

***Opportunities Suspended:
The Disparate Impact of Disciplinary
Exclusion from School***

By Daniel J. Losen and Jonathan Gillespie

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CONTENTS

- I. Foreword by Gary Orfield
- II. Executive Summary
- III. Introduction
- IV. National Findings
 - a. All Students
 - b. Students with and without Disabilities by Race/Ethnicity
 - c. Students Repeatedly Suspended
- V. Methods and Data Issues
- VI. State Findings
 - a. State Level Disparities Rank Ordered by Black/White Gap
 - b. States with Highest Suspension Risk for Black Students With Disabilities
- VII. District Findings: High and Low Suspending Districts by Racial/Ethnic Subgroup
 - a. Native American/Alaska Native
 - b. Asian American/Pacific Islander
 - c. Latino
 - d. Black
 - e. White
- VIII. District Findings: Risk for Suspension by Race, Gender and Disability In Highest Suspending Large Districts
- IX. Discussion
- X. Conclusion and Recommendations
- XI. References
- XII. Appendices
 - a. Omissions
 - b. Methods and Treatment of Errors

FOREWORD

The Civil Rights Project (CRP) is proud to publish this important report by Daniel Losen and Jon Gillespie. It is the first national study by our Center for Civil Rights Remedies, which is headed by Dan Losen. Since its founding 16 years ago, CRP's central focus has been on racial and ethnic inequalities in educational opportunities, and on policies that could remedy the resulting inequalities in school outcomes. We have published studies and books on segregation in schools, inequality in choice programs, issues of equity in testing, discrimination in special education placement, the dropout crisis, and the school-to-prison pipeline, as well as many studies on college access. Losen has done pioneering work on issues of unequal treatment within schools, including the widely cited book, *Racial Inequity in Special Education* (Losen & Orfield, 2002), and on dropouts.

One thing that has become very clear through our work at the Civil Rights Project is that it is critically important to keep students, especially those facing inequality in other parts of their lives, enrolled in school. This relates directly to the common and often highly inappropriate policy of punishing students who are already at risk of dropping out by suspending them from school. Because suspension increases a young person's probability of both dropping out and becoming involved with the criminal justice system, it is difficult to justify, except in extreme situations where safety or the educational process of the school is directly and seriously threatened. For the vast majority of cases, however, the challenge is to find a way to address the situation with better practices, more alternatives, and more effective training of school personnel.

The findings in this study are deeply disturbing. Students who are barely maintaining a connection with their school often are pushed out, as if suspension were a treatment. The statistics on the use of suspension for African American and special education students are cause for great concern. We already know that African American males are disproportionately placed into categories of special education that are associated with extremely poor outcomes. We now see that these same students face incredibly high rates of suspension. Every dropout costs society hundreds of thousands of dollars over the student's lifetime in lost income, and removing a large number of students from school undermines a community's future. In a society that is incarcerating a large number of African American young men, with terrible consequences for their families and communities, these results are simply unacceptable. We can and must do better for young people whose future is at stake.

Thinking about this data should create a sense of alarm about this group of students and others experiencing high rates of suspension. Putting students who face serious challenges on a path that leads them to detach from school or cut the already weak ties that prevent them from dropping out is a misguided practice. It is not enough, of course, to simply blame the schools. These patterns often reflect a lack of knowledge about how to work effectively with these groups of students and a lack of systems for solving real problems within schools. It is clear that exclusion is not a cure, but nor is overlooking unacceptable behavior.

There is a better course. The encouraging finding in this report is the very good news that hundreds of districts do not have highly differentiated suspension rates and/or use suspension only rarely. This indicates that discipline problems are being successfully addressed by some educators in some districts. We need to challenge those districts that have high rates of suspension and inequitable treatment of their students to find similar solutions, and provide them with the resources and training they need to implement them. Effectively addressing problems in the schools when children are still young, including finding solutions with professional help and training, can prevent students from taking a path toward lifelong failure.

We hope that the nation's educators will respond to the very serious issues raised by this report and that community organizations will insist that better answers be found, as critically important rights are at stake. Therefore, educators, the press, community leaders, and civil rights organizations need to press for better and more positive solutions.

Gary Orfield
August 2012

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EXECUTIVE SUMMARY

Does anybody know how many students were suspended from school in their child's district? Should we care?

In most schools and districts in the nation, the answer to the first question is that most do not know, even though out-of-school suspension is no longer a measure of last resort in a large number of school districts across the country. As this report will show, many districts are frequently resorting to suspension for violations of even minor school rules.

Well over three million children, K-12, are estimated to have lost instructional "seat time" in 2009-2010 because they were suspended from school, often with no guarantee of adult supervision outside the school. That's about the number of children it would take to fill every seat in every major league baseball park and every NFL stadium in America, *combined*.

Besides the obvious loss of time in the classroom, suspensions matter because they are among the leading indicators of whether a child will drop out of school, and because out-of-school suspension increases a child's risk for future incarceration. Given these increased risks, what we don't know about the use of suspensions may be putting our children's futures (and our economy) in jeopardy.

Furthermore, the high risk of getting suspended is not borne equally by all students, which raises civil rights issues and questions about fundamental fairness. This report will demonstrate that, while children from every racial group can be found to have a high risk for suspension in some school districts, African American children and children with disabilities are usually at a far greater risk than others. For example, one out of every six enrolled Black students was suspended, compared with about one in twenty White students.

This national report, based on suspensions of students in K-12 in 2009-2010, represents the first major effort to fill the knowledge gap around school discipline as it stands in thousands of districts in nearly every state. Based on data released in March 2012 by the U.S. Department of Education, we analyze the risk of out-of-school suspension for every racial/ethnic group, as well as for students with and without disabilities.

The report begins by providing national- and state-level estimates, but perhaps the most valuable information presented is the detailed analysis of nearly 7,000 school districts from every state in the nation. In this national database, using the companion spreadsheets, readers will easily locate the highest suspending school districts for each racial group, and for students with and without disabilities. This report demonstrates that, in most districts, the highest risk for suspension is revealed when the data are

disaggregated by race and combined with gender and/or disability status.

Key Findings from Analysis at the National, State, and District Levels

National

- National suspension rates show that 17%, or 1 out of every 6 Black school-children enrolled in K-12, were suspended at least once. That is much higher than the 1 in 13 (8%) risk for Native Americans; 1 in 14 (7%) for Latinos; 1 in 20 (5%) for Whites; or the 1 in 50 (2%) for Asian Americans.
- For all racial groups combined, more than 13% of students with disabilities were suspended. This is approximately twice the rate of their non-disabled peers.
- Most disturbing is the fact that one out of every four (25%) Black children with disabilities enrolled in grades K-12 was suspended at least once in 2009-2010.
- Students with disabilities and Black students were also more likely to be suspended repeatedly in a given year than to be suspended just once. The reverse was true for students without disabilities and for most other racial/ethnic groups.

State

- Suspension rates, based on the sample, varied dramatically between states; for example, North Dakota had an estimated rate of 2.2% for all students, whereas South Carolina suspended 12.7% of enrolled students.
- Although Blacks had the highest suspension rate in most states, in Montana, Whites (3.8%) were suspended more often than Blacks (3.4%).
- The highest suspending states (based on the sample) differed by racial group.
 - Illinois was highest for Blacks, at 25%.
 - North Carolina, at 18%, was highest for Native Americans.
 - Connecticut had the highest rate for Latinos, at 14%.
 - Whites and Asian Americans were highest in Wyoming, at 10% and 6%, respectively.
- When rates of the risk for being suspended were compared for Blacks and Whites, Illinois had the largest racial gap in the nation (21.3%). Illinois also suspended nearly 42% of all Black students with disabilities.

District

- Approximately 839 districts out of 6,779 in the sample suspended over 10% of the enrolled student body at least once.
- Several of the nation's largest districts suspended 18% or more of their total enrollment, including Memphis, Tennessee; Columbus Ohio; Henrico, Virginia; and Chicago, Illinois. Almost 200 districts suspended more than 20% of all enrolled students.
- For the largest districts, when suspension rates were further disaggregated by gender with race and disability, rates for male students of color with disabilities sometimes exceeded 33%.

- For each racial group, we provide the 10 highest suspending districts in the country. Among the highest districts were Spokane, Washington, for Native Americans (44.7%); Ravenswood City Elementary, California, for Asian Americans (18.8%); Hartford, Connecticut, for Latinos (44.2%); Pontiac City, Michigan, for Blacks (67.5%); and Miami Unified, Arizona for Whites (40.5%).
- Although over 300 districts suspended over 25% of the Black children enrolled, high suspension rates for Black students were not the norm in every district. Of the 4,504 districts in the Civil Rights Data Collection (CRDC) sample that enrolled at least 10 Blacks and at least 1,000 students in all, the risk of suspension for Blacks was 3% or less in over 1,400 districts.
- Similarly, over 300 districts suspended over 25% of the students with disabilities, without regard to race, but well over 600 districts suspended 3% or less of this subgroup.

Although the text of this report only scratches the surface, all readers have access to a companion set of spreadsheets that contain extensive state- and district-level information. These spreadsheets come with instructions on how to sort and filter the district data, using the national sample or within a given state.

Besides providing the data broken down by race/ethnicity, disability status, and, to a limited extent, gender, the report summarizes relevant research findings regarding the use of suspensions. These include the factors that contribute to its high use and large disparities in that use, and whether there are more effective alternatives. These findings suggest that factors controlled closely by the schools influence the high rates and observed disparities in suspensions. They may include differences in school leadership, differences in school policy, lack of effective support and training for teachers, and possibly racial and disability bias.

Equally important is that researchers find that the frequent use of suspension brings no benefits in terms of test scores or graduation rates. Thus the oft-repeated claim that it is necessary to kick out the bad kids so the good kids can learn is shown to be a myth. In fact, research suggests that a relatively lower use of out-of-school suspensions, after controlling for race and poverty, correlates with higher test scores, not lower.

The good news is that school discipline reform not only is possible, but that at least two states have responded thus far to the research. For example, the data used in the study do not reflect changes in Connecticut, where a state law designed to encourage schools to use out-of-school suspensions only as a measure of last resort began implementation in 2010-2011. Moreover, on July 24, 2012, the Maryland State Board of Education passed (pending final approval) regulations that call for a similar measure. The Maryland regulation, which is designed to keep students in school, contains measures directing each school system to adopt a rehabilitative philosophy that focuses on positive behavior and reserves using suspension from school as a measure of last resort. Under the new regulation, the state will also monitor districts for large racial disparities and require identified districts to implement a plan designed to eliminate the disparities within three

years.¹

As addressed in the discussion section, there are many alternatives to using out-of-school suspension frequently to try to create effective learning environments. The data presented here leave no doubt that we face a challenging, entrenched problem, but we have good reason to believe that much can be done to remedy that problem and thereby make a significant difference in the lives of all students. We do know how to educate children successfully without relying on the ineffective, harmful practice of suspending the very students who often have the most to gain from staying in school. Therefore, we urge all schools to reject the high-suspending status quo and revert to a commonsense policy of using school exclusion only as a measure of last resort. Furthermore, we as a nation must pay closer attention to the profound disparities along the lines 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, and seek policy changes that would 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 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.

For Federal and State Policymakers

1. Require states and districts to publicly report disaggregated data annually, including number of students suspended, number of incidents, reasons for out-of-school suspensions, and days of lost instruction.
2. Include suspension rates among the factors schools and districts use to measure performance.
3. Step up federal civil rights enforcement to address the large disparities in discipline by race, disability, and gender in high-suspending districts.
4. Provide greater support for research on promising, evidence-based interventions and target more funds for the implementation of systemic improvements in approaches to school discipline, as well as for teacher training in classroom management.
5. Consider replicating the actions taken to reduce suspensions in several states, such as Connecticut and Maryland, and the legislative proposals before California's state legislature.
6. Include classroom management skills as part of teacher evaluations, and ensure that teachers and principals have sufficient training and professional development opportunities in this area.

¹ See http://www.washingtonpost.com/local/education/maryland-education-board-gives-preliminary-approval-to-student-discipline-reforms/2012/07/24/gJQAKivs6W_story.html.

For Educators

1. Use disaggregated discipline data to guide and evaluate reform efforts, including measures to ensure a review of disparities by race, disability, and gender.
2. Invest in accurate reporting and use data on discipline in early warning systems.
3. Seek changes to school policies and practices where suspension rates are high, and as part of efforts to turn around struggling schools and districts.

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 will soon become available, as all districts are required to report it to the U.S. Department of Education, beginning in September 2012 and continuing over the next several months.
3. Question the justification for and research behind discipline policies that leave large numbers of children out of school and unsupervised.

For Researchers

1. Include discipline data in the evaluation of school improvement efforts.
2. Partner with states and school districts to conduct longitudinal studies on the impact of frequent out-of-school suspensions, and to document promising practices.
3. Encourage the use of research-based approaches to school discipline.
4. Conduct cost/benefit analyses of the frequent use of out-of-school suspensions.

Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School

By Daniel J. Losen² and Jonathan Gillespie³

INTRODUCTION

Well over three million children are estimated to have lost instructional “seat time” and to have been suspended from school, often with no guarantee of adult supervision, in 2009-2010. That’s about the number of individual children it would take to fill every seat in every major league baseball park and every NFL stadium in America, *combined*.⁴ Many of those suspended were suspended repeatedly.

