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Suspended

EDUCATION IN MASSACHUSETTS

USING DAYS OF LOST INSTRUCTION DUE TO SUSPENSION TO EVALUATE OUR SCHOOLS

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INTRODUCTION

School Discipline Policies & Practices Have A Powerful Impact On Educational Outcomes

Missed instruction can have a devastating impact on educational outcomes. Scholars have found that ^{**}missing three or more days of school in the fourth grade predicts a reduction in reading achievement by one full grade level on the National Assessment of Educational Progress (Ginsburg, Jordan, & Chang, 2014). Of course, some reasons for missed instruction are beyond the control of schools and districts: some students miss school due to mental or physical illness or injury, and transportation problems sometimes are to blame. These external reasons for missed instruction contribute a great deal to chronic absenteeism, but they are difficult for schools to address because they are not caused directly by a school policy or practice.

One major reason for missed instruction that schools can directly influence is the decision school administrators make to suspend students, as well as the length of suspensions. In 2015-16, students in Massachusetts missed an estimated 156,793 days of school, or approximately 16 days per every 100 enrolled students, all due to suspension. School policy and practice varies widely in Massachusetts, but because the majority of schools use suspension as a measure of last resort, most parents don't realize the massive amount of instruction time children lose due to disciplinary removal in some schools and districts.

Discipline reform efforts have been built around extensive research that has tracked individual students over many years, which shows that suspensions are among the leading predictor of failing to graduate

high school and involvement in the juvenile justice system. (Fabelo et al., 2011). In fact, leading scholars estimate that suspensions can lower graduation rates by six to 14 percentage points, depending on the state (Balfanz, Byrnes, & Fox, 2015; Marchbanks et al., 2015; Rumberger & Losen, 2016). This is critically important given that after controlling for race, poverty, students' prior behavior, and 80 other variables, the factors schools control are powerful predictors of whether suspensions are used frequently or rarely (Fabelo et al., 2011). Another leading predictor of disparities in suspension rates was found to be the school principals' attitudes toward school discipline. (Skiba et al., 2014). Specifically, after controlling for demographic differences in enrollment, in response to a statewide survey, principals of schools that embraced harsh discipline as a needed punitive response and blamed parents and children for problematic behavior had higher suspension rates and lower achievement scores than those principals that framed their discipline approach as part of their school's educational mission, to help ensure that students learned appropriate behavior, rather than a punitive response.

As this report will demonstrate, numerous schools in the Commonwealth regularly remove a high number of students, culminating in large amount of lost instruction time. Furthermore, the impact of discipline has more to do with the conditions of learning than of safety, as most missed instruction is the result of suspensions for minor behaviors that do not involve violence, drugs, or criminal activity.

^{**}Correction in italics: "Scholars have found that missing three or more days of school in the fourth grade *in the month prior to the taking the assessment* predicts a reduction in reading achievement by one full grade level..."



Harsh discipline practices harm all students, but the harm appears deepest when examining the impact lost instruction has on black students and students with disabilities.

The purpose of this report is to encourage systemic reform, and it serves as a call to use discipline data in evaluating our schools. Adding this indicator would not be burdensome because the state has been collecting and reporting these data since the 2014-15 school year.¹ Massachusetts has made progress on discipline reform in recent years and has identified more than 30 schools and districts that need help in addressing high discipline rates and large disparities. However, the days of instruction missed due to discipline, overall or to punish minor behavior, have rarely been discussed in the context of improving student achievement or graduation rate outcomes in a school or district.

One main reason school discipline rates have remained outside the mainstream of school accountability policy discussions is that the public is not fully aware of how many days of instruction are missed, or of the dramatic variation in the use of suspensions, from one school to the next. Nor is the public aware of the profoundly inequitable impact excessive discipline has on students with disabilities (SWD) and students of color. As this report will show, harsh discipline policies and practices harm all students in some schools, but the harm appears deepest when examining the impact lost instruction time has on black students and SWDs, the two groups that experience the most days of lost instruction due to discipline in Massachusetts.

This descriptive report is intended to influence administrative policymakers in Massachusetts who are

currently working with stakeholders across the state to develop school performance indicators for use in the state's accountability system. The state education department most recently proposed two non-academic indicators, "chronic absenteeism" and "school climate," but neither explicitly considers the number of days of missed instruction due to discipline.² This report will describe why "days of missed instruction due to discipline" should be explicitly included as a unique indicator, or added as part of either the chronic absenteeism or the school climate indicator. This is not to suggest, however, that schools should not be obligated to support students who face challenges getting to school, or who struggle to stay engaged. Schools should be expected to provide better support for those students whose external challenges impede their ability to attend school. But this report will describe why "days of missed instruction due to discipline" deserves consideration in addition to chronic absenteeism and the school climate survey.

