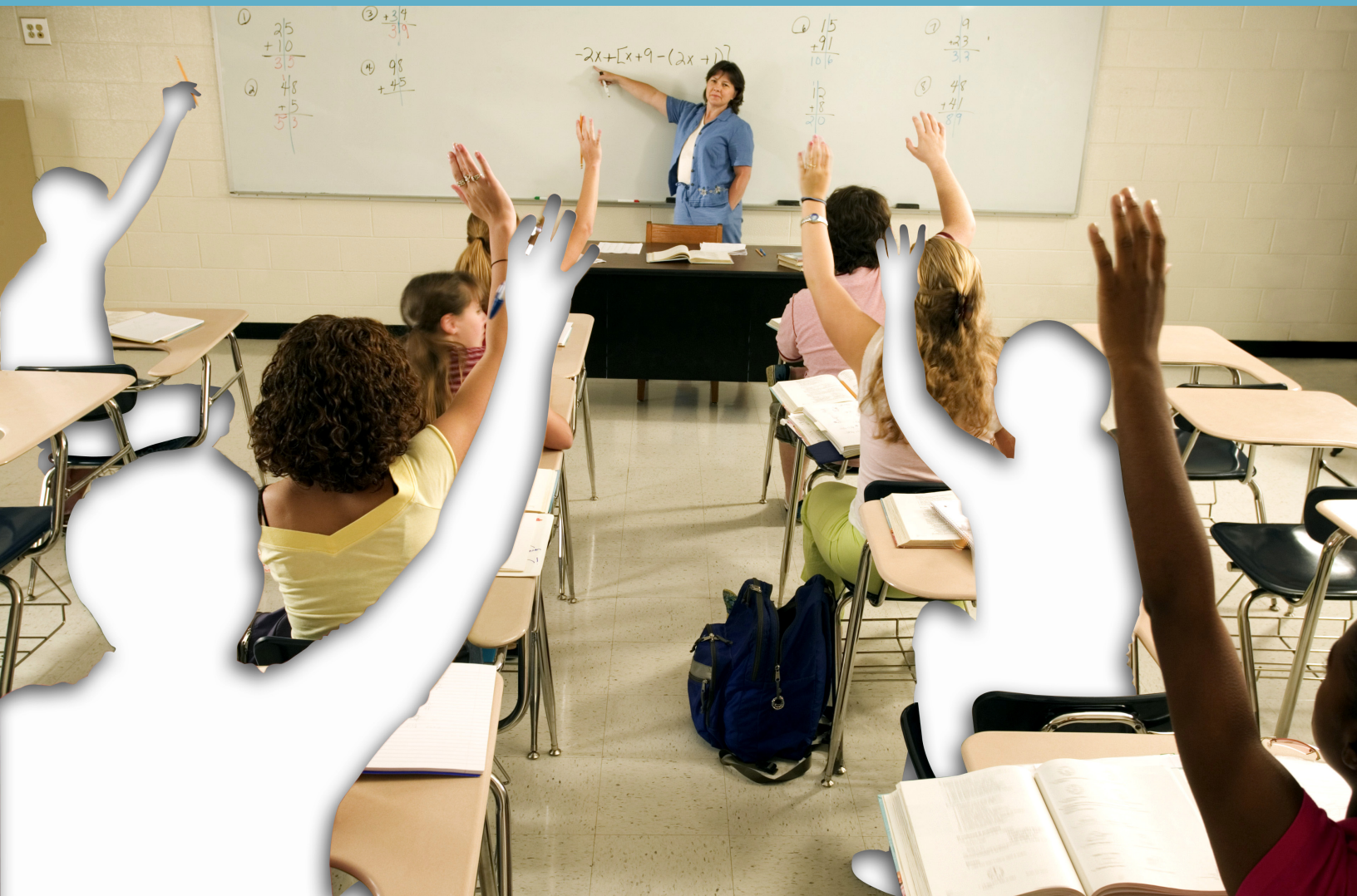




ARE WE CLOSING THE SCHOOL DISCIPLINE GAP?

