics.

¹ Corporal punishment refers to the intentional use of physical force as a means to discipline a child. SAM 2002-2003 Ad Hoc Corporal Punishment Committee, *Corporal Punishment in Schools: Position Paper of the Society for Adolescent Medicine*, 32 J. OF ADOLESCENT MED. 385, 385 (May 2003).

² *Discipline at School*, THE CENTER FOR EFFECTIVE DISCIPLINE (last visited May 10, 2014), <http://www.stophitting.com/index.php?page=statesbanning>.

³ SAM 2002-2003 Ad Hoc Corporal Punishment Committee, *supra* note 1, at 385.

⁴ See generally Erin Sullivan, *Hudson teen's suicide puts spotlight on cyber-bullying*, TAMPA BAY TIMES (last visited May 10, 2014), <http://www.tampabay.com/news/publicsafety/hudson-teens-suicide-puts-spotlight-on-cyber-bullying/1265703>; Terry K. Park, *David Phan's Suicide Sparks Grief, Anger and Calls for Justice*, NEW AMERICA MEDIA (last visited May 10, 2014), <http://newamericamedia.org/2013/01/david-phan-suicide-sparks-grief-anger-and-call-for-justice.php>; Patrick Counihan, and Dana DeFever, *Jarrold Nickell remembered as boy scout, friend; School denies Flushing teen was bullied*, MLive (last visited May 10, 2014), http://www.mlive.com/news/flint/index.ssf/2012/01/jarrold_nickell.html.

⁵ *What is Bullying*, StopBullying.gov (last visited May 10, 2014), <http://www.stopbullying.gov/what-is-bullying/definition/index.html>.

⁶ *Id.*

⁷ Richard A. Dubanoski, Michel Inaba & Kent Gerkewicz, *Corporal Punishment in Schools: Myths, Problems and Alternatives*, 7 CHILD ABUSE & NEGLECT 271, 274 (1983).

This paper explores the intersection of the anti-bullying campaign and the use of corporal punishment in schools, arguing that the use of such disciplinary methods inevitably turns teachers into bullies. Corporal punishment arms educators with a weapon to use, or threaten to use, against children, thereby violating the state's bullying prevention laws. Part II provides an in-depth look into bullying and the effects of bullying on children. Part III examines corporal punishment and the effects it has on children. Part IV then synthesizes the previous sections and explores how teachers in schools that allow corporal punishment become bullies. Finally, Part V concludes with key recommendations for the banning of corporal punishment in public schools because this disciplinary method contradicts the anti-bullying laws in states and perpetuates the cycle of violence.

II. Bullying

a. What is bullying? And what are the common forms of bullying?

Lately, the prevalence of bullying in schools moved this social, educational, and health concern to the forefront of national attention and debate.⁸ Traditionally, researchers define bullying as a pattern of aggression, involving an imbalance of power, where the bully intentionally inflicts harm on the victim.⁹ Bullies employ a variety of tactics to victimize their targets, including, but not limited to: direct verbal or physical actions or indirect acts of social aggression.¹⁰ Bullying assumes three basic forms: verbal, physical, and social.¹¹ Verbal bullying includes both oral and written teasing, insults, threats, inappropriate sexual comments, and taunting.¹² Physical bullying includes hurting or harming a person's body or possessions by

⁸ U.S. Dep't of Educ., ANALYSIS OF STATE BULLYING LAWS AND POLICIES 1 (2011).

⁹ *Id.*; *What is Bullying*, *supra* note 5.

¹⁰ U.S. Dep't of Educ., *supra* note 8.

¹¹ *What is Bullying?*, *supra* note 5.

¹² *Id.*

slapping, hitting, pushing, breaking, etc.¹³ Social bullying involves harming a person's reputation by excluding them from participating in activities and events, spreading rumors, and public embarrassment or shaming.¹⁴

b. Effects of Bullying on Children

Bullying affects everyone involved: the victim, the bully, and the bystanders.¹⁵ According to one study, all groups faced a significantly greater chance of expulsion from school, and felt unsafe, unwanted, or sad at school.¹⁶ According to the same study, a student who felt "unsafe and sad" most days were 2.5 times more likely to be a bully.¹⁷ Additionally, children who bully others are more likely to abuse substances, drop out of school, face criminal convictions as adults, and perpetrate domestic violence.¹⁸ Likewise, bystanders, or children who witness bullying, are more likely to abuse substances, have mental health problems, and have poor school attendance.¹⁹ This section, however, focuses on the detrimental effects of bullying on victims.

