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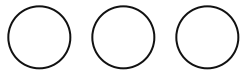
NEWS

More than 1,600 corporal punishment cases substantiated in New York public schools in recent years

Students were spanked, slapped, choked, dragged and intimidated with a belt, records show



Will Waldron/Times Union



ALBANY — In 2021, a substitute teacher grabbed a student by the throat and forced him against a wall at Watertown City Central School District near the Canadian border, according to records from the state Education Department.

Two years prior, investigators determined a teaching assistant for Syracuse City Schools on multiple occasions had spanked a non-verbal student and slapped her on the hand.

And in Brooklyn in 2018, a teacher at Achievement First Brownsville Charter School forced a student to hold books as a disciplinary consequence.

In recent years, the state Education Department has documented nearly 18,000 complaints of corporal punishment in public and charter schools across New York, although corporal punishment is generally banned.

Investigators and school officials substantiated more than 1,600 of those complaints from 2016 through 2021, according to a Times Union review of state Education Department records. Many of those records noted that the complaints were founded as corporal punishment or child abuse in the educational setting by the person investigating, although in some cases the records did not specify which form of abuse.

The vast majority of the substantiated complaints were in New York City public schools. Records for New York City did not indicate whether the findings resulted in any employee discipline, criminal charges or other outcomes.

In other districts, state records show substantiated incidents often resulted in employee termination or the district seeking termination. Occasionally, the records said criminal charges were filed or a law enforcement agency was investigating the matter. Records show in some cases that an educator received a warning, suspension or letter in their personnel file.

In the Watertown incident, the teacher was terminated and arrested, records show. At Achievement First, the teacher was fired. In Syracuse, the teaching assistant was "retrained" and "transferred schools."

The state Education Department's records are not made readily available to the public, preventing easy access for parents and educators. And the Times Union found school officials across the state have underreported cases of corporal punishment to the federal government.

Lawmakers this month raised concern and called for new restrictions on such practices following a [New York Times investigation](#) that found some schools, or yeshivas, run by the Hasidic Jewish community in New York City and Hudson Valley used corporal punishment regularly on students.

"It's an abhorrent feature," Assemblyman Charles Lavine, D-Long Island, who chairs the Assembly's Judiciary Committee, said in an interview. "Our children do not deserve to be educated in an atmosphere that involves any corporal punishment."

State law defines corporal punishment as "any act of physical force upon a pupil for the purpose of punishing that pupil."

The practice has generally been banned in New York public schools since 1985. The regulation was expanded in 2007 to add other schools.

Current regulations specify the practice cannot be used in public schools, Boards of Cooperative Educational Services (BOCES) districts, charter schools, approved private preschools or schools, state-run schools or certain other non-public schools.

But The New York Times' recent reporting on yeshivas raised questions about whether some privately run schools may fall outside those regulations.

State Education Department officials told the Times Union the corporal punishment regulations apply to yeshivas "if they are registered non-public schools." The department did not respond to questions about how many yeshivas are registered non-public schools.

"Whether it was a loophole or an oversight, that I don't know. All I know is that it's time for us to address that," Lavine said.

A draft of proposed legislation by Lavine would add to the definition of the state's child abuse law, "corporal punishment resulting in physical pain."

Other lawmakers said they are working on similar proposals.

State Sen. Shelley Mayer, a Westchester County Democrat who chairs the Education Committee, said she is researching the issue and that state law on corporal punishment "may not be specific enough," according to her recent interview with the [Capitol Pressroom](#).

The Hochul administration said they believe corporal punishment is already not allowed in any school, citing the state's child abuse law.

"Child abuse is illegal and unacceptable in any setting, and we condemn it in the strongest of terms," Hochul spokeswoman Hazel Crampton-Hays said in a

statement. "We are always willing to explore how to further protect children from violence and abuse."

Scientific studies have found corporal punishment is not effective at increasing student compliance or moral behavior. National data show the practice is disproportionately used in schools on Black students and boys. Most cases are reported in Southern states.

While many states ban the practice, as of last year about half of those jurisdictions either permitted it, left the decision to local jurisdictions or had no policies on corporal punishment. In the United States, schools are one of the last institutions where the practice is legal: corporal punishment is not permitted in prisons or military training facilities.

Nearly 18,000 complaints

The substantiated cases documented in state Education Department records include incidents where teachers or other staff members pushed, slapped, hit, pinched, spanked, dragged, choked or forcefully grabbed students.

Records collected by the Times Union did not point to systemic or regular use of corporal punishment in any particular public schools. But the records show that isolated incidents of corporal punishment take place across the state in many public schools every year.

