

DISTRICT DISCIPLINE:

THE OVERUSE OF SCHOOL SUSPENSION AND EXPULSION IN THE DISTRICT OF COLUMBIA



**EVERY STUDENT
EVERY DAY**

Ending DC's School-to-Prison Pipeline

EXECUTIVE SUMMARY

Recent research has drawn attention to the role of classroom discipline in the “school-to-prison pipeline,” the set of policies and practices that push kids out of school and into the adult criminal justice system.¹ Data from the federal Office of Civil Rights show that 7.4% of American K-12 students (over 3 million children) were suspended during the 2009-10 school year,² with far higher rates of suspension among students who are in high school, male, members of minority groups, in special education, or English language learners.³ Students who are suspended from the classroom show weaker academic skills,⁴ higher dropout rates,⁵ and higher rates of involvement with the juvenile justice system.⁶

This report builds on the foundation of such national research and explores similar practices in the District of Columbia. Using data provided by the District of Columbia Public Schools (DCPS) and the Public Charter School Board (PCSB) for school year 2011-12,⁷ the report highlights school discipline trends in DC. Key findings include:

1. Across all DCPS and public charter schools, 13% of students were suspended at least once during the 2011-12 school year, with certain schools suspending their students at rates far higher than the District average.
2. At DCPS middle schools, 35.1% of students were suspended at least once, and some DCPS middle schools recorded more suspensions than students.
3. The most common behaviors for which DCPS school staff issued suspensions involved no weapons, no drugs, and no injury to another student. Suspensions for these behaviors are not required by statute, regulation, or DCPS policy. They were issued under school officials’ discretionary authority.
4. Students in special education and students attending school in high-poverty wards were suspended at higher rates than their peers.
5. Expulsions were rare in the DCPS system, but relatively common among the charter schools, and extremely common at a select few charter schools.

Based on these findings, the report makes the following recommendations to decrease the use of exclusionary school discipline in the District:

Research, fund, and implement improved classroom management programs and alternative disciplinary practices. The DC Council has directed the Office of the State Superintendent of Education (OSSE) to submit a “Suspension and Expulsion Report” within the next six months.⁸ In compiling this report, OSSE should detail how the District could expand its use of evidence-based elementary school classroom management strategies, school-wide Positive Behavior Interventions and Supports (PBIS), and restorative justice programs. DCPS and PCSB should offer technical assistance to schools interested in expanding their use of these tools.

Investing in effective classroom management in elementary schools will help keep young students in the classroom and lay the foundation for better behavior during students’ middle school years. Developing capacity for alternative disciplinary practices will decrease the pressures to use suspension and expulsion and provide additional tools to teachers and school officials for addressing disruptive behavior.

Increase transparency and accountability. DCPS and PCSB should report disaggregated suspension and expulsion data at the end of each school semester in a standardized format. If the agencies are unwilling to report the data, the DC Council should direct them to do so.

Improved data collection and reporting will allow stakeholders to better understand the impact of disciplinary policies and hold school administrators accountable.

Limit the behaviors that can serve as grounds for suspension. OSSE should revise the DCPS school disciplinary code so that incidents not involving injury, drugs, or weapons are not grounds for suspension. If OSSE does not independently make such revisions, the DC Council should direct it to do so. PCSB should publish a model school disciplinary code that similarly restricts the behaviors that are grounds for suspension and encourage its adoption through the Performance Management Frameworks.

Given the negative effects of being excluded from the classroom, District regulations and school rules should ensure that suspensions are only imposed in response to extraordinary misbehavior.

Remove incentives for schools to expel students. When a student is expelled, whether that school is overseen by DCPS or PCSB, the school should be required to return the per-pupil funding allotment for that student to the District.

Such a policy would decrease the current incentives that schools have to push out their students.

SCHOOL DISCIPLINE IN DC

Data Note

Throughout this report, unless otherwise cited, all DCPS figures are from the 2011-12 “Student Behavior Tracker Principals Report” and all PCSB figures are from “School Year 2011-12 Suspension and Expulsion Rates by Public Charter School.” Further details about the data sets employed can be found in the statistical appendix.

Introduction

During school year 2011-12, DC imposed 18,950 total exclusions from the classroom⁹ – 11,226 in the DCPS system and 7,724 in the charter schools. In both systems together, 10,156 students (13%) were suspended at least once. Table 1 summarizes the 1-10 day suspensions, 10+ day suspensions, and expulsions in DCPS schools and charter schools.

Table 1: DC’s Use of Suspension and Expulsion, School Year 2011-12

	DCPS	PCSB
Students	46,048	31,557
1-10 day suspensions	10,836	7,170
10+ day suspensions	387	327
expulsions	3	227

The following subsections explore how suspensions are distributed across schools within the DCPS and PCSB systems.

