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ABSTRACT

This paper examines legislation, court decisions, and state and local policies affecting the use of corporal punishment in schools, and speculates on the particular context presented by small or rural schools. There are no universally applicable federal statutes dealing with corporal punishment in schools. Decisions by the Supreme Court and federal appeals courts have found little constitutional protection with regard to either the punishment itself or due process and generally refer to the availability of alternative safeguards in state laws and common law tradition. A review of state laws reveals four relevant trends. Many states have outlawed or are moving toward outlawing corporal punishment in schools, or have enacted tough child abuse legislation. In the opposite direction, other states have imbued teachers with increased authority ("in loco parentis"), including the authority to discipline children, or have enacted "justification of force" statutes allowing teachers to use physical force in self-defense or when protecting persons or property. The context of small and rural schools makes them particularly vulnerable to the possibility of hidden or illicit corporal punishment. Factors enhancing this possibility include less supervisory oversight of teachers, fewer ancillary staff and visitors, limited budgets and space, and rural parental attitudes. This paper outlines suggestions for determining the practical effectiveness of a corporal-punishment regulation. (SV)

THE REGULATION OF CORPORAL PUNISHMENT: EXAMINING THE LEGAL CONTEXT IN ORDER TO CLARIFY THE OPTIONS FOR THE SMALL OR RURAL SCHOOL[1]

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INTRODUCTION

Before adopting or changing school policy, it is always wise to review the context in which that policy is likely to be implemented. Many states and many individual school districts are currently reexamining their policies vis à vis corporal punishment. For a variety of reasons --and from all parts of the political spectrum-- pressure is being brought on legislatures and policy-makers to review this disciplinary option. The purpose of this article is, first, to facilitate a review of the legal context for corporal punishment, and, second, to speculate on the particular context presented by the small or rural school. Following a brief review of how corporal punishment has fared in federal courts under the Constitution, we note four distinct trends at the state level and suggest some ways for teachers and administrators to cut through legislative language in order to discover the effective scope of any particular regulation or statute. The paper concludes with certain questions about the special conditions that may exist in small or rural schools affecting the use --and the potential abuse-- of corporal punishment.

THE SOURCES OF AUTHORITY

The sources of authority for the regulation of corporal punishment are many, and they are hierarchical. They range from the U.S. Constitution, which applies throughout the country, to state statute, to policy set by district school board, and sometimes even to building-level rule. To understand what applies in any specific situation, one needs to review all governing authorities -- recognizing, of course, that the higher authority necessarily dominates. A listing of the authorities that might apply would include:

FEDERAL
U. S. Constitution
Supreme Court decisions (Ingraham v. Wright)
Decisions of other federal courts
Regulations of federal agencies

STATE
State constitution
State statute (not only the laws on corporal punishment, but also in loco parentis and justification of force statutes, if any, plus laws on immunity and indemnity for school personnel)
State Supreme Court decisions
Decisions of other state courts
State common law
State Attorney General's advisory opinions
Regulation of state education agencies (e.g., certification regs.)
Regulation of other state agencies (e.g., child abuse regs.)

LOCAL
County and municipal school board policy
Building level policies

Constitutional claims usually end up in federal court, which is also the place to bring a complaint that a federal statute had been violated. But in the area of corporal punishment, there are no over-arching federal statutes: attempts by Congress to pass national legislation have always failed. It is conceivable that a federal agency regulation might apply with the force of law to some particular segment of the population: a special education regulation, for example, might mandate that the paddling option appear on students' IEPs, or a rule governing the administration of schools on military bases might forbid paddling altogether in those particular settings, but at this point there are no federal regulations that universally affect the administration of corporal punishment.

CONSTITUTIONAL PROTECTIONS

The Supreme Court has examined corporal punishment in school only once. In a 1977 case, Ingraham v. Wright,[3] the Court held that the Eighth Amendment's stricture against cruel and unusual punishment was simply not applicable to a civil, school-based disciplinary matter. Writing for a 5-4 majority, Justice Powell argued that, unlike prisons, schools are not entirely "closed" systems: children go home at night and parents routinely come and go, thus giving them the opportunity to observe what is going on within the school. Those with complaints already have adequate redress under state law, and therefore constitutional intervention is unnecessary, he reasoned. Powell also referred to the fact that corporal punishment was then widely accepted: in 1977, in fact, only two states had outlawed its use.

