

# Out of School & Off Track:

*The Overuse of Suspensions in American Middle and High Schools*



By Daniel J. Losen & Tia Elena Martinez

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## EXECUTIVE SUMMARY

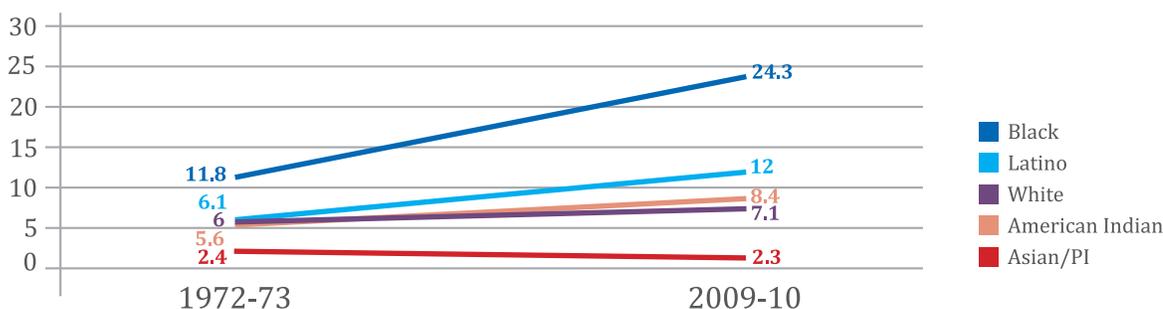
In this first of a kind breakdown of data from over 26,000 U.S. middle and high schools, we estimate that well over two million students were suspended during the 2009-2010 academic year. This means that one out of every nine secondary school students was suspended at least once during that year. As other studies demonstrate, the vast majority of suspensions are for minor infractions of school rules, such as disrupting class, tardiness, and dress code violations, rather than for serious violent or criminal behavior. Serious incidents are rare and result in expulsions, which are not covered by this report.

Given the recent research showing that being suspended even once in ninth grade is associated with a twofold increase in the likelihood of dropping out, from 16% for those not suspended to 32% for those suspended just once (Balfanz, 2013), the high number of students suspended, as presented in this report, should be of grave concern to all parents, educators, taxpayers, and policymakers.

We are publishing this report because of the serious academic implications these statistics have for students who attend schools with high suspension rates. We believe greater awareness will help produce more effective approaches that create safe, healthy, and productive learning environments, which research indicates is best accomplished without resorting to frequent out-of-school suspensions. Done well, efforts to reduce suspensions should also improve graduation rates, achievement scores, and life outcomes, while also decreasing the rate of incarceration for juveniles and adults.

The findings of this report also highlight critical civil rights concerns related to the high frequency of secondary school suspensions. We focus on secondary schools because children of color and students from other historically disadvantaged groups are far more likely than other students to be suspended out of school at this level. Our prior report, released in August 2012, looked only at K-12 suspension rates across the entire grade span and contained no new analysis at the secondary school level. While the racial discipline gap has always been largest in middle schools and high schools, it has grown dramatically at the secondary level since the early 1970s.

**Figure 1: Secondary School Suspension Rates (by race): Then and Now**



Our new analysis of the secondary school data shows disparate increases in suspension rates by race when compared to data from the 1970s (see Figure 1), which was analyzed in a report by the Children’s Defense Fund, called “School Suspensions: Are They Helping Children?”<sup>1</sup> Specifically, the recent 24.3%

suspension rates for Blacks represents an increase of 12.5 percentage points since the 1970s;<sup>2</sup> in the same period, the rate increased only 1.1 points for White students, from 6% to 7.1%—an increase more than 11 times as high for Blacks as for Whites. In short, the Black/White gap that once stood at 5.7 points has grown to a difference of more than 17 points at the secondary level.

***First of a kind details on the intersection of race, gender, and disability status shed serious doubt on the soundness of secondary school discipline policy.***

Based on data released by the U.S. Department of Education on over 6,000 school districts, this report is the first to provide the breakdown at the elementary, middle, and high school levels, with shocking results for the nation. (A detailed analysis on each district is found in the companion spreadsheet.)

*Perhaps the most disturbing finding is that nationally, on average, 36% of all Black male students with disabilities enrolled in middle schools and high schools were suspended at least once in 2009-2010.*

This report also contrasts the number of high-suspending “hotspot” schools (those that suspended 25% or more of any subgroup) with the number of relatively low-suspending schools (at or below 10% for each subgroup enrolled), and finds that the number of secondary schools with relatively low suspension rates not only are common in large urban districts with high-suspending schools, they outnumber the hotspot schools nationally.<sup>3</sup>

These deep disparities must be considered in conjunction with other relevant research, including the “Breaking School Rules” study of nearly one million middle school youth in Texas by the Council for State Governments’ Justice Center, which found that the likelihood of an adolescent being suspended had more to do with school factors than with race, poverty, student demographics, or the student’s past behavior (Fabelo et al., 2011).