Distribution of School Suspensions in DCPS

In DCPS, middle schools suspended the highest percentages of their student body (35.1%), followed by high schools (22.5%), education campuses¹⁰ (12.0%), and elementary schools (5.2%). In addition, there is substantial variation within these categories. Table 2 highlights the schools of each type that reported the highest and lowest rates of suspension during the 2011-12 school year.

Table 2: The Highest- and Lowest-Suspending Schools in DCPS, by School Type¹¹

	School Name	Ward	Avg. # of Students	Suspensions	Suspensions per 100 Students	# of Students Suspended	% of Students Suspended
Highest-Suspending Elementary Schools	Aiton ES	7	274	142	52	75	27%
	Amidon-Bowen ES	6	257	153	60	67	26%
	Malcolm X ES	8	251	93	37	52	21%
Lowest-Suspending Elementary Schools	Eaton ES	3	452	0	0	0	0%
	Murch ES	3	554	0	0	0	0%
	Janney ES	3	559	0	0	0	0%
Highest-Suspending Middle Schools	Jefferson MS*	6	180	382	212	129	72%
	Shaw MS*	1	169	397	235	119	70%
	Johnson, John Hayden MS	8	260	455	175	175	67%
Lowest-Suspending Middle Schools	Sousa MS	7	351	143	41	80	23%
	Ron Brown MS	7	266	81	30	53	20%
	Deal MS*	3	1,013	147	15	74	7%
Highest-Suspending High Schools	Wash. Metropolitan HS*	1	217	191	88	116	53%
	Eastern SHS	5	297	335	113	154	52%
	Dunbar SHS	5	547	463	85	247	45%
Lowest-Suspending High Schools	School Without Walls HS	2	525	4	1	4	1%
	Ellington School of the Arts	2	505	1	0	1	0%
	Dunbar Pre-Engineering	6	79	0	0	0	0%
Highest-Suspending Education Campuses	Walker-Jones EC	6	438	347	79	136	31%
	Browne EC	5	424	175	41	96	23%
	Noyes EC	5	356	139	39	75	21%
Lowest-Suspending Education Campuses	Burroughs EC*	5	303	17	6	9	3%
	Takoma EC	4	323	4	1	2	1%
	Brightwood EC	4	580	0	0	0	0%

The trends in middle schools are particularly striking. Of the 14 DCPS middle schools, only one suspended fewer than 20% of its students, and the highest-suspending schools suspended well over half of their students. In fact, the highest-suspending middle schools each recorded more total suspensions than students, indicating that many students are suspended repeatedly. In many DC middle schools, suspension has become commonplace, rather than an extraordinary punishment for serious misbehavior.

There was more variation in the other types of schools. For example, nine elementary schools reported no suspensions during school year 2011-12, but there were three elementary schools that suspended approximately a quarter of their students. Similarly, some high schools and education campuses reported practically no suspensions, while others suspended over 30% of their students.

Distribution of School Suspensions in DC Public Charter Schools

Data for PCSB schools are difficult to analyze in the same manner because the charters serve a variety of different age ranges that do not correspond with traditional elementary, middle, and high school designations. Therefore, Table 3 simply presents the ten PCSB schools that suspended the highest percentages of their students. As in DCPS, it seems that students in grades 6-12 are at a higher risk of suspension than elementary school students.

Table 3: The Top 10 Highest-Suspending PCSB Schools¹²

School Name	Grades	Ward	Audited Enrollment	Suspensions	Suspensions per 100 Students	# of Students Suspended	% of Students Suspended
Maya Angelou PCS - Middle	06 - 08	7	210	442	210	140	67%
KIPP DC PCS - College Prep	09 - 11	8	330	425	129	194	59%
SEED PCS	06 - 12	7	340	253	74	166	49%
Friendship PCS - Tech Prep	05 - 09	8	378	395	104	173	46%
Maya Angelou PCS - - Evans	09 - 12, Adult	7	296	204	69	123	42%
D.C. Prep PCS - Edgewood Middle	04 - 08	5	280	269	96	111	40%
KIPP DC PCS - WILL	05 - 08	6	328	316	96	122	37%
Howard Road Academy PCS- MLK Middle	06 - 08	8	129	110	85	48	37%
William E. Doar, Jr. PCS - Edgewood Middle/High	06 - 08	5	67	62	93	25	37%
Cesar Chavez PCS - Capitol Hill	09 - 12	1	392	202	52	124	32%

However, some schools serving younger children also employed suspensions at an alarmingly high rate. Table 4 presents the five PCSB schools serving pre-kindergarten and young elementary school children that suspended the highest percentages of their students. At KIPP DC Heights Academy, which serves kids ages seven and younger, one in four students was suspended.