From January 2016 through June 2021, the New York City Department of Education's Office of Special Investigations received 16,671 complaints alleging corporal punishment, state records show. These complaints only involved New York City Public Schools, which is the nation's largest school district, serving about 1.1 million students, according to the state Education Department.

Investigators substantiated 1,271 of the complaints from New York City as corporal punishment, or fewer than 10 percent of the complaints, the state data shows.

"Corporal punishment is unequivocally prohibited in all NYC public schools, and we take every complaint seriously to ensure that a full and complete investigation is done," said Jenna Lyle, a spokeswoman for the city's Department of Education. "If there is a substantiated case, we take immediate corrective action and strengthen our prevention efforts. We have increased training to our school leaders on the reporting and investigations of corporal punishment allegations to ensure that the proper level of care and review is given to all complaints."

United Federation of Teachers, a union that represents most teachers in New York City, said through a spokeswoman: "Educators believe in the bans on corporal punishment in (the New York City's) chancellor's regulations and state law, and also support impartial investigations and due process procedures for those accused."

In all other public school districts and charter schools around the state, the 1,148 complaints alleging corporal punishment were filed in the same time period, state data shows. That's significantly fewer complaints than those filed in New York City public schools, even though the number of students attending public school outside the city is higher at about 1.4 million.

The Times Union found at least 352 of these corporal punishment complaints, or about 31 percent, were listed as substantiated or founded. In some cases, the records specifically stated the complaint was founded as corporal punishment or child abuse in the educational setting; in other cases the records were not as specific, but did mention disciplinary action against the educator. In 10 cases, the investigation was inconclusive. In 51 cases, the investigation was ongoing.

Non-public schools do not have to report corporal punishment cases to the state Education Department.

The Times Union also found that while state records documented at least 360 cases where corporal punishment complaints were substantiated in the 2017-18 school year, only five cases were reported that year by New York school districts to the U.S. Department of Education as part of a mandatory biannual data collection on corporal punishment.

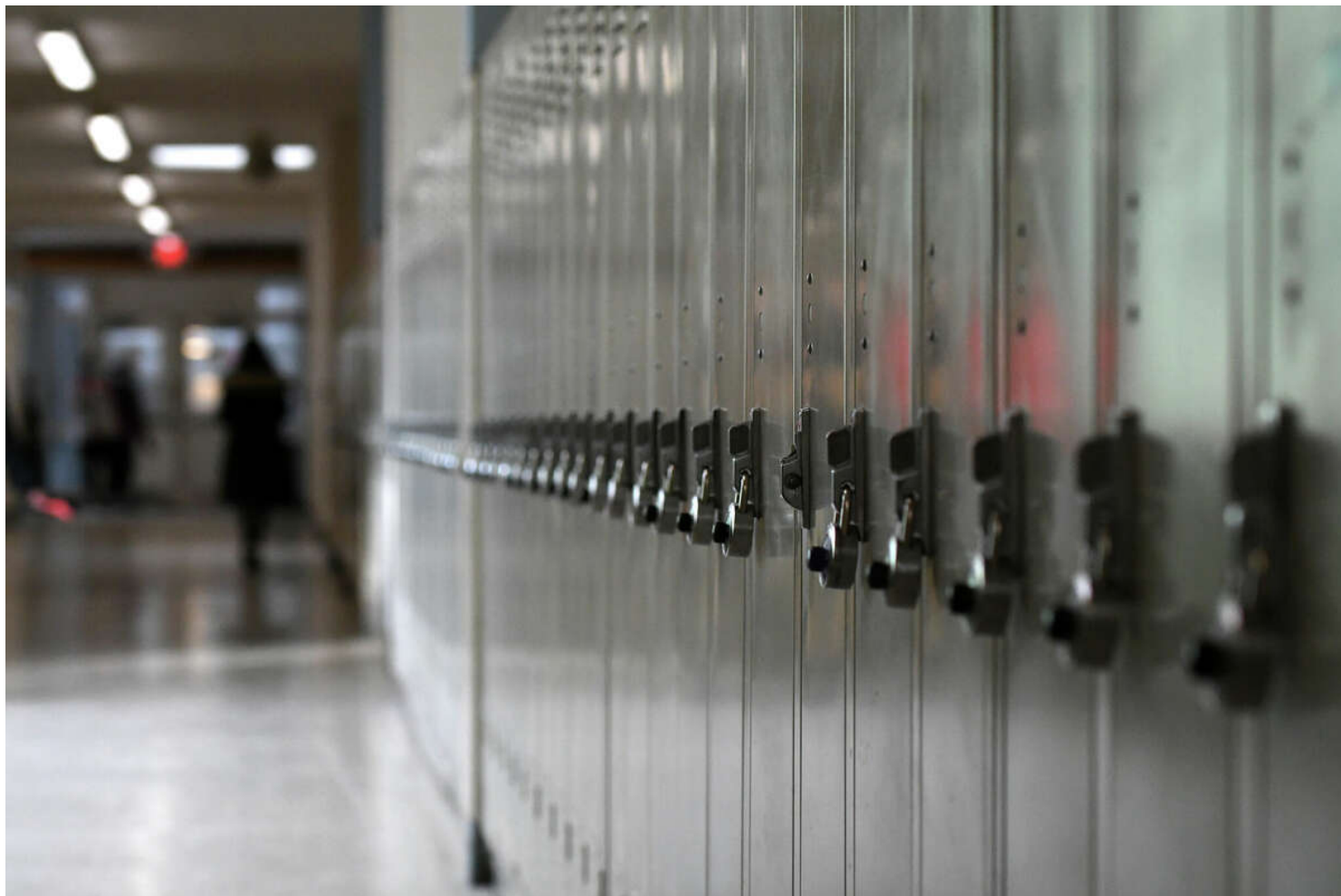
Outside of New York City, Rochester, Syracuse, Buffalo, Mount Vernon and Schenectady school districts appear to have had the most substantiated cases of corporal punishment or child abuse in an educational setting from January 2016 to June 2021, with each reporting between 10 and 40 substantiated cases, state data shows.