This report does not attempt to cover all aspects of school discipline, nor does it explore all the troubling discipline disparities experienced by each racial group, by gender, or for students with particular disabilities. Despite these limitations and omissions, this report provides an estimate of the days of missed instruction for every school and district in Massachusetts, for all students, for black students, for white students, and for students with disabilities.

AN EXAMINATION OF THE DATA

Analysis of the State Student Discipline Days Missed Report

The initial data provided by the state have been analyzed, and additional calculations have been made to generate a well-grounded and conservative estimate of the impact of discipline in terms of total days of lost instruction per 100 enrolled students. The analysis and estimates are easy to replicate, and the supporting raw data for every school and district are included in a spreadsheet that accompanies this report. This report not only makes the findings transparent but also demonstrates how well a “days of missed instruction due to discipline” indicator could work, either in conjunction with the proposed survey on school climate or as a subset of chronic absenteeism.

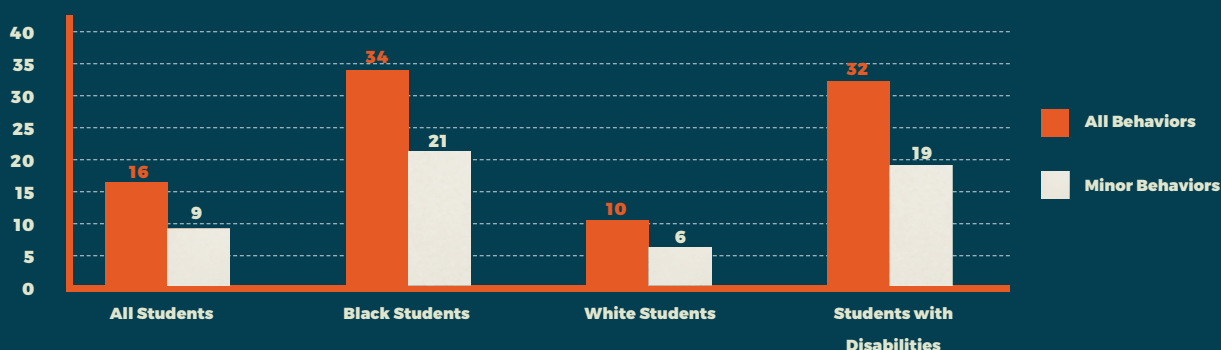
The state provides these data for all behaviors, and then for each of 18 different categories of behavior. We show the number of days of instruction missed for all behaviors, followed by days missed due to suspensions for what we have labeled “minor behaviors.” Minor behaviors match the 18th category reported by the state called “non-drug non-violent and non-criminal related offense.”³ Readers should note that this minor offense category excludes the categories of physical fight, threat of physical attack, sexual harassment, and bullying, as well as tobacco, alcohol, and marijuana use. Each of those behaviors has their own distinct category. Where more than one behavior may have lead to a suspension, the data are reported only under the most serious offense. Therefore, the days missed due to a suspension under category 18 could not also have been listed under a more serious category.



SPECIAL NOTE

This report is based on analysis of data from the Student Discipline Days Missed Report for the 2015-16 school year. The report reflects the disciplines that public school students in Massachusetts received for the offenses committed, as reported by school districts in the School Safety Discipline Report (SSDR). We reviewed these data in winter 2017, and the raw data for every school and district accompany this report. The spreadsheets provide an estimate of missed instruction due to discipline for every school and district in Massachusetts, along with the raw data used to derive the estimates to support those interested in replicating our findings. Visit the Center for Civil Rights Remedies website, schooldisciplinedata.org, to view data for your school and district.

FIGURE 1. DAYS OF LOST INSTRUCTION PER 100 ENROLLED MASSACHUSETTS STUDENTS



Findings

During the 2015-16 school year, Massachusetts students from all groups missed an estimated average of 16 days of instruction for every 100 students enrolled. As shown in Figure 1, this number doubles to 32 days for students with disabilities (SWDs) and 34 days for all black students. The average for white students was 10 days lost per 100 students enrolled. In other words, black students lose 24 more days of instruction per 100 enrolled than white students. These kinds of disparate impacts are one reason the Center for Civil Rights Remedies has repeatedly stated that educators must close the discipline gap if they want to close the achievement gap. State averages can be misleading, and in this case there is a wide range in the number of days of instruction missed when one compares schools across the state, and a corresponding wide range in terms of the racial gap in missed days of instruction.

Equally important, as the distribution in Table 1 shows, is that the vast majority of schools fell below the state average on this measure. Meanwhile, many that exceeded the state average did so by orders of magnitude. There were, for example, 398 schools in which students missed 17 days of instruction **or more** per 100 enrolled, which puts all of them above the state average. At the top of this range are 11 schools where students lost between 200 and 515 days of instruction for every 100 students enrolled. Ten of these 11 were alternative schools, and one was City on a Hill Charter School of New Bedford.