Victims of bullying experience many negative emotional, mental, and physical effects.²⁰ Victims are more likely to experience symptoms of anxiety and depression,²¹ increased feelings of sadness and loneliness,²² and worsened social relationships.²³ According to a study done in

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Effects of Bullying*, StopBullying.gov (last visited May 10, 2014), <http://www.stopbullying.gov/at-risk/effects/index.html>.; Gwen M. Glew, Ming-Yu Fan, Frederick P. Rivara & Mary A. Kernic, *Bullying, Psychosocial Adjustment, and Academic Performance in Elementary School*, 159 ARCHIVES OF PEDIATRIC ADOLESCENT MED., 1026, 1029-30 (Nov. 2005).

¹⁶ Glew et al, *supra* note 15 at 1029.

¹⁷ *Id.* at 1030.

¹⁸ *Effects of Bullying*, *supra* note 15.

¹⁹ *Id.*

²⁰ *Id.*; Glew et al, *supra* note 15 at 1030; Lyndal Bond, John B. Carlin, Lyndal Thomas, Kerry Rubin & George Patton, *Does bullying cause emotional problems? A prospective study of young teenagers*, 323 BRITISH MED. J., 480, 482-83 (Sept. 1, 2001).

²¹ *Effects of Bullying*, *supra* note 15; Bond et al, *supra* note 20 at 482-82.

²² *Effects of Bullying*, *supra* note 15; Glew et al, *supra* note 15 at 1030.

²³ Bond et al, *supra* note 20 at 483.

Australia, the mental health impact, particularly on future emotional well-being, is very clear among female victims.²⁴ Studies also show a connection between lower academic achievement scores and victims of bullying.²⁵ Lastly, victims of bullying are more likely to skip, miss, or drop out of school.²⁶

c. Anti-Bullying Efforts and Legislation

Presently, no federal law exists that addresses bullying, but every state has a policy, a law, or both addressing the issue.²⁷ In 2011, the United States Department of Education released a report summarizing and analyzing the approaches taken by the states.²⁸ The Secretary of Education Arne Duncan commented that, despite the current legislation, we must take every step possible to ensure children's safety.²⁹ In light of the detrimental effects of bullying on children discussed in the preceding section, Arne Duncan's statement demonstrates the pressing need for action and attention.

Schools uphold the responsibility to provide students with a safe environment, free from bullying and harassment.³⁰ The next portion of this paper explores corporal punishment and its detrimental effects on children. Corporal punishment, properly understood, potentially involves a teacher harassing or bullying a student.

III. Corporal Punishment in Public Schools

a. What is it?

²⁴ *Id.*

²⁵ Glew et al, *supra* note 15 at 1030; *Effects of Bullying*, *supra* note 15.

²⁶ *Effects of Bullying*, *supra* note 15.

²⁷ *Policies & Laws*, StopBullying.gov (last visited May 10, 2014), <http://www.stopbullying.gov/laws/index.html>.

²⁸ *U.S. Education Department Releases Analysis of State Bullying Laws and Policies*, U.S. DEPT. OF EDUC., (Last visited May 10, 2014), <https://www.ed.gov/news/press-releases/us-education-department-releases-analysis-state-bullying-laws-and-policies>.

²⁹ *Id.*

³⁰ U.S. Dept. of Educ., *supra* note 8 at 35.

Approximately 223,190 students are subject to corporal punishment each year, although this number does not accurately reflect the number of incidents each year.³¹ Specifically, current studies indicate that corporal punishment happens more often in elementary grades, in rural schools, and among disadvantaged children.³² Additionally, boys suffer corporal punishment more than girls, African Americans experience corporal punishment at a much higher rate expected given their percentage of the student population, and African American girls are twice as likely to be hit than white girls.³³ Further, a large number of special education students-about 42,000-experience corporal punishment each year.³⁴

Nineteen states still allow corporal punishment in schools as a legal form of discipline.³⁵ Corporal punishment can be defined as “intentional application of physical pain as a method of changing behavior... includes a wide variety of methods such as hitting, slapping, spanking, punching, kicking, pinching, shaking, shoving, choking, use of various objects, painful body postures, use of electric shock, use of excessive exercise drills, or prevention of urine or stool elimination.”³⁶ Corporal punishment can take any form of physical punishment intended to inflict pain.³⁷

Usually, a male administrator hits the student on the thighs or buttocks with a paddle,³⁸ while the student either bends over with his or her hands on a chair or a desk, assumes all fours

³¹ HUMAN RIGHTS WATCH & AMERICAN CIVIL LIBERTIES UNION, A VIOLENT EDUCATION: CORPORAL PUNISHMENT OF CHILDREN IN US PUBLIC SCHOOLS, 44-45 (August 2008).

