

# LOST INSTRUCTION

THE DISPARATE IMPACT OF THE SCHOOL DISCIPLINE GAP IN CALIFORNIA

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The Center for Civil Rights Remedies

at The Civil Rights Project | *Proyecto Derechos Civiles*

# Executive Summary

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This report is the first to analyze California’s school discipline data as measured by days of missed instruction due to suspension. The state reports the number of suspensions for each district, disaggregated by racial/ethnic groups, but it does not provide any information on how much instructional time was lost. We used information from two large California school districts and several states to estimate conservatively that each suspension causes approximately two days of missed instruction.

One obvious reason suspensions contribute to a decrease in the graduation rate, as demonstrated in our prior report released this spring, *The Hidden Costs of California’s Harsh Discipline*, is that getting suspended denies access to instruction, and missing instruction has been shown to contribute to lower achievement. Our previous report examined the economic impact of suspension for every district in the state. To demonstrate the cost of suspensions in more concrete and immediate terms, this report describes the impact suspension has on instruction and analyzes data from every district. The report shows that there is a racially disparate impact, as measured by the amount of lost instruction, and that a great deal of that disparate impact results from suspending students frequently for the most minor violations of the code of conduct—the nonviolent, non-drug-related behaviors that fall under the catchall code of disruptive or defiant behavior. The report’s key findings are as follows:

1. Despite a recent decline in the use of suspension in California schools, many students are still losing a great deal of instruction time due to school discipline. We estimate that more than 840,000 days of instruction were lost during the 2014-15 school year alone.
2. Adjusted for enrollment, we found that students lost approximately 13 days of instruction for every 100 enrolled.
3. Our estimate showed that the largest decline in lost instruction was for Black students, yet large racial gaps persist; the largest is between Black and White students. In 2014-15, Blacks still lost approximately 43 days of instruction per 100 enrolled, compared to 11 days lost per 100 White students. That means Blacks lost an average of 32 more days than Whites per 100 enrolled.
4. The frequency of suspension and the impact on lost instruction was greatest in the alternative and specialized schools run by the county offices of education. In these schools, Black students lost 92 days of instruction per 100 enrolled, compared to 18 for White students.
5. All students attending high school districts lost, on average, more than 18 days per 100 students, but Black students in these districts lost an average of 62 days per 100 enrolled.
6. The most minor suspension category, referred to as “disruption or defiance” was shown to be a major contributor to the large racial disparities in the amount of lost instruction. For example, although offenses for this category account for approximately 30% of all suspensions, among the districts with the largest Black/White difference in lost instruction, where Black students on average lost 65 more days of instruction per 100 than White students, the disruption/defiance category contributed to 41% of the racial difference.
7. In districts with the largest Latino/White gaps in terms of lost instruction, Latinos lost 45 more days than Whites, and the disruption/defiance category contributed to 71% of that difference.
8. Similarly, in California’s 25 highest suspending districts, the disruption/defiance category contributed to 45% of lost instruction, well above the statewide average of 30%.

Our report does not provide a comprehensive review of the impact of LAUSD’s suspension policy; however, in our discussion section we respond to claims that discipline reform will beget chaos in our schools. Contrary to some misleading assertions specific to LAUSD, school climate has mostly improved in the district since the disruption/defiance category was eliminated. In fact, the latest LAUSD survey shows that the district now has the highest “sense of safety” ratings in the last five years, with more than 80% of students agreeing with the statement that they “feel safe at school” in 2016-17.

**Recommendations:** A few years ago, Governor Brown signed into law a limit on suspending young children for disruption or defiance, which will “sunset” in January 2018. At the very least, these limits should be renewed. The state of California has since made school discipline one of the indicators in the statewide accountability plan that it submitted for approval to the U.S. Department of Education. One noteworthy aspect of California’s efforts is that discipline reform is focused on improving the conditions of learning, and on finding effective, educationally sound alternatives to removing students from instruction as punishment in general, and in particular for minor misbehaviors. Moreover, the policy changes made by the state are aligned with the Local Control and Accountability Plan (LCAP) goals, such that each district has some funds to implement initiatives in discipline reform and ensure that they are grounded in improving the state’s schools for all children. California’s LCAP is a good example for the nation of how to pair state policy directives with local support: what California does well can and should inform what other states do. However, state policy should ensure effective discipline practices in all districts: if a student in one district who breaks a school rule is taught to correct his or her behavior and stays in school with no negative repercussions, why should a similarly misbehaving student in another district or in a charter school be suspended repeatedly, lose instructional time, and be put at risk of dropping out? The following research-based recommendations for improving California’s efforts are highly relevant to other states:

- Provide resources and technical assistance to help teachers and school leaders improve school climate, including training focused on improving student engagement; on implementing restorative practices or other systemic approaches designed to prevent misbehavior; and on responding effectively to problematic behavior.
- Expand efforts to reduce suspensions at the state and district levels to include grades K-12, including eliminating the use of in-school and out-of-school suspension for *all* minor behaviors, including but not limited to those covered by the state’s catchall disruption/defiance category.
- Reinforce changes to school behavior codes to make them more focused on prevention and less on punishment, and provide enough resources to ensure appropriate support for educators and to implement those changes with integrity.
- Monitor and report to the public disaggregated discipline data by race, gender, and disability status.
- Report to the public the actual days of missed instruction, disaggregated by race/ethnicity and type of offense. Issue a timely report for each school year at the beginning of the next academic year.
- Increase data collection and reporting on discipline by grade level and across subgroup categories, such as race with gender, and pilot the collection of data on LGBTQ youth.
- Provide technical assistance to high-suspending districts.
- Set goals for accountability plans to reduce disciplinary exclusion as part of state and local standards.
- Invest in research to identify what works in order to go beyond lowering suspension rates and close the discipline gaps by race, disability, and gender. Research should include an exploration of the relationship between suspension rates and academic outcomes, such as proficiency in core subject matter and graduation rates.
- Comply with federal law that requires states to report to the public annually on the school discipline of students with disabilities, by race and disability category.

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# The Disparate Impact of Suspension on Instruction in California

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## Introduction

California is one of the leading states engaged in statewide school discipline reform, including its prohibition on suspending young elementary school children for minor misbehaviors, which was signed into law in 2014 and is scheduled for renewal. Although the commitment among legislators and educators to use suspension less often is strong, it should not be taken for granted. Nor should the public consider that the progress made to date is sufficient, given the frequent and disparate use of suspension by some districts documented in this report. For example, this report estimates that California’s schoolchildren missed nearly 900,000 days of instruction in 2014-15 due to disciplinary removal alone. That is the equivalent of more than five million hours of lost instruction in just one school year. This report documents these losses and the profound differences in their occurrence by race and ethnicity.

We know from the research on chronic absenteeism that the impact of missing school for any reason can undermine learning. Research shows that missing three or more days of instruction before taking the fourth-grade National Assessment of Educational Progress in reading, after controlling for other variables, lowers achievement by a full grade level (Ginsburg, Jordan, & Chang, 2014). Considering that frequent use of suspension contributes to chronic absenteeism and the research-based consensus that suspension has a harmful impact on graduation rates and juvenile justice (Morgan et al., 2014), we were surprised to find that the state of California does not provide any information to the public or to researchers about days of instruction missed due to discipline.

This report is the first to take a close look at how suspension in California’s schools impacts lost instruction in every district in the state. This descriptive study uses the state’s reported enrollment numbers and number of suspensions, disaggregated by students’ race/ethnicity, to estimate the days of missed instruction in every district for every racial/ethnic group. We further break out the days missed for the state and for each district, based solely on the district’s removal of children for all manner of minor behaviors that fall into the catchall code known as “disruption and defiance.” According to California Education Code section 48900(k), this includes student behavior that “disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.”

Because the California Department of Education does not currently collect or report the actual data, it is important to note that our estimates of the amount of lost instruction treat every suspension as two days in duration. We based our estimates on the data reported by two large districts, Los Angeles and Oakland, as well as other data from other states. The two districts do provide data on the days missed due to out-of-school suspensions; the results were 1.7 days in Los Angeles and 2.75 days in Oakland. That information—and our findings from research on the state of Massachusetts, where the average suspension was 3.7 days (and little racial difference)—which was based on detailed data from every school in that state, informed our decision to use a conservative estimate of two days per suspension across all schools, with no adjustment for category or racial group. Therefore, we remind readers that the number of suspensions are what the districts actually

reported and that the estimates of days lost are built on those detailed data. Readers can easily find both the suspension rates and the days lost in the spreadsheet that accompanies this report, and covers every district in California.

This report follows another by Russell Rumberger ( Rumberger & Losen, 2017), director of the California Dropout Research Center, in which he provides an assessment of the extent to which suspension of older students predicts an increased likelihood that those students will drop out of school. Rumberger’s study followed every tenth-grade student in the state for three years and, after controlling for most of the other major dropout factors, conservatively estimated that suspensions in California lowered graduation rates by nearly seven percentage points. For this one cohort, Rumberger used economic estimates specific to California to estimate the long-term cost of suspensions for the state at 2.7 billion dollars. He then provided estimates for each district. In many larger ones, the extra cost to taxpayers and individuals exceeded millions of dollars—costs that stronger reform policy might have averted.

We anticipate that the state will eventually reap some benefits from prohibiting suspensions for disruption and defiance until after third grade. For example, if stronger reforms increase graduation rates, it is estimated that the state will avert 180 million dollars in costs for each one percentage point improvement. Of course, the risk of being suspended for any offense increases dramatically as students get older. Despite the costs, it isn’t hard to understand that suspending a student in some cases might be a necessary measure of last resort, yet there is no research that justifies frequent suspensions. Moreover, despite the reforms made in California, the state still explicitly permits schools to suspend students of any age from the instructional setting for a wide range of minor behaviors, including use of vulgar language and possession of cigarettes.

By highlighting the degree to which suspensions contribute to lost instructional time, we hope to make Californians aware that the discipline gap contributes to the achievement gap. Toward the same end, we remind readers that the introduction of our last report, *Closing the School Discipline Gap in California* (Losen, Keith, Hodson, Martinez, & Belway, 2015), stated our finding that suspension and achievement rates were inversely related, based on data from every California district. Specifically, lower suspension rates correlated with higher achievement for every racial group in California schools.<sup>1</sup> Thus, the evidence contradicts the widely held causal assumption that teachers must kick out the bad kids so the good kids can learn.

Studies from other states where additional factors contributing to lower achievement were controlled for, including poverty, suggest that fewer suspensions would predict higher achievement. Research has shown that school suspensions account for approximately one-fifth of Black-White racial differences in school performance (Morris & Perry, 2016). Meta-analyses have revealed a significant inverse relationship between suspensions and achievement, along with a significant positive relationship between suspensions and dropout (Noltemeyer, Ward, Mcloughlin, 2015). While exploring school discipline and academic performance in the state, the West Virginia Department of Education found that “students with one or more discipline referrals were 2.4 times more likely to score below proficiency in math than those with no discipline referrals” (Whisman & Hammer, 2014). To better illustrate the disparate educational impact, and to compare districts, this report examines the impact of suspensions in terms of days of missed instruction per 100 enrolled using the aforementioned estimate of two days missed per suspension.<sup>2</sup>

This report does much more than present statewide results on missed instruction for the state of California; it also shows the degree to which lost instruction varies from one district to the next. The report includes a list of the 25 districts where students lost the most instruction during the 2014-15 school year. We acknowledge that some of these districts may have