The Ingraham case also examined, and denied, a claim under the Due Process Clause of the Fourteenth Amendment. Although the Court recognized that the infliction of corporal punishment had the potential of violating children's procedural rights, it concluded that the Due Process Clause does not require formal notice and a hearing prior to the administration of punishment in school --these

being the core elements of due process under law. Again, Powell's reasoning relied on the availability of alternative remedies: he asserted that the laws of battery, assault, and civil tort (personal injury) provide adequate safeguard, while common law tradition effectively mandates moderation in the punishment itself.

Other constitutional issues touching corporal punishment have at times been raised in federal court, but since only the question of Eighth Amendment protection and the question of procedural due process protection have been ruled on by the Supreme Court, these others have been left to the lower courts. To the extent that corporal punishment is a controversial and sometimes political topic, it is not surprising that the lower federal courts have often differed in their approach. A good example of this is in their treatment of the legal concept of "substantive due process."

A complaint seeking substantive due process protection under the Fourteenth Amendment raises the issue of whether a student's liberty interest --her personal, physical safety-- has been adequately protected from arbitrary action by an arm of the state. Because the Supreme Court has never ruled in this area in a corporal punishment case, the issue has been left to the several Circuit Courts of Appeal, each to decide for its own jurisdiction. At present, these Courts are divided, both as to the result reached and as to the standards to be employed in weighing whether a constitutional violation of substantive due process has occurred.

The Fourth Circuit, for example, in Hall v. Tawney,[4] has determined that substantive due process --violations of personal rights of privacy and bodily security-- must be accomplished "through means so brutal, demeaning and harmful as literally to shock the conscience of the court" (emphasis added), and that the inquiry in cases of corporal punishment must be, "whether the force applied caused injury so severe, was so disproportionate to the need presented and was so inspired by malice or sadism rather than a merely careless or unwise excess of zeal that it amounted to a brutal and inhumane abuse of official power literally shocking to the conscience."[5]

In the Tenth Circuit, in Garcia v. Meira,[6] that court adopted the Hall definition, declaring that "... at some degree of excessiveness or brutality"... "egregious invasions of a student's personal security would be unconstitutional."[7] [This was the case where a teacher held a third grader upside down by her ankles while the principal struck the fronts of her legs with a board that was split, so that "when it hit, it clapped and grabbed," and left a permanent scar. With these facts, the Garcia court found a substantive due process violation.] With some modification, the Eighth Circuit also adopted the Hall standard.[8]

Meantime, the Second Circuit spelled out a slightly different standard:

> In determining whether the constitutional line has been crossed, a court must look to such factors as the need for the application of force, the relationship between the need and the amount of force that was used, the extent of injury inflicted, and whether force was applied in a good faith effort to maintain or restore disciple or maliciously and sadistically for the very purpose of causing harm.[9]

Note that this position omits the need to "shock the conscience of the court" as required by Hall. The Third Circuit later adopted the Second Circuit's test.[10]

It is the Fifth Circuit (a jurisdiction encompassing Louisiana, Mississippi and Texas) that has taken the toughest position vis à vis substantive due process. Its standard was set in that portion of Ingraham v. Wright that was not reviewed by the Supreme Court.[11] In order to find a constitutional violation, the Fifth Circuit requires that the challenged behavior be "arbitrary, capricious or wholly unrelated to the legitimate goal of maintaining an atmosphere conducive to learning."[12] Using this standard, the Fifth Circuit has never found a substantive due process violation in a corporal punishment case.

REVIEWING STATE LAW: FOUR RECENT TRENDS

Absent federal statute and with decidedly modest constitutional protection in force, the governance of corporal punishment has been mainly left to the individual states. And here a wide range of state law affects corporal punishment. No two states have identical laws. Some permit the practice; others forbid it entirely. Many state legislatures have passed the authority to determine policy in this area down to the individual school districts, sometimes with the requirement that local policy be consistent with guidelines set by state administrative agency, often without this requirement. The result is a checkerboard of policy and practice. Nonetheless, there are certain discernable trends in the recent development of state law, including the following four.

