COLORADO DISCIPLINARY PRACTICES 2008-2010

DISCIPLINARY ACTIONS, STUDENT BEHAVIORS, RACE, AND GENDER

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April 2012

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Suggested Citation:
Pfleger, R. & Wiley, K. (2012). *Colorado Disciplinary Practices, 2008-2010: Disciplinary Actions, Student Behaviors, Race, and Gender*. Boulder, CO: National Education Policy Center. Retrieved [date] from http://nepc.colorado.edu/publication/colorado-disciplinary-practices.

Colorado Disciplinary Practices, 2008-2010: Disciplinary Actions, Student Behaviors, Race, and Gender

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Executive Summary[1]

The Colorado legislature has recently taken school discipline policies under review, pursuant to SB 11-133. To inform the discussion in Colorado as well as a national discussion about discipline, this report presents an analysis of the most complete set of Colorado discipline data. It adds to and reinforces existing studies, documenting some troubling patterns, and suggests important changes in policy and in future data gathering.

To accurately account for the fact that some students receive disciplinary actions more than once, this report describes and employs a measure we call the *discipline assignment rate* in studying the proportion of students who receive discipline within certain population subgroups by gender and by race or ethnicity.

Main findings from this analysis include:

"Discretionary" Behavior and the Frequent Use of Out-of-School Suspension:

- Behavior categories that we identify as discretionary account for a combined 85.5% of yearly behavioral incidents, on average. These behaviors include disobedience, detrimental behaviors, and "other" violations.
- Schools are, on average, more likely to assign out-of-school suspensions than any other disciplinary action. The next most common category is in-school suspensions.

Racial Disproportionality in School Disciplinary Practices:

- Higher percentages of Black, American Indian, and Latino students receive disciplinary actions compared with White and Asian American students.

1 We would like to thank Kevin Welner, University of Colorado Boulder, Dan Losen of the Civil Rights Project and Jim Freeman of the Advancement Project for their helpful feedback and suggestions. To the extent that there are errors in this report, they are our responsibility alone.

- Disciplinary actions are assigned to Black students more than five times the rate of Asian American students and three times that of White students. The percentage of actions assigned to Black students is 36%, compared with a rate of 7% for Asian American students and 11% for White students.
- Black students are assigned out-of-school suspensions at nearly four times the rate of White students, 21% compared with 5.5%. American Indian and Latino students are assigned out-of-school suspensions at over twice the rate of White students and over three times the rate of Asian American students.
- Relative to students of color, when White students and Asian American students are subjected to discipline, schools tend to favor actions that do not push those students out of school.

Racial and Gender Disproportionality in School Disciplinary Practices:

- The male discipline assignment rate is 21.7%, compared with a female rate of 8.2%
- Higher percentages of Black, American Indian, and Latino male students are assigned disciplinary actions compared with White and Asian American male students.
- Higher percentages of Black, American Indian, and Latino female students are assigned disciplinary actions compared with White and Asian American female students.
- Past research has shown patterns in which certain racial groups are assigned discipline disproportionate to any race-identified differences in behaviors. The Colorado datasets do not allow for such analysis, however.

Two key policy issues can be identified in this data. The first is whether racial disproportionality reflects a disproportionate number of students of color engaging in certain types of behaviors, or whether it reflects students of color being punished for behaviors that White students engage in without such serious consequences. The second issue involves out-of-school suspensions and the negative consequences, such as the higher dropout rates, correlated with this type of disciplinary action. The frequent use of out-of-school suspensions, and in particular the frequent use of this type of disciplinary action for students of color, needs to be remedied.

Recommendations

- Policy should be directed at decreasing the use out-of-school suspensions, which make up the majority of yearly actions and are linked to well-documented negative effects for students; policy also should be directed at decreasing the use of in-school suspensions.
- Changes in discipline policy should take into account the overrepresentation of students of color in disciplinary actions.
- Black, American Indian, and Latino youth are disproportionately affected by disciplinary practices. Colorado educators and lawmakers should immediately address the overrepresentation of students of color in disciplinary action, and changes in discipline policy must take into account racial disparity.

- Policy should encourage increased examination of the effects of Positive Behavioral Interventions and Supports (PBIS) and Restorative Justice programs, such as mentioned in the recent report from the Legislative Task Force to Study School Discipline, as alternatives to traditional school discipline.
- To enable improved analysis of disciplinary practices, policy should encourage the collection and reporting of school discipline data that include the student's behavior, the resulting disciplinary action, and the student's race and gender, all linked within the dataset.
- Further research on disciplinary practices should be supported, as many questions are still unanswered. Legislators and educators need to better understand what school characteristics are associated with higher overrepresentation as well as where in the disciplinary process overrepresentation is most apparent (e.g., in assigning actions or categorizing behaviors).

Colorado Disciplinary Practices, 2008-2010: Disciplinary Actions, Student Behaviors, Race, and Gender

Introduction

With 2011's SB-133, the Colorado legislature put school discipline policies under review. The legislation initiated a task force study of school discipline policies and the use of law enforcement in schools. Task force recommendations have resulted in the recent introduction of a 2012 bill seeking to increase preventative efforts as well as reduce punitive responses to students involved in disciplinary infractions.[1] Although some school officials have raised concerns about program mandates and liability, opponents of current Colorado discipline policy criticize what they see as a school-to-prison pipeline through which students, particularly students of color, are channeled into the criminal justice system at an early age.[2] To inform this Colorado discussion as well as the national discussion about discipline, this report presents an analysis of the most complete set of Colorado discipline data. The report begins to build an understanding of the more than 100,000 disciplinary actions taken each year in Colorado, confirming trends found in other Colorado studies but also contributing unique findings.

Few studies have focused specifically on Colorado school discipline data. The best analysis currently available comes from reports from local community groups as well as committee and governmental reports. For instance, a 2011 report intended to help evaluate a 2008 discipline policy in the Denver Public Schools presented an analysis of district data showing rates of out-of-school suspensions that were among the highest in the state, as well as racial disparities in disciplinary rates between White students and students of color.[3] Another recent report, prepared for a Colorado judicial district committee, presented evidence suggesting that students of color have disproportionate rates of arrest and therefore of contact with the juvenile justice system.[4] Between 2004 and 2008, the average Black student was four times as likely to be arrested as the average White student, and the average Latino student was twice as likely to be arrested.

The most thorough analysis of statewide Colorado discipline data is found in a 2008 report from the Colorado Department of Education (CDE). The CDE released a descriptive analysis of public school discipline data for the 2006-07 school year.[5] The CDE report provides an overview of discipline statistics in Colorado, including the total percentages of specific disciplinary actions taken (suspensions, expulsions, etc.) and the total percentages of incidents by type (dangerous weapons, assault, etc.). This CDE report finds that 11% of students received at least one disciplinary action in the 2006-07 school year.