Table 4: The Highest-Suspending PCSB Schools Serving Only Grades 3 and Below

School Name	Grades	Ward	Audited Enrollment	Suspensions	Suspensions per 100 Students	# of Students Suspended	% of Students Suspended
KIPP DC PCS - Heights	01	8	106	60	57	30	28%
D.C. Prep PCS- Benning	PK, 01 - 02	7	332	201	61	81	24%
AppleTree Early Learning PCS - Oklahoma	PK	7	158	49	31	19	12%
D.C. Prep PCS- Edgewood Elementary	PK, 01 - 03	5	410	111	27	48	12%
KIPP DC PCS - Promise	01 - 03	7	311	66	21	35	11%

These data demonstrate that school suspension is a commonly used disciplinary technique in the District, and that certain schools have especially high rates of suspension.

Behaviors Resulting in School Suspension

The vast majority of DCPS suspensions are for offenses involving no weapons, no drugs, and no injury to another student.¹³ Further, the majority of these suspensions are not required by law or by school regulation, but carried out under discretionary authority.

DCPS disciplinary policy classifies negative student behaviors into five tiers, with Tier 1 being the least serious (e.g. attending class without the required materials, noncompliance with approved dress code, running in the hall) and Tier 5 being the most serious (e.g. fighting that results in a serious injury, drug distribution, weapons possession).¹⁴

During the 2011-12 school year, the three most common behaviors that resulted in school suspension from DCPS were 1) causing disruption on school properties or at a DCPS-sponsored or supervised activity, 2) fighting involving no injury and no weapon, and 3) engaging in reckless behavior that could cause harm to self or others.¹⁵ Among the behaviors reported by schools as the most common reasons for suspension, none of them were classified as Tier 5.

In broad strokes, the data indicate that suspensions are most often issued for Tier 3 behaviors. Under the DC Municipal Regulations that govern DCPS discipline, school personnel are not permitted to impose an off-site suspension for behaviors rated Tier 1 or Tier 2 and are only required to impose an off-site suspension for behaviors rated Tier 4 or Tier 5.¹⁶ It is under the discretionary scope of Tier 3 that the vast majority of suspensions are imposed.

Tier 3 encompasses a wide variety of behaviors, from possession of tobacco to hazing and bullying. In total, 28 separate behaviors are classified as Tier 3. By comparison, the average number of behaviors in each of the other four categories is 16. Also, the regulations permit a wide variety of responses to Tier 3 behaviors, ranging from verbal redirection to a nine-day suspension.¹⁷

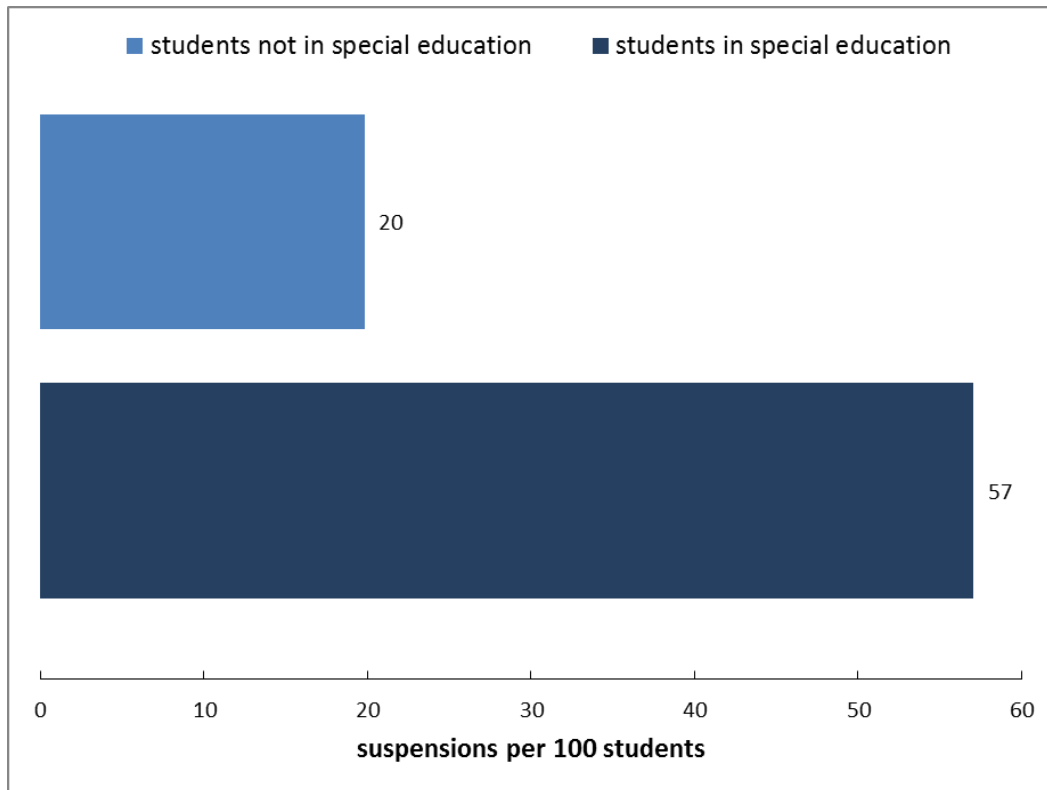
The stated goals of the regulations include providing “a fair and consistent approach to student discipline.”¹⁸ However, the wide scope of Tier 3 is producing a high number of discretionary suspensions. When student behavior is classified as a Tier 3 offense, school staff can make a choice to suspend students or to use alternatives to suspension. The following section will show that certain subsets of the student population are disproportionately receiving suspensions.