In one case at Rochester City Schools, a paraprofessional "used a belt to intimidate students into behaving" in 2018, records show. In another case in Rochester in 2019, another paraprofessional used duct tape to confine a student to a chair and taped the student's mouth shut. The first aide was given a two-day suspension; the second was terminated.

In 2017, a teacher in Schenectady City School District made a student with cerebral palsy stand "because she was not answering questions," state records say. The student fainted. The teacher was later terminated.

Syracuse City School District said in a statement: "The district has a zero-tolerance policy for the use of corporal punishment, investigates all allegations of corporal punishment and handles them in accordance with the law and district policy." The district has a school policy that prohibits use of corporal punishment.

Rochester, Buffalo, Mount Vernon and Schenectady did not respond to requests for comment.



Hallway with lockers at Schenectady High School on Wednesday, Jan. 19, 2022, in Schenectady, N.Y. (Will Waldron/Times Union)
Will Waldron/Times Union

The complaint process

Corporal punishment complaints can be filed by parents and teachers with school administrators or their local education department, depending on the district.

Educators are required by law to report child abuse, which is defined as "intentionally or recklessly inflicting physical injury, serious physical, injury or death to a child."

Failing to report child abuse is a misdemeanor and carries up to a \$5,000 fine. But state mandated reporter statutes do not specifically address whether educators must report corporal punishment, said Matt Hamilton, a spokesman for New York State United Teachers, the state's largest teacher's union.

"Regardless, we believe anyone who witnesses or suspects any abuse or maltreatment of a child, including corporal punishment, should report it immediately," Hamilton said.

New York City has two offices that may investigate corporal punishment complaints: the Office of Special Investigations within the Department of Education and the Special Commissioner of Investigation for the New York City School District. Superintendents or local school administrators may also investigate in some cases.

In other districts, complaints are often investigated by school human resource offices or attorneys, said Peter Brill, an attorney at Brill Legal Group, who has handled corporal punishment cases defending New York teachers. Law enforcement may be involved depending on the severity of the allegation.

Also, the state Education Department's investigators may examine complaints filed against people licensed or certified by the department. Those investigations can be prompted by reports filed by a school district.

Roberta Mueller, senior supervising counsel at New York Lawyers for the Public Interest, who has represented families in corporal punishment cases, said investigations by school districts are often not "robust" and administrators lack training to perform proper evidence gathering.

Mueller is currently co-counsel in a case challenging New York City Department of Education's handling of cases of corporal punishment, verbal abuse and

physical abuse of students by staff in District 75 schools. She declined to discuss the case.

When an investigator or administrator substantiates a corporal punishment complaint, it's similar to when police find "probable cause" that a crime was committed, Brill said. From there, a school district may initiate a disciplinary or termination proceeding.

If child abuse in an educational setting is substantiated, a report to law enforcement will be made and criminal charges could also be filed. In some cases, schools may initiate an action to revoke a teacher's license.

Clarifying regulations

In 2018, the state law on child abuse was amended with the intent to clarify that laws banning child abuse included nonpublic schools.