³² SAM 2002-2003 Ad Hoc Corporal Punishment Committee, *supra* note 1 at 386.

³³ Human Rights Watch, *supra* note 31 at 44.

³⁴ *Id.* at 45.

³⁵ Center for Effective Discipline, *supra* note 2; American Civil Liberties Union, *House of Representatives Holds Hearing on Corporal Punishment in Public Schools*, (April 15, 2010), <http://www.aclu.org/racial-justice/house-representatives-holds-hearing-corporal-punishment-public-schools>.

³⁶ SAM Ad Hoc Corporal Punishment Committee, *supra* note 1 at 385.

³⁷ Human Rights Watch, *supra* note 31 at 23.

³⁸ *Id.* at 14.

on his or her hands and knees, or stands against a wall.³⁹ Administrators require that students remain still throughout the punishment or else suffer additional “licks” of the paddle.⁴⁰

Remaining still poses a challenge for students because the body naturally wants to move as a self-defense mechanism.⁴¹ Schools typically use a wooden paddle to administer the punishment.⁴² The actual size may vary, but some schools have a district policy regarding the proper size of paddles.⁴³ For example, the South Delta School District in Mississippi’s policy requires that paddles are 14-15” long, 2” wide, and 1/4-3/8” thick.⁴⁴

b. Effect of Corporal Punishment on Children

Corporal punishment in public schools victimizes children,⁴⁵ often leaving them with more than just physical after effects. This form of discipline hinders academic achievement,⁴⁶ undermines the purpose of education, and encourages school dropout.⁴⁷ Physical discipline teaches children to fear, rather than respect, the teacher or other authority figure.⁴⁸ Children subject to corporal punishment avoid the authority figure because the children see this person as someone to escape from.⁴⁹ In this environment, children do not enjoy the freedom of learning and may stop attending school as a result.⁵⁰

The most obvious effect of corporal punishment on children may be the physical one. Corporal punishment causes immediate pain and lasting injuries.⁵¹ Students, especially young children, often react to stress physically: crying, running away, outbursts, headaches,

³⁹ *Id.* at 19-20.

⁴⁰ *Id.* at 20.

⁴¹ *Id.*

⁴² *Id.* at 14.

⁴³ *Id.* at 14-15.

⁴⁴ *Id.* at 15.

⁴⁵ SAM 2002-2003 Ad Hoc Corporal Punishment Committee, *supra* note 1 at 388.

⁴⁶ ACLU, *supra* note 35; Human Rights Watch, *supra* note 31 at 7.

⁴⁷ Human Rights Watch, *supra* note 39 at 7.

⁴⁸ Dubanoski et al, *supra* note 7 at 272.

⁴⁹ *Id.* at 273.

⁵⁰ *Id.*

⁵¹ Human Rights Watch, *supra* note 31 at 50.

stomachaches, sleeping problems, wetting themselves, etc.⁵² Students may also exhibit signs of depression, avoidance, excessive shyness, excessive worrying, or excessive clinginess as a result of stress.⁵³ Children struggle to react to and handle stressful situations and may distance themselves emotionally or try to conceal their feelings in order to adapt.⁵⁴ Students report immediate pain such as stinging and burning lasting hours, making it difficult to sit in class.⁵⁵ Often students' arms and hands suffer severe injuries because they attempted to protect themselves from the blows.⁵⁶ Many parents take their children to the hospital because of the seriousness of the injuries.⁵⁷ Students may receive varying degrees of injuries with the same amount of force used due to known or unknown medical conditions.⁵⁸ Even if the same administrator used the same object, with seemingly the same amount of force on each child, the results may vary. Children should not be taken to the hospital because of a school-administered beating.

One report found that 50-60% of students indicated stress as a result of educator maltreatment.⁵⁹ Students subjected to corporal punishment may suffer depression, aggressiveness, unhappiness, anxiety, and feelings of hopelessness.⁶⁰ In fact, the practice humiliates and degrades students, making them angry and ready to "lash out" because of what they suffered.⁶¹ Physical discipline in school may result in an overall loss of self-esteem for some

⁵² *Stress in Children*, Jan Jewett and Karen Peterson, EDUCATIONAL RESOURCE INFORMATION CENTER (last visited May 10, 2014), http://www.education.com/reference/article/Ref_Stress_Young/?page=3.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Human Rights Watch, *supra* note 31 at 53.

⁵⁶ *Id.* at 52.

⁵⁷ *Id.* at 50-52.

⁵⁸ *Id.* at 53.