1. Within the past six years, some fourteen states have taken major steps to eliminate corporal punishment from their schools. In 1989 alone, seven states --Arkansas, Connecticut, Iowa, Minnesota, North Dakota, Oregon and Virginia-- all made major moves in this direction, and it appears this trend will continue.[13]

2. Another trend has been the advent of tough child abuse legislation, laws empowering state agencies to generate policy and programs and specific regulations designed to curb child abuse. In most instances, neither the authorizing statutes nor the subsequent agency regulations have specifically addressed the school context; as a result, numerous teachers have been caught in

the middle, told by school policy that it is proper to paddle but advised by child abuse policy that it isn't. In both Florida and Arkansas, teachers who have permissibly paddled children in school have later had to bring suit against the state child abuse agency, in order to have their names expunged from rosters of "known child abusers" maintained by the agencies.[14] Such confusion of state policy must surely have a chilling effect on the practice of corporal punishment.[15]

3. Even as many state legislatures are attempting to limit the use of corporal punishment, and even as its practice is being influenced, albeit indirectly, by child abuse statutes (and by a general climate of litigiousness, which makes school boards wary of any policy likely to engender lawsuits), there are at least two significant counter-trends. One of these involves the legal concept of in loco parentis --the idea that a teacher can and does take on certain legal rights and obligations in the place of the absent parent. Historically, this legal doctrine has existed at common law --law made, not by legislature or executive agency, but rather by judges and continued by precedent. As common law, in loco parentis has been slowly eroding, but recently certain legislatures have enacted statutes to reinvigorate the doctrine. In Oklahoma, for example, the law reads:

> ... [T]he teacher of a child attending a public school shall have the same right as a parent or a guardian to control and discipline such child.... Okla. Stat. Ann. tit. 70, §6-114

(Alabama, Delaware, Illinois, Utah and West Virginia have similar statutes.) Thus, by legislative fiat, common law has been formalized and refashioned as a new statutory condition. Statutes like this imbue teachers with increased authority --including the authority to discipline children-- by formal legislative sanction, whether or not the state allows corporal punishment.

4. A second important counter-trend has been the enactment of "justification of force" statutes. Typically, these laws authorize the reasonable use of physical force that would otherwise constitute a crime. Usually the law or regulation or school board policy specifies the circumstances in which teachers may employ this force:

> Any person employed by the district may, within the scope of his employment, use reasonable and appropriate physical intervention or force as necessary for the following purposes: 1) To restrain a student from an act of wrong-doing; 2) To quell a disturbance threatening physical injury to others; 3) to obtain possession of weapons or other dangerous objects upon a student or within the control of a student; 4) For the purpose of self-defense; 5) For the protection of persons or

property; 6) For the preservation of order. Cripple Creek-Victor School District, Colorado.

Over one-half of all states currently have such statutes. They have been quietly added to existing law that allows the police, for example, to use force when necessary in making arrests.[16]

WEIGHING THE LAW BY "UNPACKING" A STATUTE

One further observation needs to be made about state law; this concerns a certain awkwardness that underlies many discussions of corporal punishment. Advocates for abolition tend to be counters: they are forever counting the number of states that have "banned" this practice. At present they proclaim that twenty three states have banned corporal punishment. Having recently reviewed the laws in all fifty states, we are uncomfortable with such generalizations, for they would seem to mix apples with oranges, assuming that all the laws in all the states are virtually identical. In particular:

1. Many states' corporal punishment laws do not clearly define what is meant by the term, while others are quite precise. One statute includes "paddling, slapping or prolonged maintenance of physically painful positions"[17] (emphasis added), while another excludes "...discomfort resulting from or caused by voluntary participation in athletic competition..."[18] (emphasis added). Just as definitional vagueness makes it hard for teachers and administrators to tell what is allowed from what is forbidden, definitional difference makes it difficult to produce accurate, useful surveys.[19]

2. Many states neglect to specify which schools are covered by their laws. If the limits don't apply to private and parochial, nursery and day care, mental hospitals and reformatories, then the limitation itself is limited; and, again, it becomes difficult to take a meaningful count.

3. Some states identify precisely which school personnel are covered by the legislation; others don't. In each case, it is important to ascertain who is affected: non-certificated personnel, bus drivers, student teachers, parents if accompanying a field trip? Not knowing who is covered, it is impossible to determine the effective scope of the statute.