General trends presented in the 2008 CDE report include a finding that behaviors categorized as "other" are the most frequent reason students receive disciplinary action.[6] This was consistent across each level of schooling (elementary, middle, high). The analysis also demonstrated the overrepresentation of students of color in disciplinary actions in two ways: (a) the percentage of students receiving disciplinary action compared with the student's racial category (e.g., Black students were 12% of those disciplined, but only 6% of the population); and (b) the percentage of Black students who received discipline as a fraction of all Black students, compared with the percentage of White students who received discipline as a fraction of all White students. The CDE report found that Black students are disciplined at nearly three times the rate of Whites.

Building on the foundation of the CDE's work, the current study offers a more nuanced analysis of race and discipline data and presents new information about the nature of disproportionality in Colorado. In particular, while the CDE analysis is the only one of its kind in terms of examining statewide Colorado discipline data, it leaves many questions unanswered, such as what types of student behaviors are driving factors in the rates of suspension and other disciplinary actions, and whether students of color are overrepresented in classroom suspensions.

The analyses below examine these and other questions.

We conduct an analysis that disaggregates available data in order to gain a more nuanced understanding of the kinds of disciplinary actions that schools are using, the frequency of behavioral categories used by schools to administer disciplinary action, and the frequency with which specific groups of students, sorted by race and gender, experience disciplinary action. This report contributes new school discipline information in two specific areas: the kinds of disciplinary actions and the student behaviors driving them, and racial and gender disproportionality.

Central Research Questions

1. How are disciplinary actions distributed across various types of student behavior?

2. How are disciplinary actions distributed across racial groups?

3. How are disciplinary actions distributed among males and females?

4. How are Colorado discipline data collected, what are limitations to current data collection, and how can they be improved?

Overview of the Analysis

The first part of our in the analysis examines the frequency of each type of disciplinary action that schools are able to issue, and the frequency with which state-defined behavioral categories are used by the school to assign particular disciplinary actions[7]. Main findings from this preliminary step are:

- Schools are more likely to assign an out-of-school suspension than any other disciplinary action, followed next by in-school suspensions.
- Behavior categories that we identify as discretionary (which we simply call "discretionary behaviors" in this report) account for a combined 85.5% of behavioral incidents.
- Serious behaviors, such as dangerous weapons, robbery, and assault, account for 1.2% of behavioral incidents.

The first finding above, regarding the prevalence of suspensions, is particularly important given the link between suspensions and subsequent negative school outcomes such as increased likelihood of dropping out.[8]

Disciplinary actions are then disaggregated by student behavior category. This step in our analysis allows us to understand how actions taken by the school (e.g., suspension) are distributed across student behavioral categories (e.g., assault). This offers a more complete picture of the behavioral factors that are driving a given type of disciplinary action. Until now this has largely been unknown. Main findings from this portion of the analysis include:

- Out-of-school suspensions are the most frequently assigned disciplinary action in eight of 12 behavior categories.
- School officials appear to be assigning relatively serious disciplinary actions as opposed to less severe forms of disciplinary action.
- Discretionary behaviors resulted in out-of-school suspensions at rates comparable to more serious violations, such as dangerous weapons violations and "other felonies."

We then move to an analysis of discipline actions by student racial categories. Prior Colorado research offers a generalized understanding of overrepresentation by comparing the percentages of racial groups involved in total disciplinary actions. We offer a more detailed analysis, however. Disaggregating disciplinary actions by race shows that students of different racial groups differentially receive certain types of disciplinary actions. Further, as explained below, we measure the data in a way that helps capture the reality that some students are disciplined more than once in a year. We are able to identify trends specific to the actions that students of various racial categories receive, e.g., White students receive lower percentages of suspensions than students of color. Main findings from this portion of analysis include:

- The percentages of Black, American Indian, and Latino students receiving disciplinary actions is higher than those of either White or Asian American students.
- Disciplinary actions are assigned to Black students at more than five times the rate of Asian American students and three times that of White students. The percentage of actions assigned to Black students is 36%, compared with a rate of 7% for Asian American students and 11% for White students.
- Black students are assigned out-of-school suspensions at nearly four times the rate of White students, 21% compared with 5.5%. For every one out-of-school suspension assigned to Whites, nearly four were assigned to Black students.

- American Indian and Latino students receive out-of-school suspensions at over twice the rate of White students and over three times the rate of Asian American students.
- Relative to Black and Latino students, when White students and Asian American students are subjected to discipline, schools tend to favor actions that do not push those students out of school.

The next step examines disciplinary categories by gender, providing new information about gender disproportionality in school discipline. Drawing upon similar techniques in our analysis of racial categories, we are able to determine where gender disproportionality exists across disciplinary actions. Main findings from this portion of the analysis include:

- Over the two-year period covered by the data, the male student population is assigned disciplinary actions at a rate of 21.7, compared with 8.2% for the female student population.
- In-school suspensions are assigned to males at two-and-a-half times the rate of female students (6.8% compared with 2.7%), and out-of-school suspensions are assigned to males at nearly three times the rate of female students (11.7% compared with 4.2%).

Finally, gender and action data are disaggregated by race to reveal patterns that may otherwise be masked when looking at either of the two categories alone. Main findings from this portion of the analysis include:

- Overall, higher percentages of Black, American Indian, and Latino male and female students receive disciplinary actions compared with White and Asian American students, both male and female.
- Among females, Black students are assigned the highest percentage of in-school suspensions, with a rate of 7.7% (over 4.5 times that of White students), followed by Latino and American Indian females, both of whom are both assigned in-school suspensions at an average rate of 4%.
- Black females are assigned out-of-school suspensions at five times the rate of which they are assigned to White females, and 11 times the rate of which they assigned to Asian American females.
- In-school and out-of-school suspensions are assigned to Black, American Indian, and Latino male students at higher rates than White and Asian American male students.
- Of all actions assigned to male students, 48% are assigned to Black male students, compared with 16.1% for White males and 10.3% for Asian American males.

Methods and Data

This report describes findings from an exploratory and descriptive analysis of 2008-09 and 2009-10 Colorado school year discipline data. The data are largely consistent from year to year. In order to even out anomalies in reporting and incident rates that might occur in a single year, we present our findings as an average of these two years. Presenting the averages of two years of data, however, still provides only a narrow snapshot in time. Time and resource constraints prevented us from conducting an analysis of disciplinary data that would provide a more comprehensive picture of long-term trends. Future

analyses should examine how disciplinary practices are changing over time.[9] Additionally, the cross-sectional and school-level data (instead of linked individual level data) do not permit important causal interpretations. While we are able to identify such things as overrepresentation of students of color, we cannot say what causes the variance in the handling of discipline actions.

Pursuant to current state law, the Colorado Department of Education collects discipline data from all Colorado public schools. These data are reported to the CDE at the school level in two unlinked data sets. The two data files report student behaviors, disciplinary actions, race, and gender in such a way that these four elements of school discipline cannot be linked. Both data files offer much useful information, but both are as well subject to limitations (for more information about these files please see Appendix A).

