



Punishing Choices

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"I appreciate it, I really do. But Jamal is fine. He acts up sometimes, but he's a good boy." Denise Harrison was firm. A regular parent volunteer, Denise was a common sight at Alton Elementary School. She and Amanda Whitford, her son Jamal's third grade teacher, often chatted at school drop-off and pickup. This conversation was more fraught, though, as Amanda had requested a special meeting to discuss her concerns about Jamal.

"He's a really good kid, Mrs. Harrison, I agree. But that's part of what's worrying me. He used to be so spunky and mischievous and, well, lately, he just... he hasn't been like that. He doesn't seem like himself these days. And also..." Amanda hesitated. She was afraid that her next words would destroy the trust she had built up with Denise. Cautiously, she continued. "I'm worried about the bruise on his arm and the cut he had under his eye. I just want to make sure that Jamal is safe."

Amanda had been startled a few weeks ago when Jamal revealed he got the bruise when his mom's new boyfriend grabbed him. The bruise, to her, looked too big and too dark to fall within the realm of ordinary discipline. Coupled with recent changes in Jamal's behavior, Amanda felt a discussion was warranted.

"I can assure you no one is abusing Jamal, Ms. Whitford, if that's what you're trying to suggest!" Denise started to pack up her things. "I like Alton, and I know it's good for my son, but if you don't trust me as a parent, I don't see how I can keep my child in this school."

"No, I definitely trust you, Mrs. Harrison. That's not what this is about," Amanda tried to reassure her.

"Look, I need to get back to work," Denise replied, standing up. "Like I said, Jamal has grown a lot here at Alton. You know I'm always here helping out, so I see what you've done for him. But I can't keep coming in here every time you see a bruise. We discipline him like every other parent does, and I need you to respect that. Have a good day, Ms. Whitford."

"You, too," Amanda responded, walking Denise to the door. "Thanks for coming in."

Amanda eased her classroom door closed and sank back into her chair. It was nearly five o'clock, and she was exhausted. Her gaze fell on one of the framed pictures on her desk: her current third grade class on Halloween. The students, adorned with sticky blood and sequins, clustered around Jamal, who was wearing an enormous, yellow cardboard box and giggling uncontrollably. His SpongeBob Squarepants costume, together with the other students' reactions to it, perfectly encapsulated Jamal's lively, mischievous demeanor. *Where was that kid now?* she thought.

Amanda's gaze shifted to another photo on her desk: one of her family at her college graduation. After growing up in a close-knit Italian-American family in Summit, New Jersey, and attending Rutgers, Amanda found herself feeling homesick and unsure of herself in Memphis, Tennessee. As a second-year Teach for America (TfA) corps member, she felt okay about her academic instruction and classroom management skills. But she still felt constantly off-kilter culturally, as she tried to fit into life at Alton, an all-black elementary school with a mostly black teaching staff, and in Memphis and the South more generally. She had been excited to learn about her students' home cultures, and she thought it was

important to respect and even reinforce them in school. At the same time, she often struggled with balancing that against her own judgment and training.

Amanda was particularly unsettled by Alton parents' reliance on corporal punishment to discipline their children. During her first year in Memphis, Amanda often referenced readings from her undergraduate psychology class about corporal punishment's negative effects on children's mood, anxiety, and emotional stability, much to the amusement of her co-teacher. "What makes you think that you know the best way to discipline someone else's child?" Mrs. Thigpen had asked her. Ultimately, Amanda did recognize that most of the parents who practiced corporal punishment clearly loved their children. Given this, and her commitment to respecting the norms of her new community, she had put aside her college articles and continued her teaching.

This was the first time, however, that Amanda worried that corporal punishment had evolved into child abuse. How she wished that Mrs. Thigpen was still around to ask for advice; she had moved districts to be closer to her aging parents, though, and the two had fallen out of touch. From early on in the school year, Amanda knew that Denise used corporal punishment with Jamal at home. And, although occasionally Jamal would arrive complaining about a light bruise on his back or a scratch on his face, it was clear to Amanda that Denise's disciplinary practices were not abusive. Denise and her son had a solid relationship, and it was evident that Jamal loved his mother and was happy with her.

However, shortly after Halloween, Jamal's vivacious personality grew sullen, and his behavior in class became volatile. Noticing these changes, Amanda gently asked Denise when she saw her at drop-off whether she noticed a change as well. Denise responded that she had a new boyfriend, and that Jamal was acting out because he was upset his mother was splitting time between the two of them. Although Denise made the same assurances during their one-on-one meeting, Jamal's changes in mood, coupled with the bruise on his arm, left Amanda feeling apprehensive.

Neither wanting to seem like an out-of-touch outsider nor wanting to leave Jamal in an unsafe environment, Amanda had pored over the laws governing mandated reporting in the days leading up to her meeting with Denise. She quickly found that there is a great deal of controversy surrounding the line between corporal punishment and child abuse. States permit the use of "reasonable" corporal punishment, but there are no guidelines defining "reasonable." The Department for Children's Services in Tennessee posits that physical abuse is, "Non-accidental trauma or physical injury of a child, or failure to protect a child from harm." The Tennessee DCS also notes that every Tennessee citizen is a mandated reporter of child abuse, whether the abuse is physical, sexual, or emotional. At the same time, DCS officials note that, "Bruises and marks don't automatically equal child abuse," leaving much room for interpretation as to whether or not to report an incident.