4. In some states, the law specifies sanctions; in others, the law is silent on penalties to be imposed for wrongful paddling. Mississippi, Colorado and Georgia, for example, have created an immunity, while New Mexico and Louisiana provide, in some instances, indemnification. In other words, some laws shield the teacher from being sued, while others direct that the school board must pay for the teacher's defense, and in some cases to pay any monetary judgments. On the other hand, Arizona specifies, "A

teacher who fails to comply ... is guilty of unprofessional conduct and his certificate shall be revoked,"[20] and the Montana statute creates a misdemeanor for the misuse of corporal punishment.[21] These protections or legal vulnerabilities represent significant differences in the practical impact of this legislation.

5. Finally, structural differences make it difficult to lump states together. Because the authority to determine corporal punishment policy resides at so many different levels, and because in some states there exists an overlapping (or at least a co-existence) of authorities, the task of making helpful generalizations about corporal punishment regulation depends so much upon the idiosyncrasies of the framework of authority already in place. To illustrate the complexities: Arizona has a law that delegates authority to decide corporal punishment policy to individual school districts, but including the proviso that all such policies must conform to guidelines set by the State Board of Education. This Board recently decided to amend its guidelines so as to eliminate the administration of corporal punishment to any child under the age of sixteen. The Arizona Attorney General held, however, that the agency had overstepped its bounds, since the new guideline would effectively have negated the legislature's statute, thereby violating the established hierarchy of authority in that state. Unless one understands the particulars of where the power and authority lie in each state, comparisons are futile.

To cut through legislative legalese and statutory verbiage, and in order to determine the practical effectiveness of any given statute, we suggest that each regulation be subjected to an inquiry that illuminates, at a minimum, the following three areas:

a. the source of authority for using corporal punishment;

b. the particular procedures set forth for the administration of corporal punishment, if and when it is permitted;

c. post-punishment options, both for the child who has been paddled and for the teacher accused of wrongdoing.

Examining the source of authority means not only doing legal research into state and federal cases that pertain, but examining each statute itself, line-by-line. Does the law directly authorize corporal punishment, or does it delegate (and, if so, to whom, and with what conditions attached)? Precisely what is allowed, and how is it defined? Who gets to make the final decision, and is that decision in any way conditional? Has the state department of education or other executive agency issued regulations that mandate or suggest the manner in which corporal punishment is to be administered? Who is covered by the statute: what school personnel, which children, which schools? Are any specifically excluded? To what geographical locale does the rule extend? Does it cover field trips, for example? What rationale for the policy is given, and what grounds spelled out for the use of corporal punishment? Does the law prescribe general duties for the teacher and the student that may provide, implicitly, a general rationale?

Do other laws exist --in loco parentis or justification of force statutes, for example-- that empower school personnel to use force, whether or not there is a corporal punishment statute? Do other statutes affect particular segments of the school population?

Second, have any procedures been established to regulate the paddling itself? Does the regulation specify: where on the body, how soon after the offense, by whom, with what instrument wielded in what frame of mind, how many swats and how hard, with or without a witness (and whether the witness need be of the same gender as the child being disciplined), in what setting, with what notice to parent and to child?[22]

Finally, it is important to look at the post-punishment options. Is a report mandated, and to whom must it be sent? Is there a review process, an appeals or grievance procedure? Does the statute itself specify what happens to violators? Are local school districts charged with monitoring and with disciplining their teachers, or have legal causes of action been established (and are they civil or criminal or both)? Is a teacher's certificate explicitly at risk? Have immunities and indemnities been created, and does the law override the provisions of the local union contract?

In order to assess the true power and scope of any statute, it is important to "unpack" it in this way, looking closely at what it says and what it does not say, and checking carefully to see whether other, overlapping laws are currently in force. Only after such scrutiny can one fully comprehend the full nature and extent of the legal context that pertains.

QUESTIONS FOR AND ABOUT THE SMALL OR RURAL SCHOOL

A second important context bears examination --the school environment itself. How much corporal punishment is allowed in the small or rural school (and how does this compare with other types of schools)? How much corporal punishment is actually administered, per pupil per year? To what extent does abuse of corporal punishment occur? Is there anything about this type of school that might explain the amount allowed, the amount actually used and the amount of abuse encountered? Some of these questions are obviously empirical: surely it is time for someone to perform a careful compilation in order to ascertain these facts.[23] In the meantime, and absent such survey data, one is left with theory, speculation, common sense and stereotype.