THE CENTER FOR CIVIL RIGHTS REMEDIES

FEBRUARY, 2015

By Daniel Losen, Cheri Hodson, Michael A. Keith II, Katrina Morrison, and Shakti Belway



The Center for Civil Rights Remedies
at The Civil Rights Project | *Proyecto Derechos Civiles*

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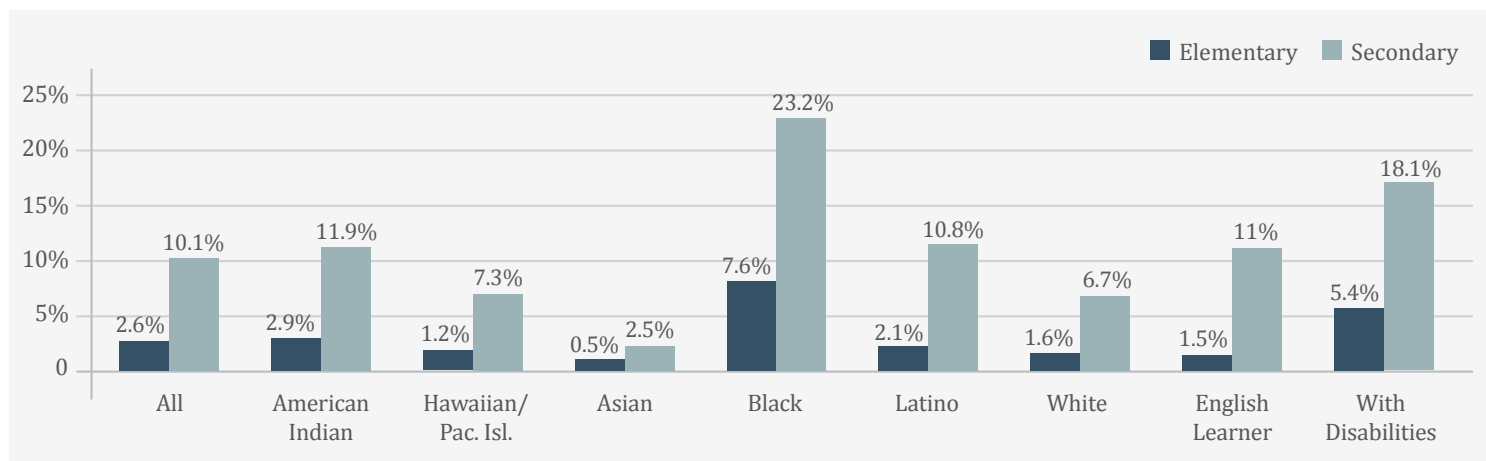
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Executive Summary

During the 2011-12 school year, nearly 3.5 million public school students were suspended out of school at least once. To put this in perspective, the number of students suspended in just one school year could fill all of the stadium seats for nearly all the Super Bowls ever played—the first 45). Of the 3.5 million students who were suspended in 2011-12, 1.55 million were suspended at least twice. Given that the average suspension lasts 3.5 days, *we estimate that U.S. public school children lost nearly 18 million days of instruction in just one school year because of exclusionary discipline.*

This report, which examines data on out of school suspension rates in every school district in the country, concludes that some school administrators are suspending students out of school at a very high frequency as we found many districts where more than one in every ten elementary students and at least one out of every four secondary students enrolled were suspended in 2011-12. However, we found a wide range in suspension rates at the state and district levels. In fact, at the district level we found far more districts on the low end of the suspension spectrum than on the high end.

Figure 1. Elementary and Secondary Suspension Rates by Subgroup, 2011-12



Nationally, suspension rates are three to four times higher at the secondary level than at the elementary level, as shown in figure 1. The racial gaps, such as that between Blacks and Whites, are also much wider at the secondary level.

We also found tremendous disparity in the risk for suspension according to students' race, gender, and disability status (figure 1).