In another 27 schools, students lost an average of between 100 and 200 days of instruction per 100 enrolled, while 360 other schools had rates between 17 and 100 days of missed instruction per 100 enrolled. Let's put these high rates in perspective. At the lower end of the spectrum we found that nearly 70 percent of the 1,853 schools in the state database, a total of 1,281 schools, on average had fewer than ten days of missed instruction per 100 enrolled (well below the state average), and 553 schools had zero days of missed instruction as shown in Table 1a.

In Table 1b, we break down the distribution further to show what it looks like for students with disabilities. When comparing Tables 1a and 1b, one can see that for SWDs there are nearly 100 more schools in the top two categories, where SWDs missed 100 or more days of instruction per 100 enrolled. And similar to ALL students in Table 1a, for SWDs in Table 1b, far more schools are below the state average of 16 days of lost instruction per 100 enrolled. Looking at the bottom two rows, we

TABLE 1A. DISTRIBUTION OF DAYS OF INSTRUCTION MISSED DUE TO DISCIPLINE: ALL STUDENTS, 2015-16

RANGE OF DAYS OF MISSED INSTRUCTION PER 100 ENROLLED	NUMBER OF SCHOOLS IN RANGE ALL STUDENTS	PERCENTAGE OF 1,853 SCHOOLS
200 or more	11	0.6%
= or > 100 < 200	27	1.5%
= or > 17-99	360	19.4%
= or > 10-16**	172	9.3%
= or > 1 < 10	729	39.3%
Zero	553*	29.8%

*In a separate report on unduplicated counts of suspended students, 545 schools reported zero suspensions for all students that same year.

**The number 16 was chosen because that is the statewide average.

TABLE 1B. DISTRIBUTION OF DAYS OF INSTRUCTION MISSED DUE TO DISCIPLINE: STUDENTS WITH DISABILITIES (SWD)

RANGE OF DAYS OF MISSED INSTRUCTION PER 100 ENROLLED	NUMBER OF SCHOOLS IN RANGE SWD	PERCENTAGE OF 1,853 SCHOOLS
200 or more	18	1%
= or > 100 < 200	101	5.5%
= or > 17-99	529	28.7%
= or > 10-16**	210	11.4%
= or > 1 < 10	340	18.4%
Zero	645	35%

observe that more than half (53.4%) of the schools had between zero and nine days of missed instruction per 100 enrolled.

This report and the accompanying spreadsheets show a more detailed breakdown for every school for black students, white students, and SWDs. We also provide an analysis of the racial differences in the number of days of lost instruction.

Our analysis typically would include all racial/ethnic groups with a strong focus on Latino students, as they also are suspended at a significantly higher rate than white students in Massachusetts. However, due to time constraints, we could not present this analysis as a comprehensive report. We chose instead to demonstrate an overlooked problem, provide details on the impact for the most frequently suspended subgroups, and, most importantly, present the findings as part of a call for a solution that will benefit all subgroups.

That said, it is worth mentioning that the unduplicated student rates of out-of-school suspension were as follows for 2015-16: black 6.9 percent, Latinos 5.7 percent, white 1.7 percent, and SWDs 5.9 percent.⁴ The state provides these disaggregated suspension rates for every school and district in the Commonwealth as part of the state discipline report currently available on the state website. Any visitor to the website can find the in-school and out-of-school suspension rates, as well as the expulsion rate for Latinos (and many other groups of students) broken down for every school and district. This is critically important information.

This report is the first to examine the number of days of missed instruction due to discipline in Massachusetts. We believe that the findings bolster our argument that days of missed instruction due to discipline should be included as one of the non-academic indicators the state uses to evaluate schools. The number of days of missed instruction per 100 students enrolled is more effective than suspension rates in framing the concern that excessive reliance on suspensions is counterproductive academically. In most cases, students who cause minor disruptions, break school rules that don't violate any criminal laws, or whose misbehavior is nonviolent, need more intervention from educators to ensure that their behavior is corrected.

We provide this analysis primarily at the school level in the text of this report, although readers can find every district analyzed in the spreadsheets accompanying this report. However, we do feature the district results for SWDs because we found so many districts with high rates for this group. Table 2 shows the ten districts where students with disabilities missed the most days of instruction due to discipline in 2015-16. This list only shows those districts that had at least two schools and a total enrollment of at least 2,500 students.

The district wide averages for 2015-16 are extraordinarily high, considering that they include a high number of elementary schools, which tend to suspend students at much lower rates, which bring down the district numbers.