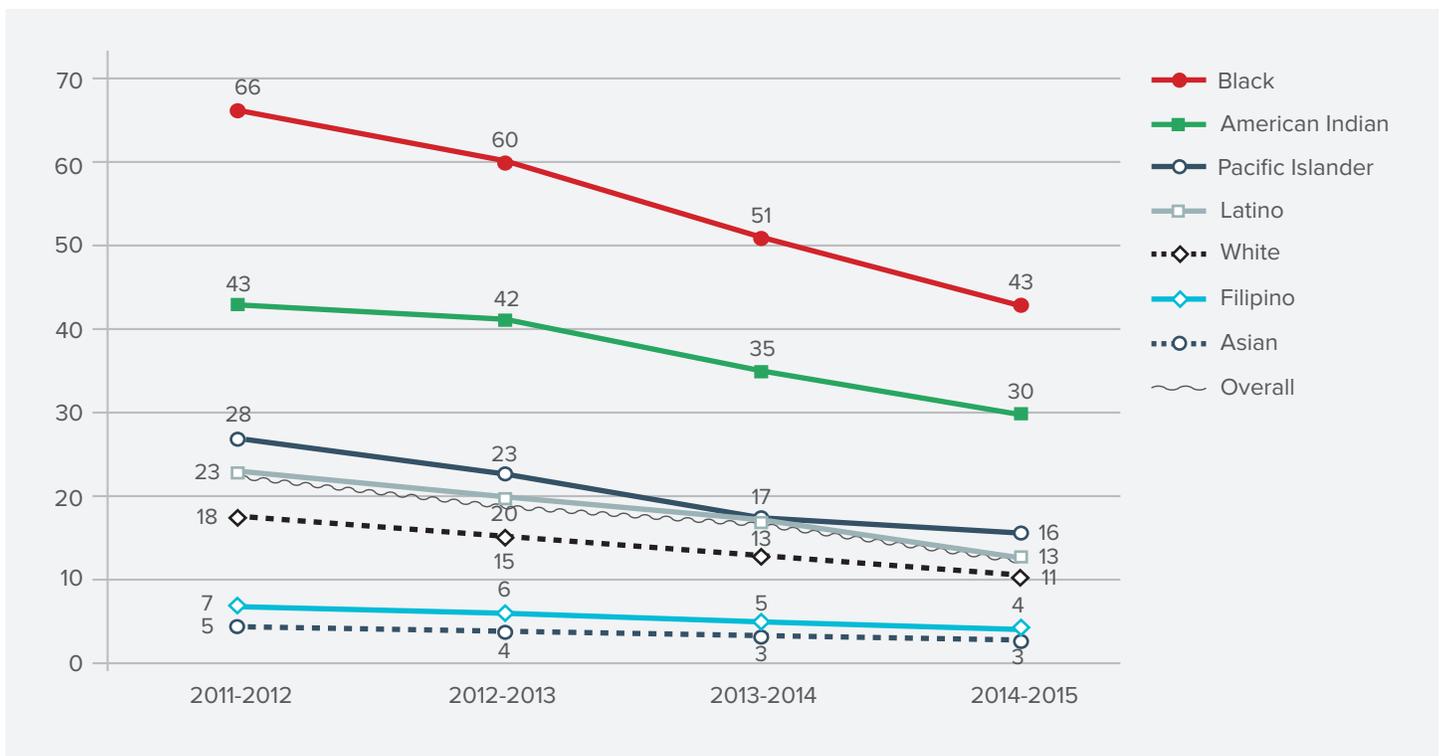
made progress in more recent years, and that for some the rates were even higher in prior years.<sup>3</sup> Many districts with high suspension rates also have racial/ethnic disciplinary disparities that are so great as to shock the conscience. The large statewide racial/ethnic gap and even more profound local discipline gaps are of great concern to civil rights advocates.

In addition to reading this report, we urge readers to find the data on lost instruction time for their own district and compare it to others. To facilitate such efforts, we have provided a series of online maps that feature the most notable district-level findings ([online here](#)). We also provide information on every district in a free companion spreadsheet, which provides all the days of missed instruction and underlying suspension rates for each district overall, disaggregated by the major racial and ethnic groups, and with a parallel breakdown for the category of disruption and defiance.

# California Shows a Four-Year Downward Trend in Days of Missed Instruction

Given our concern for the impact on educational achievement caused by the disparate and excessive use of suspension, throughout this report we express the underlying suspension rates through conservative estimates of the corresponding days of lost instruction. In every case, the days of missed instruction is estimated by doubling the combined in-school (ISS) and out-of-school (OSS) suspensions per 100 students enrolled. Based on our extensive analysis of days of lost instruction by race in states where these disaggregated data are reported, along with data reported by the Los Angeles Unified and Oakland Unified school districts, we believe that losing an average of two days per suspension is a conservative estimate (Losen, Sun, & Keith 2017; Los Angeles Unified School District, 2015). For the purpose of this analysis, we apply our estimate of two days of lost instruction consistently to arrive at a total of 840,656 days lost. We convert the reported number of suspensions to the rate of lost days per 100 by doubling the number of suspensions to get the number of days, and then dividing that number by the actual enrollment. We provide all the underlying data in the appendices and in the companion spreadsheet that covers every district in California.

**Figure 1: Four-Year Trend in Days of Missed Instruction Based on Rates of Total Suspensions per 100 Students in California**

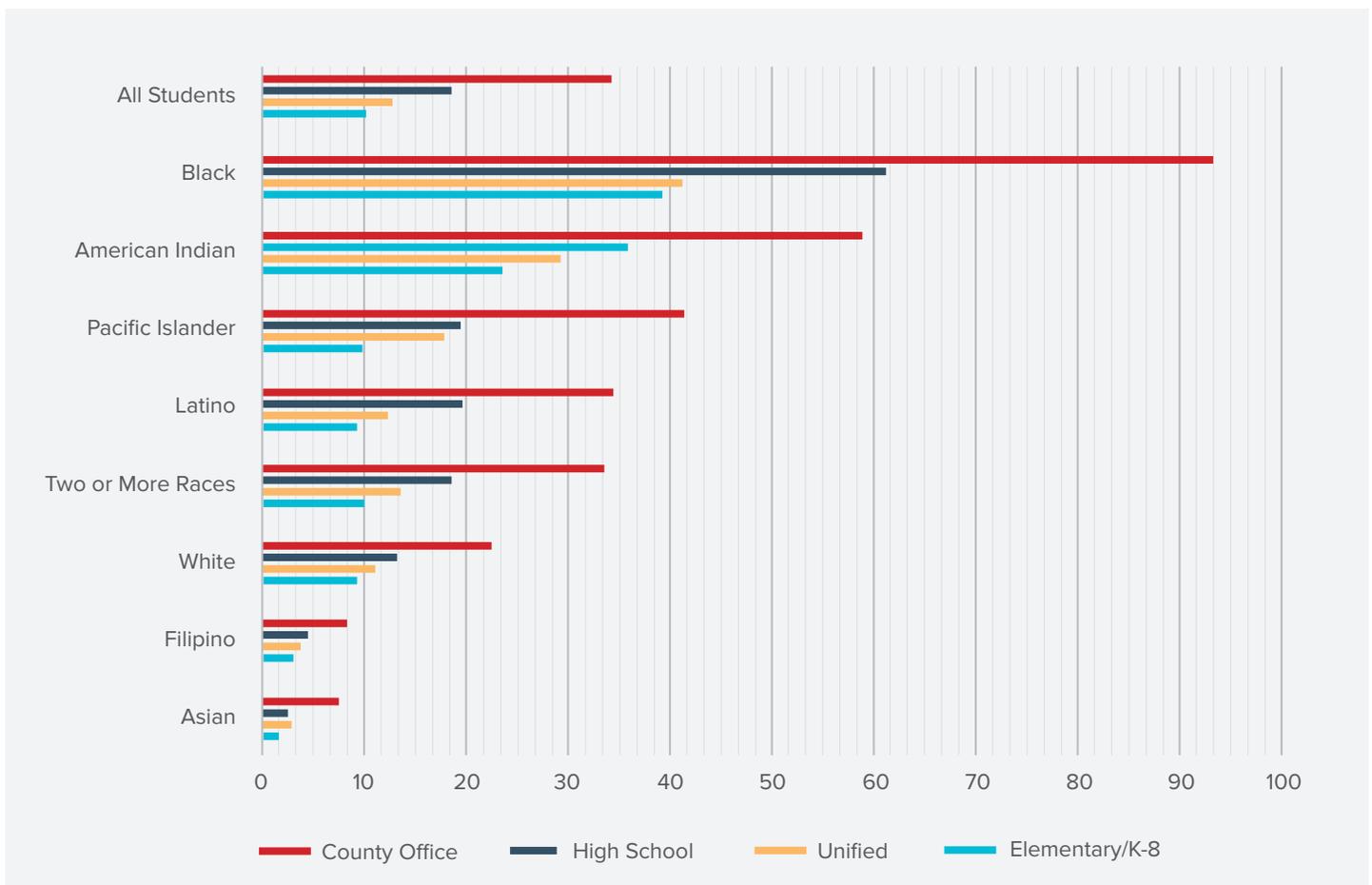


Source: California Department of Education (2015)

We estimate that the days of instruction lost due to suspensions has declined steadily for every racial group in California for four consecutive years. Although large and disturbing racial differences in the amount of lost instruction remain, the days of missed instruction per 100 enrolled declined for every single group.<sup>4</sup> We estimate, for example, that in the 2014-15 school year, Black students still lost 32 more days of instruction per 100 enrolled than White students. On the other hand, the difference between Blacks and Whites has narrowed by 16 days since 2011-12, a time when we estimate that Blacks lost 48 more days of instruction per 100 than Whites. Moreover, since 2011-12, the difference in days of lost instruction has narrowed between Whites and every other racial/ethnic group.<sup>5</sup> It is worth noting that, during this period, missed instruction due to OSS for the most serious violations also decreased for every group. To calculate these decreased numbers, we combined OSS for weapons possession, drug possession, and violence with physical injury; the racial gap in lost instruction for these violations also decreased (see appendices for details). This trend is important to note for those concerned that reducing suspensions will make schools chaotic and less safe, a topic we explore in the discussion section.

Research demonstrates that the statewide estimates of lost instruction time do not reveal the extent to which suspension rates and disparities in the use of suspension differ between types of districts. For example, Black and American Indian students appear to have lost the most instruction time in every type of district.

**Figure 2: Days of Lost Instruction per 100 Students by Race/District Type**



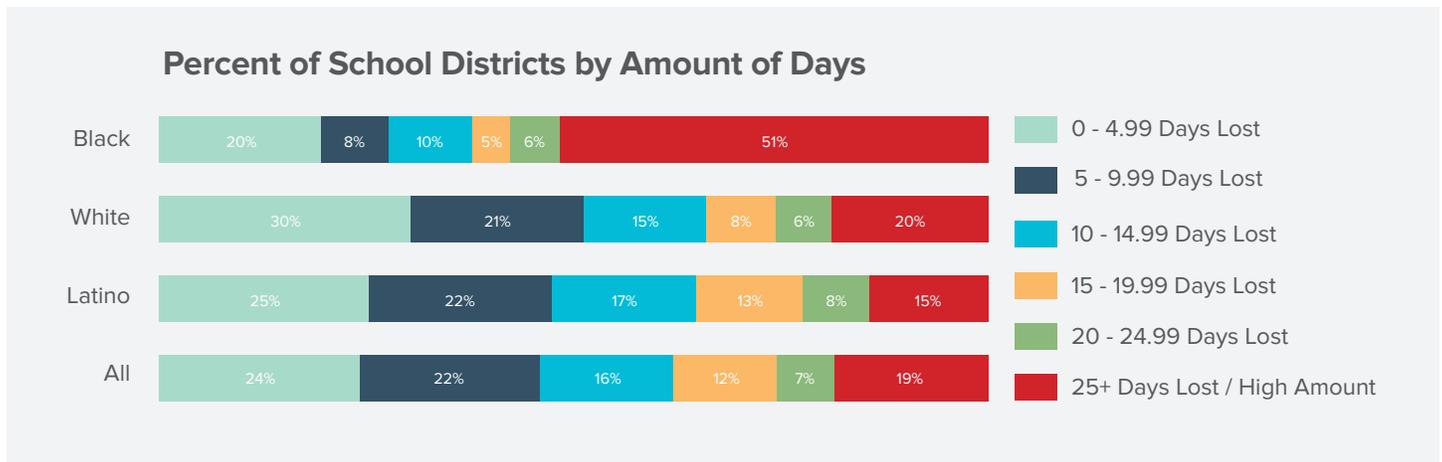
Note: For full details and numbers, see Table 8B in Appendix B.

Suspensions have a detrimental impact at all levels, but are noticeably higher in some types of districts. For example, Figure 2 shows that administrators in districts run by the county office of education tend to deny instruction on disciplinary grounds more than most. Students in these schools missed nearly three times as many days—35 per 100—as students in unified districts (13.4 per 100), and over three times as many as students in elementary districts (10.2 per 100).<sup>6</sup> Most noticeable is that administrators removed Black students in the “County Office of Education” (COE) districts at the extremely high rate of 94 days per 100 enrolled. Moreover, the majority of students in need of behavioral support and special education are often enrolled in COE districts, which unfortunately also suggests that, among historically disadvantaged youth, those with the greatest need for support are removed from instruction at rates that far exceed the norm for children in California.