The stark injustice revealed by this disparity extends beyond the vast loss of instruction time experienced by students who are suspended. A school or school district's excessive use of exclusionary discipline

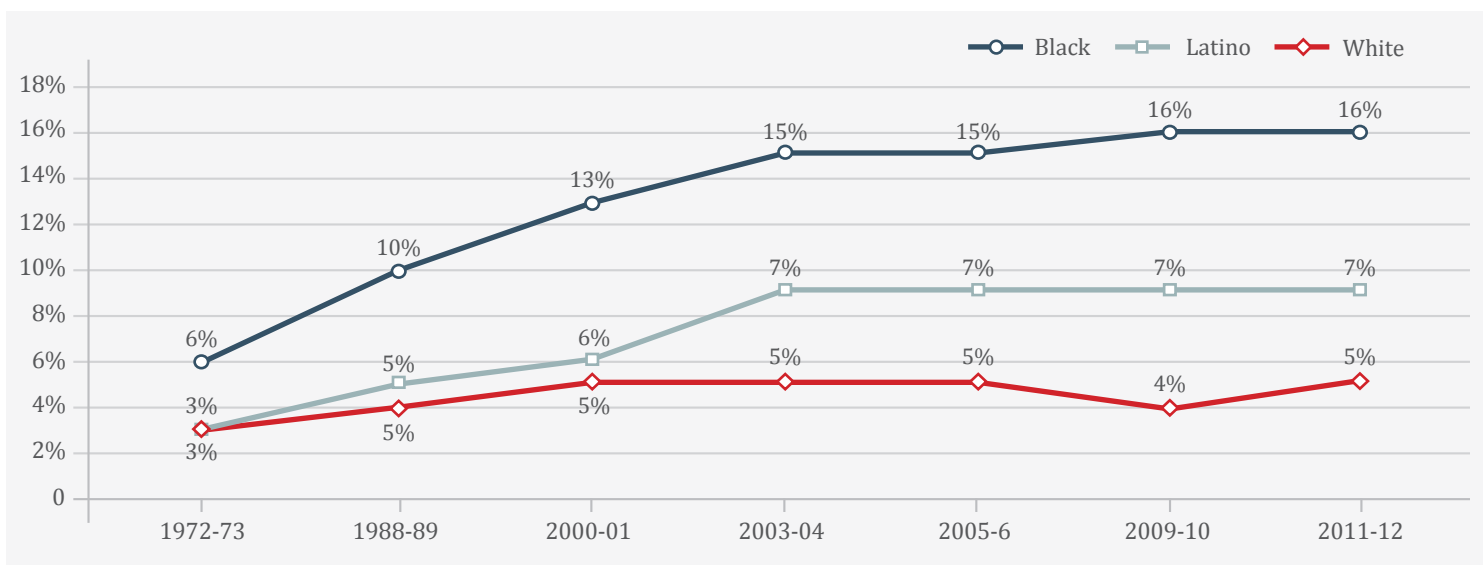
should also raise alarms because of the negative impact high suspension rates have on graduation rates, the learning environment, and rates of juvenile crime and delinquency in the larger community. We commonly call this impact the school-to-prison pipeline. The damage wrought by this “pipeline” does not end with prison; it goes on to cause voter disenfranchisement, degradation of health and culture, and a shorter life expectancy. Simply put, this report demonstrates that the large disparities in suspension rates we have documented likely have a disparate impact on both the academic achievement and life outcomes of millions of historically disadvantaged children, inflicting on them a legacy of despair rather than opportunity.

This report emphasizes that concerns about this excessive use of suspension are based on evidence that it is harmful to all students in high-suspending schools. The data show that, in the 2011-12 school year, approximately 1.1 million White students were suspended out of school, compared to approximately 700,000 Latino and 1.2 million Black students (CRDC, 2014). Thus, limiting suspension to a measure of last resort will reduce the harm done to millions of students.

There is consensus that profound disparities in suspension rates must be addressed. This report documents gross disparities in the use of out of school suspension experienced by students with disabilities, and those from historically disadvantaged racial, ethnic, and gender subgroups. The egregious disparities presented in the pages that follow reveal that the overarching education policy concern about excessive disciplinary removal is, in fact, a serious civil rights and social justice issue that implicates the potentially unlawful disparate negative impact on disadvantaged students and the denial of educational opportunity in numerous districts across the country. Fortunately, educators, policymakers, and civil rights enforcement agents are taking notice.

