



**Lives in the Balance Children's Mental Health ADVOCACY CONFERENCE**  
**OK SB 364 – PROHIBIT USE OF CP ON STUDENTS WITH DISABILITIES**  
**Oct. 21, 2025**

## Senate Bill 364

**Purpose** - Prohibit the use of Corporal Punishment on Students with Disabilities under Individuals with Disabilities Education Act (IDEA)

**Authors** – Senator Dave Rader and House Pro Tempore Moore

**"Corporal punishment"** defined in OK the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. [...]





## CP OK Administrative Code

**Corporal punishment of students with disabilities not authorized.** For all students, the State Department of Education strongly encourages Oklahoma schools to implement disciplinary policies and practices that use evidence based, developmentally appropriate methods informed by an awareness that many students have endured Adverse Childhood Experiences (ACEs) and related trauma. As applied to **students with disabilities entitled to special education services under the Individuals with Disabilities Education Act (IDEA), the use of corporal punishment by employees or agents of an Oklahoma public school is prohibited beginning in the 2020-2021 SY.**

## CP OK State Statute

A. School district personnel shall be **prohibited from using corporal punishment on students identified with the most significant cognitive disabilities** according to criteria established by the State Department of Education unless addressed in an annual individualized education program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA).

B. A waiver to the provisions of subsection A of this section shall be granted if the parent or legal guardian of a student provides written consent.

## IDEA Recognized Disabilities

- Autism Spectrum Disorder
- Deaf-blindness
- Deafness
- Traumatic Brain Injury (TBI)
- Hearing impairment
- Intellectual disability
- Multiple disabilities
- Speech/ language impairment
- Emotional disturbance (e.g. schizophrenia)
- Visual impairment, including blindness
- Orthopedic impairment (e.g., poliomyelitis, cerebral palsy)
- Other health impairment (e.g., epilepsy, heart conditions)
- Specific learning disability (e.g., perceptual disabilities, developmental aphasia)
- Developmental Delay



## Students with Disabilities (SWD) Under IDEA Require

- **Specially Designed Instruction** and
- **Special Services** (e.g. Physical Therapy, Speech Therapy, Occupational Therapy, Nursing etc.)
- **IEP** - School professionals, specialists/therapists, and parents create an Individual Education Program with measurable learning goals and progress benchmarks.

**To Enable the Child to Learn.**



## Corporal Punishment SWD in Public Schools OK National

2022, SDE Special Education surveyed OK Public Schools use of CP on disabled students.

- **63 school districts** self-reported administering corporal punishment to students with disabilities.
- 455 incidences in the 2021-2022 school year.

- Thirty-three states prohibit the use of Corporal Punishment on students with disabilities.
- Two states of the above 33 - **Louisiana and Mississippi** still use Corporal Punishment on other students.



## Examples - Disability Diagnosis /Type of CP Used to Discipline SWD in OK Public Schools

Note - Districts & Incidences not reported on 2022 SDE SPED Survey

### Disability Diagnosis

- Auditory Processing Disorder & Autism
- Dandy Walker Variance, XQ28 Duplication
- Aspergers and Auditory Processing Disorder
- Cerebral Palsy .
- Autism (level 2)
- Autism (level 2)
- Developmental Delay (suspect Intellectual Disability)
- Autism
- Autism

### Type of CP/Parent Permission

Paddling /parent did not recall  
 Paddling/No Parent Permission (PP)  
 Paddling/ No PP  
 Paddling/ Yes PP  
 Spanking/No PP  
 Spanking/ No PP  
 Choked/ No PP  
 Slapped/ No PP  
 Hair pulling/shoving – (w/bruising/injuries)

## Reasons to Not Use CP on SWD



- Disabled students may not be able to control their behavior, **manifestation of their disability**.
- **Can not cognitively understand** why they're being punished, and CP could increase behavior issues and result in emotional trauma.
- Their disruptive behavior is a **reaction to humiliation or bullying** related to their disability.
- **Physically not able to respond** appropriately because of their disability (i.e. speech or sensory disorder)

**The use of corporal punishment interferes with students' progress towards goals of positive behavior.**

## Concerns and Misunderstandings Related to SB 364

- **Parent Rights**
- **CP is only paddling**
- **Students can easily qualify – only 17% students qualify under IDEA & in OK 20/21 School Year – 20% incidences of CP were on SWD. “Process Identifying a SWD under IDEA is very in-depth process” Andrea Kunkel ODSS Executive Director. CCOSA General Counsel**
- **Lack of understanding of IDEA Categories**
- **Creates Two Distinct Categories of Students**
- **Undermines Teacher / Training Cost Burden**
- **Local Control of Schools**



### OKLAHOMA SENATE BILL 364

#### End corporal punishment on students with disabilities

**AUTHORS: Senator Dave Rader and Representative Anthony Moore**

Prohibit the use of corporal punishment on students with disabilities as identified under the Individuals with Disabilities Education Act (IDEA).

