Effective Use of School Discipline Data

Dan Losen
Director, Center for Civil Rights Remedies, The Civil Rights Project at UCLA
www.schooldisciplinedata.org
Data Uses

• Raise awareness
  – Injustice and bias
  – Frequency
  – Connection to academics
  – Remedies are available
• Challenge the status quo (poverty or school factors)
• Proof of disparate impact
• Quarterly evaluation and prediction
• Proof of effectiveness
• Early warning: for student for schools
• Economic analysis
## 2009-2010 Office for Civil Rights (OCR) Suspension Data for the Fall River Public Schools: By Race, and By Disability,

<table>
<thead>
<tr>
<th>Students with Disabilities*</th>
<th>Black</th>
<th>Hispanic</th>
<th>White</th>
<th>All Students**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students with IEPs Suspended Once</td>
<td>35</td>
<td>35</td>
<td>100</td>
<td>170</td>
</tr>
<tr>
<td>Students with IEPs Suspended Two or More Times</td>
<td>45</td>
<td>65</td>
<td>145</td>
<td>255</td>
</tr>
<tr>
<td>Total Enrollment of Students With IEPs</td>
<td>190</td>
<td>350</td>
<td>1190</td>
<td>1785</td>
</tr>
<tr>
<td>Suspension Rate 42.1% (=80/190) 28.6% (=100/350) 20.6% (=245/1190) 23.8% (=425/1785)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Students without Disabilities*</th>
<th>Black</th>
<th>Hispanic</th>
<th>White</th>
<th>All Students**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students without IEPs Suspended Once</td>
<td>75</td>
<td>150</td>
<td>360</td>
<td>605</td>
</tr>
<tr>
<td>Students without IEPs Suspended Two or More Times</td>
<td>90</td>
<td>130</td>
<td>300</td>
<td>535</td>
</tr>
<tr>
<td>Total Enrollment of Students Without IEPs</td>
<td>760</td>
<td>1295</td>
<td>5560</td>
<td>8090</td>
</tr>
<tr>
<td>Suspension Rate 21.7% (=165/760) 21.6% (=280/1295) 11.9% (=660/5560) 14.1% (=1140/8090)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Data misuse and misunderstandings

- Risk = absolute values
- Risk difference = absolute differences
- Risk Ratio - purely relative
- Composition Index – purely relative
- Suspensions and rates per 100
- Duration
Problematic Risk Ratio

- Divide one group’s risk by any other’s or by a composite called “all other.”
- Compare to White risk.
- But the “all other” changes.
- 20% Blacks suspended; 5% Whites
- Risk ration 20/5 = 4.0
- Blacks are 4 times as likely as Whites to be suspended.
Despite Dramatic Reduction in Suspension Use and Near Elimination of the Racial Gap: City A Increased the Risk Ratio (from 2 to 20)
Severity? Disparity? Progress? By What Measure?

<table>
<thead>
<tr>
<th></th>
<th>2010</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>50</td>
<td>20</td>
</tr>
<tr>
<td>White</td>
<td>25</td>
<td>5</td>
</tr>
<tr>
<td>Risk Ratio</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Risk Difference</td>
<td>25</td>
<td>15</td>
</tr>
</tbody>
</table>
Despite Dramatic Reduction in Suspension Use and Near Elimination of the Racial Gap: City A Increased the Risk Ratio (from 2 to 20)
Problems with risk ratio

• No indication of whether suspension rates are high or low.
• Lower suspension rates can generate high ratios.
• Who is the comparison group?
• A increase in the Black/White risk ratio means:
  – A) Suspensions for Blacks went up?
  – B) Suspensions for Blacks went down?
  – C) Suspensions for Blacks stayed the same.
Is Risk Ratio Useful for Comparing Districts?