Among traditional school districts, high school administrators’ use of suspension is estimated to have the greatest impact on lost instruction. Students in high school districts missed an average of eight more days of instruction than students in elementary districts (18.3 vs. 10.2 days per 100 students). Many elementary districts include middle school students, so this is a less distinct difference than the name implies. Black students in High School districts lost an average of 61.2 days per 100 versus 14.3 for Whites, a difference of nearly 47 days lost per 100 enrolled. It is also noteworthy that the differences in days of missed instruction between White students and Latino and Pacific Islander students turns from slight to stark as the students get older.<sup>7</sup>

Statewide averages also do not capture the vast differences in lost instruction experienced by students of color from one district to the next, regardless of type. The broad distribution in days missed by race across all the districts in California is mapped out in Figure 3.<sup>8</sup>

**Figure 3: School District Distribution of Days of Missed Instruction (per 100 enrolled) by Black, White, and Latino Students**



We label 25 or more days of missed instruction as “high,” as it approximates the number of days missed when we add one standard deviation to the statewide average of 13 days per 100 enrolled.<sup>9</sup>

Figure 3 compares the district-level distribution of days of missed instruction for all disciplinary reasons for all students and for Black, White and Latino students. To determine this, we divided the number of districts where, for example, Black students lost 25 or more days of instruction (N = 342) by the total number of districts that enrolled more than five Black students (N = 665), arriving at the fact that Black students in 51% of the districts they attend lost at least this much instruction time. This experience contrasts starkly with the amount of instruction lost due to discipline by the vast majority of students

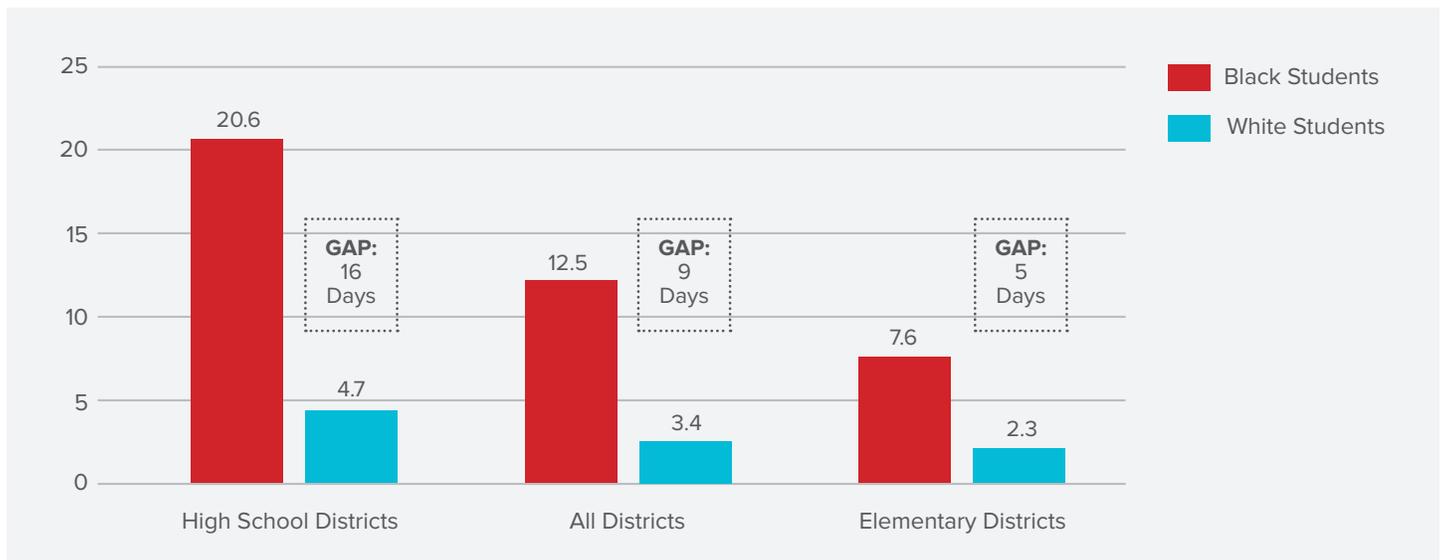
attending school in a California district. Losing 25 or more days of instructional time was the norm in only 166 districts out of a total of 895, or 19%; Whites missed 25 days or more per 100 in only 1 in 5 districts (20%); Latino students experienced high rates in 1 in 7 districts (15%; see appendices and spreadsheet for more details). On the other hand, each subgroup in 20% to 30% of the districts lost very little instruction time (between 0 and 5 days). This means that students in a significant number of California districts experienced a school climate in which a relatively low amount of instruction time was lost for disciplinary reasons. This analysis is consistent with other reports examining differences at the school level using California’s 2014-15 dataset (Loveless, 2017).

### District Use of Suspension for Minor Behaviors Drives Much of the Racial Divide in Days of Lost Instruction

In California, it is local policymakers and school administrators who decide whether to suspend students in grade 4 and higher for the minor behaviors covered by the state code of conduct in the category often called disruption or defiance. In 2013-14, the Los Angeles Unified School District (LAUSD) eliminated the “disruption/defiance” category as grounds for suspending any student in any grade. Oakland Unified, San Francisco Unified, and a number of other districts have since followed LA’s lead. However, from 2014-15 to the present, the majority of schools and districts in California still suspend students in most grades for minor misbehavior.

The average days of instruction lost due to minor misbehavior is greatest in the high school districts. When the number of days missed due to removal for disruptive conduct is broken out by race, we find large differences. These differences are typically largest between Black and White students, which is why we highlight that comparison in Figure 4. Moreover, the size of this racial difference is three times larger at the high school level than in elementary districts.

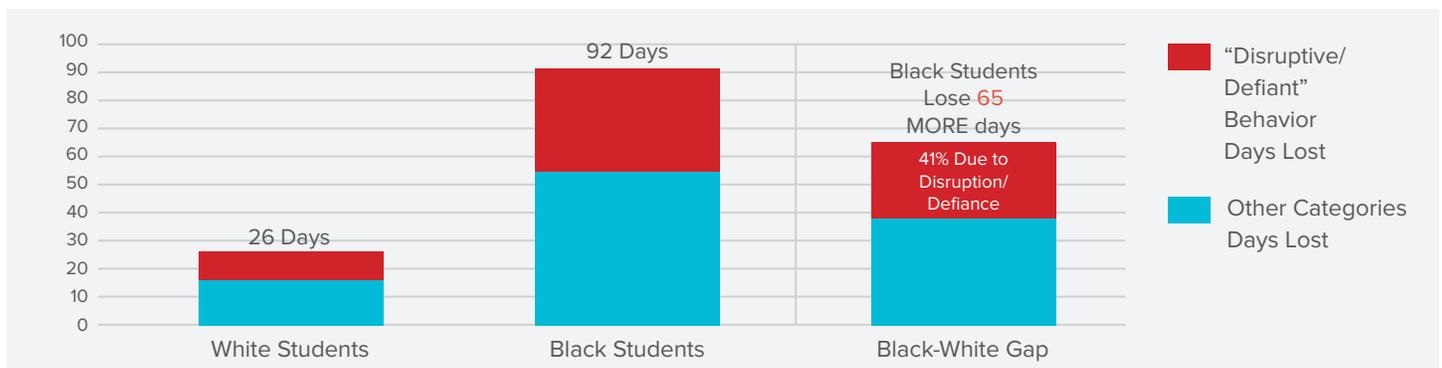
**Figure 4: The Racial Gap in Days of Lost Instruction due to Suspensions for Disruption/Defiance in 2014-15<sup>10</sup>**



# California Districts with the Largest Racial Disparities Rely More Frequently on Suspension for Disruption/Defiance

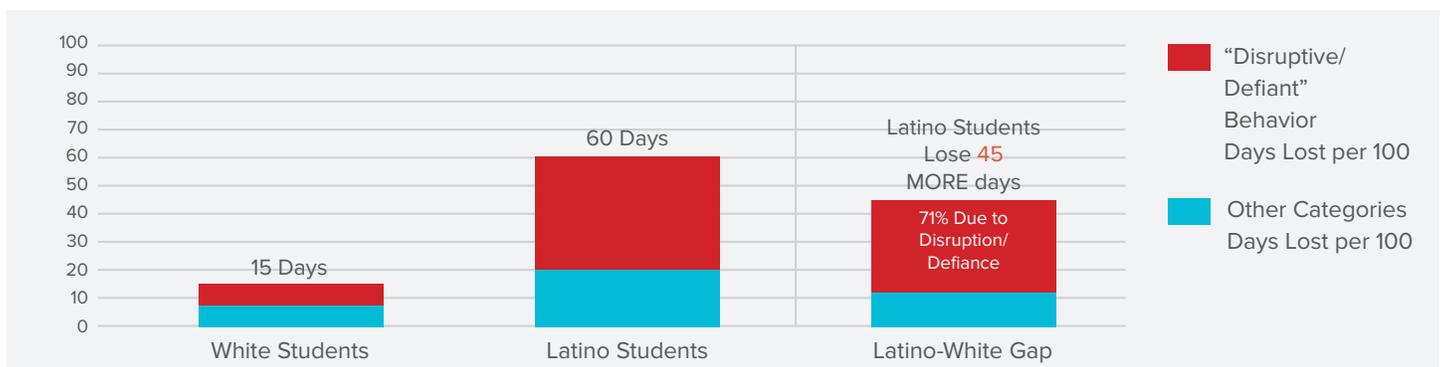
Not every district in California has racial differences of the magnitude we describe in this section. To clarify the extent to which this one category can contribute to racial differences, we reviewed the 50 districts in the state with the largest Black/White racial differences in total days of instruction missed for all offenses combined. We then asked, how much do suspensions for minor disruptive/defiant behaviors contribute to their large divide? To ensure that the differences were not distorted by low enrollment, we only looked at districts that enrolled at least 100 Blacks and 100 Whites. This subset of 50 districts enrolled more than 27% of all the Black students in California, and nearly one million students in all. The per-district average days of instruction lost by Black students in these districts with a large racial gap was 92 per 100 enrolled, compared to 26 lost days per 100 enrolled for White students. Generally, per 100 enrolled, Blacks missed an average of 65 more days of instruction than Whites. More specifically, we found that the catchall disruption/defiance category constituted 41% of the Black-White racial gap across these 50 districts in the aggregate, as shown in Figure 5a.

**Figure 5a: Black-White Racial Gap in 50 Districts with the Largest Disparities in Days of Instruction Lost for Minor Disruptive/Defiant Behaviors**



While the racial discipline gap between Latinos and Whites is smaller and less common than the Black-White gap, we found a similar pattern in the five districts with the largest Latino-White gap, as shown in Figure 5b.

**Figure 5b: Latino-White Racial Gap in 5 Districts with the Largest Disparities in Lost Instruction Is Driven by Removal for Minor Disruptive/Defiant Behaviors**



In the districts with the largest gaps, the per-district average was that Latinos lost 45 days more instruction per 100 than Whites, and the minor disruption/defiance category accounted for 32 more days of missed instruction for Latinos than for Whites. This means that suspension for disruption/defiance accounted for more than 71% of the Latino-White gap in these five districts with the largest overall gap. These data parallel the pattern found in many studies, whereby responses to the most minor misbehaviors—those most vulnerable to biased perceptions of behavior—appear to contribute most to the large racial/ethnic differences in punishment (Skiba et al., 2011). In each of the five California districts with the largest Latino-White gap, Latinos lost at least 20 more days of instruction per 100 enrolled than Whites.

## The Disparate Impact of Suspension on Instruction Found in the 25 Highest Suspending Districts

In addition to the aggregate picture of disparate impact, we looked at the 25 highest suspending districts that enrolled at least 100 Black, White, and Latino students. When one observes the days of lost instruction in each of the 25 highest suspending districts for all students for reasons that cover the entire code of conduct, it is apparent that students in these districts were losing an extraordinarily high number of days due to discipline—far greater than the statewide average of 13 days per 100 enrolled. We organized the districts on our list (see Table 1) in descending order by total days per 100 lost for all offenses for all students, starting with the district that had the highest amount of lost instruction. For each listed district, we show the days lost per 100 enrolled for Blacks, Latinos, and Whites for all offenses, and then for disruption or defiance. For each racial group in each district, we calculate the percentage of all instruction lost due to this one category of minor misbehavior.