State officials have varying perspectives on whether that change covers corporal punishment. Some lawmakers said they want to take further steps to make sure the practice is banned in all schools.

State Sen. Julia Salazar and Assemblywoman Emily Gallagher, both Brooklyn Democrats, said in a joint statement that "child abuse is unacceptable."

They said they are working on legislation to "clarify that corporal punishment is prohibited in all educational settings, including private and religious schools."

Republican gubernatorial nominee U.S. Rep. Lee Zeldin, R-Long Island, said he understands that corporal punishment is illegal in all New York schools.

"I support that law," Zeldin said. "Whether it's 2022, it's 1972 or it's 30, 40, 50

years from now; I believe that New York state is right for having those laws on the board and that corporal punishment should not exist inside of New York schools.”

U.S. Sen Kirsten Gillibrand, D-N.Y., said any potential uses of corporal punishment in schools cause are of “grave concern.”

“I don’t know the solution at this point, but I do think it should be fully investigated and we should make sure that every child should have the basic level of education and safety that we believe in as a country,” Gillibrand said.

New York State Unified Teachers, which represents more than 600,000 teachers and school professionals statewide, said they would welcome being part of a conversation to upgrade the state’s corporal punishment law “to ensure existing protections for students are bolstered and any changes in law are clear for staff,” according to Hamilton, the union’s spokesman.

Mueller said the state regulations should be amended because it’s “ludicrous” that, regardless of a teacher’s objective, investigators and attorneys must prove a teacher intended to punish a child to establish corporal punishment.

“Having an ineffective prohibition added to the private schools in addition to the public schools means nothing,” she said. “If you don’t fix the definition, it’s pointless.”

The national landscape

As of May 2021, corporal punishment was prohibited in 27 states and the District of Columbia, according to the [Education Commission of the States](#).

At least 18 states permitted corporal punishment though 11 of them gave local jurisdictions the responsibility to either ban or allow the practice, the commission

found.

Five states did not specify their policy in statute or regulation, the commission found.

The U.S. Department of Education requires all public K-12 schools, as well as preschools, to report statistics about the use of corporal punishment on students, which it defines as "paddling, spanking, or other forms of physical punishment imposed on a child."

Nationwide, 70,982 students were subjected to corporal punishment in 2017-18, the most recent year for which data is available. Of that total, 1,490 were preschoolers ages 3 through 5. The records indicate 98,381 instances of corporal punishment were recorded during that period because some of the students were subjected to physical discipline more than once.

But with many states banning the practice, those figures come from just a handful of states, primarily Southern states that still allow corporal punishment

The highest count was in Mississippi, which reported 20,444 students were subjected to corporal punishment in 2017-18.

Next was Texas, which reported 14,622 students were subjected to corporal punishment and accounted for nearly half of all preschoolers subjected to corporal punishment nationwide. Alabama reported 9,179 students were subjected to corporal punishment, followed by Arkansas with 8,932.

Several other states documented that more than 1,000 students being subjected to corporal punishment: Oklahoma, Tennessee, Georgia, Missouri, Florida and Louisiana.

In contrast, New York schools reported to the U.S. Department of Education that just five students were subjected to corporal punishment in 2017-18, despite hundreds of substantiated cases of corporal punishment being reported to the state Education Department. Those five cases were reported by Western Suffolk BOCES — which documented three cases — and one each at Salmon River Central School District and Madison-Oneida BOCES.

It's unclear why other New York schools did not report incidents of corporal punishment to the U.S. Department of Education.

Salmon River's Superintendent Stanley Harper said: "The district took immediate and swift action to separate the employee from the school district," and noted the district reports cases to the appropriate authorities.

Madison-Oneida BOCES said employees who work with students are informed of the prohibition against corporal punishment and trained on other behavioral interventions.

"We take all complaints related to student safety, health and welfare very seriously," said district Superintendent Scott Budelmann. "If we receive a complaint of corporal punishment, we take immediate steps to protect the student and we report the complaint as required by the (state) Education Department. Ultimately, if our investigation results in a determination that an employee has engaged in corporal punishment, we discipline that employee in a manner that is consistent with that individual's statutory rights and collective bargaining agreement."

Twenty-nine states reported no students were subjected to corporal punishment.

The national data indicate Black students are disproportionately subjected to corporal punishment. In 2017-18, about 37 percent of K-12 students subjected to

corporal punishment were Black, though Black students account for just 15 percent of overall enrollment.

Boys, who make up 51 percent of enrolled students, are also disproportionately subjected to corporal punishment, accounting for about 81 percent of students subjected to corporal punishment.



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