Disproportionate Impact of Suspension on Certain Populations

The available data demonstrate that suspensions disproportionately affect students in special education and students attending school in high-poverty wards. Members of both of these student groups are suspended at a higher rate than the student population as a whole.

First, DCPS students in special education are suspended at almost three times the rate of students who are not in special education. There were 5,615 students enrolled in special education during the 2011-12 school year, and collectively they received 3,204 suspensions. By comparison, the 40,433 students not in special education collectively received 8,019 suspensions. Figure 1 shows these figures as relative rates, demonstrating the disproportionate impact of suspension on students in special education.

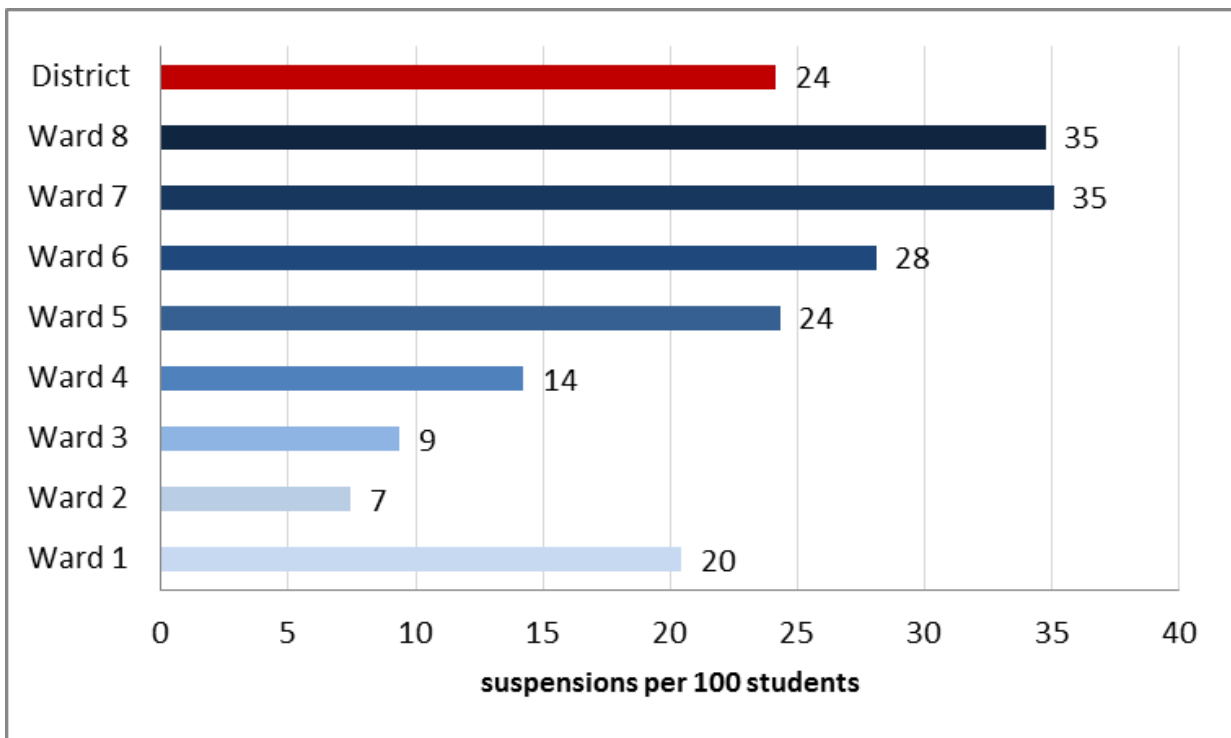
Figure 1: Rate of Suspension, by Special Education Status



Second, school suspension is used as a disciplinary tool far more often in certain wards than in others. Across the District, including both DCPS and PCSB schools, there were 18,720 individual suspensions, 24 suspensions per 100 students. However, the rate of suspension was far higher or lower in certain wards. In Ward 7,