In January, 2014, the U.S. Department of Justice and Department of Education issued formal guidance on addressing racial disparities in school discipline. The clear message in the letter of guidance the U.S. Department of Justice and Department of Education sent to the leaders of our nation’s public schools is that they must examine the data and their discipline policies and practices, and take immediate steps to close the discipline gap where unjustifiable disparities are found. While this legal and moral obligation to eliminate racial disparities is not new, this specific guidance is the first joint effort to explicitly call on school leaders to take immediate action. This heightens the relevance of the question, “Are we closing the discipline gap?”

Figure 2. Suspension Rates over Time by Race/Ethnicity: K-12



Nationally, suspension rates are three to four times higher at the secondary level than at the elementary level, as shown in figure 1. The racial gaps, such as that between Blacks and Whites, are also much wider at the secondary level.

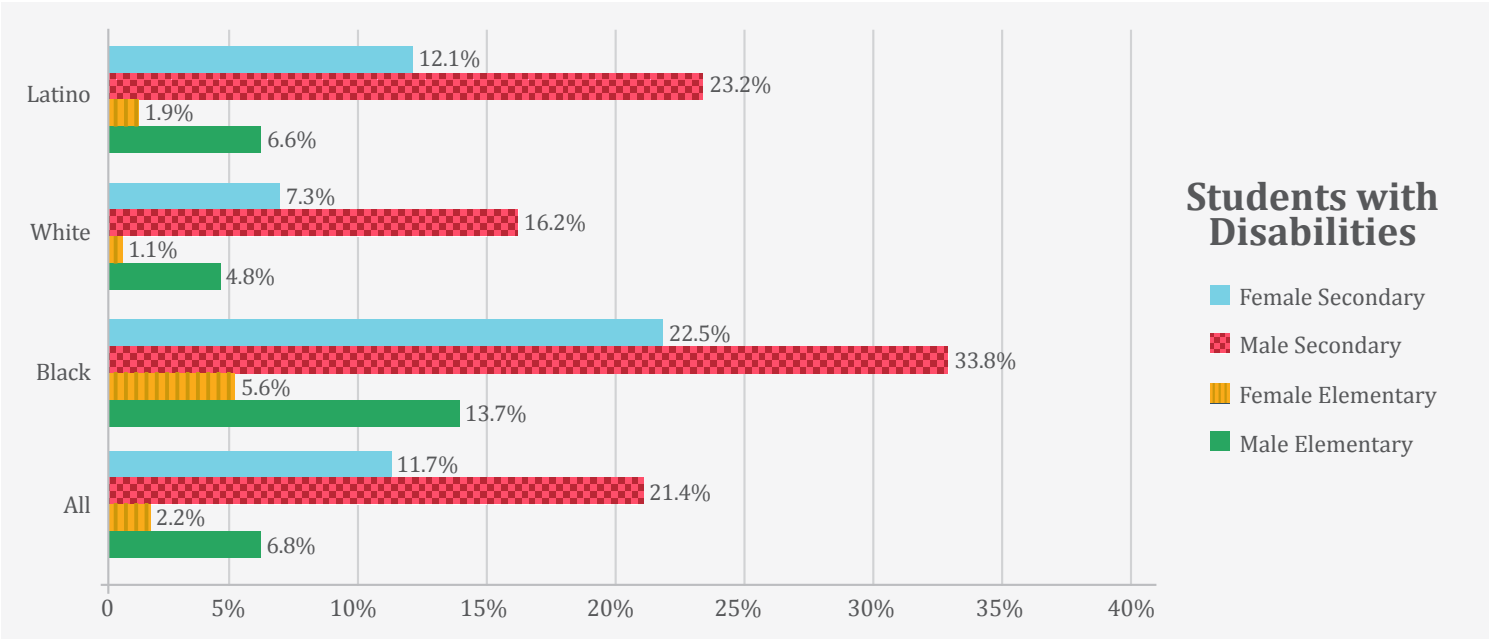
As our summary of national trends in K-12 suspension rates shows (figure 2), we calculate that rates increased steeply from the early 1970s to the early 1990s, during which time the racial gaps also expanded, most significantly for Blacks. These sharp increases were followed by a more gradual increase, until they leveled off in the most recent three-year period.