In this report we refer to *student behaviors* and *disciplinary actions*, two variables that we think useful to explain up front. When a situation results in disciplinary action, school officials are required to report the incident as involving one of 12 possible behaviors of the student involved in the situation. Each incident is assigned only one of 12 behaviors. The 12 behavior categories are as follows:[10]

- Drug Violations
- Alcohol Violations
- Tobacco Violations
- First-degree, Second-degree, or Vehicular Assault
- Third-degree Assault
- Dangerous Weapons
- Robbery
- Other Felonies
- Disobedient/Defiant or Repeated Interference
- Detrimental Behavior
- Destruction of School Property
- Other Violations of Code of Conduct

As another element of reporting, school officials are required to assign one of six types of disciplinary consequences, which we refer to as *disciplinary actions*.[11] The disciplinary actions that school officials can assign students are as follows:

- Classroom Suspension
- In-school Suspension
- Out-of-school Suspension
- Expulsion
- Referral to Law Enforcement
- Other Action Taken

The "Referral to Law Enforcement" category includes students who received a referral to law enforcement as their only assigned disciplinary action and it also includes students

who were referred to law enforcement *and* received another form of disciplinary action, such as an expulsion. In other words, this category includes any situation that resulted in a student being referred to law enforcement, whether or not that student incurred additional disciplinary actions. Any time a student is referred to law it is included in the dataset, whether the referral was the only action taken or in addition to another action taken.

Duplicate Counts, Assigned Actions, and Population Subgroups

Finally, to more accurately reflect the impact of *multiple* disciplinary actions against an individual, some of our analyses employ a *duplicated count* of disciplinary actions, and we use that to calculate a rate of *disciplinary actions assigned* to each population subgroup. Some students incur disciplinary action more than once. We cannot know from the available data how many times an individual student receives disciplinary action. In its instructions to school districts on how to report disciplinary data, CDE indicates that an individual student may be counted more than once in tallies of disciplinary actions taken.[12] This tally of disciplinary actions is a *duplicated* count (the department does not use that term), counting each disciplinary action, even when the same student incurs more than one action.

Consider an imaginary school district with 1,000 students. We know that 80 students, or 8%, received some kind of disciplinary action. Tallies of those individual categories of disciplinary actions, however, count the *actions*, not the individual *students*. If the tally of actions shows a total of 13 suspensions, a duplicated count, we cannot know whether that number represents 13 unique students or, instead, 7 unique students who were each suspended once and 2 students who received three suspensions each—or some other combination that would add up to 13 suspensions. Because we know from this particular data only the number of suspensions (or other disciplinary measures), not the number of students involved, we refer to *actions assigned* as opposed to *students involved* in disciplinary action.

We calculate the rate of disciplinary actions assigned by the district against the total number of students enrolled. For our hypothetical district in which 80 unique students received disciplinary action, suppose that a total of 160 actions were taken. That translates into a rate of 16% assigned disciplinary actions for the district (160/1,000 = 0.16, or 16%). These different forms of analysis might be most easily understood by an examination of Table 1 found below.

In regards to subgroup comparisons, suppose another hypothetical school district has 500 Latino students and 500 White students. The "unduplicated count" data show that 25/500 unique Latino students—5% of the Latino student population—received some sort of disciplinary action. But the "duplicated" data on disciplinary actions show that 100 actions were assigned for Latino students. The rate of actions *assigned* to Latinos is 20% (100/500). Meanwhile, in our hypothetical school district, 15/500 unique White students received disciplinary action, 3% of the White student population. If the duplicated count shows 30/500 actions assigned to White students, the assignment rate is 6%. We could

thus say that Latino students have a much higher percentage of *actions assigned* than do White students (20% vs. 6%), but the disparity is less when considering unique unduplicated percentages between Latino and White students (5% vs. 3%). Comparing the duplicated and unduplicated counts is the basis for a unique analysis in Table 7, which presents "Repeat Ratios" across racial categories.

Using the "duplicated counts" data, in some ways, more accurately reflects the reality of school disciplinary life and more honestly measures the frequency of disciplinary actions school districts assign. By contrast, using only the unique student count underestimates the actual number of actions that school officials assign each year.

Results

Disciplinary Actions and Behavioral Incidents in All Schools

In this section we provide an overview of disciplinary behaviors and actions that occurred in all public schools in Colorado. Over the two-year period between 2008-2010, an annual average of 8% of unique Colorado students were involved in an incident that resulted in disciplinary action.

Using the duplicated count, we see the percentage of disciplinary actions assigned to the entire school population rises to 15%.

Table 1. Avg. Unique v. Duplicated Discipline Actions, 2008-2010

	Unique/Unduplicated (Students)	Duplicated (Total Actions Assigned)
Total	65,905	125,008
Total Enrollment	823,403	823,403
Percentage	8.0	15.2

Source: Race Dataset, 2008-2009 and 2009-2010

With an assignment rate of more than 50%, out-of-school suspensions were by far the action schools were most likely to assign (Table 2). In-school suspensions account for the second highest percentage of disciplinary actions schools assigned, approximately 32%. Classroom suspensions as well as "other actions" account for much lower percentages of school disciplinary actions, while expulsions, at 2%, account for the lowest percentage of actions assigned. Keeping in mind that the category of referral to law enforcement is often duplicative (referral plus, e.g., expulsion), we see that 7.4% of total actions assigned were referrals to law enforcement.

Table 2. Actions Assigned, All Schools, 2008-10

Action	Average Annual Total	% of Total Annual Actions
Classroom suspension	3,054	2.4
In-school suspension	39,695	31.8
Out-of-school suspension	66,253	53.0
Expulsion	2,277	1.8
Referral to law	9,309	7.4
Other actions taken	4,421	3.5
Total Actions	125,008	100

Source: Race Dataset, 2008-2009 and 2009-2010 duplicated counts

Incidents by Behavior Type

As previously described, incident-level data have particular limitations in regards to interpretation. These data report only the most severe action taken that arises out of a

Table 3. Avg. % Incidents by Behavior, All Schools, 2008-10

Behavior	Total	% Of Total Incidents
Drug	4,407	4.1
Alcohol	1,077	1.0
Tobacco	1,675	1.6
1st, 2nd, or Vehicular Assault	141	0.1
3rd Assault	5,711	5.4
Dangerous Weapons	863	0.8
Robbery	201	0.2
Other Felony	143	0.1
Disobedient/Defiant	29,163	27.4
Detrimental	32,456	30.5
Destruction of School Prop.	1,152	1.1
Other Code of Conduct	29,449	27.7
Total Incidents	106,434	100.0

Source: Incident Datasets for 2008-2009 and 2009-2010, unduplicated

given incident. As such, we are not made aware of the lesser actions taken or the behaviors that led to those lesser actions. Thus, the numbers do not represent all individual student behaviors. Instead, they represent one behavior assigned to a single incident.[13] For example, suppose two students have a fight and one student is assigned an out-of-school suspension and the other an in-school suspension. Only the out-of-school suspension is recorded in the incident. Despite these limitations, what is available provides some insight into the kind of discipline actions schools use when responding to specific student behaviors.