All educators agree that we must find effective ways to address disruptive behavior. Research now suggests that many commonsense approaches are more effective than suspending students out of school when there is no guarantee of adult supervision. For this reason, in 2013, the American Pediatrics Association updated their policy statement by calling for pediatricians across the nation to take stronger steps to discourage out-of-school suspensions and expulsions. It stated that “research has demonstrated... that schools with higher rates of out-of-school suspension and expulsion are not safer for students or faculty” (“Out of School Suspension and Expulsion,” 2013).<sup>4</sup>

In our August K-12 report, we summarized the state of the research at that time:

- Harsh punitive responses do more harm than good.
- Reserving out-of-school suspension as a measure of last resort can lead to higher achievement and improved graduation rates.
- The idea that we must kick out the bad kids so the good kids can learn is a myth, because there are many viable alternatives that do not result in chaotic school environments.

In a “new research summary” that is separate from this report, we review the findings of recently sponsored research on effective alternatives to suspension that could ensure school safety and likely reduce disparities in exclusionary discipline. These new findings also inform the discussion and conclusions section of this report. In light of the fact that such policies and practices harm certain subgroups more than others—that is, those distinguished by race, disability status, gender, or English learner status—and considering that more effective policies and practices are available, the discussion section reviews recent actions by the U.S. Department of Justice and the Education Department’s Office for Civil Rights that suggest it is not only unjust to continue the status quo, it may be unlawful.

One important technical note is that, in addition to eliminating the same school districts we found to have reporting errors in our K-12 report, we made further adjustments when we looked at disaggregated

data at the school level. Districts with data errors are flagged throughout the report and explained in detail in Appendix A and the endnotes. Depending on the extent of the error, many schools and some additional districts were removed from the analysis entirely, while others were marked with an asterisk to indicate possible errors.<sup>5</sup>

### ***Key National-Level Findings***

- The likelihood a student will be suspended out of school increases from about 2.4% in elementary school to 11% in middle school.
- Nationally, when this increase in the risk for suspension between school levels is broken down by race, the data show an increased risk of 18 points for Blacks but only about 5 points for Whites.
- The fact that Latinos had a nearly 11-point increase in the risk of suspension between the elementary and secondary levels is quite surprising, considering that they were suspended only slightly more often than Whites at the elementary level.
- English learners experienced a similarly dramatic increase in suspension rates: an increase of 10 percentage points (from 1.2% to 11.3%) from elementary school to middle school.
- High suspension rates in middle and high schools have increased dramatically over time, especially for Black students, to the extent that about one in four Black secondary school children today, and nearly one in three Black middle school males, were suspended at least once in 2009-2010.
- Black female secondary students were suspended at a higher rate (18.3%) than secondary school males from all other racial/ethnic groups.
- One in five secondary school students with disabilities was suspended (19.3%), nearly triple the rate of all students without disabilities (6.6%).
- The highest rates were observed when the intersection of race, disability, and gender was calculated; for example, 36% of all Black middle school males with disabilities were suspended one or more times.

### ***District- and School-Level Findings***

- In 323 districts, the suspension risk for all secondary students was 25% or higher.
- 2,624 secondary schools across the nation suspended 25% or more of their total student body; 519 of these schools had suspension rates equal to or exceeding 50% of their respective total student bodies.
- 6,957 of the nation's secondary schools that had at least 50 members of a racial subgroup, English learners, or students with disabilities met or exceeded a suspension rate of 25% for at least one of these subgroups.
- In contrast, 7,710 secondary schools representing 3,752 districts did not exceed 10% for any subgroup that had at least 10 members.
- Chicago had the highest number (82) of high-suspending hotspot secondary schools in the nation (those suspending more than 25% of any subgroup).

Only some of the school districts with the highest numbers of hotspots were found to have district averages that were also high. Chicago was one, with a district-wide average of 27.5% for all secondary school students, a rate of 41.6% for Blacks, and 10.6% for Whites. Yet, the list that follows is not a ranking of the "worst" districts. We highlight these districts because they could have a great impact if they change policies and practices and target resources to address these high rates and racial disparities at the school level.

## **10 Districts with the Largest Number of “Hotspot” Secondary Schools<sup>6</sup>**

1. City of Chicago, IL (82)
2. Memphis City, TN (68)
3. Clark County, NV (65)
4. Los Angeles Unified, CA (54)
5. Houston, TX (53)
6. Dallas, TX (43)
7. Columbus, OH (40)
8. Baltimore County, MD (38)
9. Wake County, NC (38)
10. Jefferson County, KY (37)

The data presented here leave no doubt that we face a serious problem, but we also have good reason to believe that much can be done to remedy that problem. For example, many districts had many lower suspending schools (those that did not exceed 10% for any subgroup that had at least 10 members).

