The School Discipline Consensus Project:

*Improving Students’ Academic Outcomes and Reducing Juvenile Justice Involvement*
National non-profit, non-partisan membership association of state government officials

Represents all three branches of state government

Provides practical, nonpartisan advice informed by the best available evidence
Overview

- Findings from Texas Study
- School Discipline Consensus Project
- Group Discussion
Texas Study
Increasing Number of Suspensions and Expulsions an Issue Nationally

Percentage of students receiving out-of-school suspension*:

- **New York = 5.2%**  (2008-2009)
- **Texas = 5.7%**  (2009-2010)
- **Florida = 8.6%**  (2009-2010)

**The Department of Education’s Office of Civil Rights collects data on suspensions as part of an annual survey. They make national projections based on samples from approximately one third of all public schools and school districts.**

*Percentages were obtained from the web sites of each state’s education agency.
A student is counted only once, regardless of whether the student was suspended one or more times during the school year.
Percentages apply to all k-12 students in Florida and New York, it is not known what grades were included in the percentage rate for Texas.
In New York, an out-of-school suspension was defined as lasting one full day or longer.
In Texas, an out-of-school suspension was defined as lasting a full day or part day, but no more than three days.
The exact length of an out-of-school suspension is not known for the state of Florida.

**Percentage of K-12 students receiving out-of-school suspension**

- **New York = 5.2% (2008-2009)**
- **Texas = 5.7% (2009-2010)**
- **Florida = 8.6% (2009-2010)**
Texas Is a Useful Laboratory for Examining School Discipline Issues

- Exceptionally large school system
- Diverse student population

- Approximately 5 million students
- 1 in 10 public school students in US
- 1,200 school districts

- 40% Hispanic,
- 43% White,
- 14% African-American
Study Follows Over 900,000 Students

<table>
<thead>
<tr>
<th>Year</th>
<th>7th</th>
<th>8th</th>
<th>9th</th>
<th>10th</th>
<th>11th</th>
<th>12th</th>
<th>X</th>
<th>X</th>
<th>X</th>
</tr>
</thead>
</table>

Council of State Governments Justice Center
Robust Student Record Data, Campus-Based Data, and Juvenile Justice Record Systems

Texas Education Agency

1. Academic Excellence Indicator System (AEIS)
   - Example of Campus Attributes
     - Accountability Rating
     - Percent Met State Test Standard
     - Student/Teacher Ratio
     - Racial Makeup Students Teachers
   - 3,896 campuses

2. PEIMS – Public Education Information Management System
   - Example of Student Attributes
     - Demographics
     - Grade
     - Attendance
     - Discipline
     - Disability
     - Retention
     - Test Scores
     - Mobility
   - Records for 5,157,683 students Grades 6-12 (1999-2000)

3. TX Juvenile Probation Commission Records
   - Attribute
     - Probation Referral
     - 840,831 individuals referred to Texas juvenile probation 1994-2008

87% of probation records had a matching school record
Finding 1

Number of Students Involved in Discipline Actions and Type of Dispositions
Almost 2/3 of Students Suspended or Expelled During Study Period

553,413 of the 928,940 students studied had at least one discipline action during the study period.

The 553,413 students accounted for 4,910,917 suspensions or expulsions.

Median # of violations experienced per student = 4
Most Violations Were Discretionary Violations -- Not Mandatory Violations

Percent of Students Discretionary vs. Mandatory Violation

- Discretionary School Code of Conduct: 92.6%
- Other Discretionary: 4.9%
- Mandatory Expulsion: 2.6%

Mandatory
Less than three percent of violations were related to behavior for which state law mandates expulsion or removal

Discretion
Nine times out of ten, a student was suspended or expelled for violating the school’s code of conduct
ISS Was Disposition Most Commonly Experienced

Disposition – Students with Discipline Actions:

- Expulsion to JJAEPs: 8%
- Expulsion to DAEP: 16%
- Out-of-School Suspension: 31%
- In-School Suspension: 54%

Average number of Days:
- 73 days
- 27 days
- 2 days
- Unknown**

* Percentages rounded

** In-School Suspension can be for partial days and the database did not include partial days to calculate an average
54% of Students Were NOT Removed from Classroom, or Removed Just Once

Percentage of Students with Discretionary Discipline Violations

- 11 or More Violations (Very High Involvement): 15%, 140,660
- 6-10 Violations (High Involvement): 10%, 93,685
- 2-5 Violations (Repeat Involvement): 21%, 192,448
- 1 Violation (Minor Involvement): 13%, 122,112
- No Disciplinary Violations: 41%, 380,035