⁵⁹ Irwin A. Hyamn and Pamela A. Snook, *Dangerous Schools and What You Can Do about Them*, 81 THE PHI DELTA KAPPAN 488, 500 (Mar. 2000).

⁶⁰ Human Rights Watch, *supra* note 31 at 54-55.

⁶¹ *Id.* at 54.

children.⁶² It erodes and diminishes a child's sense of self-worth and confidence, and in the worst case scenario completely destroys it.⁶³ As a result, research suggests that children subjected to physical punishment seldom internalize moral values.⁶⁴

In addition to negative physical, emotional, and mental effects, corporal punishment also obstructs academic achievement. Students lose respect and trust in teachers and schools, frequently becoming highly disrespectful towards teachers.⁶⁵ Additionally, students disengage in academics, increasing their chances of dropping out and decreasing their chances to succeed.⁶⁶ According to the United Nations Secretary-General's Worldwide Study on Violence, corporal punishment contributes to school absenteeism, school drop-out rates, and an overall lack of motivation for academic success.⁶⁷

Lastly, the effects of corporal punishment last a lifetime and its lessons run deep. Corporal punishment in schools perpetuates the cycle of violence because children learn punishing and harming the weak, defenseless, and subordinate as acceptable behavior.⁶⁸ Because authority figures turn to physical violence as a means of discipline, children in turn feel encouraged to turn to violence as a probable solution in their own lives.⁶⁹

In light of these detrimental effects, many of which bear a striking resemblance to the effects of bullying, it shocks the conscious that such a barbaric form of discipline still exists in some of our nation's public schools. The next portion of this paper examines how authority and power, combined with the availability of physical punishment, transform any teacher into a bully.

⁶² Dubanoski et al, *supra* note 7 at 274.

⁶³ *Id.*

⁶⁴ Human Rights Watch, *supra* note 31 at 54.

⁶⁵ *Id.* at 57.

⁶⁶ *Id.* at 58.

⁶⁷ *Id.* at 57.

⁶⁸ SAM 2002-2003 Ad Hoc Corporal Punishment Committee, *supra* note 1 at 388-89.

⁶⁹ *Id.* at 389.

IV. Why Corporal Punishment in Schools Makes the Teacher a Bully

Recently, researchers have turned their attention to adults as bullies, but mostly in the context of the workplace and adult on adult bullying.⁷⁰ As suggested earlier in this paper, teachers may actually perpetrate bullying against their students.⁷¹ According to one report, 50% of students identified teacher bullying as their worst experience in school and the majority of students reported experiencing verbal maltreatment by an educator at some point.⁷² Additionally, students described bullying or maltreatment by a teacher as much more hurtful than bullying by a fellow student.⁷³ Schools that permit and encourage corporal punishment transform from safe spaces for children into oppressive environments,⁷⁴ empowering and encouraging authority figures to harm those children in their care.

These oppressive environments create violent and hostile learning environments for children.⁷⁵ High levels of corporal punishment tend to indicate violent threatening environments⁷⁶ and a link to “increased rates of bullying and aggression in school . . . following the punishment.”⁷⁷ Not only does corporal punishment transform teachers into bullies, it also encourages and perpetuates peer bullying. Teachers who administer physical harm or threaten to do so show their students the “appropriate” way to behave—they model and encourage the bullying behavior. Both students and teachers identified a link between corporal punishment in their schools and an increase in peer bullying and aggression.⁷⁸ Educator violence reduces school

⁷⁰ Marilyn A. Campbell and Jan Stenton, *Teachers as Bullies?* 21 CONNECTIONS 22 (2004).

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ Human Rights Watch, *supra* note 31 at 3.

⁷⁶ *Id.* at 47.

⁷⁷ *Id.* at 56.

⁷⁸ *Id.*

safety by adding to the overall school violence⁷⁹ and enabling stronger, aggressive behavior among the students.⁸⁰ This practice makes schools “toxic” because teachers automatically turn to punishment rather than prevention.⁸¹ This directly opposes the purpose of the anti-bullying legislation, which is often aimed at prevention of such aggression.

Corporal punishment also sets a tone of intimidation and humiliation in the school.⁸² Being hit on a private part of the body humiliates children⁸³ and intimidates the other children that hear and see the punishment.⁸⁴ By allowing educators to publically humiliate students, state-sanctioned corporal punishment also gives educators a free pass to openly bully their students with little fear of repercussion. A male administrator usually administers the punishment and schools develop an atmosphere of “humiliation, violence, and degradation.”⁸⁵ Moreover, students must assume a submissive position with no opportunity for self-defense,⁸⁶ while educators use objects designed to cause pain and humiliation.⁸⁷ One Mississippi teacher gave students the option of “one lick in front of the class or three in the hallway.”⁸⁸ This practice puts children in an unthinkable situation: either public humiliation or more pain in “private.”