**Table 1: California’s 25 Districts with Most Days of Lost Instruction per 100 Enrolled in 2014-15**

District	All Students	Black Student Days Lost per 100 Students		Latino Student Days Lost per 100 Students		White Student Days Lost per 100 Students	
	All Behavior	All Behavior	Disruption/Defiance	All Behavior	Disruption/Defiance	All Behavior	Disruption/Defiance
Sausalito Marin City	106.0	265.5	194.8	120.3	98.7	4.0	2.7
Mojave USD	82.4	162.2	65.6	45.3	20.1	53.7	21.0
Vallejo City USD	54.9	106.6	41.6	37.8	19.1	49.1	20.1
Weaver Union	53.4	173.8	110.3	49.3	31.9	62.2	42.0
Ceres USD	52.2	119.7	96.2	53.0	40.8	53.2	37.7
Barstow USD	47.5	128.7	38.5	33.0	11.9	29.6	7.0
Woodland Joint	46.9	128.0	67.2	51.5	32.2	32.1	15.8
Manteca USD	46.5	122.0	74.1	44.7	30.6	42.6	25.3
Antioch USD	46.4	105.2	52.6	26.9	13.1	27.4	12.1
Stockton USD	46.4	125.2	33.3	35.5	9.4	63.8	16.2
Victor Valley Union High	46.3	124.4	54.2	30.2	14.2	18.6	7.3
Tracy Joint USD	45.1	91.4	57.7	50.7	33.0	41.0	24.5
Kern High	44.1	119.0	54.7	40.8	18.6	39.9	17.2
Morongo USD	40.9	92.1	55.2	37.4	19.9	38.0	16.9
Antelope Valley Union High	39.1	101.9	31.8	26.7	11.5	19.7	5.4
Palo Verde USD	39.1	79.3	21.1	37.4	16.4	30.5	9.4
John Swett USD	39.0	81.6	21.0	23.8	6.6	27.4	6.9

Madera USD	38.8	107.8	50.1	37.7	19.3	38.2	18.4
Merced City Elementary	38.8	106.3	45.1	36.1	18.2	47.5	24.6
Konocti USD	37.9	64.2	23.9	27.7	6.1	40.8	6.2
Washington USD	36.7	106.9	23.9	30.3	8.1	24.4	4.5
Twin Rivers USD	34.9	79.7	24.2	27.5	9.0	27.6	9.6
Marysville Joint	33.9	84.1	21.8	24.9	8.5	41.4	12.2
Fairfield-Suisun	33.9	73.7	21.9	31.7	13.2	24.5	8.7
Yuba City USD	33.4	108.9	56.1	38.6	17.6	34.7	12.8

Even among these 25 highest suspending districts, the contribution of the disruption/defiance category to the total amount of lost instruction varies a great deal; it also varies significantly within each district by racial/ethnic group. The per-district average was that 45% of all missed instruction was due to disruption/defiance, well above the statewide average of 30%. Moreover, in each of the 25 districts, Black students missed instruction due to disruption/defiance at a rate above the state average, which was also true in most cases for Latino students. For each racial group in each district, we calculate the percentage of all instruction lost due to this one category of minor misbehavior. The individual district information is provided in the companion spreadsheet.

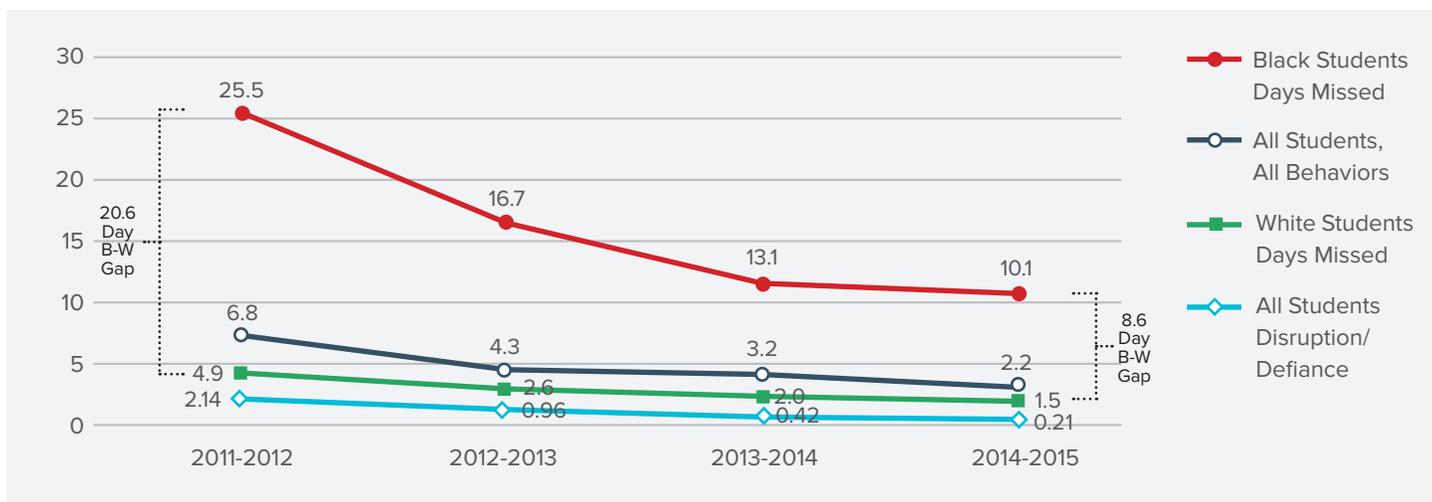
In each of the 25 highest suspending districts, what appears to be an overarching problem of excessive and disparate use of suspensions could be helped by finding alternative responses for the wide array of minor behaviors that constitute disruption or defiance. Readers should note that, given the data lag, it's possible that some of these highest suspending districts have already made great progress in this area since 2014-15. Our next report, which will follow the release of the 2015-16 data, will provide examples of districts that have made substantial progress and highlight those with the highest rates of progress. As we detail in our discussion and recommendations sections, in this report we have used days of missed instruction to highlight severe problems that need educationally sound solutions, and we acknowledge that changes in state and local policy are necessarily meant to help achieve more equitable outcomes by improving the school climate and learning conditions.

# Discussion and Conclusion

We consider the highest suspending districts to be examples of excessive reliance on disciplinary removal and note that each of these districts also had large racial differences in the amount of instruction lost due to that removal. Frequent use of suspensions is a persistent problem. Even if local educators and policymakers are taking the initiative to control it, it appears that more could be done. We draw that conclusion from the data we reviewed, along with findings from other state studies that support the idea that local and school-level administrators have a great deal of influence over whether suspensions are used frequently or as a last resort (Fabelo, 2011; Skiba, 2015). One specific study in Texas that tracked every middle school student for over six years, controlling for race, poverty, students' behavioral background, and numerous other external factors, concluded that school-level factors contribute to large differences in the use of suspension (Fabelo, 2011). In a study of school principals in Indiana, where poverty and other factors were controlled for, Skiba (2015) found that both higher suspension rates and larger racial disparities in those rates were predicted for principals who adopted zero-tolerance type approaches to discipline. A recent study on the impact of suspensions for minor misbehavior indicated that they contribute so dramatically to a reduction in both math and English language arts achievement that they can reduce the likelihood that a suspended student will achieve proficiency in these areas (Lacoe & Steinberg, 2017b). Most important is the example of what LAUSD has done, which provides important evidence that districts can take the initiative and eliminate disruption and defiance as grounds for suspension at every grade level. Although our analysis did not entail a full study of LAUSD, and while we acknowledge that more improvements need to be made in LAUSD, the data on school climate and suspension rates suggest that real progress was made in reducing suspensions without creating chaos.

Figure 6 shows our estimate of the overall decrease in lost instruction time in LAUSD. The policy to eliminate disruption/ defiance as grounds for suspension was adopted in the 2012-13 school year, but the sharpest decline in the overall use of suspension began at least a year earlier.

**Figure 6: Four-Year Trends in LAUSD Days of Missed Instruction per 100 Students**



In our previous report, *Closing the School Discipline Gap in California* (Losen, Keith, Hodson, Martinez, & Belway, 2015), we noted that LAUSD adopted a plan in 2013 to eliminate the use of suspension as a response to disruption or defiance. As Figure 6 demonstrates, the number of suspensions overall and for disruption/defiance declined four years in a row; during the first two years, the only years for which API scores were available, the scores showed a rise in achievement in LAUSD. We also noted that the purpose of the plan to eliminate suspension for all disruption/defiance offenses was not simply to reduce the number of suspensions but to improve academic achievement. Although discipline reform efforts had already begun in LAUSD, using the most recent data we estimate that, by eliminating suspensions for disruption or defiance, LAUSD has avoided the loss of thousands of days of instruction and more than ten thousand hours of instruction time.<sup>11</sup> LAUSD also has experienced what could be the largest increase in graduation rates in its history since the policy to eliminate suspensions for disruption and defiance began four years ago. In 2017, 80% of the district's high school cohort graduated, a full ten percentage-point jump from the 70% rate in 2013-14 (Kohli, 2017).

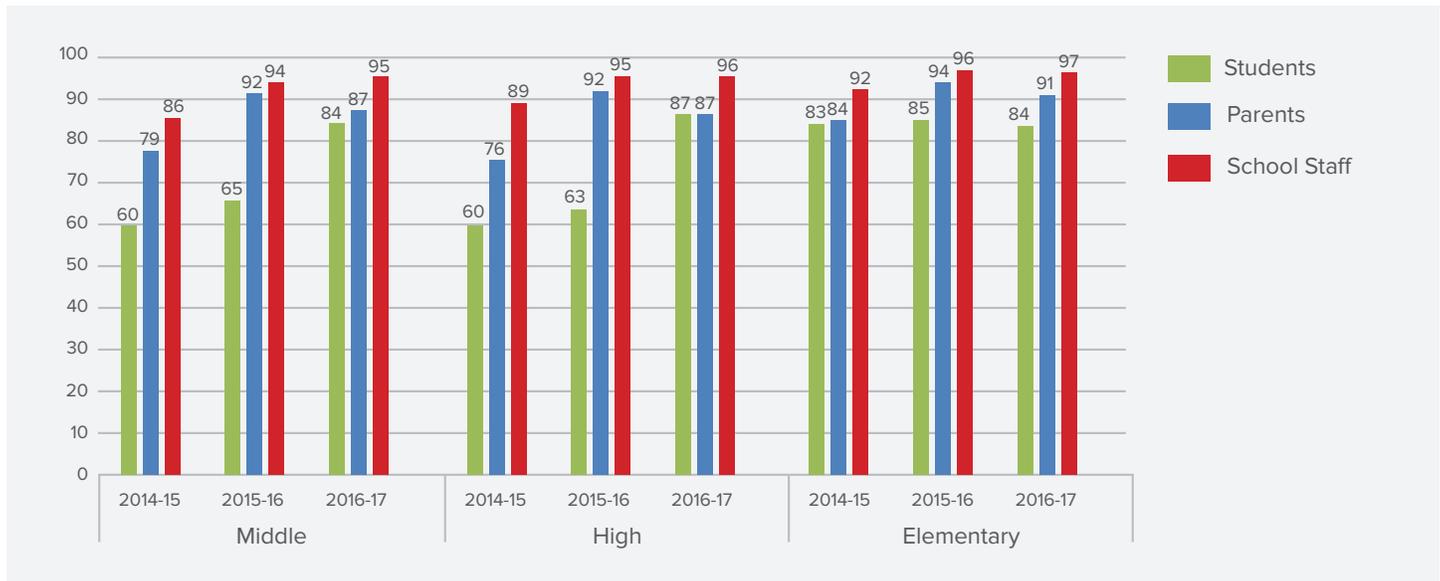
One would expect the policy to have an impact on the violation category, but equally important is that days of lost instruction for other violations also declined. Although not depicted, we calculate that the racial gap in days lost in LAUSD narrowed by more than what could be attributed to eliminating disruption and defiance alone. This suggests that the reduction in suspensions for minor offenses was not replaced by increased suspensions in other categories, and that it was a genuine effort to improve school climate and prevent student misbehavior. Although we do not have 2015-16 suspension data for other districts, we do know from LAUSD's website that suspensions in LAUSD have continued to decline.

Some may regard as problematic the fact that the 2014-15 survey showed an initial decrease from 2013-14 in the sense of safety reported at the elementary, middle, and high school levels. The largest decline was at the high school level, which dropped 13 points from 73 to 60, followed closely by a middle school drop from 72 to 60. There are many possible reasons for changes in responses to a given school climate indicator, including an increase in student searches at the secondary level which has generated student complaints, and even students demonstrating at an LAUSD school board meeting.<sup>12</sup>

Most notable is that the survey results on students' sense of safety for the most recent year available, 2016-17, (figure 7) show that safety ratings for middle and high school students are at the highest level in five years, higher than before the new suspension policy was implemented and more than making up the initial decline. Specifically, following the initial dip, LAUSD students' reported sense of safety grew to 88% for the middle school and 84% for the high school—the highest it has been for students in those groups in the last 5 years.

This evidence runs counter to the frequent argument that a policy change intended to lower the use of suspension will cause the learning environment to become chaotic and unsafe. Most recently, in a *Wall Street Journal* opinion piece published in September 2017, Manhattan Institute Senior Fellow Jason Riley argued that LAUSD's climate survey data show that the change in policy caused a decline in safety after they eliminated suspensions for disruption and defiance. Missing from the evidence presented in the WSJ by Riley was the most recent data and numerous other conflicting survey responses.