For over ten years, The Civil Rights Project has raised concerns about the frequency of out-of-school suspensions, stark racial disparities in the systemic use of disciplinary removal, and the resulting denial of educational opportunity. Now, with the U.S. Department of Education’s release of a wealth of new data on the use of suspensions, our analysis shines fresh light on this pervasive problem.

In this report, we provide state estimates, and an unprecedented level of district-level detail. We have analyzed and compared rates of suspension for nearly half of the nation’s school districts, broken down by race and ethnicity. For each of the nearly 7,000 districts and each of the 50 states, we further examine differences in suspension by comparing the rates of students with disabilities with their non-disabled peers. We also analyze data on the extent to which students are repeatedly suspended in the same school year.

Finally, we highlight the highest suspending districts for each racial group and further break down the data on the nation’s largest districts, with an added analysis of gender disparities as they intersect with race and disability status.

While the text of this report reviews the highlights of our findings, on the website of the Center for Civil Rights Remedies at The Civil Rights Project, we also provide a spreadsheet of our complete analysis, which includes sortable data on all the districts in our sample. Unlike the data publicized by the U.S. Department of Education’s Office for Civil Rights (OCR), our spreadsheet has broken down the data into the risks for suspension, which enables users to compare districts quickly and easily across the nation

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⁴ That number is approximately 1,298, 520 seats for baseball parks and 2,168, 501 for the NFL stadiums. Before we removed some entire states and large districts in the process of cleaning the data, the number of suspended students reported in OCR’s sample was 3, 081,240. That sample is based on 85% of the total enrollment, and we estimate that the total of 3,467, 021 seats in America’s professional baseball and football stadiums is a close approximation.

and within each state.

The disparities highlighted in this report are real and often stark, raising serious concerns about the unjust denial of educational opportunity. Robust research demonstrates that frequent suspension is not an effective educational practice, as it improves neither school safety nor student outcomes for those disciplined, nor does it improve the performance of high-suspending districts. In fact, disciplinary exclusion from school is criticized by both the American Academy of Pediatrics on health and safety grounds (AAP, 2008), and the American Psychological Association (APA, 2008). In fact, the research links suspensions with higher risk for retention in grade, dropping out, and involvement with the juvenile justice system, even after controlling for race, poverty, and school characteristics.⁵

Suspension proponents often suggest that educators really have no alternative choice and that suspending fewer students will allow chaos to reign, thereby ruining the learning environment for the kids who want to be at school. Such arguments are born of frustration and a desire for better school outcomes, as well as concerns about real violence after incidents like the Columbine shooting. However, these arguments contradict what we know from the research.

The truth is that harsh and punitive responses do more harm than good. Furthermore, there are more effective responses and approaches to discipline, beginning with a commonsense policy of using out-of-school suspension as a measure of last resort.

At the most basic level, there are many responses to misbehavior other than unsupervised out-of-school suspension, including afterschool detention, Saturday school, parent conferences, in-school suspension, and alternative programs. Some of these alternatives may be highly problematic for various reasons, but in contrast to kicking students out, all entail more time in school, a greater focus on fostering appropriate behavior, and an increase, rather than a decrease, in adult attention and supervision. Moreover, as the discussion section at the end of this report will summarize, effective alternatives take seriously the need to ensure that schools are safe and productive and that students are held accountable for their inappropriate behavior.

Unfortunately, the alternatives to out-of-school suspension are underutilized in many districts. One reason for this may be that education policymakers and parents are not fully aware of just how many students are at risk for being suspended, and how many days of instruction are lost as a result. We believe that most readers will find the frequency of out-of-school suspensions and the racial, disability, and gender disparities exposed in this report to be no less than shocking.

The data we describe suggest not only a hidden crisis for many historically disadvantaged subgroups in too many districts, but also a widespread need to reform discipline policy in

⁵ Fabelo, T., Thompson, M., Plotkin, M., Carmichael, D., Marchbanks III, M., and Booth, E. (2011). *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*, Council of State Governments Justice Center. Retrieved April 8, 2012 from http://knowledgecenter.csg.org/drupal/system/files/Breaking_School_Rules.pdf.

many of our nation's public schools.

Although comprehensive in scope, this report is based on a federal biennial data collection with limitations that must be acknowledged up front. Reviewed in the text and described in detail in the appendix, the limitations include state-to-state differences in the coverage of the sample, and a variety of data flaws. As a result, we removed three states and numerous districts, in part or in full, from this analysis.

NATIONAL-LEVEL FINDINGS

National Findings Reveal Frequent Use of Out-of-School Suspension and Large Racial Disparities

Data released by the Office for Civil Rights were collected from nearly half of the nation's school districts, which serve about 85% of all public school students in the U.S. From the original sample, 3,081,240 children from grades K-12 were suspended out of school *at least one time* during the 2009-2010 school year.⁶

OCR collected data from districts on the number of students who were suspended just once during the year, and the number suspended more than once. The primary analysis in this report combined these two mutually exclusive categories in order to report the number of students suspended one or more times as a percentage of total enrollment.⁷ The data used in this report differs from the OCR data, in that most of what is reported here uses the combined rate, which is not provided directly by OCR. Often we describe this percentage throughout this report as the risk for being suspended one or more times.

To avoid confusion, it is important to remember that many students are suspended two, three, or even more times in a school year but counted only once in this report. While we do focus on the numbers of students suspended one or more times, we also provide a separate analysis of the students suspended *just once* and of those suspended *multiple times* for every district in the OCR sample.

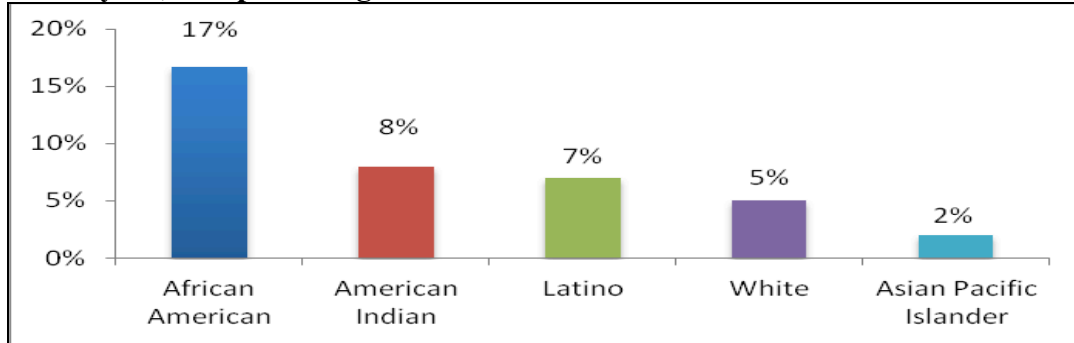
Large numbers of students from every racial group are suspended, but the disparities between groups are often profound. Across the nation, as illustrated in figure 1, nearly 1 out of every 6 African American students (17%), 1 in 12 Native American students (8%), and 1 in 14 Latino students (7%) in the state sample were suspended at least once in 2009-2010, compared to 1 in 20 white students (5%) and 1 in 50 Asian American students (2%). Asian American rates varied when further broken down by subgroups (e.g., Hawaiian and Pacific Islanders reported separately from other Asian groups). Unfortunately, the data needed to calculate a nationwide suspension rate consistent with the entire sample were not always available.⁸ Furthermore, this national estimate is based on data from every district in OCR's national sample after the districts with clearly erroneous data were removed. No statistical weights were applied.

⁶ The removal of Florida, Hawaii, New York City and several smaller districts due to errors reduced the totals we report down to just over 2.7 million. Florida data were removed because of enrollment errors, not errors in the number of students suspended which numbered over 217,000 in the Florida sample.

⁷ This combined calculation is close to what was reported by OCR in prior years, although there are some important differences discussed in detail in the appendix.

⁸ Suspension risk for Hawaiian and Pacific Islanders are reported for those districts that provided the disaggregated data and are available in the spreadsheet that accompanies this report.

Figure 1. Students across the nation suspended at least once during the 2009-2010 school year, as a percentage of total enrollment⁹



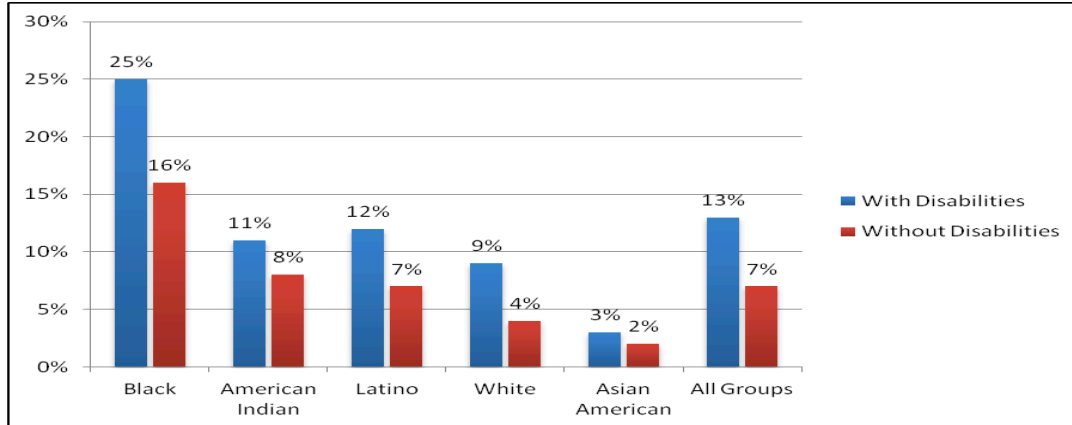
Source: CRDC, 2009-2010 (numbers from national sample rounded to whole numbers)

This depiction of the different risks for suspension represents a conservative estimate, as not every district in the U.S. was included in the OCR sample. When the number of suspended students is divided by the total enrollment for the sampled districts the result is a risk for suspension of 7.4% for all students in this large national sample from the 2009-2010 school year. The same basic risk calculation was used to determine all the suspension risks described in this report and in the accompanying spreadsheet for each subgroup.¹⁰ As this report demonstrates, the large racial disparities observed in the statewide samples are often more pronounced than the national disparities. At the district level, still greater risks and disparities are found. Moreover, nearly all the rates reported are for K-12, and our report from 2010, “Suspended Education: Urban Middle Schools in Crisis,” demonstrates that middle school suspension rates are typically much higher than the K-12 district level rates (Losen & Skiba, 2010).

⁹ To find the combined numbers, one must add the data made publicly available online at the website <http://ocrdata.ed.gov>. OCR intends to apply a formula using statistical weights to “project” state and national estimates, which it will make public. Because the national sample contains 85% of all enrolled students in the nation, we believe that the national estimates we have calculated without applying statistical weights will be similar. Our preliminary analysis before the data were “cleaned” showed slightly different rates, which are described in the appendix.

¹⁰ The district-level data reported here were provided to the public by the federal government. The raw data can be obtained from the following federal website: <http://ocrdata.ed.gov>.

Figure 2. Impact by race and disability of the use of out-of-school suspensions, 2009-2010



Source: CRDC, 2009-2010 (numbers from national sample rounded to whole numbers)

Students of Color with Disabilities Are Suspended at Alarming Rates

Many parents and policymakers will be surprised to learn that, across the nation, students with disabilities are suspended about twice as often as their non-disabled peers. The rates for all racial groups combined are 13% for students with disabilities and 7% for those without disabilities. Federal and state laws provide students with disabilities the right to supports and services to address behavioral issues related to their disability, and procedural protections to safeguard against the unjust exclusion of children because of their disability make it harder to suspend them for longer than 10 days (Kim, Losen, & Hewitt, 2010). Nevertheless, the data on suspensions of one day or more clearly show that students with special needs face double the risk for getting suspended out-of-school as their non-disabled peers. As figure 2 demonstrates, when rates were compared within each racial group a substantially higher risk for suspension for students with disabilities was found, consistently.

Most alarming of all is that one out of every four Black K-12 students with disabilities was suspended out of school at least one time in 2009-2010.¹¹ This high risk for suspension is a full 16 percentage points higher than for white students with disabilities. As the data in the attached spreadsheet demonstrate, the patterns depicted in figure 2 are found in most states and districts.