Moreover, the major racial gaps in suspension rates—those between Blacks and Whites and between Latinos and Whites—narrowed slightly over the most recent three-year period, after many years of widening. Specifically, approximately 16% of Blacks and 7% of Latinos were suspended in both the 2009-10 and 2011-12 school years. Meanwhile rates for Whites rose from 4% to 5%. Although little has changed at the national level in terms of reducing suspension rates for grades K-12, this report does feature many large districts that have reduced suspension rates dramatically and narrowed the racial discipline gap as well.

Breakdown by elementary and secondary levels and by additional subgroups provides a clearer picture of disparities.

When we look at subgroups of children, we find the most disturbing disparities among those who fall into more than one category. For example, an examination of the racial and gender disparities among secondary students with disabilities shows that males, and most often Black males (33.8%), have the highest risk for suspension, followed by Latino males (23.2%). It is also important to note that Black females with disabilities are suspended at higher rates than White males with disabilities—22.5% and 16.2%, respectively—as shown in figure 3. Moreover, among students with disabilities, Black females have higher suspension rates than White males at both the elementary and secondary levels.

Figure 3. Suspension Rates of Students with Disabilities at Both Elementary and Secondary Levels, Further Disaggregated by Race/Ethnicity and Gender



State rankings reveal greater divides. The state with the highest suspension rates for all students at both the elementary and secondary levels is Florida, which suspended 5.1% of all elementary students and 19% of all secondary students in 2011-12. At the elementary level, the runner-up states were Mississippi and Delaware, each at 4.8%. At the secondary level, Alabama, Mississippi, and South Carolina tied for second with a suspension rate of 16%. These states were not the highest suspending for each racial group, however, as table 1 shows. The state rankings raise important questions about educational inequity at the state level that are well beyond the scope of this report, such as: Why are American Indian students suspended at such high rates in North Carolina? “Are there deficiencies in policies or education resources in Rhode Island that lead to more frequent suspensions?” “Why are 19% of English learners suspended from Montana’s schools?”

Table 1. Highest-Suspending States by Racial/Ethnic Group and English Learners at Secondary Level

Group	All	Black	White	Latino	American Indian	Asian American	HI/ Pac. Isl.	EL
State	FL	WI	FL	RI	NC	RI	RI	MT
Rate	19%	34%	14%	21%	21%	7%	15%	19%

It is worth noting that English learners are particularly vulnerable in some states. For example, as the report highlights, English learners living in states with English-only instruction policies also tend to have high suspension rates.

On the other hand, we found a wide range of high- and lower-suspending schools and districts in every state, which shows that many districts do not rely on frequent suspension to maintain order. These empirical data, coupled with robust longitudinal research findings, lead us to the conclusion that, although state policies can have an influence on suspension rates, the biggest difference is in how school and district administrators approach and implement discipline policy.

This report therefore focuses on district-level trends in suspension rates, and the disparities by race, gender, and disability status. The companion spreadsheets provide this detailed information for every

Table 2. More Districts Are Lower-Suspending Than High-Suspending

Elementary Level: Distribution of District Suspension Rates and Percentage of All Districts by Race/Ethnicity						
	≤2.5	<2.5 and ≤5	>5 and ≤7.5	>7.5 and ≤10	>10	Total Districts*
Black	58%	11%	9%	8%	14%	5,825
Latino	86%	9%	3%	1%	1%	8,055
White	80%	13%	4%	2%	1%	10,215

Secondary Level: Distribution of Suspension Rates							
	≤10	>10 and ≤15	>15 and ≤20	>20 and ≤25	>25 and ≤50	>50	Total Districts*
Black	40%	15%	14%	10%	19%	2%	5,865
Latino	71%	14%	7%	3%	4%	0%	7,640
White	80%	12%	5%	2%	2%	0%	10,965

**Total district numbers rounded to the nearest 5. Percents rounded to whole numbers and may not = 100%*

school district in the nation, and readers will find details on over 20 school districts in the addendum to the report, which provides examples of the level of information this report makes available.