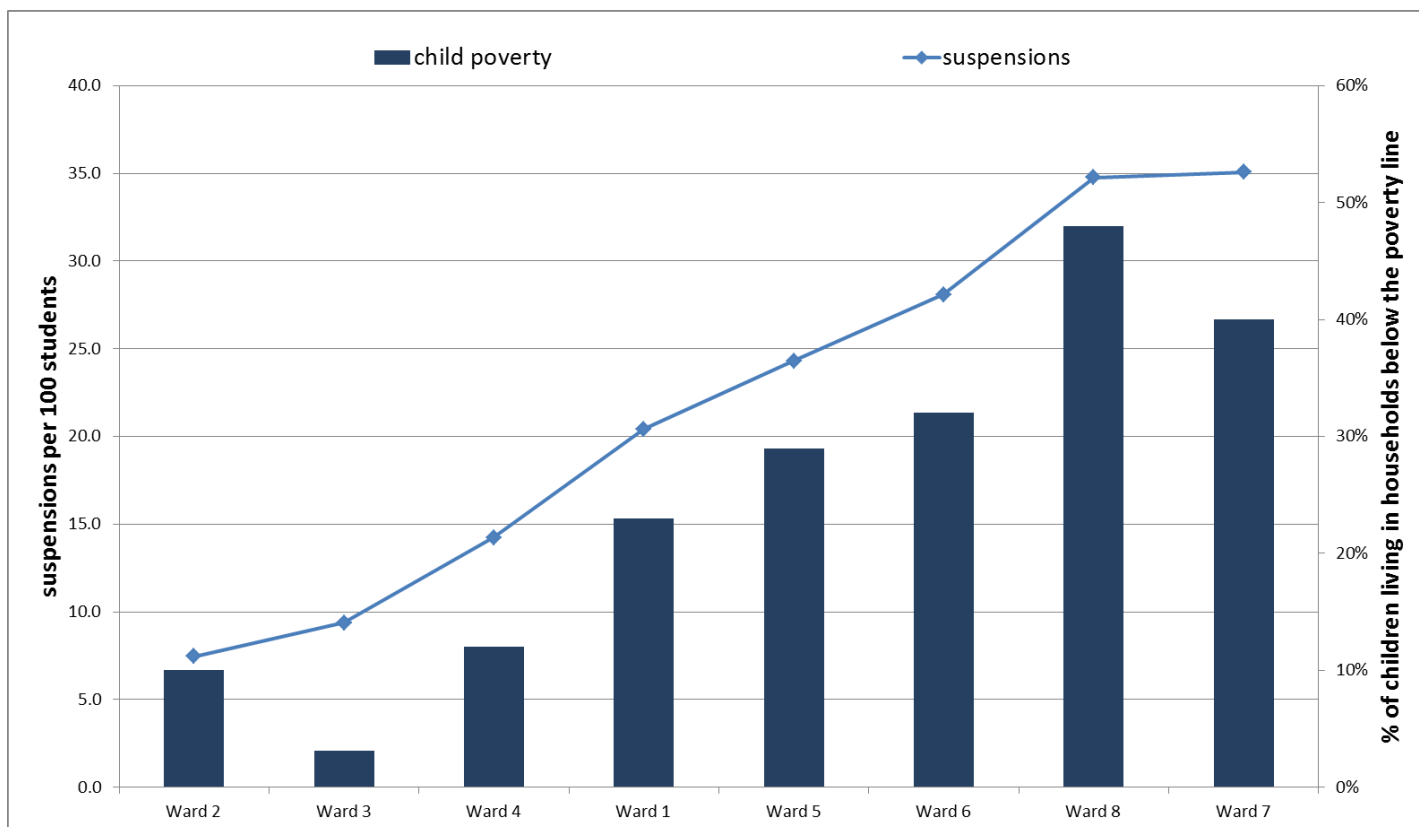
for example, there were 35 suspensions per 100 students, while in Ward 2, there were only 7 suspensions per 100 students. As a result of this geographic disproportionality, students in Ward 7 were suspended at a rate five times that of their peers in Ward 2.

Figure 2: Rate of Suspension, by Ward¹⁹



Though the publicly reported DCPS data did not contain information on the socio-economic background of suspended students, these geographic trends suggest that school suspension is disproportionately affecting students from low-income households. Using data from DC's wards, Figure 3 demonstrates the relationship between child poverty and school suspension. Students attending school in wards with higher levels of child poverty are suspended at higher rates than their peers in more affluent wards.

Figure 3: Suspensions and Child Poverty, by Ward²⁰



Expulsion: A Tool Favored by Some Charter Schools

There were 230 expulsions across the District in the 2011-2012 school year. Almost all of the school expulsions in the District are from charter schools, and there is a small subset of schools within the charter sector that produces the vast majority of these expulsions. By contrast, DCPS schools expel students extremely rarely.