**Figure 7: Student, Staff, and Parent Perceptions of Feeling Safe in LAUSD Schools**



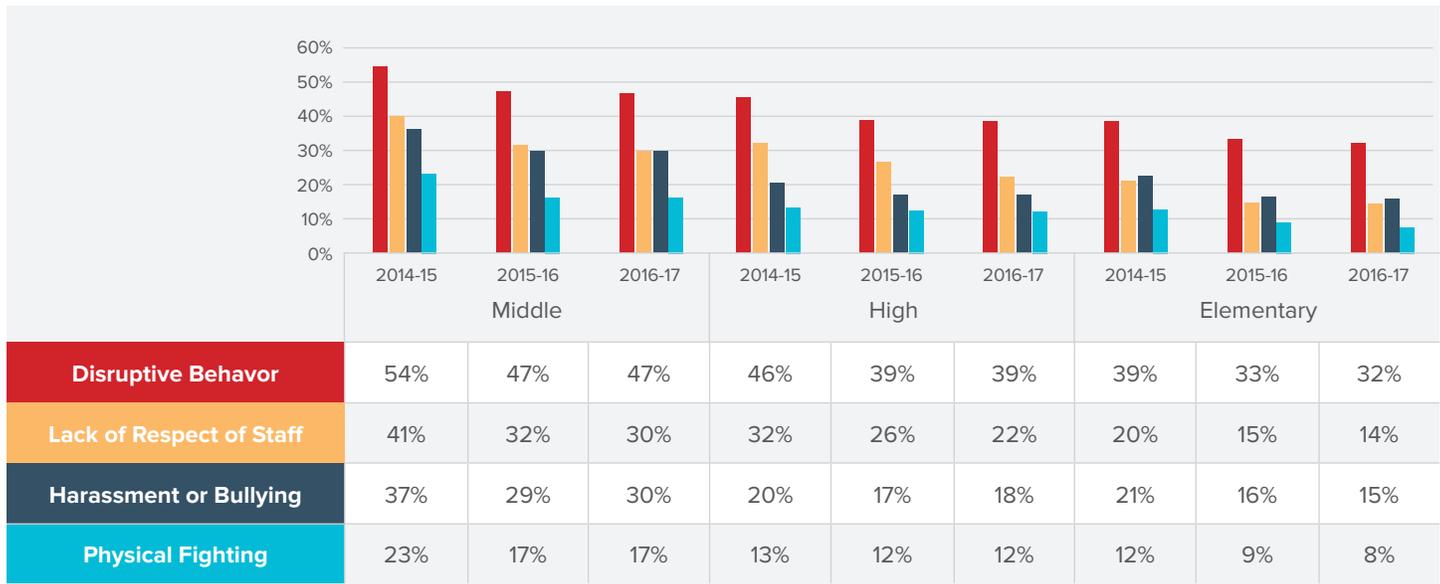
The actual data (see Figures 7 and 8) demonstrate that, in the several years after the policy change, the LAUSD school climate survey responses do not suggest chaos. Students’ and teachers’ reported sense of safety has improved, and both are currently at high rates, as both are much higher than reported the year before the policy change. Notably, when we look at all the years of data since the policy change, a period in which suspensions have continued to decline, Elementary students sense of safety has remained steady with between 83-85% responding that they felt safe. Even the singular middle school indicator that Jason Riley used to assert his chaos theory (students’ sense of safety) started rising back the year after it dipped, and for 2016-17 was reported at 84%, over 10 percentage points higher than the year before the policy change.

We do not assert that there are no issues with the way discipline reform has been implemented in LAUSD. Nor do we argue that any one indicator is proof that a policy is successful. However, one would expect that, if the policy change in 2013-14 truly caused chaos, it would show up in multiple indicators and that nearly all indicators would grow increasingly worse each year, as implementation of the new policy advanced.<sup>13</sup>

As Figure 7 shows, the sense of safety reported by school staff increased each year. Parents’ rates rose to 92% or higher at each grade level in 2015-16, an increase over 2014-15 (no comparable data were available in 2013-14). They declined slightly in 2016-17, but all are still at 87% or above which is still much higher than in 2014-15. Readers should also note that the percentage of students who agreed that bullying was a problem at their school showed a consistent decline at the elementary level. Further, while harassment and bullying showed a slight uptick in staff perceptions of these problems in 2016-17 at the middle and high school level, they remain consistently lower at all levels than they were in 2014-15.

Equally important, out of the nearly 50,000 LAUSD school staff members surveyed in 2016-17, more than 80% at all grade levels feel that school discipline problems were handled fairly, and more than 75% felt that discipline was handled effectively. As Figure 8 demonstrates, staff at all levels report that student behavior is less problematic since the abolition of suspension for disruption/defiance.<sup>14</sup>

**Figure 8: LAUSD Staff Perception of Student Behavioral Problems (Moderate or Severe)**



The use of data out of context to raise the spectre of chaos is not limited to the recent op-ed by Jason Riley. A recent report by Tom Loveless, Senior Fellow at the Brown Center on Education at The Brookings Institution cites to several of the same sources.<sup>15</sup> Most noteworthy and relevant to this report’s conclusions is how the Loveless report on suspensions in California’s schools conflates research about disruption in general to implicate discipline reform, raising the concern that reform may put orderly classrooms and well-behaved children at risk, albeit in far subtler terms (Loveless, 2017).

The Loveless study explores California’s school-level discipline data and finds extraordinary racial differences. However, the report references a study of students in Alachua County, Florida, to make the point that being educated with disruptive students puts a burden on non-disruptive peers, which Loveless asserts is often overlooked by discipline reform proponents. The relevance of the study to the discussion builds upon a tacit assumption that discipline reform will cause greater exposure to disruptive students. Yet, the cited research is not a study of discipline reform, but of the broad societal impact of domestic violence. Specifically, the oft-cited study from Alachua County, Florida, examined how children exposed to domestic violence in their home impacted their peers in school. The study treated students from these violent homes as the proxy for disruptive students. The study authors estimated that such exposure had serious economic costs to their non-disruptive peers. Not mentioned is the fact that Alachua County was among Florida’s highest suspending districts. The costs that were associated with being in a class with disruptive peers in Alachua County might better be described (in context) as the costs incurred in a district that frequently suspended youth for disruptive behavior. One could argue that non-punitive interventions to support traumatized youth displaying problem behavior might help reduce the disruptive behavior and mitigate the costs to peers such as those documented in the Alachua County study.

Instead, both Riley’s op-ed and the Loveless report’s discussion suggest that we take it as a given that high-suspending schools are helping make the learning environment more productive for non-disruptive students by instilling order. Missing is any research demonstrating that frequently suspending children produces the kind of order that improves the learning environment. Riley and Loveless do point to a working paper by researchers from the University of Arkansas, but in response to published criticism of their work, the authors issued a statement that their findings should not be used to suggest that suspensions are beneficial or boost test scores.<sup>16</sup> To the contrary, the best research available suggests that

suspensions generally fail to deter misbehavior and may in fact reinforce the behavior it is intended to deter; neither the suspended students nor their peers appear to improve their behavior in harsh disciplinary environments (Mendez, 2003).

Moreover, the assumption that kicking out the “disruptive” students is likely beneficial is based on a false dichotomy that students are either disruptive or non-disruptive, and that this is some immutable characteristic or deficit within the student. Findings from the Texas study (Fabelo, 2011) suggest that the distinction is false, as more than 60% of Texas middle school students were suspended at least once by the time they left school. This hard data on who gets suspended at some point during their schooling indicates that *the majority* of secondary students have, at one point or another, been counted among the “bad” or “disruptive.” Most important, as mentioned at the outset, the Texas study concluded that school factors, *not* students’ characteristics, explained most of the differences in suspension rates among schools.

## **Schools Make a Difference**

Nobody benefits if an educationally unsound response to student misbehavior causes students to miss instruction. Moreover, if even one racial or ethnic group is observed to engage in minor disruptive or defiant behavior more often than others, it would never justify their receiving unsound punishment or a counter-productive response. Nor should one accept the unsupported assumption that the alternatives necessarily increase exposure of peers to disruptive youth. The heart of the civil rights concern about suspensions is that, once it is clear that an unsound policy or practice harms one group more than others, it becomes both a moral and legal imperative to replace the harmful policy with one that is sound and educationally justifiable.

Faced with data showing the deep racial divide in instruction time lost due to discipline, even assuming that most teachers and administrators try to treat students fairly and to avoid the influence of negative stereotypes, we should not assume that they succeed in doing so. Our previous report summarized recent research demonstrating that teachers likely would treat Black students more harshly than similarly situated Whites for the same offenses (Okonofua & Eberhardt, 2015). It is worth noting that they found no significant difference in how teachers of different races responded.

The most recent study examining teacher bias in discipline shows how implicit bias can influence not just our responses but our perceptions as well. The study, conducted by researchers at the Yale University Child Study Center (Gilliam, 2016), prompted preschool teachers to look for signs of pending bad behavior, then tracked the eye movements of both Black and White teachers as they watched a screen playing four videos of individual Black and White preschoolers, separated by race with gender, with one video in each of the four corners of a large screen. In the study, no students were misbehaving or about to misbehave, yet all the teachers watched the Black boys far more than the other children. Most teachers and administrators do try to treat students equally, but this study indicates that the negative racial stereotypes about behavior can corrupt our expectations and influence whom we pay attention to and whom we ignore.<sup>17</sup>

These findings suggest that, in light of the deep racial differences in the amount of lost instruction time, another good reason to stop suspending students for disruption or defiance is that doing so involves highly subjective perceptions. It should come as no surprise that, in the highest suspending districts, the most subjective category contributed to more than 40% of the racial gap in lost instruction. We do not argue that other categories are immune from these concerns or that implicit racial bias is the only kind of injustice reflected in the different outcomes, nor do we know or assert that the reason for observed racial difference in any given district is not some other factor that has nothing to do with bias or discrimination. However, we do suggest that, when observing the alignment between the largest racial divides and the most subjective category, as documented in this report, there is a legitimate concern that bias may be contributing to the vastly disparate impact on lost instruction.

## There Are No Quick Fixes

We have framed this report in terms of days of lost instruction to align with one of our core research-informed recommendations: that districts should not regard implementing changes in discipline policy or practice as being isolated or distinct from their academic mission (Balfanz, Byrnes, & Fox, 2015). Consistent with what research suggests is most effective, we do not argue here that simply eliminating disruption/defiance as grounds for suspension in all grades will quickly or entirely fix the disparate impact on days of missed instruction. Based on our research in California and across the country, we suggest that no single policy change alone would satisfy the need for effective discipline reform.

Furthermore, we reject as unreasonable any suggestion that ending suspensions for this violation category means that teachers and staff should do nothing in the face of disruptive or defiant behavior. We instead reiterate one of our core recommendations, which is based on our observations of the most successful districts in California and the most recent research on what has worked to lower both suspension rates and racial disparities (Losen, 2015)—namely, that districts should accompany concrete policy change with an investment in training leaders and teachers, and in providing support for students in ways that improve instruction, student engagement, and student behavior. We argue that, given the economic and civil rights implications of inaction, the state has an obligation to support more effective ways of preventing minor misbehaviors, as well as more effective responses to the same.

We believe that discipline reform efforts in California are particularly helpful, and they also provide funds for pursuing reforms. As the chair of California’s board of education stated, “The Local Control Funding Formula is driving positive change in California. Graduation rates are up, suspension rates are down and college eligibility rates are at an all-time high.”<sup>18</sup> In this report, we present data that raise questions about whether relying on local control is sufficient when it comes to changing discipline policy, including whether the state should ignore major differences between districts. We think that state policy should make it less likely that a student in one district who breaks a school rule is taught to correct his or her behavior and stays in school with no negative repercussions, while a similarly misbehaving student in another district or in a charter school is suspended repeatedly, loses instructional time, and is put at risk of dropping out.

Our book *Closing the School Discipline Gap*, published by Teachers College Press, provides many potentially effective alternatives. The book compiles studies conducted by researchers across the country who examined the impact of programs and initiatives that address excessive school discipline. These include restorative justice, positive behavioral supports and interventions, improvements to academic engagement, threat assessments, professional development, and more. One randomly controlled study found that teachers who participated in a specific training program used less exclusionary discipline than teachers not receiving the training (Gregory, Allen, Mikami, Hafen, & Pianta, 2014). Other studies have found that even brief interventions that encourage empathic discipline cut suspension rates in half (Okonofua, Paunesku, & Walton, 2016).

There also is more to learn about which policies and practices are the most effective replacements for suspending students for minor misbehavior. Qualitative and quantitative analyses can help inform which avenue to pursue, but there is no definitive, proven best practice or policy that researchers can guarantee will work. Poor implementation and resource shortages can undermine discipline reform efforts that might otherwise be highly effective. Furthermore, many administrators who pursue substantial change confront the political problem of buy-in. They know they will face resistance to reform efforts from teachers and administrators who don’t believe the changes will work, perhaps out of fear that chaos will result or any number of other reasons. Without the buy-in of those who must implement the changes, administrators will be left with a change in policy but not in practice.

In California, the concept that district policy and practice can make a difference is evidenced by the fact that, in a conscious effort to reduce both their use of suspension and the amount of lost instruction time, several large districts serving large numbers of students with lower socioeconomic status have already engaged in focused efforts to address their high suspension rates. The most concrete policy change these districts have in common is the complete elimination of suspension for the disruption/defiance violation in *all* grades.