Number:
- 140,660
- 93,685
- 192,448
- 122,112
- 380,035
Finding 2

Disproportionate Impact Race
Most African-American Students Experienced at Least One Discipline Violation During Study Period

Percent of Students with One or More Discipline Action During Study Period

<table>
<thead>
<tr>
<th></th>
<th>African-American</th>
<th>Hispanic</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>75%</td>
<td>65%</td>
<td>47%</td>
</tr>
</tbody>
</table>

Percent of MALE students with at least one DISCRETIONARY violation

<table>
<thead>
<tr>
<th></th>
<th>African-American</th>
<th>Hispanic</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>83%</td>
<td>74%</td>
<td>59%</td>
</tr>
</tbody>
</table>

Percent of FEMALE students with at least one DISCRETIONARY violation

<table>
<thead>
<tr>
<th></th>
<th>African-American</th>
<th>Hispanic</th>
<th>White</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>70%</td>
<td>58%</td>
<td>37%</td>
</tr>
</tbody>
</table>

*Percentages rounded*
Finding 2

Disproportionate Impact Special Education Students
Students Identified as Having Educational Disability

122,250 students (13.2% of students in the study) qualified for special education services

Types of Disabilities

- Learning Disability: 70.8%
- Emotional Disturbance: 17.7%
- Physical Disability: 9.9%
- Other Disability: 1.6%
Higher Percentage of Students with Educational Disabilities Involved in a Discretionary Discipline Violation

All Students in Study Group 928,940

Students with Disability at One Point During Study Period

122,250 (13%)

Number and Percent with Discretionary Violations

91,269 (75%)

Students with NO DISABILITY at One Point During Study Period

806,690 (87%)

Number and Percent with Discretionary Violations

441,389 (55%)

*Percentages rounded
Discretionary Discipline Action by Type of Disability

Percent Discretionary Discipline Violation by Disability Status

- Learning Disability: 76%
- Physical Disability: 63%
- Other Disability: 37%
- Emotional Disturbance: 90%
- No Disability: 55%

*Percentages rounded
** Other includes Autism, Mental Retardation, Traumatic Brain Injury and Developmental Delay
Controlling for All Variables in Study to Calculate Likelihood of Discipline Involvement by Disability

<table>
<thead>
<tr>
<th>Disability</th>
<th>DISCRETIONARY Action</th>
<th>MANDATORY Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Disability</td>
<td>Comparison Group</td>
<td>Comparison Group</td>
</tr>
<tr>
<td>Emotional Disturbance</td>
<td>24% HIGHER Likelihood</td>
<td>13% HIGHER Likelihood</td>
</tr>
<tr>
<td>Learning Disability</td>
<td>2% HIGHER Likelihood</td>
<td>8% HIGHER Likelihood</td>
</tr>
<tr>
<td>Physical Disability</td>
<td>9% LOWER Likelihood</td>
<td>Equal Chance</td>
</tr>
<tr>
<td>Mental Retardation</td>
<td>50% LOWER Likelihood</td>
<td>42% LOWER Likelihood</td>
</tr>
<tr>
<td>Autism</td>
<td>64% LOWER Likelihood</td>
<td>71% LOWER Likelihood</td>
</tr>
</tbody>
</table>

*Percentages rounded*
Finding 3

Education Outcomes
More Discipline Actions, Higher Percentage of Failures

A student that experiences a discretionary discipline action was more than twice as likely to repeat a grade than a student with the same characteristics, attending a similar school, but who was not suspended or expelled.

<table>
<thead>
<tr>
<th>Discipline Involvement</th>
<th>Percent of Students</th>
<th>Repeating Grade</th>
<th>Dropout</th>
<th>Did Not Graduate During Study Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Violation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-5 Violation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-10 Violation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11+ Violation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>5%</td>
<td>2%</td>
<td>18%</td>
<td></td>
</tr>
<tr>
<td>1 Violation</td>
<td>12%</td>
<td>5%</td>
<td>24%</td>
<td></td>
</tr>
<tr>
<td>2-5 Violation</td>
<td>22%</td>
<td>8%</td>
<td>34%</td>
<td></td>
</tr>
<tr>
<td>6-10 Violation</td>
<td>36%</td>
<td></td>
<td>46%</td>
<td></td>
</tr>
<tr>
<td>11+ Violation</td>
<td>56%</td>
<td></td>
<td>59%</td>
<td></td>
</tr>
</tbody>
</table>

*Percentages rounded

** See report for issues related to the dropout data
Finding 4

Juvenile Justice Involvement
More Discipline Actions, Higher Percentage of Juvenile Justice Contacts

A student who is suspended or expelled for a discretionary school violation is almost 3 times (2.85 times) more likely to have a juvenile justice contact in the next school year.