The majority of incidents stem from three main behavior categories that we identify as discretionary, meaning that schools have latitude in how to respond to them.[14] These three categories are detrimental behavior, disobedient/defiant, and other code-of-conduct violations. Combined, these three behaviors account for 85.5% of all incidents (Table 3). Students involved in disorderly conduct (5.4%) and drug-related incidents (4.1%) comprise the next largest categories. The percentage of alcohol, destruction of property, and tobacco-related incidents is relatively low, each in the range of 1-2% of all incidents. Behaviors related to dangerous weapons, robbery, other felonies, and first- or second-degree assault are much smaller in number and together account for a combined 1.2% percent of total incidents.

Table 4. Avg. % Behavior by Actions Assigned, All Schools, 2008-10

Behavior	Classroom suspensions	In-school suspension	Out-of-school suspension	Expulsion	Referral to Law Only	Other actions taken	Total
Drug	0.0	1.9	82.0	14.6	1.0	0.5	100.0
Alcohol	0.0	3.9	90.2	5.2	0.5	0.3	100.0
Tobacco	0.4	34.0	53.3	0.3	3.2	8.8	100.0
1st, 2nd, Vehicular Assault	2.8	13.5	61.9	17.8	1.4	2.5	100.0
3rd Assault	1.3	14.4	79.9	2.1	0.4	1.9	100.0
Dangerous Weapons	0.1	5.1	46.8	45.3	1.5	1.2	100.0
Robbery	2.5	22.1	64.2	4.7	3.0	3.5	100.0
Other Felony	0.0	30.8	45.8	19.2	2.1	2.1	100.0
Disobedient/ Defiant	5.8	43.7	45.1	0.5	0.2	4.7	100.0
Detrimental	1.5	30.7	63.5	1.3	0.4	2.7	100.0
Destruction of School Prop.	1.3	23.0	63.5	2.6	1.1	8.5	100.0
Other Code of Conduct	1.7	41.7	49.9	0.8	0.4	5.5	100.0

Source: Incident Datasets for 2008-2009 and 2009-2010

Disaggregating student behaviors by each action category reveals the frequency of a disciplinary action for a given behavior. This provides insight into what behaviors are precursors to specific disciplinary action. Recall that out-of-school suspensions are the most frequently assigned action. We can now see (Table 4) that many types of behaviors

We also see that infractions related to discretionary behaviors, specifically disobedient and "other" behaviors, resulted in out-of-school suspensions at rates comparable to more serious violations such as dangerous weapons violations and "other felonies." Alcohol-related behaviors resulted in the highest percentages of out-of-school suspensions (90.2%), followed by drug-related behaviors (82%). Disobedient/defiant behavior is least likely to result in out-of-school suspensions (45.1%), but such suspensions are still the most common action assigned to this behavior. Of special note is the fact that many discretionary behaviors lead to out-of-school suspensions as opposed to alternative actions that would not push students out of school. For instance, 63.5% of detrimental behaviors—a discretionary behavior—result in out-of-school suspensions. Results suggest that only a

low percentage of each behavior type results in classroom suspension, or other action taken; additionally we find a low percentage of behaviors results in referral to law enforcement, whether a referral only or in addition to another action taken.[15]

The Overrepresentation of Black, Latino, and American Indian and Alaskan Native Students in Disciplinary Actions

Prior Colorado discipline research has identified the overrepresentation of students of color in disciplinary action.[16] In disaggregating disciplinary actions by race we are able to provide new information about the nature of this overrepresentation. We continue to distinguish between the *percentage of students* and the *discipline rate of actions assigned*. Recall that the *percentage of students* is important, but when used alone under-represents the frequencies with which schools assign disciplinary actions. To fully capture the nature of annual school disciplinary practices we analyze both the percentage of students and the discipline rate of actions assigned.

The percentage of students receiving disciplinary action by racial group

The first way we examine disproportionality is to compare the percentage of unique students per racial group that received disciplinary action. That is, we look at each racial group and ask how many students of this group were involved in disciplinary action. We find that higher percentages of Black, American Indian, and Latino students receive disciplinary actions compared with White and Asian American students (Table 5). Comparing these percentages for each group, we find that, on average, Blacks receive the highest percentage of disciplinary actions, 17%. Black students receive disciplinary action at four-and-a-half times the rate of Asian American students, and almost three times that of White students. On average, American Indian students and Latino students receive disciplinary action at similar rates: 11% and 12%, respectively. Asian American students and White students receive, on average, lower percentages of disciplinary action: 4% and

6%, respectively. These findings are consistent with a previous analysis that examined Colorado discipline in the 2006-07 school year.[17]

Table 5. Avg. % of Students Receiving Disciplinary Action, 2008-10

Race/Ethnicity	Percent Within Race/Ethnicity Disciplined
Amer. Indian or Alaskan Native (AI/AN)	11.8
Asian American	3.8
Black	17.0
Latino	10.6
White	6.1

Source: Race Datasets for 2008-2009 and 2009-2010, unduplicated

The discipline rate of actions assigned per racial group

The second way we examine disproportionality is to look at the *discipline rate of actions assigned* to students of each racial group. Recall that the percentage of actions is a better measure of the frequencies with which school officials employ discipline action. We find that, on average, disciplinary actions are assigned annually to Black students at more than five times the rate of Asian American students and more than three times that of White students (Table 6). Specifically, the average percentage of actions assigned annually to Black students is 36%, compared with a rate of 7% for Asian American students and 11% for White students. We also see that the percentage of actions assigned to American Indian and Latino students is higher than Asian American students and White students.

Table 6. Avg. % of Actions Assigned, within Racial Group, 2008-2010

Race/Ethnicity	% Total Actions Assigned, within Racial Group
AI/AN	22.8
Asian Am.	6.6
Black	35.6
Latino	20.7
White	10.8

Source: Race Datasets for 2008-2009 and 2009-2010, duplicated

The repeat ratio per racial group

We also considered a third type of disproportionality, which we call the *repeat ratio*. This number is calculated by taking the number of students who receive *more than one* disciplinary action divided by the number of students who receive *only one* disciplinary action. This ratio helps to answer the question, "In a given racial group, and among those who receive disciplinary action, how often do students receive discipline action more than once?" As the ratio rises above 1.0, it suggests how much more frequently students received multiple discipline actions compared with students who received only one. Overall we find the repeat ratio is 1.9 (Table 7). This suggests that, on average, twice as many students receive multiple disciplinary actions as receive one disciplinary action. In other words, many students who have a run-in with school discipline do so more than once.[18] However, some racial groups appear to be more likely than others to have students who are involved in more than one incident each year. The repeat ratio ranges across groups, from a low of 1.7 for Asian American students to a high of 2.1 for Black students.