Expulsion occurs less often than suspension; for every student expelled across DCPS and the charter schools, 44 were suspended. However, this average conceals the fact that a small subset of charter schools is responsible for the vast majority of the expulsions. Of the 230 expulsions during the 2011-12 school year, only 3 were from DCPS schools. Even among the charter schools, there is wide variation in the reported frequency of expulsion. Just 11 charter schools accounted for 75% of the expulsions. The most extreme cases were YouthBuild PCS (30 expulsions), Friendship PCS – Collegiate Woodson (56 expulsions), and KIPP DC PCS – College Prep (17 expulsions), which all expelled over 5% of their students during the 2011-12 school year. At these schools, if you were a member of a 20-student classroom, it

is likely that one of your classmates was expelled.²¹ Figure 3 illustrates the contributions of these sets of schools to the total number of expulsions, and Table 5 lists the 11 highest-expelling schools.

Figure 4: 11 Charter Schools Account for 75% of All DC Expulsions

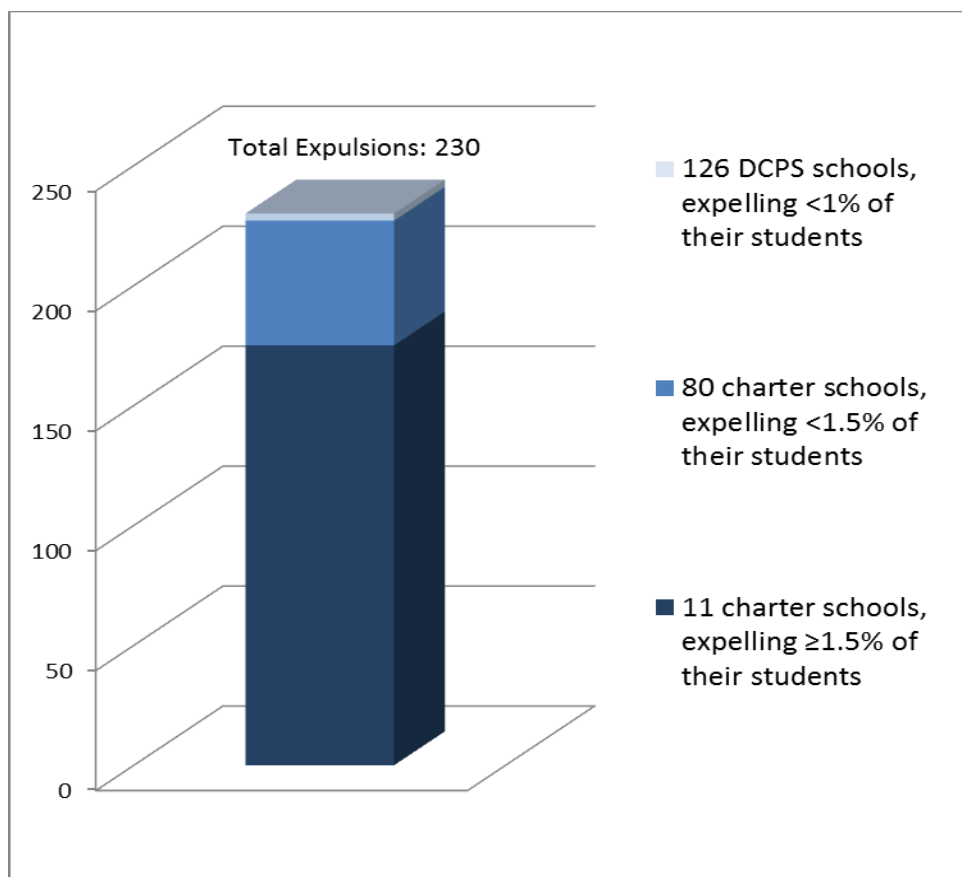


Table 5: The 11 Highest-Expelling DC Schools

School Name	Ward	Grades Served	Audited Enrollment	# of students expelled	% of students expelled
YouthBuild PCS	1	Adult	105	30	28.6%
KIPP DC PCS - College Prep	8	09 - 11	330	17	5.2%
Friendship PCS - Collegiate Woodson	7	09 - 12	1110	56	5.0%
SEED PCS	7	06 - 12	340	13	3.8%
KIPP DC PCS - WILL	6	05 - 08	328	11	3.4%
Center City PCS - Trinidad	5	PK, KG, 01 - 08	215	7	3.3%
Friendship PCS - Tech Prep	8	05 - 09	378	11	2.9%
National Collegiate Preparatory PCS	8	09 - 11	203	5	2.5%
Cesar Chavez PCS - Parkside	7	06 - 12	674	13	1.9%
Capital City PCS - Upper	4	06 - 12	391	7	1.8%
KIPP DC PCS - AIM	8	05 - 08	330	5	1.5%

EFFECTS OF MISSED SCHOOL DAYS

It is firmly established that chronic school absence correlates with decreased academic performance, dropping out, substance abuse, and criminal activity.²² However, research conducted over the past ten years has demonstrated that similar effects are evident for students who are suspended or expelled.