<table>
<thead>
<tr>
<th></th>
<th>Disparate City</th>
<th>Bad Town</th>
<th>Betterville</th>
<th>Low City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>80</td>
<td>50</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>White</td>
<td>40</td>
<td>20</td>
<td>1</td>
<td>0.1</td>
</tr>
<tr>
<td>Risk ratio</td>
<td>2</td>
<td>2.5</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Risk Difference</td>
<td>40</td>
<td>30</td>
<td>9</td>
<td>1.9</td>
</tr>
</tbody>
</table>
Composition Index

• Blacks are 20% of the enrollment
• Yet 40% of the students suspended.
• Whites are 50% of the enrollment yet 47% of the students suspended.
• Like risk ratio no indication of whether suspensions are frequently used.
Issues with composition index

• Can’t compare easily to other schools or districts with different enrollment compositions.
• Cannot find disproportionality if population is 86% of total enrollment.
• Often confused with risk.
Issues with relative measures

• They don’t indicate progress with regard to increase or decrease in harm to children.
• Problems can be overlooked.
• Progress can be wrongfully discredited.
• Remedies may seem impossible.
Data misuses and misunderstandings

• Unless you can show me that similarly misbehaving students, with similar histories got different punishments we can ignore this issue.
• The core issue - that in most cases an out of school suspension is not an educationally sound response – is avoided.
• Defends the status quo on the grounds of lack of proof of intent to discriminate.
• Assumes disparities reflect behavioral differences...assumes no bias now, and in the past.
• Requires individual file reviews...
• Requires data that are not available.
Implicit Bias

• Predictably Irrational: Dan Ariely
• Beer tasting
• Orchestra auditions
• Advertising
• Behavioral economists all agree that unconscious bias is a prevalent force affecting our perceptions and actions.
• No data on implicit bias of educators per se
• Project Implicit go to www.implicit.harvard.edu
But, Do Blacks Misbehave More?

• Implicit bias effects perceptions as well as responses.
• Strong evidence of implicit negative bias against Blacks.
• Behavioral history would not be bias free either.
• That said, most studies show Blacks more harshly punished for minor misbehavior.
• Texas study found that Whites were more likely to commit most serious offenses where punishment was “non-discretionary.”
Racial Disparities In Use of Suspension for First Time Offenders By Type of Offense
Example: Poor, Not Poor, And The Risk for Suspension By Race/Ethnicity

- Often these data are not provided.
- Usually disparities still found when poverty is controlled for.
Disparities in Poverty Do Not Sufficiently Explain Disproportionality in District X

• The risk for suspension would be roughly equal for all non-poor kids.
• The risk for suspension would be equal for all poor kids.
• There would be no differences in risk by gender.
• With equal poverty rates, Blacks and Hispanics should have the same risk for suspension.
• Class bias may inappropriately contribute to the influence of poverty on observed differences.
• **Students living in poverty may be harmed more by out of school suspensions.**
Use Data to Reveal Excessive and Disparate Discipline

- Core issue is that frequent use of suspension is unsound and counter-productive.
- Bad for all children.
- Disparities produced by an unsound practice or policy makes question of behavioral differences irrelevant.
- Goal: Reduce the disparate harm of the unjustified policy or practice by changing the policy or practice.
- Remedies: systemic change rather than identifying and removing the racists.
National Data (2009-10) Show Suspension Rates at the Secondary Level are Typically 4 to 10 Times Higher Than Elementary Level
What Levels of Disaggregation Can Reveal: Suspension Rates in Chicago (by Subgroup)

District Secondary School Rate 27.5%
Using Data to Locate Specific Issues and Remedies

• Disaggregation is often very revealing of profound problems for one or more subgroups.
• Critically important to use data to locate remedies.
• Solutions are often already within the district.
<table>
<thead>
<tr>
<th></th>
<th>ALL</th>
<th>ED</th>
<th>OHI</th>
<th>SLD</th>
<th>MR</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S AVG</td>
<td>10-13%</td>
<td>29%</td>
<td>14%</td>
<td>12%</td>
<td>9%</td>
</tr>
</tbody>
</table>
10 Districts with the Largest Number of “Hotspot” Secondary Schools