Table 7. Repeat Ratio, Total Student Actions 2008-2010

Race/Ethnicity	Total Duplicated	Total Unduplicated	Repeat Ratio
AI/AN	4438	2253	2.0
Asian Am.	3962	2381	1.7
Black	34847	16615	2.1
Latino	97177	49843	1.9
White	108207	60718	1.8
All	248531	131810	1.9

Source: Race Datasets for 2008-2009 and 2009-2010

The percentage of actions assigned, by action type, for each racial group

The fourth way we examine disproportionality is to examine the types of actions assigned to students of each racial group. This breakdown affirms trends seen in the aggregate, confirming that racial overrepresentation at the total level is present within the most frequently assigned action categories as well. We find that Black, Latino, and American Indian students receive more severe disciplinary action types compared with White and Asian American students, in that they receive higher percentages of in-school suspensions, out-of-school suspensions, expulsions, and referrals to law enforcement (Table 8). The percentage of actions assigned varies among students of various racial groups, especially in

the suspension categories. Out-of-school suspensions are assigned at higher percentages than other action types for each racial group.

Specifically, Black students are assigned out-of-school suspensions at nearly four times the rate of White students: 21% compared with 5.5%. American Indian and Latino students receive such suspensions at over twice the rate of White students. Asian American students are assigned suspensions at the lowest frequency: approximately 3%. A similar pattern is found with in-school suspensions. Black students are assigned the highest percentage of suspensions (11%), following by Latino students (7%), and American Indian students (6%). Comparatively, White students (3%) and Asian American students (2%) are assigned the smallest percentages of in-school suspensions. The "Referral to Law" category, also varies by racial groups: referrals are made at a rate of 2% for Black and American Indian students, over twice the rate of referrals for White and Asian American students.

Table 8. Avg. % Actions Assigned, by Race and Action Type, 2008-2010

Race/Ethnicity	Classroom Suspensions	In-school Suspension	Out-of-school Suspension	Expulsion	Referral to Law Enforcement	Other actions taken
AI/AN	0.2	6.2	13.3	0.5	2.0	0.4
Asian Am.	0.1	2.3	3.4	0.1	0.5	0.2
Black	0.2	11.2	21.0	0.6	2.3	0.3
Latino	0.3	6.7	11.2	0.4	1.5	0.7
White	0.4	3.4	5.5	0.2	0.9	0.5

Source: Race Datasets for 2008-2009 and 2009-2010, duplicated

Ratio of actions assigned to students of color compared with Whites

The final way we examine disproportionality is to compare the percentage of actions for each non-White racial group to that of White students, for each type of disciplinary action. This is essentially a different way of showing the results in Table 8. For example, we compare percentage of suspensions assigned to Black students (21.0) to the percentage of suspensions assigned to White students (5.5), yielding a ratio (3.8). A ratio of 1.0 means that percentage of that action assigned to Black students is equal to that of Whites. A ratio greater than 1 means that a higher percentage of that action was assigned to Black students than White; less than 1, a lower percentage of that action was assigned to Black students.

Students of color, with the exception of Asian American students, were assigned more disciplinary actions than Whites in the categories of in-school suspension, out-of-school suspension, expulsion, and referral to law enforcement (Table 9). The most striking

difference is between Black students and White students. For every one in-school suspension assigned to White students, more than three were assigned to Black students. For every one out-of-school suspension assigned to Whites, nearly four were assigned to Black students. This dramatic disparity is also evident between American Indian and White students. American Indian students were, on average, over twice as likely to be assigned out-of-school suspensions, expulsions, and referrals to law enforcement compared with their White peers.

However, this pattern is not evident in the two least-severe action categories. Students of color were assigned fewer classroom suspensions compared with their White peers. A similar pattern is found in the "other action" category. There is an exception: Latino students were assigned "other actions" at rates slightly higher than White students. Overall, this means that, relative to Black, Latino and American Indian students, when White students and Asian American students are subjected to discipline, schools tend to favor actions that do not push those students out of school. One possible explanation is that White students tend to engage in punishable—but not severely punishable—behavior more often than Black, Latino, and American Indian students, while students in these latter groups tend to engage in severely punishable behavior more often than White students. Another possibility is that when students in different racial and ethnic categories engage in similar conduct, schools are more likely to grant lesser punishment to White students. The data available in Colorado do not allow us to determine the answer, but the "Classroom Suspension" data do raise a red flag: given the overall larger discipline actions assigned to students of color, one would expect that the classroom suspensions numbers would reflect a similar disproportionality. However, for the relatively less severe category of "Classroom Suspension" this is not the case.

Table 9. Actions Assigned Relative to Whites, by Action Type, 2008-2010

Race/Ethnicity	Classroom Suspensions	In-school Suspension	Out-of-school Suspension	Expulsion	Referral to Law	Other actions taken	Total Actions Assigned
AI/AN	0.6	1.8	2.4	2.5	2.3	0.8	2.1
Asian American	0.3	0.7	0.6	0.6	0.6	0.3	0.6
Black	0.5	3.3	3.8	2.8	2.6	0.7	3.3
Latino	0.8	1.9	2.0	1.8	1.7	1.2	1.9

Source: Race Datasets for 2008-2009 and 2009-2010, duplicated

The Overrepresentation of Males in Disciplinary Action

The first way we examine the relationship between gender and discipline is to look at the percentage of actions assigned to males and females, disaggregated by action type. On average, the male student population is assigned disciplinary actions at a rate of 21.7%

compared with females, 8.2%. Examining the disaggregated data, we find actions are assigned to male students at higher percentages than to female students in every action category (Table 10). Most notably, in-school suspensions are assigned to males at two-and-a-half times that of female students, and out-of-school suspensions are assigned to males at nearly three times that of female students.

Table 10. Avg. % Actions Assigned, by Gender and Action Type, 2008-2010

	Classroom Suspensions	In-school Suspension	Out-of-school Suspension	Expulsion	Referral to Law	Other actions taken	Total Actions Assigned
All Males	0.6	6.8	11.7	0.4	1.6	0.8	21.7
All Females	0.2	2.7	4.2	0.1	0.6	0.3	8.2

Source: Race Datasets for 2008-2009 and 2009-2010, duplicated

Similar to the approach used in the racial disproportionality section, we next used the data in Table 10 to examine gender disproportionality by creating a ratio of actions assigned to male and female students. A ratio has been created for each action category so that we can see which categories show greater variability. On average, across all six action categories, actions are assigned to male students at more than twice the rate of female students (Table 11). In other words, for every female disciplinary action assigned there are, on average, two disciplinary actions assigned to males. This ratio is greatest for classroom suspensions and expulsions: for every classroom suspension assigned to females, three are assigned to male students; for every one female expulsion there are four male expulsions.