#### Key Objective

School personnel would be prohibited from administering corporal punishment (CP)—including hitting, slapping, paddling, or any other method of inflicting pain—on students with IDEA recognized disabilities.

Student disabilities covered under Section 504 plans, defined by the Rehabilitation Act of 1973, are not included in this corporal punishment prohibition.

#### LEGISLATIVE ALIGNMENT

SB364 aligns with Oklahoma State Statute 570-18-109.5, which provides detailed definitions of each disability listed under IDEA.

#### IDEA Recognized Disabilities

- Autism
- Deaf-blindness
- Deafness
- Traumatic Brain Injury (TBI)
- Hearing impairment
- Intellectual disability
- Multiple disabilities
- Speech/ language impairment
- Emotional disturbances (e.g. schizophrenia)
- Visual impairment, including blindness
- Orthopedic impairment (e.g., poliomyelitis, cerebral palsy)
- Other health impairment (e.g., epilepsy, heart conditions)
- Specific learning disability (e.g., perceptual disabilities, developmental aphasia)

#### GUIDELINES

The description of the disabilities under each IDEA category covered by SB 364 is referred to in established state and federal guidelines, providing clear guidance to schools and educators.

**A student with disabilities identified under IDEA requires specialized instruction and services to enable the child to learn. School professionals, specialists/therapists, and parents create an individual Education Program with measurable learning goals and progress benchmarks.**

### CORPORAL PUNISHMENT FACTS

OKLAHOMA SCHOOL DISTRICTS

**63**

REPORTED USING CP ON STUDENTS W/ DISABILITIES IN SY2021-22

NUMBER OF REPORTED INCIDENTS

**455**

IN THE 2021-2022 SCHOOL YEAR

LOUISIANA MISSISSIPPI

AND 31 OTHER STATES PROHIBIT CORPORAL PUNISHMENT FOR STUDENTS WITH DISABILITIES

NUMBER OF OK ORGANIZATIONS

**24**

SUPPORTING SB364 LISTED BELOW

- Children with disabilities are particularly vulnerable to corporal punishment. When students with disabilities are subjected to corporal punishment for behaviors associated with their disabilities, they are unjustly and excessively punished and deprived of access to quality education and a safe learning environment.
- OK School Districts have access to student behavior management trainings at no cost such as BeST Behavior Training to increase the capacity of school staff to address significant student behavior and Multi-tiered System of Supports (MTSS) to help educators implement effective behavioral interventions and supports for students.

Content brought to you by:

- Oklahoma Psychological Association
- Oklahoma School Psychological Association
- Children's Advocacy Center of Oklahoma
- OK Chapter American Academy of Pediatrics
- The Care Center
- OK Parents for Student Achievement
- Autism Foundation of Oklahoma
- National Alliance on Mental Illness
- Oklahoma Institute for Child Advocacy
- The Parent Child Center of Tulsa
- Oklahoma Applied Center for Law & Justice
- Oklahoma Association for Behavior Analysis
- OK Parent Teacher Association
- Down Syndrome Association of Central OK
- Ardmore Behavioral Health Coalition
- Parent Promise / Prevent Child Abuse OK
- Resilient Payne County
- Child Advocacy Network
- Spence Success
- Lead Learn Live
- Unity Forward OK
- Youth Services of Tulsa
- The ARC of Oklahoma
- OK Alliance of YMCA's

American Academy Pediatrics Policy Statement: Corporal Punishment in Schools. Pediatrics. 2023;152(3):e202300264. Oklahoma State Department of Education. IDEAinfo@doe.state.ok.us

## SUCCESSFUL PASSAGE SB 364

### IMPACT NETWORK - TEAM



- **Authors - Committed Legislative Leaders – Senator Rader and Rep. Moore**
- Strong Coalition
  - 24 Organizations - non-profit child advocate organizations
  - University Professors affiliated with OK's Comprehensive Universities
  - Individual advocates representing a wide sector of OK citizens/experts
  - Social Media and Traditional News Media
- **Parents of Students with Disabilities**
- **Individuals with Disabilities**

**THANK YOU**