The data show that several other California unified school districts, including those in San Francisco, Azusa, Pasadena, and Oakland, have also reformed their school discipline policies by eliminating suspension for behaviors in the disruption/defiance category. These districts enrolled over 781,000 of California's 6.2 million students—more than 12% of all students. These school districts, which are in urban areas, overwhelmingly enroll students of color. They are sending the message rooted in the research that students need more support and constructive adult intervention to address minor misbehavior, not denial of instruction. The fact that these districts have undertaken such notable efforts to eliminate lost instruction for minor offenses and that the LAUSD data suggest that achieving lower suspension rates does not mean any loss of safety raises the question of why students in other districts should be deprived of the benefits of such reforms.

This report has focused on the deep racial differences in lost instruction time to inform policymakers, educators, and advocates, and to urge states to act to change educational policy. We remind those who are more focused on questions of efficiency that frequent suspensions are an economic burden to both state and local economies (Rumberger & Losen, 2017). We hope that, when the data and research findings are considered together, policymakers will find sufficient reason to call upon the state to limit ineffective discipline practices in every local jurisdiction.

## Report Limitations

The estimated number of days of lost instruction are presented to ensure that the review of discipline data is framed in terms of its potential educational impact. We allotted two days for each suspension and made no assumptions or adjustments by race or ethnicity. There currently is no statewide data on days of lost instruction, and while some districts did report days missed due to OSS, we found no racially disaggregated data. It is possible that different racial groups typically experience more or fewer days of lost instruction; however, it is nearly certain that these differences vary by school and by district. Furthermore, we realized that if Blacks received harsher discipline than Whites for the same misbehavior, it would likely be lengthier suspensions; it also would mean that Black students would get a short suspension while a similarly misbehaving White student would get none. While we make no such assumption, we realize that, when considering all suspensions, harsher treatment might not produce a difference in the average length of suspension. Moreover, our study in Massachusetts on the number of days of instruction missed due to discipline, where we had enough data to realistically estimate differences in the average length of suspension by race, did not reveal a statistically significant difference between Whites and Blacks in the average number of days missed per suspension.

A primary limitation is that these data are from 2014-15. Furthermore, we did not show the trends by district as we did in our last report. As a result, some of the districts on our list of highest suspending may no longer deserve that designation. In other cases, as high as the data are, they could reflect a great deal of improvement. When the 2015-16 data are released, we will produce a far more detailed analysis of the trends for every district and attempt to highlight those achieving large reductions.

Reporting the data on the number of suspensions per 100 students, as in our prior report, has similar limitations in terms of not capturing the full impact of district-level variation that we might see with actual data on the length of suspension

disaggregated by race. It is also possible that a few frequently suspended students could drive up the rate of suspensions per 100, even while their racial group's risk for suspension decreased. This risk is greater for groups with lower enrollments.

This report only used combined suspensions per 100 to generate the days missed per 100. In prior reports, we have separated ISS from OSS. To avoid redundancy and keep this report short, we only used the combined number of suspensions as the basis for days lost due to suspension. That said, some districts may legitimately argue that their ISS includes providing instruction. We believe that too little is known about ISS to assume this, but in our next report we will provide analyses of lost instruction, further broken down by ISS and OSS.

Another major limitation was the lack of cross-sectional data needed to examine race with disability and race with gender. Considering that, when we previously had these data, we found that Black students with disabilities were suspended far more often than any other subgroup in California, we urge the state to report these further disaggregated data to the public. We did not have grade-level data, but we did have data on elementary districts. Many of these districts also serve students in grades above the elementary level, therefore our elementary district-level analysis should not be regarded as a pure representation of days of missed instruction at the elementary level.

Finally, the use of census data in this report is another limitation worth noting. Although inflated rates are a possibility when suspension rates are based on census enrollment data, using the cumulative enrollment increases the potential problem of deflated rates. Cumulative enrollment treats short-term enrollees as the enrollment-count equals of students who attend the full term. This is discussed in more detail in the appendices.

## Recommendations

In the time since our previous report, *Closing the School Discipline Gap in California: Signs of Progress*, the state of California and several other states have made important strides. Governor Jerry Brown signed into law the limit on suspending young children, and the state made school discipline one of the indicators in the statewide accountability plan that it is submitting for approval to the U.S. Department of Education. One noteworthy aspect of California's efforts is that discipline reform is focused on improving the conditions of learning and finding effective, educationally sound alternatives to removing students from instruction as punishment generally, and especially for minor misbehavior. Moreover, the policy changes made by the state are aligned with the Local Control and Accountability Plan (LCAP) goals, such that each district has some funds to implement initiatives in discipline reform and ensure that they are grounded in improving the efficacy of the state's schools for all children. California's LCAP is a good example for the nation of how to pair state policy directives with local support. Because what California does well can and should inform what other states do, the following research-based recommendations for improving California's efforts are highly relevant to other states as well:

- Provide resources and technical assistance to help teachers and school leaders improve school climate, including training focused on improving student engagement; on implementing restorative practices or other systemic approaches designed to prevent misbehavior; and on responding effectively to problematic behavior.
- Expand efforts to reduce suspensions at the state and district levels to include grades K-12, including eliminating the use of in-school and out-of-school suspension for *all* minor behaviors, including but not limited to those covered by the state's catchall disruption/defiance category.
- Reinforce changes to school behavior codes to make them more focused on prevention and less on punishment, and provide enough resources to ensure appropriate support for educators and to implement those changes with integrity.

- Monitor and report to the public disaggregated discipline data by race, gender, and disability status.
- Report to the public the actual days of missed instruction, disaggregated by race/ethnicity and type of offense. Issue a timely report for each school year at the beginning of the next academic year.
- Increase data collection and reporting on discipline by grade level and across subgroup categories, such as race with gender, and pilot the collection of data on LGBTQ youth.
- Provide technical assistance to high-suspending districts.
- Set goals for accountability plans to reduce disciplinary exclusion as part of state and local standards.
- Invest in research to identify what works in order to go beyond lowering suspension rates and close the discipline gaps by race, disability, and gender. Research should include an exploration of the relationship between suspension rates and academic outcomes, such as proficiency in core subject matter and graduation rates.
- Comply with federal law that requires states to report to the public annually on the school discipline of students with disabilities, by race and disability category.

# Appendix A: Calculating Suspensions/Days of Missed Instruction per 100 Enrolled Using Cumulative or Census Enrollment

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## Data

The California Department of Education (CDE) provides downloadable data files with various student outcomes and measures for the state. In our analyses, we utilized discipline and enrollment data from the CDE public repository. Public files containing aggregate student discipline data—that is, the number of suspensions disaggregated by race/ethnicity—for the 2014-15 school year.

Suspension rates were calculated by combining the total number of OSS and ISS for each school district. This aggregate suspension number was then divided by the number of students enrolled on a specific date (census enrollment). For example, if there were 100 total suspensions in a district and 1,000 students enrolled, the overall suspension rate would be 10 suspensions per 100 enrolled students. This “x suspensions per 100 students enrolled” methodology was followed in our 2015 report that utilized the same dataset (Losen, Keith, Hodson, Martinez, & Belway, 2015).

As described in the introduction, based on the limited information available on days of instruction missed due to suspension from the Los Angeles and Oakland school districts, we estimated two days per suspension at every level of analysis. To emphasize the impact on lost instruction, only the data presentations in the appendices to this report list the underlying suspension rates. The suspensions per 100 and raw numbers of suspension are available for every racial group and for every district in our companion spreadsheets; they can be calculated easily by cutting the days of lost instruction in half.

This report is concerned with racial disparities, and racially disaggregated cumulative enrollment data were not available. Therefore, we did not consider using the cumulative enrollment data throughout our report. Using the census data does run the risk of inflating suspension rates for districts whose enrollment may vary dramatically, especially in those whose daily enrollment grows significantly over the course of the year.

Some might assume that, because the suspensions collected are cumulative counts, so too should the enrollment used to derive our suspension rate and corresponding estimates of lost instruction be based on the cumulative. However, both the cumulative and the census enrollment distort the rate of suspensions per 100 enrolled in ways that complicate the accurate reporting of suspension rates and our corresponding estimates.

Although inflated rates are a possibility when suspension rates are based on census enrollment data, using the cumulative enrollment instead increases the potential problem of deflated rates. Cumulative enrollment treats short-term enrollees as the enrollment-count equals of those students who attend the full term. This is problematic for suspension rates because short-term enrollees have fewer opportunities to be suspended. Full-term students have more opportunities to be suspended because of the higher number of days enrolled in the district. The underlying assumption when the census

enrollment is used is that most schools operate on a traditional 180-day calendar and most students are enrolled for the entire year. Furthermore, even schools and districts with high mobility may offset the number of incoming students with a similar number of exiting students. The cumulative enrollment only reflects the total number of students who enrolled *at any point* and *for any duration* during the year and does not subtract those who left.

Lower suspension rates with cumulative enrollment are especially misleading if there is declining enrollment and/or high dropout numbers. In either situation, a suspension rate that uses the census enrollment from the first quarter of the year may also be lower than a rate that adjusts for enrollment changes. A student that attends for only 60 days and then drops out could not generate as many suspensions, or days lost, as a student attending for a full year. In other words, 300 students attending for 60 days each can generate 18,000 suspensions at most. This is the same maximum number that 100 students attending for 180 days can generate. If the actual suspensions are the same for the two groups, the 300 students' cumulative enrollment will cause the enrollment to be higher than the census enrollment, and the suspension rate per 100 will be much lower than if derived from the census. In fact, the two groups had an equal number of opportunities for suspension. If the rate had been adjusted to reflect the days of actual enrollment, the suspension rate per 100 enrolled would be the same for the two groups.

**The most accurate rate.** Neither the cumulative nor census enrollment is ideal for reporting suspensions per 100 enrolled. The ideal suspension rate per 100 enrolled would use an enrollment number that counted all enrolled students but also reflected the proportion of the school year for which they were enrolled. For example, a student attending the school for just 60 days would count as one-third of one enrolled student for the purpose of calculating the suspensions per 100 enrolled.

**Combined suspensions.** This report used combined suspensions for consistency and simplicity. The state of California will also utilize combined suspensions in their Every Student Succeeds Act indicator. Our analysis found that nearly 80% of all suspensions in California in the 2014-15 school year were actually OSS. However, we understand the combined rates for some districts could be heavily weighted with ISS. Our next report will disaggregate suspensions by in-school and out-of-school. A minimum enrollment of 100 was selected for each subgroup highlighted to limit distortions and call attention to racial gaps in districts where each group's enrollment is substantial. However, our analysis revealed significant racial disparities in districts that enroll fewer than 100 students in a particular subgroup. These can be found in the companion spreadsheet.

**Calculating days of lost instruction.** In the state of California, a single suspension can last up to five consecutive school days (Cal. Ed. Code § 48911). In this report, we assigned a conservative number of two days per suspension after reviewing the days of lost instruction data in the Oakland and Los Angeles unified school districts. Also, a national review of other studies exploring the number of days missed due to suspension informed our effort. The state of Washington (2015), for instance, found that students were suspended for 3.6 to 4.5 days, depending on the student's race. Massachusetts students missed an average of 3.75 days for each suspension (Losen, Sun, and Keith, 2017). In our days of missed instruction analysis, we included ISS because of its traditional lack of commitment to instruction time. However, we are aware that some districts provide ISS programming that may involve instruction.

# Appendix B: Calculating High Suspension Rates with Standard Deviations

We used standard deviations to determine what constituted a high suspension rate in the state of California. The standard deviation tells us how district suspension rates per 100 are distributed across the state. After adding one standard deviation (13.92) to the per-district average for the state (13.56), we generate a rate that tells us that any district with a higher rate is higher than the vast majority of districts in California (around 68% of all districts had lower rates). We used 25 days per 100 students instead of the combined number of 27.48 days per 100 for clearer analysis. Standard deviations are lower when most districts are near the state per-district average. However, with discipline in California we find a wide range (0-124 days lost per 100 students). This statistical tool is often used by researchers to give a sense of high or low values relative to the mean (Johnson, 2000). Moreover, Massachusetts, one of the few states that, like California, has accountability for discipline disparities, has used a standard deviations tool to identify schools and districts that need state intervention because of high disparities in discipline. In this report, we use “high” in connection to days of lost instruction per 100 to alert educators, and to decide which districts to include on our maps. This is a conservative use of the term “high” considering that the standards set forth by the Academy of American Pediatrics (2008) and others is that suspension should be a measure of last resort. It’s hard to argue that most districts in California today are taking that approach in the full sense of “last resort.” However, if the average reflected a last resort approach, then a full standard deviation above the average is unlikely a last resort. We use suspensions per 100 here to better understand the contribution the category of disruptions/defiance makes to high rates of disciplinary exclusion. We do not use unduplicated counts, even though California uses those rates for accountability, because those rates cannot be disaggregated by code of conduct categories. Furthermore, we use the rate of suspensions for all students as the basis for the distribution analysis and do not adjust for race or poverty to avoid an unjustifiable double standard, and because no research suggests that suspending students is the most effective or educationally sound response to most types of misbehavior.