Table 11. Actions Assigned Relative to the Males, by Action Type, 2008-2010

	Classroom Suspensions	In-school Suspension	Out-of-school Suspension	Expulsion	Referral to Law	Other actions taken	Total Actions Assigned
Female	3.0	2.5	2.8	4.6	2.4	2.6	2.6

Source: Race Datasets for 2008-2009 and 2009-2010, duplicated

Next, gender and action data are further disaggregated by race to reveal patterns that may otherwise be masked when looking at either of the two categories alone. This analysis compares the percentage of actions assigned within each racial group, by gender. For female students, we find little variation among racial groups in the relative assignment of classroom suspensions (where we see very low numbers). But both in-school and out-of-

Table 12. Avg. % Actions Assigned, Female, Action Type by Race, 2008-2010

	Classroom Suspensions	In-school Suspension	Out-of-school Suspension	Expulsion	Referral to Law	Other actions taken	Total Actions Assigned
AI/AN	0.1	4.0	7.8	0.3	1.4	0.2	13.7
Asian Am.	0.1	1.4	1.2	0.0	0.3	0.1	3.1
Black	0.1	7.7	13.3	0.3	1.6	0.2	23.1
Latino	0.2	4.1	6.2	0.1	0.9	0.4	11.9
White	0.2	1.7	2.5	0.1	0.4	0.3	5.2

Source: Race Datasets for 2008-2009 and 2009-2010, duplicated

school suspensions are assigned to Black, American Indian, and Latino female students at significantly higher rates than White and Asian American female students. The highest percentages of in-school suspensions are assigned to Black females, 7.7% (more than 4.5 times that of Whites), followed by Latino and American Indian females, both of whom are assigned in-school suspensions at an average rate of 4% (Table 12). Whites and Asian American students are assigned the lowest percentages of in-school suspensions, 1.7% and 1.4%, respectively. The same pattern exists in the assignment of out-of-school suspensions, which are assigned at the highest percentage to Black females: 13.3%—a rate five times that of White students and 11 times that of Asian American students.

Conducting the same analysis for male students, we find that both in-school and out-of-school suspensions are assigned to Black, American Indian, and Latino male students at higher rates than White and Asian American male students. Black male students are assigned disciplinary actions at higher percentages in five out of six action categories

Table 13. Avg. % Actions Assigned, Male, Action Type by Race, 2008-2010

	Classroom Suspensions	In-school Suspension	Out-of-school Suspension	Expulsion	Referral to Law	Other actions taken	Total Actions Assigned*
AI/AN	0.4	8.4	18.6	0.7	2.7	0.7	31.6
Asian Am.	0.2	3.2	5.6	0.2	0.8	0.2	10.3
Black	0.3	14.6	28.3	0.8	3.0	0.5	47.6
Latino	0.5	9.2	15.9	0.6	2.0	0.9	29.2
White	0.6	5.1	8.4	0.3	1.3	0.7	16.1

Source: Race Datasets for 2008-2009 and 2009-2010, duplicated
*this column does not add up to 100% because in order for an accurate comparison calculations are within racial group, .e.g, % of White Male Suspensions/Total White Male Actions

(Table 13). Notably, Black males are assigned in-school suspensions at 3.4 times the rate of Whites and five times the rate of Asian Americans. Comparing racial groups, 48% of disciplinary actions are assigned to Black male students compared with 16.1% White males and 10.3% Asian American males. American Indian students are assigned the second highest percentage of actions in the categories of in-school suspension, out-of-school suspension, expulsion, and referral to law. There is less variability across racial groups in the percentages of classroom suspensions (where White students again emerge with the largest numbers, but where the overall numbers are small) and other actions taken.

Conclusion

Colorado schools have assigned approximately 125,000 disciplinary actions to students each year, on average, between 2008-09 and 2009-10. These disciplinary actions are taken against 8% of the student population, but many students received multiple actions. The total number of actions assigned is almost twice the number of disciplined students.

Discretionary behaviors prompt the vast majority of disciplinary actions, and these frequently lead to in- and out-of-school suspensions. These discretionary behaviors, including "detrimental behavior," "disobedient and defiant," and "other code of conduction violations" comprise more than three-quarters of annual disciplinary incidents. Conversely, serious behavior infractions, such as felonies and first- and second-degree assaults, represent only about 1% of disciplinary incidents. Student incidents involving drugs, alcohol, and tobacco together comprise about 7% of annual student-discipline-warranting behaviors. Yet, while the percentage of serious behavior infractions is low, evidence shows that students who exhibit behaviors falling into discretionary categories receive in- and out-of-school suspensions at rates comparable to those of students involved in those more serious infractions.[19]

Colorado disciplinary actions disproportionately affect the lives of Black, American Indian, and Latino youth, and particularly male youth from these groups. Males as a whole experience disciplinary action at more than twice the rate of female students. And Black, American Indian, and Latino males are assigned higher overall percentages of disciplinary actions annually, compared with White and Asian American male students. In particular, Black, American Indian, and Latino males receive in- and out-of-school suspensions at rates more than two or three times those of White and Asian American males.

At least two core policy issues are embedded in these findings. The more obvious is the question of whether the disproportionate numbers reflect disproportionate behavioral actions, or whether students of color are being punished for behaviors that White students are allowed to engage in without such serious consequences. The less obvious but just as important issue involves the common use of suspensions. Even assuming no discrimination in decisions to take disciplinary action, Colorado's policy and practice favoring suspensions clearly affects students of color in a strongly disproportionate way. Accordingly, the research pointing to the harmfulness of suspension on students' academic futures correspondingly points to disproportionate harm to these students of color. A

movement to PBIS or restorative justice approaches could therefore be expected to correspondingly benefit these students of color, yet these approaches will not necessarily reduce the overrepresentation of students of color in disciplinary assignments. Therefore, it is important that alternative disciplinary programs be specifically directed toward reducing racial disparities.

It is not only young men from these racial categories that are differentially affected, but young women as well. Black, American Indian, and Latina female students' lives are also disproportionately affected by disciplinary action compared with White and Asian American female students. Females as a whole receive fewer disciplinary actions annually compared with male students, yet the racial disciplinary patterns for females mirror those for male students. Black, American Indian, and Latina females are assigned greater percentages of disciplinary action annually compared with White and Asian American females. Also similar to male students, most of the variability in disciplinary actions for females occurs in the categories of in- and out-of-school suspension, where rates are higher for Blacks, American Indians, and Latinas and lower for Whites and Asian Americans.

What We Still Don't Know

With very limited data and analyses, policymakers in Colorado (and elsewhere) have been largely flying blind. Our new analyses help to address the problem, but we stress that the main limitation is one of data. Until better data are collected and made available, many key questions—particularly about racially disparate treatment—will necessarily remain unanswered.