These are sobering disparities, given that federal law expressly requires schools to provide a behavioral assessment and behavioral improvement plan for students with disabilities who exhibit behavioral problems to ensure that they receive the supports and

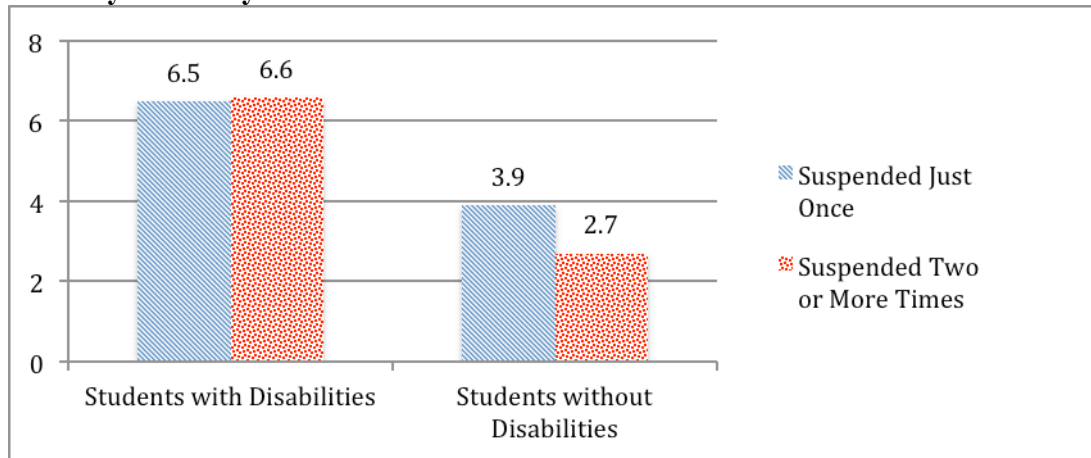
¹¹ These numbers are confirmed by data about students with disabilities and suspensions, collected separately by the U.S. Department of Education's Office for Special Education Programs (OSEP) in 2009-2010 from every district in the nation, are reported to the public as state and national averages as follows: Native American/Alaska Native as 15%; Asian American/Pacific Islander as 6%; Black as 27%; Latino as 14%, and White as 12%. These (OSEP) data were not sampled and include data from Florida that were removed from this analysis because of errors in the CRDC. See https://www.ideadata.org/TABLES34TH/AR_5-24.pdf.

services they need.¹² In light of these essential supports and services, and procedural safeguards, one would expect the rates among students with disabilities to be equal to or less than students without disabilities. Pursuant to the requirements of the Individuals with Disabilities Education Act of 2004, the U.S. has begun to review each school district to learn which have large racial disparities in discipline among students with disabilities.¹³ This federal law requires further district-level interventions where the disparities meet a threshold established by the state. The data revealed in this report suggest that a great deal of work in this area remains to be done in the U.S.

Many Students Were Repeatedly Suspended in the Same Year

If getting suspended were a strong deterrent, we would expect to see a very low risk for students to be suspended multiple times in the same school year. Students with disabilities suspended from school in 2009-2010 were slightly more likely to have been suspended repeatedly compared with just one time.

Figure 3. National comparison of risks for students suspended once or multiple times by disability status



Source: CRDC, 2009-2010 (numbers from national sample rounded to one decimal)

Multiple Suspensions by Race and Disability

A further breakdown of these data by race and ethnicity is available on our spreadsheet for every district. Nationally, we can see that Black students with disabilities had the greatest risk of being suspended two or more times in 2009-2010. In table 1, the subgroups are ranked by risk for being suspended two or more times, from left to right.

¹² See 20 U.S.C. Section 1418(d).

Table 1. Risk for two or more out-of-school suspensions by race with disability

Percentage of Total Subgroup Enrolled (national sample) Suspended Two or More Times		
Student Race/Ethnicity	Students with Disabilities	Students without Disabilities
African American	14%	7.4%
American Indian	5.6%	3.2%
Latino	5.9%	2.5%
White	4.1%	1.5%
Asian American/Pacific Islander	1.3%	0.6%

Source: CRDC, 2009-2010 (numbers from national sample rounded to one decimal)

Within every racial group, students with disabilities had a much higher risk of being suspended two or more times in the 2009-2010 school year. Consistent with all the other findings, Black students with disabilities had a significantly higher risk for being suspended repeatedly from school, but Black students also had the greatest difference, 6.6 percentage points, between the observed risk for repeat suspensions for students with disabilities and for those without.

METHODS AND DATA QUALITY

Simple and Consistent Methods

The data analysis provided in this report and made available in the sortable spreadsheet is based on straightforward percentage calculations using publicly available data. To achieve these numbers, we divided the number of suspended students by the total enrollment, and the result gives the percentage that was suspended. The same basic calculation was used to calculate all the suspension risks described in this report and the spreadsheet for each subgroup.¹⁴ The calculation remains the same, even as the subgroups examined are narrowed. For example, to find the risk of suspension for Black male students with disabilities, we counted the number of these students suspended one or more times in 2009-2010 and divided it by the district's total number of Black male students with disabilities enrolled that same year.

The findings, expressed as a particular group's "risk for" or "rate of" suspension, are expressed as percentages and should not be confused with "incident" rates, which are not covered by this report, as OCR collects data only on the number of students suspended. Specifically, OCR collected the number of students suspended one time and, separately, the number of students suspended two or more times. We added these mutually exclusive categories together to report the *unduplicated* number of students suspended one or more times. The estimated number for all students combined the published data on students with disabilities served under IDEA and students without disabilities. OCR reports the combined total enrollment wherever that term is found. To find the baseline enrollment of students without disabilities, we subtracted the number of enrolled students with disabilities from the total enrollment.

Limitations of the Data

The national and state estimates presented here are based on a sample of districts rather than on every school and district in the nation. This is not a random sample; it includes millions of students representing well over one-third of all U.S. districts and approximately 85% of all students enrolled in U.S. public schools. Wherever state and national totals and percentages are provided, they are derived from the total data from all the reporting districts (with the exception of the states and districts with major data problems). These data are not adjusted with statistical weights to project state or national totals, as doing so would account for the districts not included in the federal dataset that is limited to all school districts in the sample. Therefore, when OCR releases its state and national projections, the estimates that are adjusted for the missing districts could come out slightly different. Despite these limitations, this report offers more information than any previous study on contemporary patterns of suspension by race, gender, and special education status.

Conversely, the district-level data are *not* sampled. This means that if a district is in the sample, it reported the data from every school and on all students enrolled in that district.

¹⁴ The district-level data reported here were provided to the public by the federal government. The raw data can be obtained from the following federal website: <http://ocrdata.ed.gov>.

Issues of Data Quality

Many who are not familiar with the challenges of large-scale data collection and reporting may still wonder about the accuracy of the data. Some reviewers may find these rates suspiciously high, while others may suspect they are too low, depending on the district or state. Here is what OCR says about the quality of data it provided:

OCR strives to ensure [that] CRDC data is an accurate and comprehensive depiction of student access to educational opportunities in sampled school districts. The submission system includes a series of embedded edit checks to ensure data errors are corrected before the district submits its data. Additionally, each district is required to certify the accuracy of its submission. Only a district superintendent, or the superintendent's designee, may certify the CRDC submission. Ultimately, the quality of the CRDC data depends on accurate collection and reporting by the participating districts.¹⁵

Complicating matters is the fact that once a district sent its data to the federal government and certified its accuracy, it was assumed to be correct. The U.S. Department of Education acknowledges concerns about the need for more thorough auditing and has developed new strategies around data collection that should reduce future errors. Correcting these errors is vitally important to ensure that the data reports for the 2011-2012 school year, which must be submitted by districts beginning in September 2012, do not raise the same problems.

In general, the Center for Civil Rights Remedies removed all districts where we found clearly inaccurate data. While some districts may accidentally report suspending more students than they enrolled (overreport), others may have underreported their data, and still others failed to report baseline enrollment data or failed to report at all in some categories, ignoring the federal requirement. As a rule, we only eliminated districts with obvious errors or where we were certain the data were wrong and the errors were large. For some obvious errors that were affecting only one category with few students, we were able to flag them without excluding the entire district. A detailed explanation of all the types of errors we uncovered and how each was handled is provided in Appendix II. In order to ensure transparency, the errors from the "removed" districts are included in the spreadsheets in a separate tab marked "errors." We also hope that by reporting the errors the public we be motivated to press these districts to report their data accurately in the future.

States with Data Problems

The Office of Civil Rights, which administered the data collection, has acknowledged that the data from Florida, New York, and Hawaii contain serious flaws. The CRDC data for Florida and New York on the enrollment of students with disabilities varied dramatically from other reliable sources. When we contacted OCR, they acknowledged these problems and are in the process of seeking corrected data from these states. New York City had additional concerns about data on the reporting of suspensions, which

¹⁵ This statement available at <http://ocrdata.ed.gov/DataNotes>.

OCR is seeking to resolve. Given the absence of New York City data, state estimates for New York are not reliable.

Most important, despite the limitations and errors, this biennial collection represents the most uniform and comprehensive district-level collection on school discipline to date. Throughout the text of this report, readers must keep in mind that the data presented are estimates and that the rates represent only the year for which they were collected.

Fortunately, nearly every public school and district in the nation was required to provide the same data for the 2011-2012 school year. Districts must report their data beginning in September 2012. For this reason, we offer specific recommendations for improving the critically important data collection and public reporting that we relied on for this report, including increased funding to ensuring the accuracy of this vital information.

STATE-LEVEL FINDINGS

State-Level Disparities in the Use of Suspension

The wide range in the risk for suspension depending on the state and racial group was perhaps the most surprising finding of the state-level analysis. Table 2 shows the suspension rates for all students, combining the rates for those with and without disabilities for 47 of 50 states. If we use the 10% mark as a basis of state comparison, the risk for Blacks exceeded this rate in 39 out of 47 states, for Native Americans in 9 states, for Latinos in 6 states, for Whites in 1 state, and not in any state for Asian Americans.

However, Blacks did not have the highest risk for suspension in every state; in Montana, for example, Whites were suspended at a slightly higher rate (3.8%) than Blacks (3.4%). Also worth noting is that Native Americans had the highest risk for suspension in eight states: North Carolina, Vermont, South Dakota, North Dakota, Utah, New Mexico, Montana and Idaho. Latinos had the highest risk of all groups in Massachusetts, and while the risk for Whites rarely exceeded that of Blacks, it did exceed the risk for Latinos in eight states: Mississippi, Alabama, West Virginia, Kentucky, Louisiana, Maryland, Maine, and Wyoming. The risk for Asian American students was the lowest in each of the 47 states examined.

The Black/White Gap for All Students Is Large in Most (but not All) States

In table 2, the states are ranked by the percentage point difference in the risk for suspension between Blacks and Whites.

Table 2. State sample suspension risk for one or more suspensions by race/ethnicity 2009-2010

All Students Combined Suspension Risk Percentage, Ranked by Black-White % Gap									
Rank	State	Black-White % Gap	American Indian/ Alaska Native	Asian American	Latino	Black	White	Total	% of students in sample
1	IL	21.3	6.9	1.1	7.8	25.3	3.9	9.8	78
2	MO	18.4	5.6	2.0	5.2	22.8	4.4	8.0	77
3	CT	18.1	3.3	1.1	13.5	20.4	2.4	7.1	82
4	TN	16.4	4.1	2.1	6.0	21.1	4.7	8.9	95
5	MI	15.9	7.6	1.5	8.0	22.1	6.2	9.6	70
6	WI*	15.3	7.3	1.3	5.8	18.5	3.2	4.5	71*
7	MN	15.3	11.4	1.7	5.5	17.6	2.3	4.2	90
8	DE	14.4	9.3	1.6	10.2	21.8	7.3	12.3	93
9	NV	14.4	10.8	5.5	12.3	22.6	8.2	11.2	100
10	OH	14.0	2.4	1.1	7.6	18.6	4.6	7.7	71
11	NE	14.0	12.3	2.0	5.3	17.6	3.6	5.4	79
12	IN	13.6	3.9	1.5	8.4	19.5	5.9	8.3	78
13	AR	13.2	3.2	3.6	6.3	18.5	5.3	8.5	70
14	SC	13.2	7.8	2.5	7.8	21.0	7.9	12.7	96
15	PA	13.2	2.0	1.3	10.2	16.7	3.6	6.5	77
16	KS	12.8	5.2	2.0	7.1	16.8	4.0	6.0	75
17	OK	12.5	5.8	2.7	7.0	18.3	5.8	7.7	71
18	TX	12.3	3.8	1.4	6.5	15.4	3.2	6.5	88
19	GA	12.2	4.5	2.5	6.0	17.1	4.9	9.6	98
20	CA	12.1	10.6	2.6	7.5	17.7	5.6	7.1	91
21	VA	11.6	6.8	1.8	5.7	16.6	5.0	7.9	94
22	MS	11.2	4.4	2.4	4.7	17.6	6.4	11.9	91
23	IA	10.9	4.4	1.4	5.0	13.9	3.0	4.1	68
24	AL	10.7	3.5	1.6	4.9	16.3	5.6	9.3	96
25	NC	10.2	17.8	1.8	6.8	16.3	6.1	9.2	94
26	WV	9.9	0.0	1.0	7.6	18.6	8.7	9.3	91
27	CO	9.7	12.1	2.8	8.3	13.9	4.3	6.1	94
28	KY	9.3	1.0	1.5	4.1	13.9	4.6	5.8	84
29	NJ	8.7	1.5	1.0	6.6	12.0	3.3	5.5	75
30	RI	8.6	9.2	4.9	11.2	15.6	7.0	8.6	84
31	LA	8.3	6.7	2.3	5.9	15.3	7.0	10.7	96
32	AZ	7.8	8.9	2.3	7.1	12.5	4.6	6.3	84

33	WA	7.8	12.0	3.2	8.7	13.6	5.8	6.8	89
34	OR	7.6	8.2	1.9	6.7	12.5	4.9	5.5	83
35	MA	7.1	4.7	2.0	12.3	11.5	4.3	6.3	79
36	AK	6.4	8.7	3.9	5.2	10.9	4.5	5.9	90
37	MD *	6.1	5.7	1.4	4.3	11.0	4.9	6.9	100*
38	NH	5.3	3.3	0.9	9.2	11.4	6.1	6.3	77
39	SD	4.9	7.2	1.3	5.6	7.1	2.2	3.1	77
40	UT	4.2	6.7	2.3	5.0	6.2	2.1	2.7	85
41	ME	4.1	3.3	0.9	2.2	8.7	4.6	4.7	78
42	WY	3.8	13.2	5.8	8.0	13.8	10.0	9.8	81
43	VT	2.2	7.3	0.4	0.9	6.5	4.4	4.5	59
44	ND	2.0	7.6	0.0	2.2	3.6	1.6	2.2	81
45	NM	1.7	6.6	1.8	6.4	6.1	4.4	5.8	90
46	ID	1.0	6.0	1.6	4.7	4.2	3.2	3.5	85
47	MT	-0.3	11.3	0.0	3.9	3.4	3.8	4.8	80

Source: CRDC, 2009-2010 (numbers from national sample rounded to one decimal).