(25% or over for any group)

- City of Chicago, IL (82)
- Memphis City, TN (68)
- Clark County, NV (65)
- Los Angeles Unified, CA (54)
- Houston, TX (53)
- Dallas, TX (43)
- Columbus, OH (40)
- Baltimore County, MD (38)
- Wake County, NC (38)
- Jefferson County, KY (37)
10 Districts with the Largest Number of Lower Suspending Secondary Schools
(10% or under for every group)

- **Los Angeles Unified, CA (81)**
- San Diego Unified, CA (39)
- Charlotte-Mecklenburg Schools, NC (36)
- Philadelphia City School Districts, PA (35)
- Montgomery County Public Schools, MD (33)
- Fairfax County Public Schools, VA (31)
- District of Columbia Public Schools, DC (26)
- East Baton Rouge Parish School Board, LA (26)
- Detroit City School District, MI (26)
- **Clark County School District, NV (26)**
- **And Chicago (24)**
## Suspensions in Syracuse (K-12) *Per 100 Students* Enrolled 2012-2013

<table>
<thead>
<tr>
<th>Race Ethnicity</th>
<th>Without Disabilities</th>
<th>With Disabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian/Pacific Islander</td>
<td>4.1</td>
<td>16.1</td>
</tr>
<tr>
<td>Black</td>
<td>64.2</td>
<td>104.9</td>
</tr>
<tr>
<td>Latino</td>
<td>44</td>
<td>75.8</td>
</tr>
<tr>
<td>American Indian</td>
<td>40.6</td>
<td>21.5</td>
</tr>
<tr>
<td>White</td>
<td>31.2</td>
<td>57</td>
</tr>
<tr>
<td>ALL</td>
<td>47.1</td>
<td>84.1</td>
</tr>
</tbody>
</table>
Disaggregation by **Suspensions by Category**

- Same kind of analysis
- More specifics on categories with cross-sections can help understand the impact of offense trends better
- Related to specific interventions
- We suspect different pathways but it’s harder to address them without more information.
California: Frequent and Disparate Use of Out-of-School Suspension for Minor Offenses Under Disruption/Willful Defiance Compared with Serious Violations by Race

- Offenses involving weapons, drugs, and violence with injury:
  - Black: 4.5 suspensions
  - White: 2.9 suspensions
  - Gap: 1.6 suspensions
- Willful defiance:
  - Black: 10.1 suspensions
  - White: 2.4 suspensions
  - Gap: 7.7 suspensions
Syracuse 2012-2013: Frequent and Disparate Use of Out-of-School Suspension for Minor Offenses Compared with Serious Violations by Race and Disability Status

- White Students with Disabilities: Out-of-School Suspensions per 100 Students
- Black Students with Disabilities: Out-of-School Suspensions per 100 Students

<table>
<thead>
<tr>
<th>Offense</th>
<th>White Students</th>
<th>Black Students</th>
<th>Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serious offenses involving weapons, drugs, and violence with injury</td>
<td>4.0 suspensions</td>
<td>2.1 suspensions</td>
<td>1.9 suspensions</td>
</tr>
<tr>
<td>Minor Offenses</td>
<td>80 suspensions</td>
<td>44 suspensions</td>
<td>36 suspensions</td>
</tr>
</tbody>
</table>

The diagram illustrates the number of out-of-school suspensions per 100 students for different categories of offenses, comparing white and black students with disabilities.
District Level Tracking

- Days of lost instruction.
- Quarterly and cumulative unduplicated counts.
- Early warning: Dropout interventions
- Student and School level.
- By schools with programs of intervention or by training to measure efficacy.
- Classroom teacher level internally.
- Transparency and public reporting.
- Arrests and referrals to law enforcement.
Connect Remedies to Academic and Economic Success

- Denver benefits of restorative practices
- Baltimore City
- Florida study