The dataset was comprised of 842 school districts across the state of California. Only school districts that (1) reported suspension data for the 2014-15 school year, and (2) were not designated as a county office of education district were included in calculating the standard deviation. Most districts designated as county offices include alternative schools for special populations, which is why they were excluded from our final sample. Many of these schools are intended to support youth with behavioral concerns.

**Table 1B: Standard Deviations across District Type**

	All Schools 'n'	USD 'n'	High School 'n'	Elementary 'n'	All Schools Std. Deviation	USD Std. Deviation	High School Std. Devia- tion	Elementary Std. Deviation
All Student Suspensions per 100 Students	842	339	78	412	6.96	6.51	7.06	6.93
All Student Disruption/ Defiance Suspensions per 100 Students	842	339	78	412	3.46	3.54	4.21	3.08
All Students Days of Lost Instruction per 100	885	341	78	447	13.92	13.05	14.10	13.64

According to the California Department of Education, the following school districts and independently reporting charter schools “did not complete and certify their 2014-15 CALPADS End-of-Year 3-Discipline data submission. Therefore, these districts/charters do not have any 2014-15 certified suspension and expulsion counts” (Link available [here](#)).

**Table 2B: List of Districts/Independently Reporting Charters That Did Not Certify Their 2014-15 CALPADS Discipline Data**

CDS Code	Lea Name	Lea Type
01100170109835	FAME Public Charter	Independently Reporting Charter
19646260000000	Hughes-Elizabeth Lakes Union Elementary	District
16639410000000	Kings River-Hardwick Union Elementary	District
15636930000000	Norris Elementary	District
50712090000000	Paradise Elementary	District
47104700000000	Siskiyou County Office of Education	County Office of Education

**Table 3B: Suspensions per 100 Students by Race/District Type**

	All Students	Black	American Indian	Pacific Islander	Latino	Two or More Races	White	Filipino	Asian
County Office	17.5	47.2	29.4	20.8	17.6	17.0	11.4	4.0	3.3
High School District	9.1	30.6	18.2	9.6	9.8	8.9	7.2	2.4	1.4
Unified District	6.7	20.7	14.6	8.4	6.5	6.9	5.5	2.2	1.6
Elementary/K-8 District	5.1	19.5	11.9	5.1	4.9	5.2	4.7	1.7	1.1

**Table 4B: Four-Year Trend in Use of OSS, by Serious Violation\*,<sup>19</sup>**

School Year	Black	American Indian	Pacific Islander	Latino	White	Filipino	Asian	Overall
2011-12	4.5	3.2	2.4	1.9	1.5	0.7	0.5	1.8
2012-13	4.4	3.4	2.1	1.7	1.3	0.7	0.4	1.7
2013-14	3.9	3.2	1.7	1.6	1.2	0.6	0.4	1.5
2014-15	3.6	2.9	1.7	1.4	1.2	0.6	0.3	1.4
11-12 to 14-15 Trend	-0.3	-0.3	0.0	-0.2	0.0	0.0	-0.1	-0.1

*Note:* Typically, students do not receive ISS for these serious violations and therefore our reports have only tracked the OSS in these categories. For reporting purposes, suspended students are counted within the Federal Offense Category corresponding to the most severe offense each student committed within a given incident.

*Source:* California Department of Education

**Table 5B: The Diminishing Race/Ethnicity Gap in Days of Lost Instruction per 100**

	2013-14	2014-15
American Indian-White Gap	22.2	18
Black-White Gap	38.2	32.2
Pacific Islander-White Gap	4.4	4.0
Latino-White Gap	3.0	2.0

Despite the decreasing number of days missed and underlying rates, educators in California still suspend Black and American Indian students at much higher rates than those from most other racial/ethnic groups.<sup>20</sup> Gaps also exist for Latino and Pacific Islander students. Missing instruction diminishes educational opportunity for all students, but the disparate impact is noticeably different when the differences in missed instruction are calculated.

**Table 6B: Number and Percentage Distribution of Days Lost across School Districts**

	0-4.99 Days Lost		5-9.99 Days Lost		10-14.99 Days Lost		15-19.99 Days Lost		20-24.99 Days Lost		25+ or High Number of Days Lost		Districts N
All	219	24%	196	22%	142	16%	109	12%	63	7%	166	19%	895
Black	135	20%	51	8%	65	10%	35	5%	37	6%	342	51%	665
Latino	222	25%	194	22%	151	17%	113	13%	70	8%	131	15%	881
White	264	30%	186	21%	131	15%	75	8%	56	6%	174	20%	886

**Table 7B: Total Estimate of Days of Lost Instruction by Race**

	All Students	Latino	White	Black	Two or More Races	Asian	American Indian	Filipino	Pacific Islander
Number of Days Lost from Disruption/Defiance Suspensions	259,046	141,314	51,940	46,658	7,108	4,070	3,544	1,758	1,490
Number of Days Lost from All Suspensions	840,656	441,144	169,810	161,370	24,242	16,412	10,794	6,772	5,072

**Table 8B: Days of Lost Instruction per 100 Students by Race/District Type**

District Type	All Students	Black	American Indian	Pacific Islander	Latino	Two or More Races	White	Filipino	Asian
County Office	35.0	94.4	58.9	41.6	35.1	34.0	22.7	8.1	6.5
High School	18.3	61.2	36.4	19.2	19.6	17.8	14.3	4.9	2.9
Unified	13.4	41.4	29.2	16.8	13.0	13.9	11.0	4.4	3.2
Elementary/K-8	10.2	38.9	23.8	10.3	9.7	10.4	9.4	3.4	2.1

**Table 9B: The 50 School Districts with the Largest Black-White Gap in Days Lost per 100**

District	Black Days of Lost Instruction per 100	White Days of Lost Instruction per 100	Black-White Gap in Days of Lost Instruction per 100	Black Disruption/Defiance Days of Lost Instruction per 100	White Disruption/Defiance Days of Lost Instruction per 100	Black-White Gap in Disruption/Defiance Days of Lost Instruction per 100
Sausalito Marin City	265.5	4.0	261.5	194.8;	2.7	192.1
Weaver Union	173.8	62.2	111.6	110.3	42.0	68.4
Mojave Unified	162.2	53.7	108.6	65.6	21.0	44.6
Victor Valley Union High	124.4	18.6	105.8	54.2	7.3	46.9
Barstow Unified	128.7	29.6	99.1	38.5	7.0	31.4
Woodland Joint Unified	128.0	32.1	95.9	67.2	15.8	51.4
Washington Unified	106.9	24.4	82.4	23.9	4.5	19.4
Antelope Valley Union High	101.9	19.7	82.3	31.8	5.4	26.4
Manteca Unified	122.0	42.6	79.4	74.1	25.3	48.8
Kern High	119.0	39.9	79.1	54.7	17.2	37.5
Antioch Unified	105.2	27.4	77.8	52.6	12.1	40.6
Bonita Unified	86.4	11.3	75.1	29.0	4.7	24.3
Yuba City Unified	108.9	34.7	74.3	56.1	12.8	43.3
Folsom-Cordova Unified	83.4	12.3	71.1	26.7	5.5	21.2
Madera Unified	107.8	38.2	69.6	50.1	18.4	31.7
Ceres Unified	119.7	53.2	66.5	96.2	37.7	58.6
Lodi Unified	84.5	18.6	65.9	28.2	5.1	23.1
San Juan Unified	85.8	21.0	64.8	41.6	10.3	31.2
Jefferson Union High	93.4	30.1	63.4	44.3	13.1	31.2
Stockton Unified	125.2	63.8	61.4	33.3	16.2	17.1
Merced City Elementary	106.3	47.5	58.8	45.1	24.6	20.5
Vallejo City Unified	106.6	49.1	57.5	41.6	20.1	21.5
Berryessa Union Elementary	71.1	16.7	54.4	41.5	7.9	33.6
John Swett Unified	81.6	27.4	54.2	21.0	6.9	14.1
Morongo Unified	92.1	38.0	54.2	55.2	16.9	38.3
Sacramento City Unified	68.0	14.1	53.9	22.1	4.1	18.0
Palmdale Elementary	73.4	20.6	52.8	12.7	2.6	10.1
Twin Rivers Unified	79.7	27.6	52.1	24.2	9.6	14.6
Fresno Unified	77.8	25.7	52.1	19.4	5.4	14.0
Central Unified	67.9	17.3	50.6	21.2	5.4	15.8
Greenfield Union	86.1	35.6	50.5	31.6	11.2	20.4
Tracy Joint Unified	91.4	41.0	50.3	57.7	24.5	33.2
Fairfield-Suisun Unified	73.7	24.5	49.2	21.9	8.7	13.2
Palo Verde Unified	79.3	30.5	48.9	21.1	9.4	11.7
Pasadena Unified	55.4	6.7	48.8	5.1	0.7	4.4
Adelanto Elementary	63.6	15.3	48.3	5.7	2.3	3.4

Santa Maria Joint Union High	67.3	19.1	48.2	21.8	3.4	18.4
Keppel Union Elementary	66.7	18.9	47.8	15.2	3.1	12.1
Palm Springs Unified	74.0	26.4	47.5	17.0	4.4	12.6
Monterey Peninsula Unified	59.6	12.1	47.4	14.1	1.1	13.0
Liberty Union High	61.0	13.9	47.1	13.1	3.7	9.5
West Contra Costa Unified	58.4	11.8	46.7	19.5	2.2	17.3
Lancaster Elementary	60.9	14.7	46.2	8.5	2.1	6.5
Apple Valley Unified	64.7	20.1	44.6	11.5	2.7	8.9
Panama-Buena Vista Union	61.8	17.6	44.2	10.5	3.0	7.5
Marysville Joint Unified	84.1	41.4	42.7	21.8	12.2	9.5
Victor Elementary	58.1	15.8	42.3	4.0	0.8	3.2
Elk Grove Unified	54.0	11.9	42.1	13.1	2.6	10.5
Sequoia Union High	45.0	3.0	42.1	12.2	0.8	11.4
Mt. Diablo Unified	51.2	9.1	42.1	9.9	1.6	8.2

**Table 10B: The Five School Districts with the Largest Latino-White Gap in Days Lost per 100**

District	Latino Days of Lost Instruction per 100	White Days of Lost Instruction per 100	Latino-White Gap in Days of Lost Instruction per 100	Latino Disruption/Defiance Days of Lost Instruction per 100	White Disruption/Defiance Days of Lost Instruction per 100	Latino-White Gap in Disruption/Defiance Days of Lost Instruction per 100
Sausalito Marin City	120.3	4.0	116.2	98.7	2.7	96.0
Colusa Unified	66.2	31.3	34.9	55.2	25.0	30.2
Santa Rosa High	42.9	17.0	25.8	16.0	4.2	11.8
Berryessa Union Elementary	42.0	16.7	25.2	25.4	7.9	17.5
Alpaugh Unified	31.8	7.5	24.3	6.6	0.0	6.6

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# Endnotes

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<sup>1</sup> In *Closing the School Discipline Gap in California: Signs of Progress*, we specifically examined the relationship between Academic Performance Index (API) scores and Out of School Suspension (OSS) rates for the 2011-12 and 2012-13 school years, respectively, by race/ethnicity, using the data from every district in the state that had reported data for both years. For each of two consecutive years (analyzed separately), a *moderate* inverse relationship between suspension rates and API scores was found overall (-0.48 and -0.52, respectively). Notably, we found *moderate* to *strong* negative correlations for each racial/ethnic group, especially for Black students, in both 2011-12 and 2012-13 (-0.65 and -0.67, respectively). The full description of the correlational study, the methods, and the limitations are found in Appendix A of that report. We do know from other research that efforts to improve achievement could be consistent with efforts to reduce suspensions. For example, in a randomly controlled study at the district level, a teacher-training program designed to improve student engagement and in which the central goal was to improve achievement outcomes, was shown to reduce suspension rates (Gregory et al., 2014). Moreover, California's inverse relationship between API scores and suspension rates is consistent with findings from other, more robust statewide studies that did control for many contributing factors. For example, a six-year study that tracked every middle school student in Texas and controlled for more than 80 variables found that higher suspension rates predicted no difference in achievement (Fabelo et al., 2011). Another robust study conducted in Indiana found that higher suspension rates predicted lower achievement when controlling for poverty and other factors (Skiba, 2015). Therefore, considered alongside these controlled analyses, the new findings showing that lower suspension rates correlate with higher API scores in California should encourage state policymakers to build on the progress documented in this report.