*MD and WI each had a large district removed from the sample so the size depicted on the right is no longer accurate and their estimates should be reviewed with extra caution.

Readers should note that to arrive at the state estimates described here, we combined all the district data from the CRDC for a given state and treated it as one entity. Therefore, the estimates are for all the students in the state that were in the selected (sampled) districts, and the rates listed were not “weighted” or adjusted further. The column to the far right in table 2 provides the percentage of students in the state sample. In eight states, the sample actually covered 95% or more of all students. Coverage percentages below this level should be regarded with caution, as they are incomplete representations.¹⁶

Several States Have Relatively Low Level of Racial Disparities

While no racial disparities should be expected or condoned, and although large percentage point differences between races are found in most states, it is worth noting that there is a very large range in the level of Black/White disparity. In the five relatively low disparity states, all differences are less than four percentage points; as mentioned above, in Montana, Whites are suspended more often than Blacks. Meanwhile, in the five states with the highest disparity, the difference exceeds 15 points.

While many will observe that all the states with low racial disparities (four points or less) also have an overall low risk for suspension for all students, Minnesota and Wisconsin both generally have relatively low suspension rates but very high suspension risks for Blacks; one out of every five or six Black students is suspended, but only about one out of every forty White students. Moreover, there are many high suspending districts within even the lowest suspending states, and they often have alarming racial disparities.

¹⁶ The U.S. Department of Education has promised to provide state “projections” to the public since releasing the raw data in March of 2012, but these are not yet available.

Lack of Consistency Is Noteworthy

The large differences in the risk for suspension suggest that what drives the use of out-of-school suspension is not a constant or predictable level of student misbehavior. This large variance, along with research discussed at the end of this report, indicates that differences in policy, practice, and leadership contribute to the frequency with which students are suspended from school. These findings should help educators in the higher suspending states, districts, and schools reject the belief that the status quo of frequent suspensions and large racial disparities is unchangeable. It should also be noted that states and districts that have suspension rates below the national or state estimates for the districts included in the CRDC sample should not regard these averages as a reasonable benchmark.

An acceptable rate? While the question of what level of suspension risk would be acceptable is not addressed in this report, it is worth noting that in the early 1970s the national average was approximately 3% for White K-12 students. Today, many districts report suspension risks of lower than 3% for each racial/ethnic subgroup. Moreover, although the observed disparities are not new, there is no reason that any persistent racial disparities in school discipline should be accepted as the norm.

An analysis of race with disability at the state level reveals even larger discipline disparities: Nationally, there is a 16-point percentage gap between Black and White students with disabilities, which is four points greater than the discipline gap between Black and White students without disabilities. In other words, of all the racial disparities we observed, the disparities for Black students with disabilities were the most profound. For this reason, we further highlight these disparities at the state level, where they are larger still.

In Table 3 we list the 10 states where Black students *with disabilities* were suspended at the highest rates. You will notice that in several states over 30% of Black K-12 students with disabilities were suspended out-of-school at least once. All of these high-suspending states also had large Black/White gaps that ranged from 18.2 percentage points in Indiana to 34 percentage points in Illinois.

Table 3: 10 states with the highest risk for suspension for Black students with disabilities

Students with Disabilities, Ranked by Highest for Blacks with Disabilities						
State	Native American/ Alaska Native	Asian American	Latino	Black	White	Total (IDEA)
IL	16.1%	1.5%	15.3%	41.8%	7.8%	18.8%
DE	12.5%	0.0%	20.4%	38.4%	15.4%	25.4%
CT	0.0%	1.0%	22.7%	31.6%	5.2%	13.6%
IN	9.8%	0.0%	13.1%	30.2%	12.1%	15.4%
OK	9.4%	3.0%	11.6%	28.3%	9.9%	13.3%
CA	12.8%	4.6%	12.1%	28%	11.1%	13.2%
MO	3.3%	1.3%	4.2%	27.5%	7.8%	12.2%
VA	4.5%	3.9%	9.5%	27%	10.5%	15.4%
MI	9.3%	1.7%	10.2%	26.8%	11.1%	15.4%
KS	10.1%	2.5%	10.2%	26.7%	7.6%	11.0%

Source: CRDC, 2009-2010 (numbers from national sample rounded to one decimal)

While Black students with disabilities have the highest risk for suspension, the frequency with which children of color, and Black students with and without disabilities in particular, are suspended is cause for concern in nearly every state. The spreadsheet specifically provides separate tabs on students with disabilities, students without disabilities, and the combined “all students.” Each set breaks down the data by race. It enables reviewers to see all of these data for just one state, or to compare several states, or to see (and compare) all districts in the nation at once, without disaggregating by state. The spreadsheet comes with a set of instructions to help readers sort and filter the district level data.

DISTRICT-LEVEL FINDINGS

Still Higher Rates of Suspension Found at the District Level

A wider range of suspension rates and even more profound racial disparities are found at the district level. For example, in close to 200 districts, 20% or more of the total enrolled students in K-12 were suspended out of school at least once. The numbers are more shocking when broken down by race and disability. Over 300 districts suspended 25% or more of the enrolled Black students. Similarly, for all students with disabilities, regardless of race, over 400 districts suspended 25% or more of these students.

However, while Black students often have the highest risk for suspension, every racial group is subject to the frequent use of suspension and each could be among the highest suspended group in their district. To illustrate this point, the next five pages, one for each racial/ethnic group, highlight the district-level findings of greatest concern for each racial group.

Specifically, the suspension rates shown in the five tables below represent the combined rate of students with and without disabilities. Because small numbers are vulnerable to large fluctuations, we only selected districts that had at least 100 students of the highlighted racial/ethnic group enrolled. The groups not highlighted could dip below 100. Furthermore, the featured subgroup had to constitute at least 2% of the district's total enrollment. In this way, where we shine a national light on a district with high rates for a particular racial/ethnic group, the group of concern has at least a discernible presence in the district's total enrollment. The enrollment data for every district can be found in the downloadable spreadsheet.

Most states did not publicly report disaggregated district-level data by race and ethnicity. We did, however, review the available data that were reported on each of the highlighted districts, and removed from the 10 highest suspending districts a small number where we found a strong reason to doubt the accuracy of the OCR data. Primarily, if data available to the public on a state or district website for 2009-2010 substantially contradicted the CRDC data, we chose not to highlight it in this report. These districts can still be found on the spreadsheet, with indicators to alert users that there are errors. In most states, we found insufficient publicly reported data to either confirm or contradict the CRDC data for the listed districts.

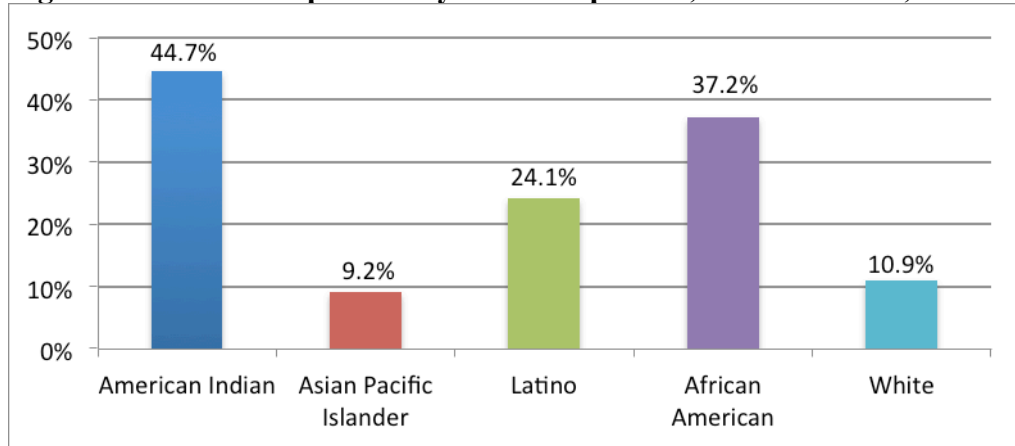
Low-Suspending Districts Are Widespread

While we highlight the highest suspending districts, we feel it is equally important to raise awareness about the large number of low-suspending districts in every state, for every subgroup. To do this, we designated as “low suspending” a risk for suspension of 3% (the approximate national average for whites in the early 1970s). We conducted the same analysis for students with disabilities, but restricted our review to those districts with 1000 students or more, and that enrolled at least 10 students from the subgroup. 4,667 districts met these criteria for students with disabilities. Of these, 653 districts

suspended 3% or less of their enrolled students with disabilities. In the next five pages, we describe the number of districts at 3% or less for each racial/ethnic group.

High- and low-suspending districts for American Indian students

Figure 4. Risk for Suspension by Race in Spokane, Public Schools, Washington



Source: CRDC, 2009-2010 (numbers from national sample rounded to one decimal)

Spokane, Washington, was among the highest suspending districts for American Indians. Table 4a provides the data on the 10 highest suspending districts that meet our criteria for size and representation.

Table 4a. Risk for suspension by race in highest suspending districts for American Indian students

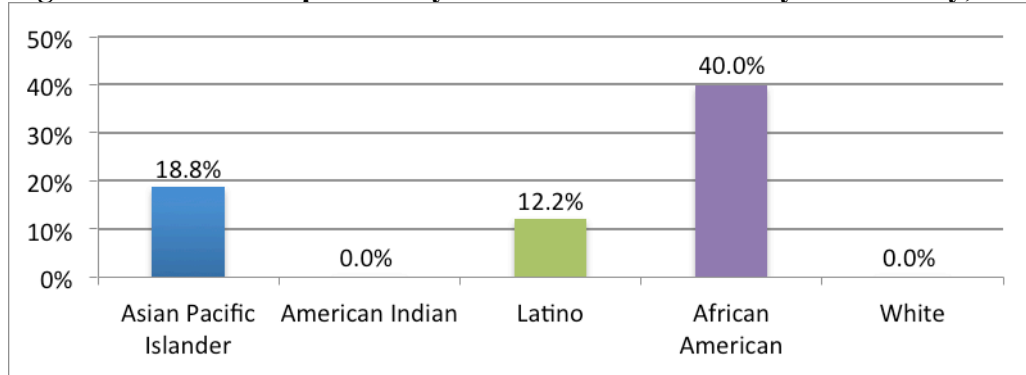
Highest Suspending Districts for Native American Students								
Rank	State	School District	Native American/ Alaska Native	Asian American	Latino	Black	White	Total
1	WA	Spokane Public Schools	44.7	9.2	24.1	37.2	26.1	26.3
2	NM	Bloomfield Schools	37.6	0	25.2	0	38	32.6
3	CA	Visalia Unified	32.8	15.7	25.7	47.1	21.0	24.5
4	OK	Lawton	30.9	17.9	23.3	42.8	22.4	29.6
5	AZ	Glendale Union High School District	30.8	12.4	28.1	36.5	18.0	24.5
6	WY	Freemont County School Dist# 25	30.6	0	14.7	50	12.4	15.2
7	AZ	Coolidge Unified School District	27.5	6.7	11.2	22.1	13.2	15.1
8	NC	Robeson County Schools	27.4	5.7	11.9	44.5	14.5	28.3
9	OK	Eufaula	26.7	0	0	33.3	22.7	23.8
10	CA	Knockti Unified	26.5	14.3	14	35.1	28.9	25

Source: CRDC, 2009-2010 (numbers from national sample rounded to one decimal)

Low-suspending districts: While it is important to highlight the highest suspending districts, it is critically important to know that Native Americans were not suspended at anywhere near these high rates in most districts that serve Native Americans and report their enrollment. Specifically, of the 2,985 districts in the CRDC sample that enrolled at least 10 Native Americans and at least 1,000 students in all, the risk for suspension for this group was 3% or less in 2,091 districts.

High- and Low-Suspending Districts for Asian Americans/Pacific Islanders

Figure 5. Risk for suspension by race in Ravenswood City Elementary, California



Source: CRDC, 2009-2010 (numbers from national sample rounded to one decimal)

Ravenswood was among the highest suspending districts in the nation for this subgroup. Table 4b below provides the data on the 10 highest suspending districts that meet our criteria for size and representation.