Two propositions in particular deserve scrutiny: first, that a good many rural schools across the country do employ some form of corporal punishment, and, second, that small and rural schools, by their very nature, present a setting where, if and when impermissible punishment should occur, it is likely that the wrongdoing will not promptly be brought to light.

1. Does the fact that a small school employs relatively few adults increase the possibility of the disproportionate influence of any single teacher? If there are only two adults available to supervise the playground, for example, and one of them uses corporal punishment impermissibly, isn't it likely that every child in that school will be vulnerable to that teacher's disciplinary misuse? By contrast, in a larger school, mightn't there be an entire class of children who wouldn't ever even <u>see</u> a particular abusive teacher? Disproportionate influence may be inevitable in a small school: when the impact is positive, every child benefits from the contact; when it isn't, when the contact is harmful, there may be virtually no escape.

2. Is it true that geographically-isolated schools have fewer visitors, and that this contributes to the possibility that if something should go wrong, it is less likely to be detected? A continuous flow of impartial adults through a school must surely increase that school's exposure to scrutiny.

3. Does the absence of on-site supervisors in a small or rural school have an impact upon the potential misuse of corporal punishment? Small schools naturally lack administrative stratification: there's not much of a chain of command, and every adult has a class. This presumably leaves individual teachers very much on their own for long stretches of time. Such freedom from administrative restraint and from the expectation of immediate accountability might be liberating: it could free a teacher's creativity and promote professional growth; on the down side, however, it might embolden a teacher to err by reducing the possibility of discovery.

4. Does the absence of on-site support personnel in a small or rural school affect the likelihood that a teacher may lose control and impermissibly strike a child? Though a social worker may officially be assigned to a given school, that individual may have to service several schools that are perhaps 100 miles apart; similarly, though a school nurse may be technically available, she may only be scheduled to visit a particular school two mornings a week. The absence of such people might mean that there is no one around to mitigate a worsening situation, or to intervene, or to report impermissible behavior. Nor would these persons be accessible simply as professional colleagues for an upset teacher to talk to, forestalling emotional escalation.

5. Does the teaching principalship --a common practice in smaller schools-- preclude an administrator from stepping in to prevent a disciplinary situation from intensifying? Ten minutes of cooling-off time often does wonders for a teacher close to the boiling point. When the sole administrator has a class of her own to deal with, she cannot as easily take over ten minutes of someone else's recess duty or finish out the math lesson while the teacher regroups. Such positive options are severely reduced in a school

whose administrator does not have this flexibility.

6. Does the lack of space in a small school contribute to the misuse of corporal punishment? If there is no time-out room to send a child to or no teachers' lounge for the upset teacher to pull himself together in, may the school building itself become a negative influence? Do smaller classrooms in smaller buildings with smaller exterior playing fields and smaller interior physical education facilities make it less likely for youngsters to find acceptable ways of letting off steam?

7. To what extent are the following generalizations true about the rural parent? Rural parents spank at home and expect the teacher to spank at school. Rural parents tend to be politically conservative, and this affects their attitude toward discipline. Their churches are similarly conservative; many rural denominations take a hard line on obedience, discipline and punishment. The rural parent at the same time has a respectful and trusting attitude toward teachers and school: if a teacher claims that a paddling was warranted, the rural parent doesn't automatically challenge that judgment. Similarly, if a teacher <u>does</u> overstep the bounds, the rural parent is likely to be forgiving and not go charging off to court. Each of these stereotypes deserves scrutiny if we wish to understand the population that a disciplinary policy is intended to serve.

CONCLUSION

Corporal punishment in American schools, though governed by a sometimes bewildering array of laws and regulations, appears generally to be on the wane. More and more states are issuing tighter and tighter regulations over its use; concern over child abuse and worry about lawsuits has put the educational establishment on edge, even in those places where the practice is permitted. Simultaneously, new "justification of force" and <u>in loco parentis</u> statutes have increased teachers' authority to employ force in certain situations.[24] These factors constitute an important context within which local or state policy necessarily has to operate. Meantime, small and rural schools seem especially vulnerable to the possibility of hidden and illicit corporal punishment: with less supervisory oversight and principals otherwise occupied with their own classes, with fewer ancillary personnel available and fewer visitors, handicapped by limited budgets and limited space, these schools appear to run an especially high risk, that if something <u>should</u> go wrong, it will <u>stay</u> wrong. Certainly before determining whether a "quality" school ought to permit corporal punishment, it would seem wise to examine whether in fact the small or rural school context presents a higher potential for greater harm.

