

# The use of corporal punishment

## The authority to administer corporal punishment

In South Carolina, local school boards have been empowered to provide for the corporal punishment of any pupil that it deems just and proper by Section 59-63-260, S. C. Code. Two U. S. Supreme Court decisions have affirmed the constitutionality of the use of corporal punishment in the public schools – Baker vs. Owen, 423 U. S. 907 (1975) and Ingram vs. Wright, 51 L.Ed 2d 711 (1977).

## The persons who can administer corporal punishment

Principals, assistant principals and teachers in grades K-6 and principals, assistant principals or principals' designees in grades 7-9, excluding grade 9 in a 9-12 high school, are authorized by the Board of Trustees to administer corporal punishment to students under the guidelines below, provided the administrator/designee and the student in grades 7-9 are of the same sex.

## The guidelines for administering corporal punishment

As a matter of board procedure, reasonable corporal punishment of a student is permitted as a disciplinary measure to preserve an effective educational environment free from disruption and conducive to the furthering of the educational mission of the board.

- Corporal punishment should be used only after other corrective measures have been

used without success.

- Corporal punishment may be used only when the student is informed beforehand of the specific misconducts that could result in corporal punishment.
- The only exception is when a student's misconduct is so anti-social or disruptive that it shocks the conscience. Subject to this exception, corporal punishment should never be used as a first line of punishment.
- Before administering corporal punishment, the principal, assistant principal or teacher must consider
  - the seriousness of the offense,
  - the nature and severity of the punishment,
  - the student's attitude,
  - the student's past behavior,
  - the student's age and
  - the student's physical condition.
- Corporal punishment must be reasonable and moderate.
- Corporal punishment may not be administered maliciously or for the purpose of revenge.
- The only corporal punishment permitted will be paddling on the buttocks.
- The time from when the offense is committed to when the punishment is administered should not be so long as to cause undue anxiety in the student.
- A teacher or principal must punish corporally in the presence of a second professional

school employee.

- The professional school employee witnessing the corporal punishment must be informed beforehand and in the student's presence of the reason for the punishment.
- The student need not be afforded a formal opportunity to present his side to the professional school employee witnessing the corporal punishment.

## Records that must be maintained when corporal punishment is used

A disciplinary record of corporal punishment must be maintained.

- The disciplinary record must contain
  - the name of the student,
  - the type of misconduct,
  - any previous disciplinary actions,
  - the type of corporal punishment administered,
  - the name of the person administering the punishment,
  - the names of witnesses present and
  - the date of the punishment.
- A professional school employee who administers corporal punishment must provide the child's parent, upon request, a written explanation of the reasons for corporal punishment, including the information contained in the discipline record.