Table 4b. Risk for suspension by race in highest suspending districts for Asian American students

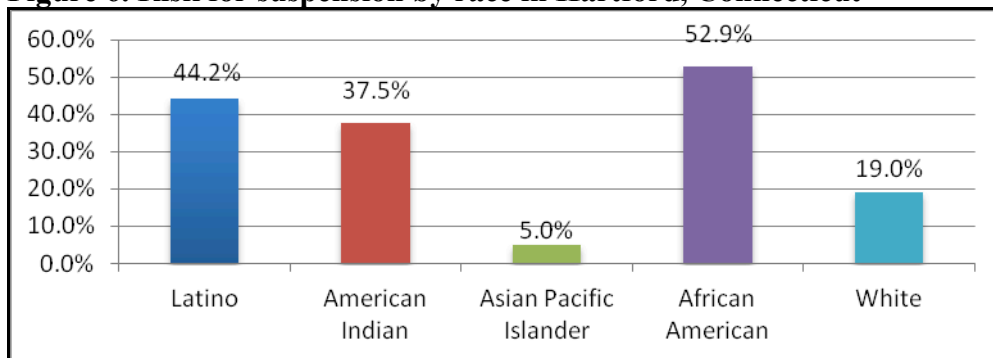
Highest Suspending Districts for Asian Americans, ranked by % of students suspended								
Rank	State	School District	American Indian/ Alaska Native	Asian	Latino	Black	White	Total
1	CA	Ravenswood City Elementary	0.0	18.8	12.2	40.0	0.0	15.5
2	OK	Lawton	30.9	17.9	23.3	42.8	22.4	29.6
3	CA	Morongo Unified	31.3	16.4	16.7	25.7	16.0	17.1
4	CA	Visalia Unified	32.8	15.7	25.7	47.1	21.0	24.5
5	OK	Enid	11.8	15.1	14.3	38.0	11.9	14.8
6	MI	Van Dyke Public Schools	50.0	13.8	20.0	41.9	27.2	32.6
7	CA	Jefferson Union High	20.0	12.6	27.8	60.5	20.8	20.5
8	AZ	Glendale Union High School District	30.8	12.4	28.1	36.5	18.0	24.5
9	CA	Burton Elementary	7.1	11.8	19.8	12.5	22.4	19.7
10	CA	Victor Valley Union High	14.3	11.1	16.5	38.6	10.5	19.9

Source: CRDC, 2009-2010 (numbers from national sample rounded to one decimal)

Low-suspending districts: While it is important to highlight the highest suspending districts, it's critically important to know that Asian Americans were not suspended at anywhere near these high rates in most districts serving this subgroup and reporting their enrollment. Specifically, of the 4,141 districts in the CRDC sample that enrolled at least 10 Asian Americans and at least 1,000 students in all, the risk for suspension for this group was 3% or less in 3,587 districts.

High- and Low-Suspending Districts for Latinos

Figure 6. Risk for suspension by race in Hartford, Connecticut



Source: CRDC, 2009-2010 (numbers from national sample rounded to one decimal)

Hartford, Connecticut, was among the highest suspending districts in the nation for this subgroup. Table 4c provides the data on the 10 highest suspending districts that meet our criteria for size and representation.

Table 4c. Risk for suspension by race in 10 highest suspending districts for Latino students

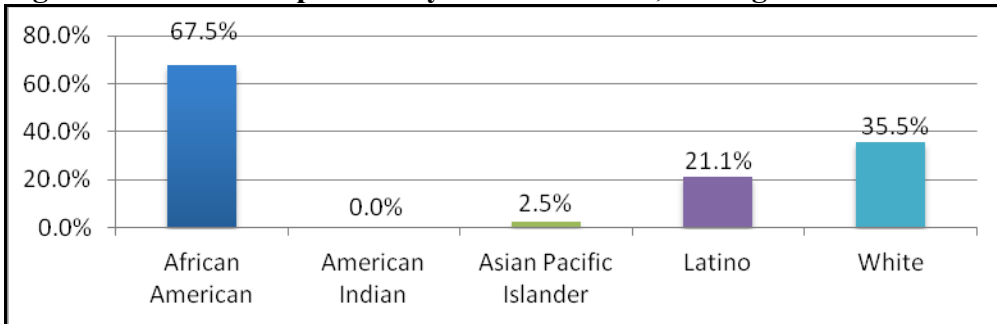
Highest Suspending Districts for Latino Students								
Rank	State	School District	Native America/ Alaska Native	Asian American	Latino	Black	White	Total
1	CT	Hartford School District	37.5	5.0	44.2	52.9	19.0	45.1
2	IL	Thornton Township High School District 205	0.0	0.0	41.5	61.8	0.0	60.3
3	AZ	Miami Unified District	33.3	0.0	36.2	0.0	40.5	39.1
4	MA	Holyoke	0.0	22.2	34.8	35.9	17.5	31.5
5	IL	Bloom Township High School District 206	0.0	0.0	32.9	59.6	22.0	47.3
6	WY	Natrona County School District #1	31.0	33.3	32.3	31.4	35.0	34.8
7	MI	Garden City School District	50.0	12.5	32.0	40.3	21.9	24.1
8	PA	Reading Muhlenberg Career & Technology Center	0.0	0.0	30.7	23.8	15.6	27.7
9	OR	North Clackamas SD 12	2.9	1.2	30.6	11.1	4.9	5
10	MA	Worcester	19.4	9.6	29.9	27.7	16.8	22.7

Source: CRDC, 2009-2010 (numbers from national sample rounded to one decimal)

Low suspending districts: While it is important to highlight the highest suspending districts, it is critically important to know that Latinos were not suspended at anywhere near these high rates in nearly half the districts serving Latinos and reporting their enrollment. Specifically, of the 4,534 districts in the CRDC sample that enrolled at least 10 Latinos and at least 1,000 students in all, the risk for suspension for this group was 3% or less in 2,096 districts.

High- and Low-Suspending Districts for Blacks

Figure 7. Risk for suspension by race in Pontiac, Michigan



Source: CRDC, 2009-2010 (numbers from national sample rounded to one decimal)

Pontiac, Michigan, was among the highest suspending districts in the nation for Blacks. Table 4d provides the data on the 10 highest suspending districts meeting our criteria for size and representation.

Table 4d. Risk for suspension by race in highest suspending districts for Black students

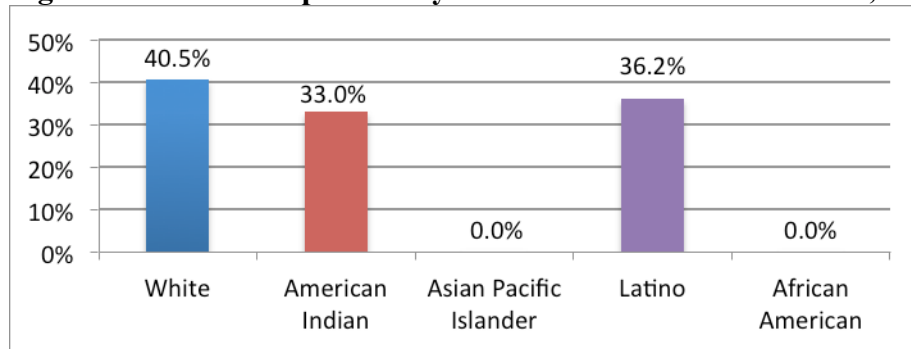
Highest Suspending Districts for Black Students								
Rank	State	District	Native American/ Alaska Native	Asian American	Latino	Black	White	Total
1	MI	Pontiac City School District	0.0	2.5	21.1	67.5	35.5	51.8
2	MS	East Jasper Consolidated School District	0.0	0.0	100.0	63.5	0.0	62.6
3	IL	Thornton Township High School District 205	0.0	0.0	41.5	61.8	0.0	60.3
4	CA	Jefferson Union High	20.0	12.6	27.8	60.5	20.8	20.5
5	IL	Bloom Township High School District 206	0.0	0.0	32.9	59.6	22.0	47.3
6	MO	Special School District St. Louis County	0.0	0.0	0.0	56.2	13.5	40.1
7	IN	Fort Wayne Community Schools	27.3	4.1	14.4	55.7	19.1	27.4
8	MI	Oak Park City School District	0.0	0.0	0.0	55.4	23.3	53.4
9	CT	Hartford School District	37.5	5.0	44.2	52.9	19.0	45.1
10	AL	Lowndes County	0.0	0.0	0.0	51.7	0.0	51.7

Source: CRDC, 2009-2010 (numbers from national sample rounded to one decimal)

Low-suspending districts: While it is important to highlight the highest suspending districts and note that well over half the school districts suspended over 3% of their enrolled African American students, it is critically important to know that Blacks were not suspended at anywhere near these high rates in nearly 1,500 districts that reported their enrollment. Specifically, of the 4,504 districts in the CRDC sample that enrolled at least 10 Blacks and at least 1,000 students in all, the risk for suspension for this group was 3% or less in 1,437 districts.

High- and Low-Suspending Districts for Whites

Figure 8. Risk for suspension by race in Miami Unified District, Arizona



Source: CRDC, 2009-2010 (numbers from national sample rounded to one decimal)

Miami Unified, in Arizona, was among the highest suspending districts in the nation for Whites. Table 4e provides the data on the 10 highest suspending districts that meet our criteria for size and representation.

Table 4e. Risk for suspension by race in highest suspending districts for White students

Highest Suspending Districts for White Students								
Rank	State	School District	Native America/ Alaska Native	Asian American	Latino	Black	White	Total
1	AZ	Miami Unified District	33.3	0.0	36.2	0.0	40.5	39.1
2	NM	Bloomfield Schools	37.6	0.0	25.2	0.0	38.0	32.6
3	OH	Trotwood-Madison City	0.0	0.0	66.7	38.9	37.5	38.4
4	OK	Western Heights	25.4	8.0	4.2	39.2	36.4	27.4
5	MI	Pontiac City School District	0.0	2.5	21.1	67.5	35.5	51.8
6	WY	Natrona County School District #1	31.0	33.3	32.3	31.4	35.0	34.8
7	NJ	Burlington County Vocational	0.0	0.0	22.6	29.3	34.6	29.2
8	SC	Orangeburg Consolidated School District 03	0.0	0.0	11.1	39.3	33.9	38.2
9	CA	Knociti Unified	26.5	14.3	14	35.1	28.9	25
10	CA	Brawley Elementary	0	0	6.4	9.1	27.7	7.8

Source: CRDC, 2009-2010 (numbers from national sample rounded to one decimal)

Low-suspending districts: It is important to highlight the highest suspending districts for each group, including White students. Many assume that only children of color are suspended at such high rates, and these numbers demonstrate that there are districts that suspend large numbers of every racial group. In most of the districts that are high suspending for Whites, high suspension rates are also found for all the other racial groups. Like the others, Whites were not suspended at anywhere near these high rates in

most districts serving Whites and reporting their enrollment. Specifically, of the 4,667 districts in the CRDC sample that enrolled at least 10 Whites and at least 1,000 students in all, the risk for suspension for this group was 3% or less in 1,678 districts.

DISTRICT DISPARITIES BY RACE, GENDER AND DISABILITY

Disparities by Race, Gender, and Disability in the Highest Suspending Districts of the Nation's 100 Largest Districts

Table 5. Race, male, and disability status for the 10 highest suspending districts, selected from the 100 largest U.S. school districts, 2009-2010¹⁷

Percentage of Male Students, with Disabilities, Suspended One or More Times							
Rank	State	School District	American Indian or Alaska Native	Asian American	Hispanic	Black	White
1	TN	Memphis City Schools	0.0	16.7	29.4	52.6	35.6
2	OH	Columbus City	0.0	22.2	21.6	42.6	26.0
3	VA	Henrico County Public Schools	*	14.3	52.8	91.7	44.3
4	IL	City Of Chicago SD 299	57.1	8.3	28.7	72.5	19.5
5	TX	Alief Island	0.0	3.1	22.8	46.6	30.4
6	MI	Detroit City School District	20.0	0.0	8.1	21.8	11.1
7	GA	Fulton County	0.0	9.6	23.5	40.5	12.6
8	KS	Wichita	35.3	17.6	32.9	56.6	27.9
9	OK	Oklahoma City	27.5	0.0	21.5	41.7	20.6
10	GA	Clayton County	33.3	11.8	6.6	25.6	13.3

*Over-report error

Source: CRDC, 2009-2010

The data from the 100 largest districts (provided as a separate tab on the spreadsheet), reveal both high and low levels of suspension and a wide range of racial disparities. The high rates of suspension described thus far tend to increase dramatically when further disaggregated by gender. To illustrate this trend we selected the 10 highest suspending districts from the list of 100 and further disaggregated the suspension rates by race, gender and disability status.

Specifically, when race and gender are disaggregated for students with disabilities, we see the highest rates for male children of color with disabilities, with nine of the ten districts suspending one third or more of male children with disabilities from at least one racial group. The suspension rates for females should not be overlooked, however. In the study, *Suspended Education: Urban Middle Schools in Crisis*, the rates for Black girls

¹⁷ For students with disabilities (IDEA):

Out-of-school suspension is an instance in which a child is temporarily removed from his/her regular school for disciplinary purposes to another setting (e.g., home, behavior center). This includes both removals in which no IEP services are provided because the removal is 10 days or less, as well as removals in which the child continues to receive services according to his/her IEP.

were found to be increasing at a faster rate than all other race/gender combinations, including Black males. (Losen & Skiba, 2010).

Table 6. Race, female, and disability status for the 10 highest suspending districts, selected from the 100 largest U.S. school districts, 2009-2010

Rank	State	School District	American Indian or Alaska Native	Asian American	Latino	Black	White
1	TN	Memphis City Schools	0.0	0.0	15.4	35.1	13.3
2	OH	Columbus City	0.0	0.0	13.0	31.5	15.0
3	VA	Henrico County Public Schools	*	0.0	26.3	58.4	18.1
4	IL	City Of Chicago SD 299	16.7	0.0	14.4	43.5	9.3
5	TX	Alief Island	0.0	0.0	9.1	31.1	9.1
6	MI	Detroit City School District	0.0	0.0	2.0	16.7	3.3
7	GA	Fulton County	0.0	3.7	9.9	27.5	4.2
8	KS	Wichita	18.2	0.0	17.1	37.1	13.6
9	OK	Oklahoma City	16.0	0.0	12.6	29.5	10.7
10	GA	Clayton County	0	28.6	0	13.6	5.6

*Over-report error

Source: CRDC, 2009-2010

Note: Districts ranked by suspension risk for all students.