In nearly every district presented in Table 2, 50 percent or more of the days of missed instruction were due to minor misbehavior by the students. Moreover, nearly two-thirds of the schools showing the most missed instruction for all students (Table 3) are located in just seven of the ten districts included in Table 2.

The information we present is what is needed to differentiate the impact of a non-academic indicator among schools across the state. The data enable differentiation for every school and district in Massachusetts.

Some policymakers and practitioners might argue that it is inappropriate to include suspensions for the most serious violent and criminal acts because schools should not be evaluated negatively for taking a hard line against such behaviors. Although we do not agree, we point out that the majority of suspensions are for minor behavior and that they account for the majority of days of missed instruction.⁵ Therefore, focusing only on the number of days missed due to discipline for minor offenses could work nearly as well as an indicator based on discipline for all types of behavior. To demonstrate this, we present our analysis both ways in Table 3 for each of the 30 schools with the most days of lost instruction for all students. We show the number of days of instruction missed for all behaviors, followed by days missed due to suspensions for minor behaviors, which, as stated earlier, matches category 18 behaviors that the state calls "non-violent, non-drug related, and non-criminal related."⁶

Chronic absenteeism and school climate are two areas where the state plans to develop school performance indicators for use in a broader accountability system. Most readers understand that high suspension rates likely reflect problems with the school climate, but to help clarify the relationship with chronic absenteeism, we added a column to Table 3 that lists the rate of chronic absenteeism for each of the 30 schools.⁷ Table 3 clearly shows that, in 23 of the 30 schools with a high level of missed instruction due to discipline, 50 percent or more of the days missed were for minor infractions, and in 29 of the 30 schools, minor infractions were the cause of at least 20 percent of all missed instruction. This means that, in nearly every school that would perform poorly on this indicator, a great deal of progress could be made by reducing missed instruction due to the removal of students for minor behaviors.

^{**} Also worth noting is that six of the 30 schools with the most days of missed instruction due to discipline (17%) are charter schools. At least 10 on the list are non-charter alternative schools that serve special student populations.

^{**}Correction in italics: "Also worth noting is that *five* of the 30 schools with the most days of missed instruction due to discipline (17%) are charter schools."

TABLE 2. DISTRICT LEVEL: DAYS MISSED PER 100 STUDENTS WITH DISABILITIES

District Name	All Behaviors	Minor Behaviors
Wareham	110	58
Fitchburg	99	86
Fall River	80	55
Lynn	74	52
Holyoke	73	36
Pittsfield	68	35
Springfield	68	32
Brockton	65	42
Chicopee	63	60
Lowell	62	49

Charters also made up seven of the 30 schools with the most days of missed instruction for SWDs (see spreadsheet). We also found that the 10 highest in rates of missed instruction for schools for SWD and for black students were all among the 30 schools found in Table 3.

Our analysis of the racial gaps began by limiting it to schools with at least 100 students and at least 10 white and 10 black students. Many of the schools where black students missed the most instruction were also among the highest for white students, which may be one reason why only six of the 30 schools with the largest racial gaps listed in Table 4 are also found in Table 3. In the

corresponding spreadsheet, these schools are presented in bold font and are highlighted.

An important requirement of the Every Student Succeeds Act of 2015 is that indicators be disaggregated by each accountability subgroup. As demonstrated in this report, the state data on the number of days of instruction missed due to discipline are already broken down by the requisite groups in the publicly available reports. This might not be the case for chronic absenteeism, as these data are not broken down by subgroup in the state report.⁹