The threat of corporal punishment and its subsequent use instills fear, rather than respect, in children⁸⁹ and fails to provide a safe school environment.⁹⁰ Due to the risk of corporal punishment, students often do not develop open relationships with their teachers.⁹¹ Teachers perpetuate this by openly displaying paddles, making open threats at children, and even

⁷⁹ Hyman and Snook, *supra* note 59 at 489.

⁸⁰ Campbell and Stenton, *supra* note 70.

⁸¹ Hyman and Snook, *supra* note 59 at 491.

⁸² Human Rights Watch, *supra* note 70 at 25.

⁸³ *Id.* at 19.

⁸⁴ *Id.* at 25.

⁸⁵ *Id.* at 14.

⁸⁶ *Id.* at 19.

⁸⁷ *Id.* at 14.

⁸⁸ *Id.* at 31.

⁸⁹ *Id.* at 3.

⁹⁰ *Id.* at 14.

⁹¹ *Id.* at 25-26.

threatening children whose parents specifically instructed the school not to paddle their child.⁹² All day students sit in fear of corporal punishment because even minor infractions such as walking on the wrong side of the hallway, failing to turn in homework, dress code violations, and using the restroom without permission may call for a beating.⁹³ An eighteen-year-old from Mississippi spoke about his experience saying, “You could get a paddling for almost anything. I hated it. It was used as a way to degrade, embarrass students.”⁹⁴ Some schools have a catch-all offense of “disrespect,”⁹⁵ which seems inherently ambiguous and designed to instill fear rather than actually teach respectful behavior. Educators use the fear of punishment to control students and attempt to deter misbehavior, making abuse of physical and verbal power inevitable.⁹⁶

Schools often use corporal punishment to manipulate and control students.⁹⁷ Some schools do not tell parents about beatings at school so, unlike a suspension or detention, they might not find out about the underlying infraction.⁹⁸ Alternatively, students fearful of worse or further punishment at home may choose paddling at school so as not to alert their parents to misbehavior in the classroom.⁹⁹ This creates more problems instead of solving any. First, children lack the decision-making capabilities in this situation, which enables the administration to prey on and exploit the children.¹⁰⁰ Second, it gives teachers another opportunity to harass and intimidate students. Giving students a choice between physical punishment at school or the possibility of physical punishment at home backs them into a corner with no way out. Lastly, by withholding information about students’ classroom behavior from the parents, teachers send

⁹² *Id.*

⁹³ *Id.* at 36.

⁹⁴ *Id.* at 37.

⁹⁵ *Id.* at 38.

⁹⁶ Hyman and Snook, *supra* note 59 at 495.

⁹⁷ Human Rights Watch, *supra* note 31 at 33-34.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

mixed signals to students. Students may think that they can get away with the behavior because their parents will not know about it. By not alerting the parents to the infractions, schools may actually perpetuate the misbehavior because no steps can be taken at home to correct the student.

Administrators often use corporal punishment arbitrarily and inconsistently.¹⁰¹ As discussed in Part III of this paper, African American, disadvantaged, and disabled students experience corporal punishment at disproportionate rates. Corporal punishment infringes on a student's right to receive an education.¹⁰² As noted earlier, corporal punishment often leads to higher dropout rates and lowered academic success.

V. Conclusion

Arming educators with the use of corporal punishment creates an inherent imbalance of power between them and their students, clearly sanctioning teacher-on-student bullying. Teachers exploit, manipulate, and control children with either physical punishment or the threat of such punishment. Corporal punishment invites teachers to harass and intimidate their students. Students must learn in an environment where they feel safe, understood, and valued as people.¹⁰³ Both in states that permit corporal punishment and in those that do not, teachers should be equipped with support and proper training.¹⁰⁴ Teachers must be shown alternative means of discipline and ways to deal with classroom misbehavior. Schools need to have support personnel to help teachers deal with student misconduct.

Schools should remain a safe haven for students to learn and grow. Peer bullying remains an issue that many students deal with. Teacher-on-student bullying and harassment due to the use of corporal punishment in schools is simply unacceptable.

¹⁰¹ *Id.* at 39.

¹⁰² *Id.* at 7.

¹⁰³ SAM 2002-2003 Ad Hoc Corporal Punishment Committee, *supra* note 1 at 390.

¹⁰⁴ *Id.*