Districts were selected first by size of enrollment and availability of data, and second by highest rate of suspensions. We excluded districts (or specific cells) where we had reason to suspect that the data were not accurate because a district reported more suspensions than students for a particular subgroup (resulting in a suspension rate of over 100%) or conflicting data from a state website.

Applying these three lenses together—race, gender, and disability—yields a more disturbing image than any one of the categories alone. Tables 5 and 6 above permit further analysis of the 10 largest high-suspending districts.¹⁸ The group that consistently had the highest risk of suspension is African American male students with disabilities. In some of the largest districts in the U.S., including Henrico, Virginia, and Chicago Illinois, suspension rates for this group reached more than 70% of their enrollment. Yet very high rates are also observed for Black and Hispanic girls with disabilities in some districts.

¹⁸ The spreadsheet provides this data for 20 of the largest districts.

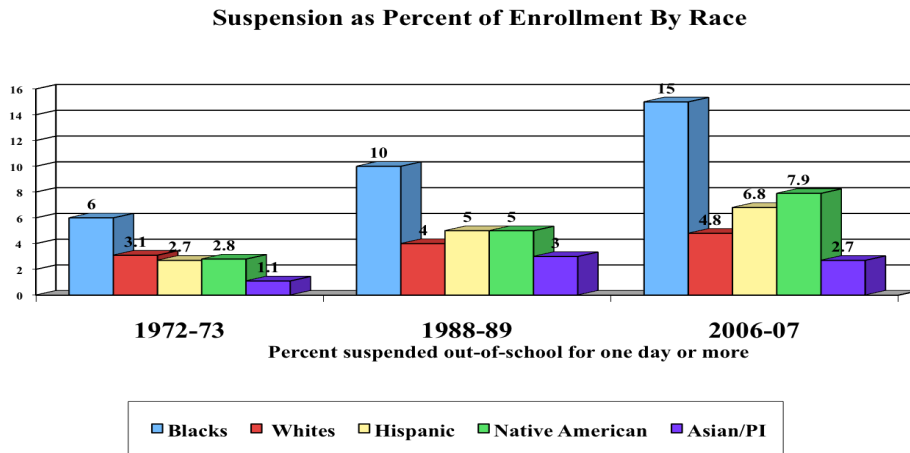
DISCUSSION¹⁹

Do High Suspension Rates and Large Disparities Indicate a Real Problem? Some who read about the frequent use of suspension coupled with large racial and disability disparities may jump to the conclusion that the data prove that the subgroups suspended most often are seriously misbehaving far more often than their peers. Others may take issue with the suggestion in our introduction to this report that these tremendous disparities reflect injustice. Even those who acknowledge that there is a problem may find themselves doubting whether schools really have any alternatives to suspending students out of school. All of these reactions reflect some degree of acceptance of the status quo. The history of the use of out-of-school suspension, however, shows that its use has increased since the 1970s and that the racial gap between Blacks and Whites has grown dramatically, from fewer than three percentage points to more than ten.²⁰

¹⁹ Much of the discussion section was redrafted from the paper, "Discipline Policies, Successful Schools and Racial Justice," National Education Policy Center, 2011 available on our website. Some of the content may reflect an updated version scheduled for publication by the *Harvard Education Review* in the fall of 2012.

²⁰ These data represent projected values using statistical weights. We declined to add the 2009-2010 data to this chart because our analysis did not provide an estimate using statistical weights. Furthermore, the reported data from these prior years did not include the out-of-school suspensions of students with disabilities and the 2009-2010 data do include them.

Figure 9. Racial impact of the rising use of suspension²¹



What many do not realize is that even though the frequent use of suspension is widespread today and that racial gaps of 10 percentage points or more are now common, many districts still use suspensions sparingly. In fact, 1,437 school districts in the OCR sample suspended 3% or fewer of all their enrolled Black students, and 649 districts suspended 3% or fewer of the enrolled students with disabilities, compared with 1,678 districts meeting that standard for White students. Several states are also close to meeting these criteria for all subgroups and had averages in the aggregate below 3%. In other words, these data suggest that there are alternatives to the frequent use of out-of-school suspension and that they are in use in many districts throughout the nation. Simply put, large racial and disability gaps are not inevitable.

Questions of course do remain: Why do so many districts frequently suspend students? Why are racial and disability disparities so common? Isn't it possible that these subgroups are misbehaving more in some districts than others? The answer to the first question is perhaps most important, because if the frequent use of suspension ended and no subgroup faced rates above 5%, then racial and disability gaps exceeding five points would also be eliminated.

²¹ All the data were reported by the U.S. Department of Education's Office for Civil Rights. The 1972-1973 data were OCR data, but taken from Children's Defense Fund, *School Suspensions: Are They Helping Children?* Cambridge, MA: Washington Research Project, 1975, app. B. The 1988 data are from the Office for Civil Rights' Time Series CD-Rom; the 2006 data are from the 2006 Elementary and Secondary School Survey: National and State Projections (2006). The data for each year were reported by the U.S. Department of Education's Office for Civil Rights for all students, K-12, and count students only once. This chart was adapted from figure 1 in Losen, D.L., & Skiba, R.J., *Suspended Education: Urban Middle Schools in Crisis*. Los Angeles: The Civil Rights Project at UCLA, September 2010. Retrieved December 5, 2010, from http://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/suspended-education-urban-middle-schools-in-crisis/Suspended-Education_FINAL-2.pdf.

School-Level Factors Make a Difference

Recent findings from The Council of State Governments Justice Center’s longitudinal study of middle schools and discipline shed important light on these questions. This study of middle schools in Texas tracked nearly one million students throughout the state. In one part of the study, after controlling for student demographics, history of misbehavior, district policies, and other factors, researchers found a very large variation in suspension rates in otherwise similar schools serving similar students within the same district. The researchers did not pinpoint a particular cause, but concluded that there must be important contributing factors that were determined and controlled at the school level, which inferred that much of the difference in the use of suspension was not driven by differences in student behavior (Fabelo, 2011). In the words of Republican Texas state senator Florence Shapiro, the chair of the Texas Senate Education Committee, “The data suggests that individual school campuses often have a pronounced influence over how often students are suspended and expelled.”²²

Other studies suggest that school-level policies and practices, and school leadership in particular, likely make a difference. For example, a statewide study of Indiana that controlled for race and poverty concluded that a school’s principal attitude toward the use of suspension correlated highly with its actual use (Rausch & Skiba, 2005). Principals who believed frequent punishments helped improve behavior and who blamed behavioral problems on poor parenting and poverty also tended to suspend more students than those principals who strongly believed in enforcing school rules, yet also believed misbehaving students could be taught to behave and regarded suspension as a measure to be used sparingly (Rausch & Skiba, 2005).

One theory raised by such findings is the possibility that schools with high levels of poverty and racial isolation are more likely to embrace the kind of harsh discipline policy and school leadership embodied by the iconic bat-and-bullhorn principal Joe Clark made famous in the movie *Lean on Me*. According to *Time* magazine, “On a single day in his first year, he threw out 300 students for being tardy or absent and, he said, for disrupting the school. ‘Leeches and parasites,’ he calls such pupils. Over the next five years he tossed out hundreds more” (Bowen, 1988). For a period, Joe Clark’s approach reportedly won approval among politicians and many influential educators (Biana & Moses, 1989).

A similar theory is that the groups of students most frequently suspended have less access to the teachers with the best instruction and classroom-management skills. Qualitative researchers have documented how the same student can behave very differently in different classrooms (Harry & Klingner 2006). Disruption in the classroom tends to increase or decrease with the teacher’s skill in providing engaging instruction and in managing the classroom. As engagement goes up, misbehavior and suspensions tend to go down (Osher, Bear, Sprague, & Doyle, 2010).

²² The statement can be found if you download the press release found at <http://justicecenter.csg.org/resources/juveniles/>.

Many teachers say they would like help improving their classroom-management skills (Kratochwill, 2009).²³ Researchers also find a strong connection between effective classroom management and improved educational outcomes. These skills can be learned and developed (Green, 2010): according to the American Psychological Association (2008), “When applied correctly, effective classroom management principles can work across all subject areas and all developmental levels (Brophy, 2006) They can be expected to promote students’ self-regulation, reduce the incidence of misbehavior, and increase student productivity” (Kratochwill, 2009, p. 5).

The high suspension rates for students with disabilities also raise questions about the adequacy of the training and supports for teachers who work with exceptional learners, as well as legal issues regarding the adequacy of supports and services provided for students who have an identified need for behavioral supports and their right to additional due process protections (Kim, Losen, & Hewitt, 2010).

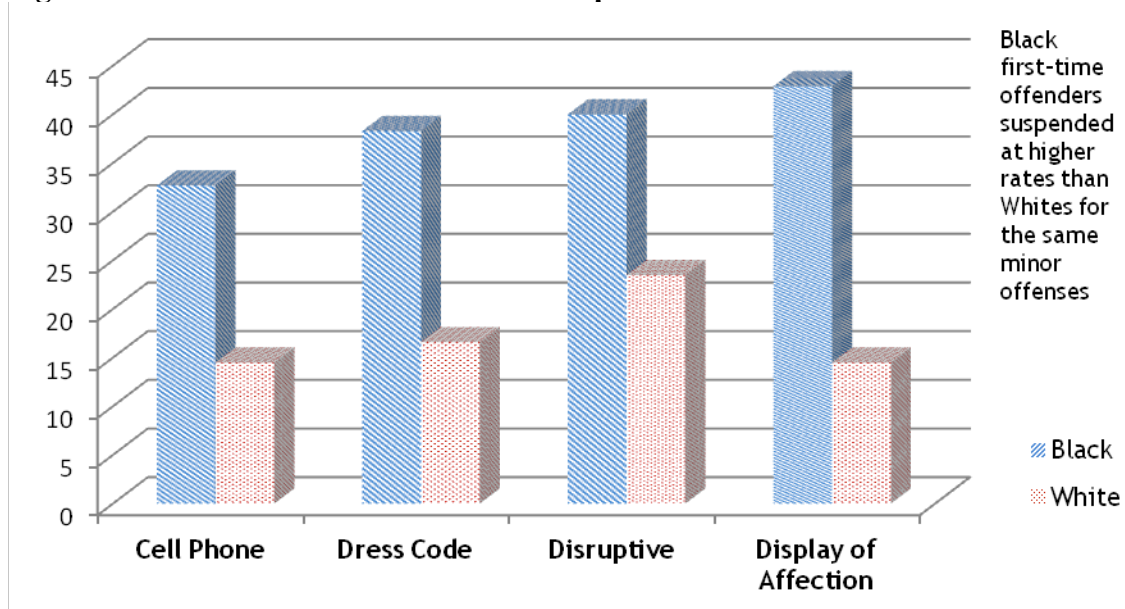
Are Blacks and Others Misbehaving More or Experiencing Discrimination?

The data in this report do not provide clear answers to these related questions. While the data do not contain information on the reasons for suspensions or the extent to which similar students were treated differently, and while it is possible that in some districts students from certain groups may misbehave more than others, several studies shed serious doubt on the assumption that Blacks are misbehaving more and that differences in behavior adequately explain the large racial differences in the frequent use of suspension that we observe in the data. Specifically, other research on student behavior, race, and discipline has found no evidence that the over-representation of Blacks in out-of-school suspension is due to higher rates of misbehavior (Kelly, 2010; McCarthy & Hoge, 1987). Strikingly, The aforementioned Texas report found that Black students were more likely to be disciplined for “discretionary” offenses, and that when poverty and other factors were controlled for, higher percentages of White students were disciplined on more serious nondiscretionary grounds, such as possessing drugs or carrying a weapon (Fabelo et al., 2011).

Moreover, a 2010 study of 21 schools led by Johns Hopkins researcher Katherine Bradshaw (2010b) found that even when controlling for teacher ratings of student misbehavior, Black students were more likely than others to be sent to the office for disciplinary reasons. These and numerous other empirical studies (e.g., Skiba, Michael, Nardo, & Peterson, 2002; Skiba et al., 2009) suggest that Black students are receiving harsher punishments when it comes to misbehavior that requires a more subjective evaluation.

²³ See <http://www.apa.org/education/k12/classroom-mgmt.aspx>. Kratochwill, T., "Classroom Management-Teacher's Modules," American Psychological Association, 2009.

Figure 10. North Carolina Black/White suspension rates²⁴



Note: Suspensions for selected categories of infractions; first offense

Similar conclusions are suggested by our analysis of recent data from North Carolina concerning first-time offenders (Losen, 2011a). As figure 11 illustrates, while most students of every group were NOT suspended for the first offense in any of these minor categories, Black first-time offenders in North Carolina were far more likely than White first-time offenders to be suspended for minor offenses, including cell phone use, dress code infractions, disruptive behavior, and public displays of affection.⁴

Unfortunately, data on first-time offenders, disaggregated by race and type of offense, is not generally accessible or reported to the public; however, it was obtained by lawyers who filed an OCR complaint against the Wake County School District (Hui & Locke, 2010; UNC Center for Civil Rights, 2010).²⁵ Furthermore, it should be noted that the “first-time” designation was based solely on behavior reported for the 2008-2009 school year and did not permit a consideration of prior years. We do not assert that this statewide summary or the other data in this report adequately prove widespread intentional discrimination. However, these data do raise serious questions about possible different treatment by race and should cast heavy doubt on assumptions that different suspension rates between groups merely reflect differences in behavior.