There are several key issues this report does not address. The first is related to the just-noted limitations in the CDE data. Because the CDE does not provide behavior-action-race-gender linked data, we cannot know what behaviors students of specific racial and gender groups are reprimanded for, and what actions they receive as a result of such behavior. Knowing this would allow us to answer questions such as what percentages of males in each racial group receive an out-of-school suspension *for a given behavior*. This kind of data would permit more details about where disproportionality arises. For instance, is it in assigning disciplinary actions or in classifying student behaviors? The ability to answer such questions would lead to more specific recommendations about how to ameliorate disproportionality. Making this kind of linked data available is extremely important to understanding how students of different groups are differentially treated. As noted, analyses from other states suggest that Black students engaged in the same behaviors as White students are far more likely to be suspended.[20]

In March of 2012, the U.S. Office of Civil Rights made available a dataset that includes school- and district-level action data on in-school suspensions, out-of-school suspensions, expulsions, referrals to law enforcement, and school arrests, disaggregated by race, sex, Limited English Proficiency (LEP) status, and disability status. This dataset will allow researchers to further explore issues of racial and disability overrepresentation in school discipline. Importantly, the OCR dataset does not include what we have referred to as

student "behavior" data, such as drug and tobacco violations. As noted previously, data of this kind are important in establishing connections between the kinds of behaviors students engage in and the kind of discipline they incur as a result. The absence of these data at the federal level means that the key questions presented here will not be answerable unless and until the state of Colorado enhances its own data collection. However, the OCR data do allow for some analyses that reinforce our findings here and also highlight additional concerns. The Civil Rights Project (CRP) at UCLA has begun analyzing the OCR data and will release a report, in mid- to late May, with data and analyses broken out at the state level. For Colorado, the CRP report will show, for example, out-of-school suspension rates in 2009-2010 for Black students that are more than three times those for White students. The CRP report will also show out-of-school suspension rates for students with disabilities that are about twice the rates for non-disabled students.

In this report we also do not address what accounts for variability in disciplinary actions as a whole and, more specifically, what accounts for variability in each school's disciplinary practices. For example, we do not offer an answer to the question, "Why do some schools assign more out-of-school suspensions than other schools?" This would require a more extensive analysis whereby school characteristics would be considered as ways of accounting for differences in how student behaviors are classified and actions are assigned, with special attention to how school characteristics relate to the level of overrepresentation of males and of Black, American Indian, and Latino students. Future research on Colorado disciplinary practices should follow up with just such an examination.

Recommendations

- Policy should be directed at decreasing the use out-of-school suspensions, which make up the majority of yearly actions and are linked to well-documented negative effects for students; policy also should be directed at decreasing the use of in-school suspensions.
- Black, American Indian, and Latino youth are disproportionately affected by disciplinary practices. Colorado educators and lawmakers should immediately address the overrepresentation of students of color in disciplinary action, and changes in discipline policy must take into account racial disparity.
- Policy should encourage increased examination of the effects of Positive Behavioral Interventions and Supports (PBIS) and Restorative Justice programs, such as mentioned in the recent report from the Legislative Task Force to Study School Discipline, as alternatives to traditional school discipline.
- To enable improved analysis of disciplinary practices, policy should encourage the collection and availability of school discipline data that include the student's behavior, the resulting disciplinary action, and the student's race and gender, all linked within the dataset.
- Further research on disciplinary practices should be supported, as many questions are still unanswered. Legislators and educators need to better understand what school characteristics are associated with higher overrepresentation as well as where in the disciplinary process overrepresentation is most apparent (e.g., in assigning actions or categorizing behaviors).

Appendix A. Explanation of Colorado Discipline Data

In this section we describe the data available from the state in more depth. Pursuant to current state law, the Colorado Department of Education collects discipline data from all Colorado public schools. These data are reported to the CDE at the school level and represent a combination of student-level and incident-level data, as described in further detail below. The CDE made these data available to us in two different datasets, for each year since 2001. One file is called "Incident by Action Report," and the other file is called "Action by Race/Ethnicity and Gender." These two files contain unlinked sets of information that describe disciplinary actions taken, behavioral events, and limited demographic data.

The "Incident by Action" file contains incident types plus one of six categories of action taken in connection with each incident. There are 12 behavior categories for schools to report an incident:[21]

- Drug Violation
- Alcohol Violation
- Tobacco Violation
- First-degree, Second-degree, or Vehicular Assault
- Third-degree Assault
- Dangerous Weapons
- Robbery
- Other Felonies
- Disobedient/Defiant
- Detrimental Behavior
- Destruction of School Property
- Other Violations of Code of Conduct

There are six categories for schools to report actions taken:[22]

- Classroom Suspension
- In School Suspension
- Out-of-school Suspension
- Expulsion
- Referral to Law Enforcement (including referral only and referral "plus" another action)
- Other Action Taken

Each report of an incident type corresponds to a report of an action taken in the "Incident by Action" file. For example: Drug Violation → Expulsion. For this reason, only incidents that resulted in an action taken are reported in the CDE data. If a behavioral offense in a school does not result in an action taken, it is completely absent from these datasets. These data, therefore, represent reported incidents and not the prevalence of behavior. It is possible that incidents occurred that were not known about by school authorities. It is also possible that school authorities did not take an action for every incident. Among other

implications, this means that if Student X at School Y engages in Behavior Z and an action is taken, while Student A at School B (or School Y) also engages in Behavior Z but does not have an action taken, we can only know about Student X's behavior. We cannot know, in other words, about inconsistency in reporting for a given behavior. Given these many unknowns and the room for error, these data should be taken with a degree of skepticism: they represent what schools reported and only those incidents that resulted in a disciplinary action taken.

Disciplinary actions that remove students from the normal instructional environment but are not escalated to the level of the school disciplinarian, such are being made to sit in the back of the classroom or sitting in the hallway, are also likely not to be reported.

Reporting error is also possible, even likely. This may arise, in part, because different schools may categorize the same behavior differently. A student apparently drinking alcohol and behaving in a troubling manner may conceivably end up categorized under "Alcohol" or "Disobedient/Defiant" or "Detrimental Behavior" or perhaps "Other Violations." Or the school, as noted above, may not take any action—so the incident never appears in the datasets. It is also important to keep in mind that these matters are not generally adjudicated, so there is a significant level of uncertainty that an incident as reported occurred.

Further, we note that the "Incident by Action" file only includes a reporting of the *most severe action taken per incident*, thus only one incident is reported even if more than one student was involved in the larger incident. For example, suppose two students are suspended for fighting, with one student receiving an out-of-school suspension while the other receives an in-school suspension. This "incident" is reported as one 3rd degree assault that resulted in one out-of-school suspension. Accordingly, because each reported incident does not reflect student-level data, the reported action and violation type can be thought of as the minimum number of violations and actions taken for a given incident. In sum, this report's discussion of student behavior does not refer to absolute counts of students nor absolute counts of actions taken, but rather to counts of incidents.

Three key unknowns emerge from the limitations of the data in the "Incident by Action file:"

1. the total number of students involved in disciplinary actions taken;
2. the total number of actions taken; and
3. the total number of behavioral events.

The "Action by Race/Ethnicity and Gender" (hereinafter, "Action by Race") files remove some of the limitations of the "Incident by Action" files but present other significant limitations. The Action by Race files include student-level data of the action taken against students and the race and gender of the students involved. The most significant limitation is that the "Action by Race" files contain no accounting of the behavioral event that was associated with an action taken. Because of these data limitations the *behaviors* of different race and gender groups remain unknown.