TABLE 3. 30 SCHOOLS WITH MOST DAYS OF MISSED INSTRUCTION PER 100 ENROLLED: ALL STUDENTS

SCHOOL NAME	ALL BEHAVIORS: DAYS OF MISSED INSTRUCTION PER 100 ENROLLED STUDENTS	MINOR BEHAVIORS: DAYS OF MISSED INSTRUCTION FOR MINOR BEHAVIORS	PERCENTAGE MISSED FOR MINOR BEHAVIORS	PERCENTAGE CHRONICALLY ABSENT (10% OR MORE) ⁸
Brockton - B. B. Russell Alternative School	515	162	31%	83.8
Chicopee - Chicopee Academy	406	333	82%	86.7
Fall River - Resiliency Middle School	337	193	57%	64.4
Fall River - Stone Day School	336	324	96%	59.2
Bellingham - Paul J. Primavera Jr./Sr. High School	274	274	100%	79.1
New Bedford - Whaling City Junior/Senior High School	253	227	90%	84.1
Brockton - Brockton Champion High School	208	135	65%	65
Oxford - Project C.O.F.F.E.E.	208	175	84%	76.7
City on a Hill Charter Public School New Bedford	208	47	23%	47.1
Medford - Curtis-Tufts	206	206	100%	91.3
Lowell - Leblanc Therapeutic Day School	200	174	87%	74.8
Lowell - Laura Lee Therapeutic Day School	193	161	83%	52.4
Brockton - Goddard Alternative School	188	53	28%	57.9
UP Academy Charter School of Boston	177	116	66%	25.1
Revere - Seacoast School	176	141	80%	86.1
Fitchburg - Arthur M. Longsjø Middle School	160	141	88%	28.7
Springfield - Springfield Public Day High School	154	13	8%	71.9
Springfield - Chestnut Accelerated Middle School (North)	153	96	63%	14.5
Springfield - Van Sickle Academy	151	51	34%	28.2
Springfield - Springfield High School of Science and Technology	145	97	67%	27.2
City on a Hill Charter Public School Circuit Street	144	66	46%	15.8
Springfield - John F. Kennedy Middle	143	80	56%	29.6
City on a Hill Charter Public School Dudley Square	141	82	58%	24.2
Fitchburg - Fitchburg High	131	113	86%	37.8
Somerville - Next Wave Junior High	131	35	27%	37.5
Springfield - Forest Park Middle	123	73	59%	31.5
Lynn - William R. Fallon	123	120	98%	39.7
Springfield - John J. Duggan Middle	122	68	56%	21.8
Veritas Preparatory Charter School	121	63	52%	21.3
Springfield - Conservatory of the Arts	118	70	59%	38.6

TABLE 4. THE BLACK/WHITE RACIAL GAP IN DAYS OF MISSED INSTRUCTION PER 100 ENROLLED: ALL BEHAVIORS (2015-16)

SCHOOL NAME	BLACK	WHITE	GAP
City on a Hill Charter Public School New Bedford	362	176	186
Attleboro - Wamsutta Middle School	208	43	165
UP Academy Charter School of Boston	194	41	154
Wareham - Wareham Middle	205	65	140
Springfield - Springfield High School of Science and Technology	222	88	133
Springfield - Chestnut Accelerated Middle School (North)	197	69	128
Webster - Bartlett High School	196	71	125
Fall River - Morton Middle	173	66	107
Chicopee - Chicopee High	136	32	104
Leominster - Sky View Middle School	125	23	101
Fall River - Resiliency Preparatory School	138	39	99
Attleboro - Cyril K. Brennan Middle School	117	18	99
Foxborough - John J Ahern	100	6	94
Boston - Donald Mckay	106	13	93
Leominster - Samoset School	122	31	91
Springfield - Van Sickle Academy	212	124	88
Brockton - Brockton Champion High School	255	171	84
Pittsfield - Pittsfield High	109	25	84
Quincy - Point Webster Middle	134	50	84
Pittsfield - Taconic High	124	40	84
North Andover - North Andover High	99	17	82
Boston - Clarence R Edwards Middle	140	64	76
Attleboro - Attleboro High	124	48	76
Boston - Lilla G. Frederick Middle School	75	0	75
Norwood - Norwood High	91	16	75
Boston - Lyon Upper 9-12	88	13	75
Marlborough - Marlborough High	88	13	74
Boston - Madison Park High	101	27	74
Saugus - Belmonte Saugus Middle	93	20	73
Brooke Charter School Mattapan	71	0	71

Note: The highlighted schools appear on both lists. All schools in Table 4 enrolled at least 100 students and a minimum of 10 students from each group.

Methods

The Massachusetts Department of Education provides a detailed breakdown of the total number of students disciplined for each school and each district, disaggregated by subgroup and type of behavior. The state also provides a report for the state (Table 5a) that includes every school and district in which at least six students were disciplined. The state provides a days of missed instruction report that indicates the number of days of missed instruction, expressed as a percentage of the total district enrollment that belong to one of the following ranges of days missed: missed 1 day; 2–3 days; 4–7 days, etc. (Table 5a). The state, however, does not report the actual number of suspended students who fit into each of the respective ranges. In Table 5b we provide a detailed example of how we derived our estimates for total days of missed instruction.

Our first step was to multiply the total by the percentage that belonged to each range and to thereby derive the number of students falling into each range (See Table 5b; Row B). For example, the number of students belonging to the “One Day” category can be derived by calculating what 1.5 percent (from Table 5a) of 979,947

equals. That yields a value of 14,699 students who were suspended for just one day in 2015-16. For each range in Row A, we assigned the average corresponding value (Row C). In the next column we show that 1.3 percent of all the enrolled students (from Table 5a) were suspended for two to three days. We assigned that category the average value of 2.5 days. We know that 1.3 percent of

TABLE 5A. ENROLLMENT AND PERCENTAGE DISCIPLINED BY DURATION AS REPORTED BY THE MASSACHUSETTS DEPARTMENT OF EDUCATION, 2015-16¹⁰