<sup>2</sup> We based our review of the report of days of missed instruction in several states where such records are kept, which averaged more than 3 days, and in Los Angeles, where these data are reported and the average is 1.7 days per suspension. We also used Oakland Unified average of 3.9 days per suspension in the 2014-15 school year to inform this decision. We felt that a conservative statewide estimate (rounding 1.7 up) of 2 days was justified, considering the combination of sources and the fact that Los Angeles educators have made a concerted effort to reduce suspensions and their educational impact. We recently published a detailed report on days of missed instruction in Massachusetts (Losen, Sun, and Keith, 2017), where the state reports the amount of missed instruction for in-school and out-of-school suspensions. There we found an average of 3.75 days of missed instruction due to combined suspensions (which we rounded down to 3). In Massachusetts there had been a slight upturn in suspension use, but a downward trend in the days of instruction missed. It is possible that average suspension length is increasing as the rate of suspensions is decreasing, which would mean that the racially disparate impact would be greater than the estimates in this report. This is another reason we consider these estimates to be conservative and why our recommendations call for the state to begin reporting these data in order to assess discipline reform more accurately.

<sup>3</sup> This report is based on the data available as of October 2017. We anticipate that the state will release data from both 2015-16 and 2016-17 before another year has passed, and will provide a comprehensive trend analysis when those data are made public.

- <sup>4</sup> The steady decline is even more obvious when these rates are provided without rounding off to the nearest decimal place. The actual rates statewide and in every district can be found in the spreadsheet that accompanies this report.
- <sup>5</sup> Some may assume, based on research suggesting that that Black students are punished more harshly than others, that they would lose more instructional time than others per average suspension. However, Black students may receive more suspensions for minor offenses and they make up a sizeable percentage of all suspensions, but their suspensions would likely be shorter than those for more serious offenses. Further, while we did not have any racially disaggregated California data to inform our estimate, we did conduct an extensive review, by racial group, of days of missed instruction using data published from every school and district in the state of Massachusetts. This far more detailed dataset confirmed that, on average, Black and White students missed the same amount of instruction per suspension, approximately 3.75 days. That estimate was based on the combined number of in- and out-of-school suspensions, and on far more detailed information on the number of days missed by race and infraction type. For this report, we decided to keep the estimates of days missed identical for each racial group.
- <sup>6</sup> For an apples-to-apples comparison, the rates of days of instruction missed per 100 enrolled in all district types are based on the census enrollment, which is based on the enrollment on a certain date. Some argue that a higher percentage of students attending the county office of education schools attend on a temporary basis and that using cumulative enrollment would be a fairer measure because a school designed to serve 100 students may serve 300 over the course of the entire year. In theory, 300 students would be expected to generate more suspensions than 100 students. However, that would only be the expectation if all 300 attended for the full year. In prior reports that focused more on these districts, we presented the data on underlying suspensions per 100 enrolled but presented the suspension rates per 100 using both enrollment types. We point out that the most accurate system would treat students who only attend school for a fraction of the year in accordance with their total days of enrollment. For example, a student who was suspended twice but attended just one-third of the school year might be expected to be suspended four more times during the remaining two-thirds of the year if the rate of suspensions remained constant. If a student was suspended a total of six times and attended three districts, that student would produce six total suspensions but count using cumulative enrollment in each district as if he had been in each for a full year and only contributed two suspensions. For this reason, using cumulative enrollment and treating students who are enrolled for only a small fraction of the year as equal contributors to the total enrollment as students who attended for the full year can artificially increase the enrollment baseline, which will depress the number suspensions per 100 enrolled. Therefore, the most accurate rate would be adjusted so that the enrollment of students attending only a fraction of the year were weighted to reflect the portion of the school year they were enrolled for. Doing so was beyond the scope of this analysis.
- <sup>7</sup> Readers should note that elementary school districts may include students of middle school age (K-8), and that the unified districts typically include grades K-12.
- <sup>8</sup> California does not provide information to make more specific estimates that would capture the even greater differences that likely exist between schools and districts and between racial/ethnic groups.
- <sup>9</sup> 26.9 = standard deviation plus statewide average.
- <sup>10</sup> The grouping of offenses reported uses the categorization made available by the California Department of Education on their website (<http://data1.cde.ca.gov/dataquest>) in the table entitled, "Suspension, Expulsion, and Truancy Report:

Suspension by Federal Offense.” The Violent Incident with Injury offense category includes the following California Education Code sections: 48915(c)(4) Sexual Battery/Assault; 48915(a)(1) Caused Physical Injury; 48915(a)(5) Committed Assault or Battery on a School Employee; 48900(a)(2) Used Force or Violence; 48900.3 Committed an act of Hate Violence; 48900(q) Hazing. The Weapons Possession Offense Category includes the following California Education Code sections: 48915(c)(1) Possession, Sale, Furnishing a Firearm; 48900(b) Possession, Sale, Furnishing a Firearm or Knife; 48915(c)(2) Brandishing a Knife; 48915(a)(2) Possession of a Knife or Dangerous Object; 48915(c)(5) Possession of an Explosive. The Illicit Drug Related Offense Category includes the following California Education Code sections: 48915(c)(3) Sale of Controlled Substance; 48915(a)(3) Possession of Controlled Substance; 48900(c) Possession, Use, Sale, or Furnishing a Controlled Substance, Alcohol, Intoxicant; 48900(d) Offering, Arranging, or Negotiating Sale of Controlled Substances, Alcohol, Intoxicants; 48900(j) Offering, Arranging, or Negotiating Sale of Drug Paraphernalia; 48900(p) Offering, Arranging, or Negotiating Sale of Soma. The Disruption/Willful Defiance Offense Category includes the following California Education Code section: 48900(k) Disruption/Defiance.

- <sup>11</sup> LAUSD students lost 8,841 days of instructions from suspensions in the 2013-14 school year compared to 5,160 in the 2016-17 school year. Data available online here <http://schoolinfosheet.lausd.net/budgetreports/disciplinereports.jsp>
- <sup>12</sup> “Dorsey High School senior and SD member Tayah Hubbard has experienced the searches firsthand and feels that they undermine her pursuit of a quality education. Last spring, Hubbard took part in a demonstration at the LAUSD School Board in which hundreds of students criticized the impact of searches on the climate of their schools.” Hutchinson, S. (2017) The LAUSD’s Multi-Million Dollar Police State: End Random Searches Now, Huffington Post. Article accessible online here [http://www.huffingtonpost.com/entry/the-lausds-multi-million-dollar-police-state-end\\_us\\_59ca6ec2e4b0b7022a646dea](http://www.huffingtonpost.com/entry/the-lausds-multi-million-dollar-police-state-end_us_59ca6ec2e4b0b7022a646dea)
- <sup>13</sup> One indicator not depicted, the responses to “do you feel happy at your school”, increased the same year the sense of safety dipped, and has subsequently decreased during the same period that the sense of feeling safe increased the most. We present the selected information in the discussion section as a response to a widely publicized misleading claim and not as a comprehensive analysis of school climate in LAUSD. We hope to include a thorough and rigorous analysis of the school climate survey data in future reports. Another concern is that to best comprehend whether there is a current safety or climate issue under current policy, the focus should not overemphasize the change in any particular indicator to the extent that new information is entirely overlooked or purposefully ignored. Although it is possible that new or substitute indicators are less accurate, ideally, new questions are added or the wording changed to improve the quality and accuracy of responses and are valuable to understanding the status of the current climate.
- <sup>14</sup> It is worth noting that Max Eden, also of the Manhattan Institute, released a report and set of graphic maps about LAUSD and New York City. The research ignores any question that addresses climate but is not worded in exactly the same way as it was on the survey given four years ago. While this is arguably a justified safeguard to ensure the accuracy of the before and after policy analysis, it means that the researchers ignore a mountain of recent evidence that contradicts the strong assertions that the new policy is *currently* causing chaos. We argue that if one wants to fully and accurately understand how current policies and practices are actually affecting the learning environment readers should avoid drawing conclusions about causality from a correlation with a change in one year from a single survey item, such as the conclusions drawn by Jason Riley.

- <sup>15</sup> Riley and Brookings both reference another Manhattan Institute report on New York City, which treated a decline in some of the district’s climate survey results as proof that discipline reform caused chaos. However, as the report’s author admitted, “Critics of discipline reform might have expected that schools where suspensions were reduced would, on balance, deteriorate more than schools where suspensions stayed roughly similar. But, as Figure 7 shows, this was not the case” [See Max Eden, *School Discipline Reform and Disorder: Evidence from New York City Public Schools, 2011-2016*, Report by The Manhattan Institute, NY, NY (March 2017)]. What is stunning about the Manhattan Institute report is that, amid all the graphs and charts that are supplied and suggested to be *causal* evidence of chaos, the author admits that the school-level evidence contradicts his chaos theory. The author goes on to say that, in both Period 1 and Period 2, the distribution of differences between schools with neutral suspension rates and those with declining suspension rates was similar for all questions. The significant shift between the two periods and the lack of a significant differential between schools that saw neutral and lower suspension rates suggests that the number of suspensions “may matter less for school climate than the dynamics fostered by a new set of disciplinary rules” ([R-ME-0217v2.pdf](#), p. 20).
- <sup>16</sup> National Education Policy Center commentary and author Gary Ritter’s response and an additional rejoinder are all available at <http://nepc.colorado.edu/thinktank/review-discipline>.
- <sup>17</sup> If all the teachers watched the Black boys most when none was misbehaving, one can imagine how the experiment would turn out if all the students had misbehaved in equal degrees. If the teachers accurately reported what they saw, they would have seen Black boys exhibit more misbehavior simply because they predominantly watched the Black boys. None would realize that the students were all misbehaving in equal amounts. None would report that White girls misbehaved more, which they might have done if they had watched the White girls most or all of the time. By directing our attention in this manner, our initial racial biases can wind up reinforced with real data without us even knowing that our data collection was skewed. This example is offered not as proof of intentional different treatment but to suggest that implicit racial bias can influence how differently we observe children’s behavior. In turn, our biased observations can reinforce negative perceptions, making it more likely they will be triggered again.
- <sup>18</sup> See <https://edsources.org/2017/californias-education-plan-affirms-commitment-to-local-control/587038>.
- <sup>19</sup> The grouping of offenses reported uses the categorization made available by the California Department of Education on their website (<http://www.cde.ca.gov/ds/sd/sd/filesesd.asp>) in the table entitled “Discipline15.” The Violent Incident with Injury offense category includes the following California Education Code sections: 48915(c)(4) Sexual Battery/ Assault; 48915(a)(1) Caused Physical Injury; 48915(a)(5) Committed Assault or Battery on a School Employee; 48900(a)(2) Used Force or Violence; 48900.3 Committed an act of Hate Violence; 48900(q) Hazing. The Weapons Possession Offense Category includes the following California Education Code sections: 48915(c)(1) Possession, Sale, Furnishing a Firearm; 48900(b) Possession, Sale, Furnishing a Firearm or Knife; 48915(c)(2) Brandishing a Knife; 48915(a)(2) Possession of a Knife or Dangerous Object; 48915(c)(5) Possession of an Explosive. The Illicit Drug Related Offense Category includes the following California Education Code sections: 48915(c)(3) Sale of Controlled Substance; 48915(a)(3) Possession of Controlled Substance; 48900(c) Possession, Use, Sale, or Furnishing a Controlled Substance, Alcohol, Intoxicant; 48900(d) Offering, Arranging, or Negotiating Sale of Controlled Substances, Alcohol, Intoxicants; 48900(j) Offering, Arranging, or Negotiating Sale of Drug Paraphernalia; 48900(p) Offering, Arranging, or Negotiating Sale of Soma. The Disruption/Willful Defiance Offense Category includes the following California Education Code section: 48900(k) Disruption/ Defiance.”

<sup>20</sup> NOTE: Regarding the measurement of racial disparities: Given the research on the harm caused by suspension, we begin with the absolute rate of suspensions per 100 at the district level and multiply by two to get days of lost instruction. We compare these rates per 100 enrolled so that it is clear whether each racial/ethnic group's exposure to harm from suspension is high or low after adjusting for different levels of each group's enrollment. Our description of the size of the racial gap between any two groups tells readers how many more days of lost instruction per 100 students the group with higher numbers experienced. This use of absolute values and differences allows comparisons to be made from one district to the next and to the state average for all students. We can compare, for example, the Black rate of lost instruction per 100 students across all the districts in the state without having to reference the Black proportion of the district enrollment. Similarly, assuming that there are sufficient numbers of Black and White students enrolled in a given district to calculate valid rates for each, if the racial gap shows that Blacks experienced five more days of lost instruction per 100 enrolled than Whites, that racial difference can be directly compared to the size of the racial gap in any other district. No further adjustments for demographic enrollment differences need to be made because they are already reflected in the rate per 100 enrolled.