The following example illustrates the difference between the "Incident by Action" file and the "Action by Race" file. Assume three White male students are involved in a drug-related incident and two of these students received a classroom suspension while the other is expelled. The "Incident by Action" file reports this as the behavior (drug) and the most severe action taken (expulsion): a single drug expulsion. The "Action by Race" file records this same incident using the race (White), gender (male), and actions taken: three White males, two classroom suspensions, and one expulsion. Because the "Action by Race" file contains a count of the actions taken against each student, this file represents the actual number of actions taken against students, unlike the "Incident" file. Yet there are at least two important unknowns:

1. As noted, the behavior type (a drug violation in this example) is not reported in the "Action by Race" file. Therefore, even using the two datasets together, the racial/gender makeup of student behavior is unknown.

2. The unduplicated number of students involved in each action taken is unknown. In the example above, the schools would report in the "Action by Race" file two classroom suspensions of White males, and one expulsion of a White male. But there is no way to tell that these three actions were taken as a result of a single incident, nor is there any way to tell whether these were three different White males or the same White male who repeatedly ran into trouble. While a total number of unduplicated students is given for each racial/gender category, this is not disaggregated by behavior type.

Notes & References

1 Legislative Task Force to Study School Discipline (2011). *Report to the Colorado General Assembly. The Colorado Legislative Council. Research Report No. 606.*

2 Simpson, K. (2012, January 17). Reforms pitched for Colorado schools' zero-tolerance rules. *Denver Post.* Retrieved April 29, 2012, from http://www.denverpost.com/news/ci_19756112.

3 Padres y Jóvenes Unidos & Advancement Project (2011). *Books Not Bars: Students for Safe and Fair Schools.* Retrieved April 29, 2012, from http://www.padresunidos.org/sites/default/files/ BooksNotBars_StudentsForSafeFairSchools.pdf.

4 Smiles, K. (2011). *Disproportionate Minority Contact within Colorado's 18th Judicial District: Preliminary Review of Data & Potential Reduction Strategies.*

5 Krueger, J. & Severson, A. (2008). *A Brief Analysis of K-12 Student Discipline Incidents 2006-2007 School Year.* Retrieved April 29, 2012, from http://www.cde.state.co.us/cdereval/download/PDF/StudentDiciplineIncidents/CDE_SDI.Analysis_2006.2007.pdf.

6 As described below, "detrimental behavior" edged out "other" in more recent years.

7 All findings represent an average that has been calculated based on 2008-09 and 2009-10 data. All interpretations should be understood as a yearly average between 2008-09 and 2009-10.

8 Losen, D.J. (2011). *Discipline Policies, Successful Schools, and Racial Justice.* Boulder, CO: National Education Policy Center, page 11. Retrieved April 29, 2012, from http://nepc.colorado.edu/publication/discipline-policies.

9 The Colorado Department of Education has produced some minimal descriptions of long-term discipline trends that are presented as tables and graphs on the CDE website (see http://www.cde.state.co.us/cdereval/RVStudentDiciplineIncidents.htm). These tables and graphs are good starting points. However, future reports should include, at a minimum, an examination of disciplinary actions, student behaviors, race, and gender accompanied by narrative description and analysis.

10 Definitions of both disciplinary behaviors and actions are found in several places, but those definitions sometimes vary and there is some debate over their meanings and consistency of use. See definitions in Krueger and Severson (2008), and see the debate about the definitions in the Colorado Legislative Council's *Legislative Task Force to Study School Discipline* (2011).

11 Our discussion here is about data *reporting*, which does not necessarily reflect actual student behavior or the actions taken by schools. See the appendix for a more detailed discussion of data reporting.

12 For example: "Regardless of how many times a student appears in the Action Taken columns to the left, . . . " See Colorado Department of Education (2010, April 10). *2009-2010 Safety and Discipline Indicators Definitions.* Retrieved April 27, 2012, from https://cdeapps.cde.state.co.us/sdi_field_definitions.htm.

13 That the incident-level data result in a lower count of annual actions is evidenced by the differences between the total number of actions in Table 2 (125,008) and the total number of incidents in Table 3 (106,434). The total number of actions *is* the total number of disciplinary actions assigned annually. The total action file does not provide counts of behaviors; as a result, we must work back and forth between action and incident-level data. The count of incidents reports 18,574 fewer disciplinary actions than the total action count. See the appendix for further explanation.

14 The "discretionary" category includes generally minor, non-violent behaviors, and the actions taken in response to them. "Discretionary" behaviors/actions deserve special attention. While weapons and drug violations and in-school batteries now require certain punitive actions in most states, behaviors related to discretionary categories allow the use of school officials' subjective judgment when assigning disciplinary action.

15 When CDE calculates a total number of a given behavior category they exclude the "Referral to Law Plus category" and we have done the same. Not doing so would count not only the drug + referral to law but additionally, the drug + a second discipline action, a total which would essentially double count the "drug" behavior CDE presentation, see "2011 SDI Collection Overview"

16 Padres y Jóvenes Unidos & Advancement Project (2011). *Books Not Bars: Students for Safe and Fair Schools*. Retrieved April 29, 2012, from http://www.padresunidos.org/sites/default/files/ BooksNotBars_StudentsForSafeFairSchools.pdf.

Krueger, J., & Severson, A. (2008). *A Brief Analysis of K-12 Student Discipline Incidents 2006-2007 School Year*. Retrieved April 29, 2012, from http://www.cde.state.co.us/cdereval/download/PDF/StudentDiciplineIncidents/CDE_SDI.Analysis_2006.2007.pdf.

17 See Krueger, J. & Severson, A. (2008). A Brief Analysis of K-12 Student Discipline Incidents 2006-2007 School Year. Retrieved April 29, 2012, from http://www.cde.state.co.us/cdereval/download/PDF/StudentDiciplineIncidents/CDE_SDI.Analysis_2006.2007.pdf.

18 Averages are affected by extreme numbers on either end, in this case the average is likely affected by several extreme repeat offenders.

19 It should be noted that although the category of "other code of conduct violation" is included as discretionary, we cannot be certain of the severity of student behaviors that are falling into this category—but we do know these behaviors are *not* assaults, dangerous weapons, robbery, felonies, or incidents in which school property is destroyed, as these should have been counted in the available categories.

20 Losen, D.J. (2011). *Discipline Policies, Successful Schools, and Racial Justice*. Boulder, CO: National Education Policy Center, page 11. Retrieved April 29, 2012, from http://nepc.colorado.edu/publication/discipline-policies.

21 Definitions of these behaviors are found in several places, but those definitions sometimes vary and there is some debate over their meanings and consistency of use. See definitions in Krueger and Severson (2008), and see the debate about the definitions in the Colorado Legislative Council's *Legislative Task Force to Study School Discipline* (2011).

22 Definitions of these behaviors are similarly found in several places, and again those definitions sometimes vary and there is some debate over their meanings and consistency of use. See definitions in Krueger and Severson (2008) and see a debate about the definitions in the Colorado Legislative Council's *Legislative Task Force to Study School Discipline* (2011).