STUDENTS ENROLLED	1 DAY	2 TO 3 DAYS
979,947	1.5%	1.3%
4 TO 7 DAYS	8 TO 10 DAYS	>10 DAYS
0.9%	0.3%	0.3%

TABLE 5B. HOW ESTIMATED DAYS OF MISSED INSTRUCTION WERE CALCULATED

Row A	Range	One Day	Two-Three	Four-Seven	Eight-Ten	Greater than 10	Total
Row B	Turn percentage into number	14,699	12,739	8,820	2,940	2,940	42,138*
Row C	Assigned multiplier value	1	2.5	5.5	9	12	n/a
Row D	Multiply value in row C by B	14,699	12,739 x 2.5	8,820 x 5.5	2,940 x 9	2,940 x 12	Total Days Missed
Row E	Days Missed	14,699	31,848	48,510	26,460	35,280	156,797
Days Missed per 100	Divide total days missed by total enrollment and multiply by 100. $156,797 / 979,947 (100)$						16 per 100

*Total number of disciplined students differs slightly because the state provided percentages were rounded to one decimal place.



979,947 equals 12,739 students, and the next step is to multiply that number by 2.5 days. The equation is shown in Row D and the results of the equation are shown in Row E. We do this for each category, as shown in Table 5b. Finally, we add the days of missed instruction from each column (in Row E) to find the total estimated days of missed of missed instruction, which equals 156,797. The bottom row shows how the total number of days of missed instruction was divided by the total enrollment to arrive at a state average of 16 days of missed instruction per 100 enrolled.

We performed this calculation for every school and district in the state. In each case we also performed the calculations for black students, white students and students with disabilities. If fewer than six students were disciplined in a given school or district, the state did not provide the distribution but it did supply the number of students disciplined. We know that more than 156,000 days of instruction were missed, and that there were slightly more than 42,000 individual suspensions. Using the data supplied by the state, we found that the average suspension was approximately 3.75 days. We rounded down rather than up to provide a conservative estimate of three days per suspended student. Therefore, to complete the school and district analysis, where the state indicated that the number of students disciplined was between one and five, we multiplied the given value by three days.

Once we had totaled the number of days missed, we divided that number by the total enrollment of the corresponding group to arrive at the days lost per enrolled student. We multiplied that answer by 100 to express the value as days lost per 100 students. The process is simple and straightforward, and the accompanying spreadsheet shows the starting data, final estimates, as well as each step of our calculations. The spreadsheet enables any user to find the estimated days of missed instruction due to discipline for any school or district, and also enables the user to compare their school or district to any other in the state.

Readers should note that the exact number of days of missed instruction is collected by every school and district and thus can be made available to the state but this number is not reported to the public. This means that if days of missed instruction were to become an indicator, it would be very easy to generate accurate rates. The state would not rely on estimates when evaluating schools. Furthermore, it would be very simple for schools to track the number of days of instruction missed at regular intervals during the school year due to discipline. This would allow teachers and school leaders to use the indicator to reflect on their policies and practices at quarterly intervals, and to compare them with similar periods in prior years. Providing feedback quarterly makes it a good complement to an annual survey of school climate, which does not have that property.

CONCLUSION

How and Why Days of Missed Instruction Could Be Used As an Indicator of Educational Progress

The federal Every Student Succeeds Act requires every state's accountability plan to add a non-academic school performance indicator. Massachusetts is considering adding two. One would be a student survey used to gauge "school climate," and the other would be "chronic absenteeism," usually defined as the percentage of students missing 10 percent or more of the school year for any reason. For the reasons stated in the introduction, we believe the number of days of missed instruction due to discipline deserves serious consideration as an indicator, either on its own as a third indicator, or in conjunction with the two currently under consideration.

Specifically, the number of days of instruction missed due to discipline could provide a clear, quantifiable addition to the survey results to form a combined school climate indicator. As demonstrated in this report, the indicator could be based on days missed only in response to minor behaviors, which account for the majority of days missed. As described in this report, the variation and wide scope make this a good indicator because enough schools suspend students, which makes quantitative school-level differences easy to calculate. Moreover, there is a distinct set that includes the 5–10 percent of all schools that have dramatically higher rates of missed instruction. This means it should not be difficult to identify the lowest performing schools. Finally, reducing the number of days of missed instruction is clearly tied to an academic benefit, and schools can influence this benefit by suspending fewer children or by finding ways to reduce the number of days of missed instruction for students who are suspended.

Alternatively, days of instruction missed due to discipline could be a part of the chronic absenteeism indicator, and therefore perhaps be given additional weight so the state can more easily identify the schools whose policies and practices are contributing the most to this phenomenon. It is likely no coincidence that schools with the highest number of days of lost instruction due to discipline are

also often among those with a high chronic absenteeism problem (London, Sanchez, & Castrechini, 2016). In fact, in addition to the finding that being suspended predicts lower graduation rates, a well-known study that tracked every 9th grade student in the state of Florida found that "42% of students whose only off-track indicator in 9th grade was being suspended became chronically absent," and 59% subsequently experienced course failure (Balfanz et al., 2015), and many went on to experience additional suspensions in later grades.