²⁴ The data are an excerpt from a table provided to the author as an attachment to an email from Benita Jones and Elizabeth Haddix, regarding data received by Jason Langberg, Equal Justice Works Fellow and staff attorney for Advocates for Children Inc., on October 19, 2010. The data were obtained pursuant to a request to the State of North Carolina. Advocates for Children assisted in the discipline data analysis used by attorney Elizabeth Haddix in the filing of the administrative OCR complaint.

²⁵ The data were provided by Jason Langford, Equal Justice Works Fellow and Staff Attorney for Advocates for Children Inc., Wake County, who received the data from the State of North Carolina pursuant to a legal request. The analysis was performed by Daniel Losen and presented in a PowerPoint presentation at the conference, Safe Schools, Fair Schools: A Community Dialogue about School Suspensions in North Carolina, at Wake County Community College on November 18, 2010.

If we accept that there are likely many factors that schools control that contribute to whether students get suspended frequently or not, the most important question is whether frequently suspending students out of school is beneficial. The Texas study has firmly established a strong relationship between disciplinary removal and a heightened risk for repeating a grade, involvement with the juvenile justice system, and dropping out. In Texas, they found no academic benefits associated with higher suspending schools. Similarly, the Indiana statewide study of principals' attitudes, after controlling for race and poverty, consistently showed a positive correlation between high-suspending principals and lower student achievement.

Although a detailed analysis of justifications for suspension is beyond the scope of this report, a strong body of research further indicates that frequent out-of-school suspension does not produce better learning environments, deter future misbehavior, or stimulate effective parental involvement which is one reason that since 2003, the Academy of American Pediatrics has a policy criticizing the use of out-of-school suspension, except under exceptional circumstances (APA, 2008). On the contrary, the links between out-of-school suspensions and negative educational outcomes are well established (Losen, 2011a).²⁶ The Justice Center's Texas study, which controlled for more than 80 student and campus characteristics, found that students who were suspended or expelled in a discretionary action were nearly three times more likely to have contact with the juvenile justice system the following year than if they were not suspended or expelled (Fabelo, 2010). At least one national association of law enforcement officers, Fight Crime: Invest in Kids (2009), has echoed the concern that schools are kicking too many kids out of school and that the frequent use of suspension puts these kids at greater risk for involvement in the juvenile justice system.

Readers should also note that the data on disparities alone do not automatically prove unlawful discrimination. As Russlyn Ali, assistant secretary for civil rights at the U.S. Department of Education, stated on the day of the data release:

“On discipline though, enforcement really is an important piece of it, but it is just a piece of it. These patterns, while not always rising to the level of a civil rights violation, do reveal some disturbing information about what’s happening in our schools when it comes to classroom management, when it comes to school culture. So we at the Department have worked hard to provide resources to schools through school improvement grants, through Title I and other funding sources, including IDEA, Part B to ensure that good strategies like positive behavioral interventions and support and RTI can be used to help teachers and educators and principals deal with these problems.”²⁷

²⁶ A more extensive review of the research on the harms of out-of-school suspensions and alternatives is Losen, D. J., *Discipline Policies, Successful Schools, and Racial Justice*. Boulder, CO: National Education Policy Center, 2011. Retrieved on April 8, 2012 from <http://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/discipline-policies-successful-schools-and-racial-justice>.

²⁷ A transcript of the press release from March 6, 2012, is available at <http://www.ed.gov/news/press-releases/new-data-us-department-education-highlights-educational-inequities-around-teache>

The Department of Education has also said it will use the disparate impact approach to enforce civil rights protections where issues of discriminatory discipline arise (Zehr, 2010). Under the disparate impact analysis, there are three core questions that can be used to determine whether a school's discipline policy or practice has violated anti-discrimination law because of its disparate impact: (1) Does the policy or practice or method of administration have an adverse and disparate effect on students along the lines of race, disability status, or gender? (2) Is it educationally necessary? and (3) If so, are there equally effective alternatives available that would have a less discriminatory impact? (Losen, 2011a).

Yes, There Are Alternatives

Research further suggests the viability of alternatives to frequent disciplinary exclusion, even in districts with a history of high suspension rates. In the Baltimore public schools, for example, recent reforms put in place by Superintendent Andres Alonso illustrate one such alternative policy. As reported in the *New York Times*:

Alonso took on the culture of the schools, which relied heavily on suspensions for discipline, a practice Dr. Alonso strongly opposed. “Kids come as is,” he likes to say, “and it’s our job to engage them.” Under Alonso’s new policies suspensions fell below 10,000, far fewer than the 26,000 the system gave out in 2004. (Tavernise, 2010):

During this period of declining suspension rates, graduation rates in Baltimore rose. The Baltimore example suggests that alternatives to out-of-school suspension may prove effective in creating school communities that are more productive and inclusive. Moreover, there is research evidence suggesting that there are many effective alternatives that promote safe and orderly schools and reduce delinquency—while also keeping students in school (Dwyer, Osher, & Warger, 1998; Gagnon & Leone, 2001; Gottfredson, 1997). Some of those alternatives are described briefly below.

Systemwide Positive Behavior Interventions and Supports

Systemwide Positive Behavioral Interventions and Supports (PBIS) is a well-established systemic and data-driven approach to improving school learning environments (Horner, Sugai et al., 2009; Metzler 2001; Muskat, 2008). Its emphasis is on changing underlying attitudes and policies concerning how behavior is addressed (Sugai & Horner, 2002). Several prominent civil rights organizations have been seeking greater federal support for PBIS, and several child advocacy groups point to successful PBIS-based interventions (Advocates for Children and Youth, 2006; Dignity in Schools Campaign, 2010).

Support and Training for Teachers and Leaders

A wealth of research links effective classroom management with improved educational outcomes (Brophy, 1986). The significantly higher rates of suspension as students move

from elementary to middle school suggest that classroom-management issues become greater as young children become adolescents and are more likely to challenge authority figures. Teachers serving adolescents may need more specialized training and greater understanding of adolescent development. Large racial differences in suspension rates also raise questions about whether training to bolster classroom-management skills might be even more useful if it included components of multicultural sensitivity, which would help make teachers aware that implicit bias may affect how they discipline their students. The data also suggest that teachers might benefit from increased support and training in working with students with disabilities, who are increasingly mainstreamed in general education classrooms.

Leadership training might also generate improvements. As noted earlier, variations in a leader's approach to school discipline can make a profound difference in attendance and educational outcomes. Therefore, significant gains might be made toward both reducing school exclusion and improving academic progress if we replaced the attitude of "kick-out" proponents, like Joe Clark, with the attitude embraced by Baltimore's Superintendent Alonso: "Kids come as is, and it's our job to engage them" (Tavernise, 2010).

Social and Emotional Strategies

In addition to PBIS and professional development strategies, other methods include ecological approaches to classroom management and social-emotional learning. An ecological classroom-management approach "deals with school discipline by increasing the strength and quality of classroom activities" (Osher et al., 2010, p. 49). Some of its defining characteristics are well-planned lessons, varied methods of instruction, clear and developmentally appropriate behavioral expectations, and the careful monitoring of student engagement, with effective empathetic responses designed to reengage students and avoid escalation of conflicts.

Social and emotional strategies aim to develop student assets that foster self-discipline (Osher, 2010). Researcher David Osher suggests that, "if classroom activities lack holding power, it is unlikely that schoolwide discipline approaches [positive behavioral supports and social emotional learning] will make up for this deficiency" (Osher et al., 2010, pp. 49-50). Therefore, social-emotional and ecological management approaches are likely most effective if implemented in combination with schoolwide positive behavioral interventions and supports (Osher, 2010; Zins, 2004).

Restorative Practices Hold Promise

With positive anecdotal evidence mounting every day, there is great interest in expanding restorative practices, also known as restorative justice, as an alternative to out-of-school suspensions. A central goal of this approach is to change the mindset of misbehaving students to help them gain greater respect for individuals in their community, including themselves, and greater accountability to the community at large. Central to accountability is the concept of repairing the harm caused to victims and making the

community whole, but in a manner that also addresses the needs of the offender so that they are less likely to offend again in the future. As summarized by author Abbey Porter, restorative justice “provides high levels of both control and support to encourage appropriate behavior, and places responsibility on students themselves, using a collaborative response to wrongdoing.”²⁸

Restorative justice seeks to replace a punitive approach to discipline with a more constructive and humane approach that embraces all members of the community, including those who break the rules. In this way, restorative practices also entail systemic changes in how educators think about the role of school discipline and how disciplinary responses are meted out. According to one recent review of the research, “nationally, . . . there is now considerable evidence that restorative approaches can produce a promising number of positive outcomes in the academic environments, including reduced suspension and expulsion, decreased disciplinary referrals, improved academic achievement and other beneficial results.”²⁹ Teachers implementing this approach use core strategies, such as conferencing circles, to resolve conflict and engage students in managing the environment.” (Schiff & Bazemore, 2012, p. 74)³⁰ At a March 2012 National Leadership Summit on School-Justice Partnerships, several experts presented very promising examples of how restorative justice improved school climate and reduced out-of-school suspensions.³¹ While the researchers who study restorative justice are only beginning to develop empirical proof of its effectiveness, increasing reports of success suggest that this may be a viable and less discriminatory alternative worth exploring further.

²⁸ Porter, Abbey J., *Restorative Practices in Schools: Research Reveals Power of Restorative Approach, Part II*, International Institute for Restorative Practices, 2007. Available at http://www.iirp.edu/iirpWebsites/web/uploads/article_pdfs/schoolresearch2.pdf.

²⁹ Schiff, Mara, and Bazemore, Gordon, “‘Whose Kids Are These?’ Juvenile Justice and Education Partnerships Using Restorative Justice to End the ‘School-to-Prison Pipeline,’” in *Keeping Kids in School and Out of Courts*, reports to the National Leadership Summit on New York State Permanent Judicial Commission on Justice for Children, 2012, p. 74. Available at http://www.school-justicesummit.org/papers/paper_5.cfm.

³⁰ Fishman, Nancy, and Hack, Dory, “*School-based Youth Courts: Creating a Restorative Justice Alternative to Traditional School Disciplinary Responses*,” in *Keeping Kids in School and Out of Courts*, reports to the National Leadership Summit on School-Justice Partnerships, New York State Permanent Judicial Commission on Justice for Children, 2012. Available at http://www.school-justicesummit.org/papers/paper_11.cfm.

³¹ Summit materials are available at http://www.school-justicesummit.org/presentations/presentation_details.cfm?topicID=5.

CONCLUSION AND RECOMMENDATIONS

If we heard that our schools were sending their worst readers home to watch TV, we would be dismayed. Many struggling readers resist instruction, and others may have disabilities that contribute to their challenges. So why not kick out the bad readers so the good readers can learn more? After all, it costs more to educate struggling readers, teachers need more training and support to achieve success with such students, our under-resourced schools don't have any easy solutions, and parents don't read to their children often enough.

However, most would agree that these children can learn to read and that it is in the public's interest that our schools invest in succeeding with all of them, including the reluctant ones and those whose parents did not help prepare them to succeed in school.

We also should be dismayed at the frequent use of out-of-school suspension and the profound disparities in discipline by race and disability status. We are rightly concerned that inadequate reading skills correlate with a higher risk for dropping out, but we also know that they reflect a need for more skillful reading instruction. Similarly, we must press schools to find more effective ways to teach children appropriate behavior at the same time we provide the support that teachers and principals need to provide engaging environments and implement more promising intervention practices, where needed. Not only will such improvements help improve graduation rates, but helping students meet high behavioral expectations in school will likely have lifelong benefits to these children and to our communities. Nobody supports the idea of ignoring serious misbehavior or leaving teachers with no recourse, but on the other hand, research has "busted" as myth the assumption that we must kick out the bad kids so the good kids can learn.

Unlike reading scores, which come standard in our reporting and evaluation of schools, the public until recently received little to no information about discipline and school climate. Some states do annually report the number of suspensions and some of the reasons for the suspensions to the public, but most do not. The greater community has not been given a clear picture of *who* is being suspended, how often, or why. Nor do we know how many days of lost instruction can be attributed to out-of-school suspensions. We believe that educators, policymakers, and the public at large have a right to know this information. This report has revealed large problems in districts in nearly every state, but the data can now be used to prompt remedies and to reveal where solutions are already working, as many districts are not suspending a high percentage of students from any subgroup.

We conclude by urging educators, families, and communities to work together to improve policies and practices. The data presented here leave no doubt that we face a challenging, entrenched problem, but we have good reason to believe that much can be done to make a significant difference in the lives of all students. We know how to educate children successfully without relying on the ineffective, harmful practice of removing the very students who have the most to gain from staying in school. Toward this end, we have added the following sets of recommendations.

For Parents and Children’s Advocates

- Request discipline data about your school and district and seek policy changes that would require annual reporting of disaggregated school discipline data, down to the school level.
- Bring your concerns about large racial, disability, and gender disparities and frequent use of suspensions to local and state education boards.
- Provide support for teachers to receive the training and assistance they need to be effective with diverse learners.