Amanda's gaze was still fixed on her students' photograph when her fellow TfA corps member, Colin, walked through the door. "How'd it go?" he asked, swinging his lanky frame into the chair Denise had sat in a few minutes earlier. Not for the first time, Amanda felt a rush of appreciation for his support. Although Colin's family had immigrated from Korea to San Francisco only a decade earlier, while Amanda's family had lived in New Jersey for generations, they sometimes joked with one another that they were brother and sister separated at birth. Like Amanda, Colin felt he had found his calling as a teacher, but was unsure whether he would stay in Memphis after his TfA stint was over.

"I just don't know which is worse," Amanda admitted. "I get that DCS can do more harm than good, but I'm really worried."

"So, I'm guessing the meeting didn't go well?"

“No, not really,” Amanda started. “I know Denise is a good mom, and I know that she loves Jamal. But I also know that Jamal hasn’t been the same since Halloween, and that his bruise is more than just Denise’s usual discipline. I’ve been reading up on mandated reporting, and I think I might have to report this.”

“I don’t know if I would do that,” Colin warned. “Remember what happened to Randall? I thought DCS was the right call, but it obviously wasn’t.”

The previous spring, Colin had approached Alton’s principal, Lloyd Thomas, with concerns about one of his second-graders, Randall. Colin had since become convinced, however, that that was a mistake.

Randall’s mother also employed corporal punishment in the home, but after Randall’s father reappeared in their family life that year, it quickly became evident that the father’s disciplinary practices were extreme. Principal Thomas was adamant that Colin call DCS, and, in the end, told Colin that if he chose not to report it, then he, Principal Thomas, would be obliged to do so. Colin did call DCS. After a home investigation, Randall and his younger sister were taken away from their parents, separated, and put in foster care. However, Randall’s foster care situation was arguably worse than living with his family. Left rootless and vulnerable, he was shuttled between locations for 9 months, remaining separated from his sister. As a result, Colin was anti-reporting, believing that keeping the family together was often better for the child than the alternative solution.

“What happened to Randall was awful,” Amanda acknowledged. “But Jamal isn’t Randall, and I’m worried that things might get worse. Anyway, why shouldn’t I involve DCS? They’re supposed to be the experts on child abuse, not me!”

“I wouldn’t count on it,” Colin responded soberly, pulling his laptop from his bag as he spoke. “I’ve read a lot about Tennessee DCS since last year. It’s not clear they’re in a much better position than you to get Jamal what he needs. Look at these articles I found.”

Colin opened up a series of bookmarks linked to stories about Tennessee DCS’ systemic challenges. Amanda scanned the first article, from 2007, headlined “Major Problems Still Plaguing Tennessee’s Foster Care System, Despite Progress.”¹ Among other things, the report detailed how just under half of all children in DCS custody were visited by case workers within eight weeks as required by law. Perhaps more troublingly, 52% of children in foster care experienced two different placements in their first six months. 18% experienced three or more placements. Another, more recent article posited that diminishing resources combined with greater need left Tennessee DCS “incapable of handling its current caseload.”² The headline for the final article read, “Foster Child’s Death is One in List of Problems for DCS.”³ The death, she read, took place in Memphis less than two years earlier.

“I’m not saying a teacher should never call DCS,” Colin concluded, “but I think you better be really sure a child is in danger before you make a call that can have a kid taken out of his home.”

“What does that mean—wait until something even worse happens to Jamal?” Amanda asked in distress. “I don’t see how that’s a solution. Plus, this time, Denise even suggested she may take Jamal out of

¹ “Major Problems Still Plaguing Tennessee’s Foster Care System, Despite Progress,” *Children’s Rights*, accessed June 6, 2017, <http://www.childrensrights.org/press-release/major-problems-still-plaguing-tennessees-foster-care-system-despite-progress/>.

² “New Report Details Numerous Problems in Tennessee’s Child Welfare System,” *Juvenile Justice Information Exchange*, accessed June 6, 2017, <http://jjie.org/2013/06/10/new-report-details-numerous-problems-in-tennessees-child-welfare-system/>.

³ “Foster Child’s Death Is One in List of Problems for DCS,” *WREG.com*, January 1, 2016, <http://wreg.com/2015/12/31/foster-childs-death-is-one-in-list-of-problems-for-dcs/>.

Alton if I don't let this go." While she doubted that Denise would actually transfer Jamal, Amanda worried that if there was in fact a problem in the home a transfer would only delay Jamal getting the help and support he needed. In fact, Amanda felt the threat betrayed a defensiveness that only made her more worried.

She considered bringing her concerns to Principal Thomas, but knew that would be tantamount to calling DCS right then and there. During Randall's ordeal the previous year, Principal Thomas, a Memphis native himself, revealed he had been placed in foster care at age ten after an abusive home situation worsened. For him, the transition had represented the start of a better life. He thus supported contacting DCS at the first sign of abuse; although he knew the line was fuzzy, he stood by reporting anyway.

Amanda was torn. She knew how much Denise loved Jamal, and she believed that maintaining the family unit was crucial for a child's development. However, she was also concerned about Jamal's safety and wellbeing. Given Denise's refusal to engage in conversation about her boyfriend and Jamal's behavioral changes, Amanda wondered if reporting her concerns was the right thing to do. Should she risk DCS placing Jamal into the foster care system? If so, would he end up like Principal Thomas? Or like Randall? And as a mandated reporter under state law, did she have a legal obligation to involve DCS, irrespective of her professional judgment?

Sighing deeply, she lifted her head, and her eyes fell upon the photograph of her own family, beaming as she held up her diploma. Her gaze then shifted back to the Halloween portrait, and to the giggling boy in the yellow box. "So," Colin pressed, "What are you going to do?"