In one way or another, the fact that so many students in some schools are missing so much instruction deserves greater attention from the state. The increased likelihood of course failure and lower graduation rates creates a tremendous taxpayer burden due to lost wages and taxes, increased crime, higher public assistance costs, and poorer health. Simply put, frequent suspensions have a very high—but hidden—cost. In a report co-authored by the Center for Civil Rights Remedies and leading scholar Dr. Russell Rumberger, the analysis found that, nationally, the lifetime costs associated with the impact suspension has on just one cohort is more than \$35 billion (Rumberger & Losen, 2016).

Although the high cost of suspensions was not estimated for Massachusetts, it is no doubt in the millions of dollars. Most important is that the costs are far higher than they need to be, as this report demonstrates that too many schools in the Commonwealth have a high rate of missed instruction. Black children and SWDs are missing much more instruction due to disciplinary actions than other groups of children.

Putting justifiable concerns about the role of systemic and implicit bias to the side, one must ask why, when examining the use of suspension, classroom removal, and detention, researchers find that exclusionary punitive sanctions are least effective with students who engage in persistent unwanted behaviors (Sugai et al., 2000). The American Academy of Pediatrics

recently concluded that “out-of-school suspension and expulsion are counterproductive to the intended goals, rarely if ever are necessary, and should not be considered as appropriate discipline in any but the most extreme and dangerous circumstances, as determined on an individual basis rather than as a blanket policy” (American Academy of Pediatrics Council on School Health, 2013). Similarly, the American Psychological Association has called for ending harsh discipline policies often referred to as “zero tolerance” discipline. (American Psychological Association, 2008). As the school technical assistance provider Engaging Schools pointed out in its manual, *Shifting Gears*, “When students are ‘put out’ with no resolution of the conflict between student and teacher, the process of re-entry and recovery is immensely challenging for both the adult and the adolescent. The likely result, at its best, is a stony stalemate. At its worst, mutual hostility festers,

disengagement grows, and unacceptable behaviors persist” (Lieber, Tisiere, & Frazier, 2015).

The federal accountability requirements are intended to help identify and spur improvements in the lowest performing schools. What this report makes clear is that, while most schools suspend some students, more than 50 percent of schools in the Commonwealth are already using suspension sparingly. This means that school leaders can learn from their colleagues on this particular issue. We believe that the Commonwealth has already made important progress in addressing excessive discipline. A great deal more can be accomplished, especially if the state includes the number of days of missed instruction due to discipline as one of the non-academic indicators in the its new school accountability system.



REFERENCES

- American Academy of Pediatrics Council on School Health. (2013). Out-of-school suspension and expulsion. *Pediatrics*, 131(3) e1000-e1007. Retrieved from <http://pediatrics.aappublications.org/content/pediatrics/131/3/e1000.full.pdf>
- American Psychological Association Zero Tolerance Task Force. (2008). Are zero tolerance policies effective in the schools? An evidentiary review and recommendations. *The American Psychologist*, 63, 852-862.
- Balfanz, R., Byrnes, V., & Fox, J. (2015). Sent home and put off track: The antecedents, disproportionalities, and consequences of being suspended in the 9th grade. In D. J. Losen (Ed.), *Closing the school discipline gap: Equitable remedies for excessive exclusion* (pp. 17–30). New York: Teachers College Press.
- Every Student Succeeds Act of 2015, 20 U.S.C. § 6301 (2015).
- Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks III, M. P., & Booth, E. A. (2011). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. New York: Council of State Government Justice Center.
- Ginsburg, A., Jordan, P., & Chang, H. (2014). Absences add up: *How school attendance influences student success*. Attendance Works. Retrieved from http://www.attendanceworks.org/wordpress/wp-content/uploads/2014/09/Absences-Add-Up_September-3rd-2014.pdf
- Lieber, C. M., Tissiere, M., & Frazier, N. (2015). *Shifting gears: Recalibrating schoolwide discipline and student support. A restorative and accountable approach for middle and high school*. Cambridge, MA: Engaging Schools.
- London, R. A., Sanchez, M., & Castrechini, S. (2016). The dynamics of chronic absence and student achievement. *Education Policy Analysis Archives*, 24(112). Retrieved from <http://dx.doi.org/10.14507/epaa24.2741>
- Marchbanks III, M. P., Blake, J. J., Booth, E. A., Carmichael, D., Seibert, A. L., & Fabelo, T. (2015). The economic effects of exclusionary discipline on grade retention and high school dropout. In D.J. Losen (Ed.), *Closing the school discipline gap: Equitable remedies for excessive exclusion* (pp. 59–74). New York: Teachers College Press.
- Rumberger, R. W., & Losen, D. J. (2016). *The high cost of harsh discipline and its disparate impact*. Los Angeles: Civil Rights Project-Proyecto Derechos Civiles. Retrieved from <https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/the-high-cost-of-harsh-discipline-and-its-disparate-impact>
- Skiba, R. J., Chung, C. G., Trachok, M., Baker, T. L., Sheya, A., & Hughes, R. L. (2014). Parsing disciplinary disproportionality: Contributions of infraction, student, and school characteristics to out-of-school suspension and expulsion. *American Educational Research Journal*, 51, 640-670. doi:10.3102/0002831214541670
- Sugai, G., Horner, R. H., Dunlap, G., Hieneman, M., Lewis, T. J., Nelson, C. M., ... & Ruef, M. (2000). Applying positive behavior support and functional behavioral assessment in schools. *Journal of Positive Behavior Interventions*, 2(3), 131-143.