1. Portions of this paper were presented by the first-named author at the Second National Conference on Creating the Quality School, March 25-27, 1993, Oklahoma City, OK. Although the conference was sponsored by the Center for the Study of Small/Rural Schools at The University of Oklahoma, the ideas expressed are the authors' alone.

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3. Ingraham v. Wright, 430 U.S. 651 (1977).

4. Hall v. Tawney, 621 F.2d 607 (4th Cir. 1980).

5. Hall at 613, 617.

6. Garcia v. Meira, 817 F.2d 650 (10th Cir. 1987).

7. Garcia at 655, 658. "'[I]t does not require a constitutional scholar to conclude that a nude search of a thirteen-year-old child is an invasion of constitutional rights of some magnitude,'" the Garcia court concluded, quoting a Seventh Circuit opinion. Doe v. Renfrow, 631 F.2d 91 (7th Cir. 1980), cert. denied, 541 U.S. 1002 (1981). See also Milonas v. Williams, 691 F.2d 931 (10th Cir. 1982), cert. denied, 460 U.S. 1069 (1983).

8. Wise v. Pea Ridge, 855 F.2d 560 (8th Cir. 1988).

9. Johnson v. Glick, 481 F.2d 1028, 1033 (2d Cir. 1973), cert. denied, 414 U.S. 1033 (1973).

10. See Metzger v. Osbeck, 841 F.2d 518 (3d Cir. 1988).

11. Ingraham v. Wright, 525 F.2d 909 (5th Cir. 1976). The Fifth Circuit reiterated its position in Woodward v. Los Fresnos Independent School District, 732 F.2d 1243 (5th Cir. 1984).

12. Woodward at 1246.

13. In Kansas, for example, the House voted 77 to 47 in favor of an anti-corporal punishment bill in 1992; in the Kansas Senate, however, the bill failed by the interesting vote of 20 to 20.

14. See B.R. v. Dept. of Health and Rehab. Serv., 558 So.2d 1027 (Fla.App. 2 Dist. 1989), B.L. and R.W.H. v. Dept. of Health and Rehab. Serv., 545 So.2d 29 (Fla.App. 1 Dist. 1989), M.J.B. v. Dept. of Health and Rehab. Serv., 543 So.2d 352 (Fla.App. 5 Dist. 1989), B.B. v. Dept. of Health and Rehab. Serv., 542 So.2d 1362 (Fla.App. 3 Dist. 1989), and Arkansas Dept. of Human Services v. Caldwell, 832 S.W.2d 510 (Ark.App. 1992).

15. The right of state licensing agencies to withhold approval of child care facilities on the grounds of improper discipline policy has also recently been challenged. See Health Services v. Temple Baptist Church, 814 P.2d 130 (N.M.App. 1991), Shields v. Gerhart, 582 A.2d 153 (Vt. 1990).

16. In Michigan last year, a justification of force statute received a good deal of publicity, with major teacher organizations staunchly backing the bill. They successfully argued that, without this authority, teachers would remain at the mercy of increasingly dangerous conditions in school, including violent students.

17. Wis. Stat. Ann. § 118.31.

18. Or. Rev. Stat. Ann. § 339.250.

19. For further discussion of definitional problems and for additional suggestions on deciphering legislative language, see Hyman & Rathbone, Corporal Punishment in the Schools: Reading the Law (Topeka: National Organization for Legal Problems of Education, 1993).

20. Ariz. Rev. Stat. § 15-843 (L).

21. Mont. Code Ann. § 20-4-302.

22. Each question raised in this section has been specifically addressed by regulation or policy in at least one school district that we have surveyed.

23. The Office of Civil Rights, U.S. Department of Education, has made some projections based upon its survey of the nation's school districts during the period of 1980-1986, and in 1987 the National Coalition of Advocates for Students performed an analysis of those projections, ranking all states according to their 1986 rate of reported incident per total school population. Unfortunately, these data are far from fresh.

24. The actual effect of these laws on corporal punishment is unclear: on the one hand, either law might be used as a cover for illicit corporal punishment; on the other hand, to the extent that a "justification of force" statute might satisfy teachers' often stated need for legal protection during what they perceive as dangerous confrontations, the existence of such a law might well reduce their sense of urgency for the right to use corporal punishment.