

**Testimony in Support of House Bill 185  
Nonpublic Schools and Child Care Providers – Corporal Punishment -  
Prohibition**

**Ways and Means Committee  
February 1, 2023**

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The Maryland State Education Association supports HB 185. House Bill 185 requires the State Board of Education, in consultation with the State Superintendent, to identify methods to find and eliminate any instance of corporal punishment administered to discipline any student in the state. The bill precludes the State Board of Education from issuing a certificate of approval to nonpublic schools unless, among other requirements, the nonpublic school maintains a policy of prohibiting school officials and employees from administering corporal punishment as a form of discipline to a student. HB 185 also prohibits family child care providers and child centers from administering corporal punishment to children. Maryland banned corporal punishment as a form of discipline in public schools approximately thirty years ago,<sup>1</sup> and MSEA welcomes the extension of this policy to nonpublic schools and child care providers.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3-million-member National Education Association (NEA).

Research and data collected from the 2017-2018 school year shows that many states, mainly in the southern United States, still permit the practice of corporal punishment

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<sup>1</sup> MD Code, Education, § 7-306(b). See also, Elizabeth T. Gershoff and Sarah A. Font, *Corporal Punishment in U.S. Public Schools: Prevalence, Disparities in Use, and Status in State and Federal Policy*, Soc Policy Rep. p. 32 (2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5766273/pdf/nihms862245.pdf>.



in public schools.<sup>2</sup> Among all races and ethnicities, Native American, Black, and white students disproportionately received corporal punishment in comparison to their population for total student enrollment.<sup>3</sup> Black and Native American students were most impacted by the use of corporal punishment. Corporal punishment was inflicted upon Black students at more than twice their rate of enrollment.<sup>4</sup> Similarly, Native American students were disciplined with corporal punishment at almost twice their rate of enrollment.<sup>5</sup>

Corporal punishment not only fails as a behavioral mechanism, but also causes significant physical and mental harm to children. Using objects to administer corporal punishment may cause muscle and nerve damage, cuts, bruises, and in severe instances, broken bones.<sup>6</sup> Additionally, repeated use of corporal punishment on a child may lead to more frequent aggressive and disobedient behavior by the child.<sup>7</sup> Moreover, the research demonstrates that corporal punishment is linked with higher rates of mental health problems and lower cognitive ability and academic achievement.<sup>8</sup>

In contrast to corporal punishment, the use of restorative practices demonstrates promising results to build a more positive school environment for students, educators, and staff. Research examining the use of restorative practices in Baltimore City Public Schools found that suspensions dropped by forty-four percent in one academic year, and school staff reported the use of restorative practices contributed to a more positive school climate with better teacher-student relationships.<sup>9</sup> Additional review of the existing research has concluded that when restorative practices are utilized out

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<sup>2</sup> U.S. Dep't of Educ., Off. of Civil Rights, *Corporal Punishment in Public Schools* (Sept. 2022), [https://ocrdata.ed.gov/assets/downloads/Corporal\\_Punishment\\_Part4.pdf](https://ocrdata.ed.gov/assets/downloads/Corporal_Punishment_Part4.pdf).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Gershoff and Font, *supra* note 1, at 12.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 13.

<sup>9</sup> Open Society Institute-Baltimore, *Restorative Practices in Baltimore City Schools: Research Updates and Implementation Guide*, p. 6 (Sept. 2020), <https://www.osibaltimore.org/wp-content/uploads/2020/09/RP-Report-2020-FINAL.pdf>.



of school suspensions decrease and potential exists to foster positive student development.<sup>10</sup>

School districts, leaders, educators, and parents all have a part to play in building safe, healthy, and welcoming schools. Buy-in from the school community, staff training, and implementation of restorative practices with fidelity are key to achieving meaningful positive outcomes from the use of these practices. MSEA continues to support collaborative efforts to create healthier school environments through the use of restorative practices.

HB 185 furthers MSEA's goals of healthier schools for all students by banning an outdated, ineffective, and harmful disciplinary practice from being used on students in private schools and children in family child care homes and child care centers.

**We urge the committee to issue a Favorable Report on House Bill 185.**

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<sup>10</sup> Anne Gregory and Katherine R. Evans, National Education Policy Center, *The Starts and Stumbles of Restorative Justice in Education: Where Do We Go From Here?* p.9 (Jan. 2020), <https://nepc.colorado.edu/publication/restorative-justice>.