For Federal and State Policymakers³²

- Require states and districts to annually and publicly report disaggregated data (including unduplicated numbers of students, incident numbers, reasons for out-of-school suspensions, and days of lost instruction).
- Include school discipline disparities among school and district accountability measures and step up federal civil rights enforcement to address the large disparities in high-suspending districts.
- Provide greater support for research on evidence-based and promising interventions and target more funds for the implementation of systemic improvements, as well as for teacher training in classroom management.
- Consider replicating the actions taken to reduce suspensions in several states, such as Connecticut and Maryland, and the legislative proposals before California’s state legislature.
- Include classroom-management skills as part of teacher evaluations and ensure that teachers and principals have sufficient training and professional development opportunities in this area.

For Educators

- Use disaggregated discipline data to guide and evaluate reform efforts, including measures to ensure a review of disparities by race, disability, and gender.
- Invest in accurate reporting and use discipline data in early warning systems.
- Seek changes to school policies and practices where rates are high and as part of efforts to turn around struggling schools and districts.

³² For more detailed recommendations, see, *Good Discipline: Legislation for Education Reform*, available on our website.

For the Media

- Highlight the connections between effective discipline and improved educational outcomes
- Request that districts provide disaggregated discipline data on a regular basis and report it to the public. The new CRDC data for 2011-2012 year can be requested from districts, all of which are required to report it to the U.S. Department of education starting in September 2012.
- Question the justification and research basis behind discipline policies that leave large numbers of children out of school and unsupervised

For Researchers

- Include discipline data in the evaluation of school improvement efforts.
- Partner with states and school districts to conduct longitudinal studies on the impact of frequent out-of-school suspensions, and to document promising practices
- Encourage the use of research-based approaches to school discipline.
- Conduct cost/benefit analysis of the frequent use of out-of-school suspensions.

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APPENDIX I: DATA OMISSIONS

Data on Students Identified as Having Disabilities under “Section 504 Only”:

Students with disabilities under Section 504 only were not covered by this report because their data are not disaggregated by race. OCR collected and reported this subgroup’s discipline data in a manner that does not overlap with the racial/ethnic breakdown for students with disabilities or without disabilities. In the national sample, this subgroup makes up less than 1% of the total enrollment. When we calculated the rates for all students combined, we did not count the suspension of students with disabilities under Section 504 only. However, they are included in the total enrollment numbers, as we could not subtract them from the total enrollment without the race/ethnicity data. Therefore, it is possible that the removal of the “504 only” students from this report may have resulted in slightly lower or higher suspension rates in the category of “all students.” However, their removal did not affect what we have reported for students with disabilities identified under IDEA, or for students without disabilities.

English Learners: English learners are listed on the spreadsheet under “LEP” but are not described in the report for several reasons. One is that they are already counted among students by race/ethnicity; however, there was no additional disaggregated data for this subgroup. A second is that we know anecdotally that English learners in many school districts have a heightened risk for suspension, although the vast majority of school districts reported suspending no students from this subgroup. Therefore, we have provided data on the suspensions of English learners in the spreadsheet, but no analysis in the text. We will provide an analysis once we have resolved the many questions we have about the discipline data for this important group of children.

Students in Long-Term, State-Run Juvenile Justice Facilities: We provide a separate spreadsheet for students in these institutions. We believe this information is very valuable, but also that this educational setting is different enough from regular schools that the data deserved separate treatment. Most of these facilities reported no out-of-school suspensions, but in some cases that may mean that the students did not attend school or that the responding correctional facility did not regard disciplinary removal from a classroom as an out-of-school suspension. Furthermore, the out-of-school suspension of a student attending a juvenile justice facility has different implications, as suspended students remain under adult supervision. Moreover, all the students in these settings are there for disciplinary reasons, although not necessarily for misbehaving at school. We believe that some of the students in these facilities may have been disciplined at some point that same year in a regular school district, thus there is a high risk that these students would be counted twice in the same sample; there simply was no way to check. Finally, the research in the discussion section pertains to regular schools and not juvenile justice facilities. For these reasons, we decided it did not make sense to compare or rank such districts along with regular school districts. Future reports will review these districts and their data more fully so that we can gain a better understanding of the implications of disciplinary removal from schools within juvenile justice facilities.

Students Attending Cyber and Virtual Schools: We removed these districts, although they were not errors per se. We believe out-of-school suspension is likely not a real category for schools that have no students attending in person. We checked each district website to make sure this assumption was true. We found that 33,400 students attended cyber or virtual school districts, and only one district reported suspensions, a total of five.

Other Subgroups: The category of “Asian Combined” is reported throughout this report. Some states provide additional breakdown, including Pacific Islander and Hawaiian, but because the use of these terms varied by state and by district, we did not attempt to estimate state or national rates for these subgroups. Data on these subgroups is available and sortable using the spreadsheet.

Gender Disparities: To our dismay, technical difficulties in downloading files from the federal website, along with concerns about the impact of data suppression on the accuracy of the school-level data made available to the public, also prevented us from reporting data on gender for most districts or the state and national estimates. Instead, we analyzed the gender data from 10 of the highest suspending districts from our list of 100 largest districts.

Type of School: Similar issues made it too difficult to report district data by type of school (elementary, middle, and high). Future reports by The Center for Civil Rights Remedies will focus on race with gender disparities, and we will then provide a detailed analysis for each district by type of school.

APPENDIX II: METHODS AND TREATMENT OF ERRORS

Data Source: The data used in this report come from the Civil Rights Data Collection (CRDC), a survey administered by the U.S. Department of Education's Office for Civil Rights (OCR), and cover the 2009-2010 school year. The data are sometimes referred to as the OCR data and sometimes as the CRDC data; the two are identical. These data were made available to the public on March 6, 2012. The data, and additional details about the data collection, can be found online at <http://ocrdata.ed.gov/>.

The Center for Civil Rights Remedies provides the raw data we retrieved from OCR on the spreadsheets so that our calculations are completely transparent. Some differences may occur, due to rounding off. For example, to protect the identity of individual students, OCR rounded off all the publicly reported data to the nearest five. In our national report, we further rounded off some of our findings about risk, expressed as percentages.

General Methods: The data analysis provided in this report and made available in the sortable spreadsheet is based on straightforward percentage calculations. To produce these numbers, we divided the number of suspended students by the total enrollment; the result gives the percentage that was suspended. We describe this percentage throughout the report as the *risk* for out-of-school suspension. These out-of-school suspension data are exclusive of other discipline data collected by OCR, including the number of students expelled and the number of students receiving in-school suspension. In this report, we analyzed only out-of-school suspension data.

OCR collected data on the number of students suspended out-of-school one time only and, separately, the number of students suspended out-of-school two or more times. We added these mutually exclusive categories together to report the *unduplicated* number of students suspended one or more times. In the spreadsheet published with this report, you will find three categories of students: All Students; Students with Disabilities; and Students without Disabilities.

To arrive at the estimated risk for *all* students, we combined the number of suspended students with disabilities with the number of students without disabilities. OCR reports the suspension numbers for these two groups separately. However, OCR provides the numbers for total enrollment and the enrollment of students with disabilities, but not the enrollment for students without disabilities. To find the baseline enrollment of students without disabilities, we subtracted the number of enrolled students with disabilities from the total enrollment. This enabled us to report the risk for suspension for every major racial/ethnic group for all students, and to break it down further by both students with disabilities and students without disabilities.

National and State Sample Size: OCR gathered data from 6,835 school districts, which included an estimated 85% of all students attending public schools in the U.S. Depending on the state, the sample included anywhere from 59 to 100 percent of all students. The approximate sample size for each district is found in table 2 in the far-right column.

Omissions of Juvenile Justice and Cyber/Virtual Districts: For all levels of analysis, we excluded data from state-run, long-term juvenile justice institutions and from six districts that delivered cyber education, or virtual schooling. The reader should note that the Juvenile Justice tab in the spreadsheet contains 56 districts. However, four juvenile districts contained data errors and were removed; they appear in the Error Districts tab instead. Thus, the total count for all juvenile justice districts in the sample is 60.

National and State Estimates and Rankings: To determine statewide out-of-school suspension averages, we added all the data from all the districts in each state and treated it as one. The percentages reported apply to the entire sample for the state, rather than offering a per-district average. In other words, we added up all the suspensions in an entire state for each subgroup and divided that number by the total enrollment for each subgroup in the entire state. We followed the same procedure for the national averages, except that we added up the numbers at the national level. Because of large statewide errors in Hawaii and Florida, both are excluded from the analysis and the state rankings, and because New York City was removed due to reporting errors, the state of New York was also excluded from the state rankings. However, the untainted New York districts are included in the national analysis, as well as the district-level analysis.

District Tables: Tables 4a-4e: To rank the 10 highest suspending districts for each racial group (American Indians, Asian Americans, Latinos, Blacks, and Whites), we created five separate rankings, one for each racial group. We only included a district in these rankings if a racial group's combined total of students with and without disabilities was more than 100. We also only included districts that had an overall enrollment of 1,000 students or more. Furthermore, in order to be included in these lists, a district's racial subgroup had to represent at least 2% of the total student enrollment. Each district that appears in the top 10 racial group ranking was also put through a rigorous screening process that included verifying the OCR data with an outside data source, usually the state's education agency website. If conflicting information was found, the next district in line was included in the ranking instead.

One Hundred Largest Districts: The spreadsheet provides a list of suspension rates for 100 of the nation's largest districts in the OCR sample. However, we first removed 21 of the largest districts because of errors. Therefore, the list of 100 districts only includes those districts in which no obvious or confirmed errors were found.

High-Suspending Large Districts: Tables 5 and 6. Highest Suspending Large Districts: From the list of the largest 100 districts by overall enrollment, we ranked the 10 highest suspending districts by the average suspension rate in the district across all racial groups, and chose the 10 highest suspending districts. For these 10, we further broke down suspension rates by race, disability, and gender. In our report, the breakdown in these 10 districts for males is found in table 5, and for females in table 6.

Fixed Florida and Hawaii: The spreadsheet contains a tab called Fixed Florida and Hawaii. Hawaii reported enrolling zero students with disabilities served under the IDEA.

Florida's numbers in this enrollment group were about one-third what the state had reported for the same year to several other sources. We confirmed with OCR that these states had enrollment deficiencies, and checked other sources to verify that no other states had deficiencies of this magnitude. In both cases, to correct for these errors, we replaced the enrollment counts of students with disabilities with numbers from the states' websites, disaggregated by race. These corrected enrollment counts should provide a better estimate of these states' suspension risks for students with and without disabilities. However, we removed Hawaii and all the Florida districts from our national analysis and excluded them from our state rankings and estimates. The original incorrect data for these districts can be found in the spreadsheet listed under the Error tab.

District-Level Data Cleaning: For a variety of reasons described below, we removed an additional 169 districts, (not counting the omitted 6 cyber districts and 56 juvenile justice districts). Therefore, the final analysis used in this report to generate the national and state estimates was based on data from 6,604 districts. When the districts reported their data to OCR, each district superintendent was required to certify that the data were accurate, and these certifications were checked before OCR published the data. Unfortunately, in several districts we discovered obvious collection or reporting errors that forced us to remove them from our analysis. These error districts were highlighted in red and "quarantined" in a separate tab called Error Districts on our spreadsheet. The "error" spreadsheet gives readers the data as reported by OCR on the federal website.

While some districts may accidentally have reported suspending more students than they enrolled (over-report), others may have underreported their data, while still others failed to report baseline enrollment data or reported nothing at all in some categories, ignoring the federal requirement to respond:

- 37 districts were removed because they reported more out-of-school suspensions than students enrolled. School districts report their suspension data to OCR as unique counts of suspensions. By definition, there cannot be more suspensions than students enrolled
- 42 districts were removed because they reported out-of-school suspensions for a racial group, but also reported no student enrollment for that same group
- 16 large enrollment districts were removed because they reported zero out-of-school suspensions to OCR, despite having reported some suspensions on their state or district website. A large enrollment district is defined here as any district with a total enrollment of 3,000 students or higher
- 3 additional districts not among the largest districts were also removed because the OCR data conflicted with outside data confirmed by a state education website or other reputable data source
- 6 districts were removed because they contained more than one of these problems
- 65 districts were removed in the states of New York, Florida, and Hawaii, including NYC districts, because our review, followed by correspondence with OCR, indicated that these districts had large errors in their discipline data, enrollment data, or both.

Of these errors, it is far easier to detect over-reporting of suspension errors than it is to know if a district reported few or no suspensions accurately. In Milwaukee, for example, we confirmed that the State Department of Public Instruction, using the same definition for out-of-school suspension, reported a suspension rate of 53%, and that rate has consistently been above 40% in publicly reported data for many years. However, the CRDC rate for Milwaukee was just 19%, suggesting that, although these numbers should be identical, Milwaukee certified and sent the federal government a different set of data from what they sent to their state government.

Fixing Districts with Errors: In a small number of districts that exhibited one of the over-reporting errors described above, we were able to apply a data-cleaning strategy to fix the error and include the district in the final analysis. For one particular racial group in 10 districts that had an over-reporting error, we looked at whether the error involved *only* very small numbers, such that eliminating the specific cell would not change the district numbers. Specifically, we only attempted to fix a district if the group with an over-report of the number of students suspended accounted for 1% or less of the total number of students suspended in that district. If so, we then subtracted the offending group's number of suspensions *and* its corresponding enrollment from the district totals. Because this cleaning process is not foolproof, readers of the spreadsheet will find the word "error" in the cells we eliminated. Finally, there is a small number of districts that we suspect had data errors that we could not confirm as actual errors according to any of the six error categories. These district are highlighted in yellow on the spreadsheets to caution the readers, yet they are still included in the national, state, and district analyses.