## **10 Districts with the Largest Number of Lower Suspending Secondary Schools**

1. Los Angeles Unified, CA (81)
2. San Diego Unified, CA (39)
3. Charlotte-Mecklenburg Schools, NC (36)
4. Philadelphia City School District, PA (35)
5. Montgomery County Public Schools, MD (33)
6. Fairfax County Public Schools, VA (31)
7. District of Columbia Public Schools, DC (26)
8. East Baton Rouge Parish School Board, LA (26)
9. Detroit City School District, MI (26)
10. Clark County School District, NV (26)

The two lists above exemplify the wide range of suspension rates and the fact that both kinds of schools can be found within the same district. It is noteworthy that Los Angeles and Clark County are on both lists. This suggests that successful alternative approaches are already in place in many districts. Moreover, several states and districts have taken action specifically to reduce the use of suspensions, such as new regulations initiated by the state of Maryland and efforts spurred on by community members in Denver and Philadelphia. Other districts, such as Los Angeles and Oakland, have entered into resolution agreements with the federal government to change discipline practices as a response to racial disparities.

There are well-documented methods and trainings for teachers that can create safe and effective learning environments in our middle and high schools without relying on the frequent suspension of students who are at the greatest risk for academic failure. Following recommendations from the Academy of American Pediatrics and the American Psychological Association, the public should reject the high-suspending status quo and take measures to ensure that the approach to challenging adolescent behavior is age

appropriate and not counterproductive. Moreover, we as a nation must pay closer attention to the deep disparities in discipline at the secondary level, and to the intersection of race, disability, and gender highlighted in this report. Toward this end, we offer the following sets of recommendations.

### ***For Parents and Children's Advocates***

1. Request data on discipline from your school and district, especially for middle and high schools, and seek policy changes that require annual reporting of disaggregated data on school discipline down to the school level, if not already required.
2. Bring your concerns about large racial, disability, and gender disparities and the frequent use of suspensions to local and state boards of education.
3. Provide support for teachers to receive the training and assistance they need to be effective with diverse learners.
4. If necessary, file an administrative complaint with the U.S. Department of Education's Office for Civil Rights.

### ***For Federal and State Policymakers***

1. Require states and districts to publicly report disaggregated data annually, including the number of students suspended, the number of incidents, reasons for out-of-school suspensions, and days of lost instruction, and do so by school level (elementary, middle, and high). Ensure that the reported data are disaggregated by race/ethnicity, gender, English learner status, and disability status.
2. Include suspension rates among the factors schools and districts use to measure the performance of secondary schools, and as "early warning" systems to target supportive interventions.
3. Revise accountability structures to balance test scores with graduation rates and other outcomes that would help remove incentives to "push out" low achievers on disciplinary grounds.
4. Invest in remedies by providing greater support for research on promising, evidence-based interventions and targeting more funds for systemic improvements in approaches to school discipline.
5. Provide support for teacher training in classroom management.
6. Ensure that the provisions of the Individuals with Disabilities Education Act (IDEA) requiring a review of racial disparities in discipline for students with disabilities are implemented with integrity so that states do not create unreasonable thresholds for required interventions.

### ***For the Media***

1. Highlight the connections between effective discipline and improved educational outcomes.
2. Request that districts provide disaggregated discipline data on a regular basis and report it to the public. For example, the new CRDC data for 2011-2012 should now be available, as all districts were required to report it to the U.S. Department of Education.
3. Question the justification for and research behind discipline policies that leave large numbers of children out of school and unsupervised. Ask districts with large investments in school policing and high security whether they have adequate numbers of school counselors, mental health support, and sufficient training resources for teachers.

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<sup>1</sup> This report is still available online. The secondary school numbers are found in Appendix B on page 125.

See <http://www.childrensdefense.org/child-research-data-publications/archives/school-suspensions-are-they-helping-children.html>.

<sup>2</sup> Although the earlier estimates excluded data on children identified as having disabilities, there was no federal law ensuring that students with disabilities were identified and served by public schools, and many were subject to disciplinary exclusion.

<sup>3</sup> We chose 10% or less as a point of reference not to suggest that 10% is the goal but because it was below the national average for all students and is less than half the rate we used to define a “hotspot.”

<sup>4</sup> Out of School Suspension and Expulsion, *Pediatrics* 131, no. 3 (March 1, 2013), pp. e1000-e1007 (DOI: 10.1542/peds.2012-3932).

Available at <http://pediatrics.aappublications.org/content/131/3/e1000.full.pdf+html>.

<sup>5</sup> Specifically, we removed from our counts of schools all those reporting to have suspended over 100% of a racial/ethnic subgroup. The results for removed schools and districts can be found in our errors file and along with complete details on how we “cleaned” the data in our methods section. It is important to note that each district superintendent certified the data as accurate when they reported to the U.S. Department of Education.

<sup>6</sup> Districts like New York City and several of the larger districts in Florida could have made this list, but they were eliminated entirely because of systemic errors we detected in their data reporting.