<table>
<thead>
<tr>
<th>Discipline Involvement</th>
<th>Percent of Students with Juvenile Justice Involvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>2%</td>
</tr>
<tr>
<td>1 Violation</td>
<td>7%</td>
</tr>
<tr>
<td>2-5 Violation</td>
<td>15%</td>
</tr>
<tr>
<td>6-10 Violation</td>
<td>27%</td>
</tr>
<tr>
<td>11+ Violation</td>
<td>46%</td>
</tr>
</tbody>
</table>

*Percentages rounded*
Finding 5

Campus Based Examination
Significant Variation in Discipline Rates Among Schools

Variation Among All Campuses Studied

1,504 high school campuses in 2004-2005

- Actual Discipline is Lower than Expected (n = 409) - 22.5%
- Actual Discipline is As Expected (n = 756) - 50.3%
- Actual Discipline is Higher than Expected (n = 339) - 27.2%
Summary

- Majority of students are suspended or expelled between 7th and 12th grades
- Just three percent of suspensions/expulsions the result of misconduct for which state mandates removal of the student from the classroom
- African-American students and students with particular educational disabilities especially likely to experience discretionary violations
- Suspension/expulsion increases the likelihood of student repeating a grade, dropping out, or not graduating.
- Discipline actions increase the likelihood of juvenile justice involvement, particularly for those repeatedly disciplined
- Campus discipline rates varied considerably from their expected rates
Overview

Findings from Texas Study

School Discipline Consensus Project

Group Discussion
On July 21, 2011, at the quarterly meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention in Washington, DC, Attorney General Eric Holder and Secretary of Education Arne Duncan announced the creation of the Supportive School Discipline Initiative. The Initiative is a collaboration between the two agencies that hopes to target the school disciplinary policies and in-school arrests that push youth out of school and into the justice system, also known as the school-to-prison pipeline.
Consensus-Building Project Support
18 month project that will convene experts in such fields as school safety, behavioral health, education, juvenile justice, social services, law enforcement, and child welfare, as well as youth, parents and community partners.
Consensus Process

- Focus Groups
- Surveys
- Individual Discussions

Family Members
Advocates
Law Enforcement Practitioners
Youth
Juvenile Justice Officials
Educators
Health Experts
Project Timeline

October 9-10, 2012
Project Launch with First Meeting of Advisory Groups

March 18-19, 2013
Held Second Meeting of Advisory Groups

March 2013-July 2013
Draft Report Sections
Additional conversations with experts and practitioners

Fall 2013
Advisory Group Review

Winter 2013/2014
Final Report Production
Report Release – Communications and Events
States Moving on Legislation to Revise School Discipline Policies

Bill moves to Washington State House of Representatives capping maximum number of days for out-of-school suspension.

Oregon Governor signs law reforming school discipline and ending zero-tolerance policies.

Legislation moves to Arkansas Governor’s desk requiring districts to collect and track school discipline data, examine disparities, and implement positive alternatives to suspension.
Los Angeles Unified School District Board bans suspension for “willful defiance.”

UCLA Civil Rights Project releases report further documenting the overuse of suspensions in middle and high schools.

School-Justice Partnership Task Force releases report urging New York City schools to adopt new approaches to school discipline.

Indiana University’s Research to Practice (RTP) Collaborative launches new web site to compile resources on addressing disparities in discipline.
Overview

Findings from Texas Study

School Discipline Consensus Project

Group Discussion
Key Emerging Themes/Sections for the Report – Law Enforcement

- Determining the need for law enforcement involvement in schools and their appropriate role.
- Minimizing the use of arrests in schools for minor misbehavior.
- Providing training and guidance to officers and rigorous selection for officers working in schools.
Key Emerging Themes/Sections for the Report – Juvenile Justice

• Fostering school-justice partnerships and cross system collaboration.

• Collecting additional data and minimizing referrals.

• Improving quality of correctional education and reentry processes.
Key Emerging Themes/Sections for the Report – School Climate

• Setting a vision for positive school climate and securing buy-in.

• Improving professional development and pre-service training to educators and specialized support staff.

• Providing alternative approaches to exclusionary discipline policies.
Key Emerging Themes/Sections for the Report – Behavioral Health

- Systems and structures to support students with more targeted and intensive needs.
- The use of data/monitoring systems and team approaches to identify students at risk and provide targeted interventions.
- Evaluating internal and external capacity and developing innovative approaches and partnerships.
Thank You

Report at: www.justicecenter.csg.org

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