We found that, for each racial group at the elementary and secondary levels, more districts were lower-suspending than high-suspending. However, the fact that the high suspension rates and large racial gaps we document are not found consistently is of tremendous importance. The full report provides our findings for each racial/ethnic group. Table 2 covers Blacks, Latinos, and Whites.

At least 50 students from the group in question had to be enrolled in a district for that district to be included in our analysis of that group's suspension rate distribution. Thus, the number of districts varied depending on the racial/ethnic group. Note too, that given the prevalent use of suspension use at the secondary level, the two distribution tables use different scales. Although Black students are suspended at higher rates, there are still more school districts on the low end of the suspension spectrum than at the high end. However, the fact that 14% of districts suspended more than one in ten Black elementary students and 19% of the districts suspended at least one in four Black secondary students is shocking when compared to the Latino and White distribution. Because the distribution is so wide, we feel it is imperative that educators, parents, policymakers, and civil rights advocates know which districts are high suspending and which ones are making improvements. In this report readers will find lists of the highest suspending districts for each racial/ethnic group as well as for all students as the tables below provide. In most cases we also describe whether the out of school suspension rates (OSS) increased or declined for the district since 2009-10.

Table 3. Highest Suspending Districts at the Elementary Level 2011-12 (with change from 2009 to 2010)

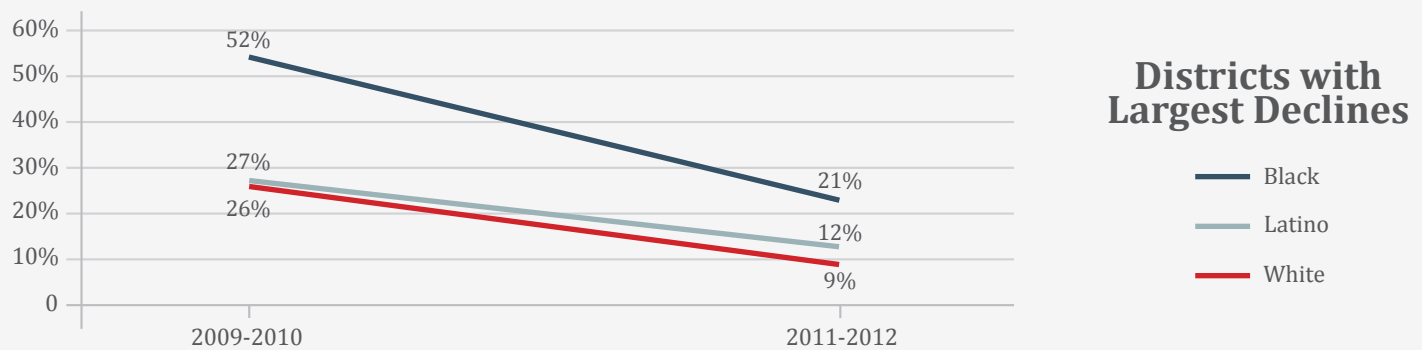
District	State	OSS ALL	Trend for OSS Rates
PONTIAC CITY SCHOOL DISTRICT	MI	31.7%	-7.9
ST. LOUIS CITY	MO	29.1%	+11.6
TROTWOOD-MADISON CITY	OH	25.4%	+3.3

Table 4. Highest Suspending Districts at the Secondary Level (with change from 2009 to 2010)

District	State	OSS ALL	Trend for OSS Rates
CAHOKIA CUSD 187	IL	61.7%	+9.9
GREENVILLE PUBLIC SCHOOLS	MS	58.5%	+6.3
SOUTHFIELD PUBLIC SCHOOL DISTRICT	MI	57.2%	+22.5

Many large districts showed a large decline in suspension rates. As the report details, in most of the districts that post a large decline in suspension rates, the racial gap narrowed considerably as well. The following analysis of districts with large declines includes those with at least 3,000 students enrolled and at least 100 students from each of the subgroups tracked. The appendix and companion spreadsheet provide district names and district-level details for each.