In 2011, the Council of State Governments Justice Center and the Public Policy Research Institute at Texas A&M University released their *Breaking Schools' Rules* report, which examined the relationship between school discipline and student achievement. This rigorous empirical study analyzed data for nearly 1 million Texas students, following them from seventh grade through the following six years.²³ Using multivariate analysis to control for 83 variables – including student characteristics such as race, special program enrollment, attendance, and test scores, as well as campus characteristics such as resources and expenditures, drop-out rates, and student-teacher ratios²⁴ – the study found that students who had been suspended or expelled were twice as likely to repeat a grade²⁵ and almost three times as likely to be referred to the juvenile justice system the following year.²⁶

These research results are echoed in a variety of studies showing that students excluded from school for disciplinary reasons are more likely than their unsanctioned peers to receive poor grades,²⁷ commit future disciplinary violations,²⁸ drop out,²⁹ and be referred to the juvenile justice system.³⁰

Additionally, higher rates of suspension and expulsion do not increase school safety or academic performance for the rest of the student body. A key assumption of many disciplinary policies is that troublemakers need to be removed from school in order to provide a safe learning environment for the remaining students. However, a review of quantitative research conducted by the American Psychological Association found that more frequent usage of suspension and expulsion was associated with lower academic achievement across the school's entire student body, even when controlling for demographic factors and socioeconomic status.³¹ More recently, a policy statement from the American Academy of Pediatrics concluded, "Research has demonstrated . . . that schools with higher rates of out-of school suspension and expulsion are not safer for students or faculty."³² There is no evidence that high rates of suspension help the remaining students, and some evidence that it may actually impede their learning.

ALTERNATIVES TO SUSPENSION AND EXPULSION

Although suspension and expulsion have significant negative effects, teaching students the importance of good behavior remains an essential role of our public schools. To that end, there are a number of evidence-based alternatives available that keep students in school while setting limits and teaching appropriate behaviors. The most widely used is school-wide Positive Behavior Interventions and Supports (PBIS), a program which has been implemented in over 16,000 US schools.³³ PBIS utilizes a three-tier structure of universal supports and targeted interventions to produce decreased levels of problem behavior and increased perception of school safety.³⁴ Related approaches include professional development for teachers and school administrators focused on classroom management and effective school discipline³⁵ and social-emotional practices designed to improve student engagement in classroom activities.³⁶

Restorative practices, sometimes called restorative justice, are another alternative to exclusionary school discipline. According to the International Institute for Restorative Practices, the restorative justice framework engages all key stakeholders to hold the offender accountable, repair the harm done to the victim, and facilitate the offender's reintegration into the community.³⁷ In the school discipline context, this may take the form of a restorative conference in which the offender, victim, and others discuss their motivations, how the offense affected them, and what outcome they think would be appropriate, thus providing a mechanism to hold the offender accountable while also facilitating emotional growth.³⁸ Many schools have begun implementing restorative practices,³⁹ and a growing body of research indicates that these initiatives have produced decreases in school suspension rates and helped strengthen school communities.⁴⁰

Case Study: Maryland

One of DC's neighboring jurisdictions has recently taken action to decrease the use of suspension and expulsion in its schools. During summer 2012, the Maryland State Board of Education approved a report that found 8% of the state's K-12 students had been suspended during the previous school year.⁴¹ Based on the data, the Board concluded that the state needed to reduce the number of suspensions for non-violent offenses. The Board then published new regulations intended to achieve such a reduction and produce a school discipline system based on rehabilitation, not retribution.⁴²

Similar efforts have been successful at the local level. In 2008, the Baltimore City Public Schools implemented a new code of conduct that included a variety of alternative disciplinary interventions, including community conferencing, mentoring, referral to community-based organizations, and restorative justice strategies.⁴³ Since the implementation of the new code, suspensions have nearly decreased by half.⁴⁴ In the four years following the code of conduct reforms, graduation rates increased by 10% overall and by 12.6% for black students.⁴⁵ Maryland's recent regulatory changes demonstrate that nearby policymakers are recognizing the harm caused by exclusionary school discipline, and the achievements of its largest city indicate that practitioners who pursue alternatives can decrease their use of suspensions while improving student outcomes.