ENDNOTES

1. This report, which allows users to rank and sort schools and districts and look up data disaggregated further by type of behavior, race/ethnicity, disability status, gender and other groups, is available at http://profiles.doe.mass.edu/state_report/ssdr_days_missed.aspx.
2. The State Board of Education met to discuss the indicators as presented to them by staff for the Department of Education on Monday, January 23, 2017. Approved board minutes are posted at <http://www.doe.mass.edu/boe/minutes/>
3. The category deemed “minor behaviors” in this report excludes all drug-related and all crime-related offenses, including any act of vandalism and any involving the use of tobacco, alcohol, or marijuana. The definitions can be found in the SSDR Data Handbook, v.2.1, available at <http://www.doe.mass.edu/infoservices/data/ssdr.html>. To find the category users must first go to the state's online report here: http://profiles.doe.mass.edu/state_report/ssdr_days_missed.aspx. Next, visitors to the site can choose the following: whether to look at districts or schools; the year; and either all offenses or choose the offense category; and “All Students” or select the data for a particular student group.
4. See http://profiles.doe.mass.edu/state_report/ssdr.aspx.
5. A full discussion of this topic is beyond the scope of this report. Suffice it to say that we disagree because many behaviors deemed violent, or that involve drugs, or are characterized by a criminal act do not warrant suspensions of any length, and others would be better responded to with more intensive adult intervention and education designed to prevent the behavior from reoccurring.
6. The category deemed “minor behaviors” in this report excludes all drug-related and all crime-related offenses, including any act of vandalism and any involving the use of tobacco, alcohol, or marijuana. The definitions can be found in the SSDR Data Handbook, v.2.1, available at <http://www.doe.mass.edu/infoservices/data/ssdr.html>.
7. The rates of chronic absenteeism are reported by school and district at http://profiles.doe.mass.edu/state_report/indicators.aspx?mode=school&orderBy=.
8. Retrieved from 2015-16 Student Attendance and Retention Report.
9. The rates of chronic absenteeism are reported by school and district at http://profiles.doe.mass.edu/state_report/indicators.aspx?mode=school&orderBy=.
10. See http://profiles.doe.mass.edu/state_report/ssdr_days_missed.aspx.

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Center for Civil Rights Remedies



The UCLA Civil Rights Project's Center for Civil Rights Remedies (CCRR) is dedicated to improving educational opportunities and outcomes for children who have been discriminated against historically due to their race or ethnicity and who are frequently subjected to exclusionary practices such as disciplinary removal, over-representation in special education, and reduced access to a college-prep curriculum. CCRR has issued numerous reports about the use of disciplinary exclusion. CCRR is an initiative of the Civil Rights Project (CRP)/Proyecto Derechos Civiles, at UCLA. Founded in 1996 by former Harvard professors Gary Orfield and Christopher Edley, Jr., CRP is now co-directed by Orfield and Patricia Gándara, professors at UCLA. Its mission is to create a new generation of research in social science and law on the critical issues of civil rights and equal opportunity for racial and ethnic groups in the United States. It has monitored the success of American schools in equalizing opportunity and has been the authoritative source of segregation statistics. CRP has commissioned more than 400 studies, published more than 15 books, and issued numerous reports from authors at universities and research centers across the country.

Schott Foundation for Public Education



The Schott Foundation for Public Education aims to develop and strengthen a broad-based and representative movement to achieve fully resourced, quality PreK-12 public education. Schott's core belief is that well-resourced grassroots campaigns can lead to systemic change in the disparities poor children and children of color face in our nation's schools. In helping to build these campaigns into a movement, Schott recognizes its pivotal role as both funder and advocate.

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