Figure 4. Average Per-District Decline by Subgroup, 2009-10 to 2011-12



In addition to providing data on the most improved and highest suspending districts, the addendum to the report contains over 20 two-page district profiles including the following: Atlanta, GA; Baltimore City, MD; Boston, MA; Albany, NY; Clark County, NV; Columbus, OH; Dade County, FL; Dallas, TX; Detroit, MI; Fairfax, VA; Houston, TX; Jefferson County, KY; Kansas City, KS; Madison, WI; Memphis, TN; Montgomery, AL; New Haven, CT; Oklahoma City, OK; Pittsburg, PA; Providence, RI; St. Louis, MO; St. Paul, MN; Seattle, WA; and Washington DC.

School-Level Analysis: Our analysis also calculates and reports the number of high- and lower-suspending schools for each state and district. Given the large difference in elementary and secondary rates we used different criteria for these categories at each level. For secondary schools, any school or district that suspended 25% or more of any major racial/ethnic group’s enrollment was labeled “high-suspending,” and any school that suspended less than 10% of every major racial/ethnic group’s enrollment was deemed “lower-suspending.”

When we aggregate our counts of high- and lower-suspending schools up to the national level, we find, for example, that of the 34,000 secondary schools that met the criteria, just under 24% suspended a quarter or more of at least one major racial or ethnic group. As alarming as that figure may be, we found that even more secondary schools (38%) were lower-suspending than high-suspending.

At the elementary level, we labeled schools that suspended 10% or more of any subgroup high-suspending, and schools where all subgroups had a suspension rate of 2% or lower, lower-suspending. We found similarly that lower-suspending elementary schools outnumbered high-suspending schools by more than two to one. These data clearly show that the most egregious suspension rates are concentrated in a relatively small number of districts, and that all states have numerous examples of lower-suspending districts and schools at every level and for every subgroup.

Conclusions and Recommendations

Ultimately, the task of improving conditions for learning, including eliminating excessive and disproportionate discipline, will depend on a more widespread acknowledgement of the problem among educators, and a deeper commitment to changing practices and policies in ways that are informed by research. While the data reveal clear and deep civil rights issues that must be addressed, our public schools must also end the unsound practice of excessive disciplinary exclusion, which harms all children.

Our conclusions and recommendations are rooted in the empirical evidence in this report, and in the new findings presented in our recent book, *Closing the School Discipline Gap*, along with additional research produced by the Disparities in Discipline Research Collaborative, a group of leading researchers and practitioners who came together in 2010 to shed more light on these issues and to search for solutions. We conclude that our nation cannot close the achievement gap if we ignore the discipline gap. Based on the evidence in our empirical report and in the research literature, we offer three basic recommendations that we believe will help ensure that effective reforms are pursued. Each recommendation is elaborated on in the concluding section of the report as it pertains to the media, parents and advocates, educators and policymakers. The following summarizes our core recommendations.

- **Data:** Mine the discipline data for lessons about what works, as well as to expose what isn't working, including annual and public review of discipline data disaggregated by race, disability, and gender, down to the school level.
- **Support:** Give districts and schools the resources they need to provide effective training and professional development for teachers and leaders. Educators need adequate training to ensure that they can meet their legal and professional responsibility and thus avoid unjustifiable use of disciplinary exclusion. This includes access to information and training in implementing practical alternative strategies. All schools must be given the capacity and skills to provide effective behavioral supports for students who need such help to stay in school and to be successful academically and socially.
- **Accountability:** Make school climate an equal factor among those used to evaluate school and district performance and for accountability measures. Protect the civil rights of children and ensure that all schools provide equal educational opportunity.

We have found that the national racial gap in suspension rates remains as large as it was in 2009-10, but that many districts have shown dramatic reductions in suspension rates, and a narrowing of the gap. In addition to the guidance from the education and justice departments, recent initiatives have included changes to the code of conduct in California (2014), regulations to eliminate disparities in Maryland (2014), required interventions in high-suspending districts in Massachusetts (2013), efforts to reduce threat-based removals in Virginia (2014), and serious efforts to limit suspension to a measure of last resort (Chicago, 2011 and Los Angeles, 2014) to name just a few. We believe that the empirical district- and school-level data support our main conclusion, that educators have an opportunity for serious and successful reform in this area, and that they are legally and morally obligated to take action. Whether at the federal, state, district, or school level, the time to act is now.