Case Study: Los Angeles

During May 2013, the Los Angeles Unified School Board voted to disallow suspensions for "willful defiance,"⁴⁶ defined as "disrupt[ing] school activities or otherwise willfully def[y]ing the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties."⁴⁷ The new restriction was supported by Los Angeles Unified School District Superintendent John Deasy; he noted the link between suspensions for minor offenses and future delinquent behavior, saying "We want to be a part of graduating, not incarcerating, [students]."⁴⁸

Willful defiance was the reason given for 48% of suspensions issued in California during the 2011-12 school year,⁴⁹ so eliminating the entire category represents a major change in disciplinary policy that has the potential to dramatically decrease Los Angeles Unified's overall suspension rate. Beginning in the 2013-2014 school year, teachers will still be able to remove disruptive students from the classroom, but schools will be required to hold students accountable through on-campus sanctions⁵⁰ and encouraged to begin implementing positive behavior incentives and restorative justice programs.⁵¹

RECOMMENDATIONS

Given the negative effects associated with school suspensions and expulsions, the District should decrease the use of disciplinary exclusion in its schools and promote alternatives that work.

Research, fund, and implement improved classroom management programs and alternative disciplinary practices.

- The DC Council recently passed the Attendance Accountability Amendment Act of 2013, which directs OSSE to submit a “Suspension and Expulsion Report” within the next six months.⁵² In compiling this report and issuing recommendations for minimizing the use of suspension and expulsion, OSSE should:
 - Consider evidence-based elementary school classroom management strategies focused on preventing disruptive behavior such as Promoting Alternative Thinking Strategies (PATHS), The Incredible Years, and the Good Behavior Game.⁵³
 - Outline how school-wide Positive Behavior Interventions and Supports (PBIS) could be replicated in all DCPS schools.
 - Detail how the District could fund and operationalize a comprehensive school-based restorative justice program.
- DCPS and PCSB should offer technical assistance to schools interested in expanding PBIS, evidence-based classroom management tools, and restorative justice programs.

Investing in effective classroom management in elementary schools will help keep young students in the classroom and lay the foundation for better behavior during students’ middle school years. Developing capacity for alternative disciplinary practices will decrease the pressures to use suspensions and expulsions and provide teachers and schools with additional tools for addressing disruptive behavior.

Increase transparency and accountability.

- DCPS and PCSB should report suspension and expulsion data at the end of each school semester in a standardized format, including the number of suspensions and expulsions and the reason for disciplinary action. Data should be disaggregated by school, grade, gender, race, ethnicity, special education status, English language learner status, and free and reduced price lunch status.
- If the agencies are unwilling to report the data, the DC Council should direct them to do so.

Improved data collection and reporting will allow policymakers, advocates, communities, and parents to better understand the impact of disciplinary policies in DC schools. Further, requiring public reporting will enable stakeholders to hold school administrators accountable for their use of disciplinary exclusions and enable mid-year corrections for schools relying too heavily on exclusionary disciplinary practices.

Limit the behaviors that can serve as grounds for suspension.

- OSSE should revise the DCPS disciplinary code (5-B DCMR § 2502) to narrow the range of behaviors for which students can be suspended. Incidents that do not involve injury, drugs, or weapons should not be grounds for suspension. If OSSE does not independently make such revisions, the DC Council should direct it to do so.
- PCSB should publish a model school disciplinary code that similarly restricts the behaviors that are grounds for suspension. Further, PCSB should encourage the adoption of the model code, or other policies that limit suspensions, through the use of the Performance Management Frameworks (PMFs) or through the chartering process. Currently, the PCSB PMF task forces are considering replacing average daily attendance with in-seat attendance as a leading indicator in the PMFs.⁵⁴ The Board should encourage this change, as it would hold school leaders accountable for the fact that suspended students are not in their classrooms learning.

Given the negative effects of being excluded from the classroom, District regulations and school rules should ensure that suspensions are only imposed in response to extraordinary misbehavior.

Remove incentives for schools to expel students.

- When a student is expelled, whether that school is overseen by DCPS or PCSB, the school should be required to return the per-pupil funding allotment for that student to the District.

Funding is provided to schools on a per-pupil basis. If the school is no longer educating the student, it should no longer be paid to do so. Such a policy would decrease the current incentives that schools have to push out their students.

ABOUT THE COALITION

Every Student Every Day is a coalition of advocacy organizations, researchers, service providers, and individuals engaged in a variety of issue areas, including education, juvenile justice, child welfare, youth empowerment, special education, and civil rights. We envision a public education system in which every child is in school every day, learning the skills necessary to become a successful adult.

Our mission is to promote social, economic, and racial justice by advocating for policies and programs that increase school attendance, enhance school engagement, promote student achievement, and decrease the District's reliance on suspension, expulsion, and school-based arrest.

ABOUT THE AUTHORS: DC LAWYERS FOR YOUTH

DC Lawyers for Youth (DCLY) is a non-profit action tank that seeks to improve the DC juvenile justice system by advocating for reforms that promote positive youth development, effective legal representation, and supportive relationships between the community and DC's youth. Alex Peerman and Eduardo Ferrer, DCLY's Policy & Advocacy Associate and Legal & Policy Director, respectively, authored the report.

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This report was researched and written by DC Lawyers for Youth and is being published by the Every Student Every Day Coalition to further member organizations' shared goal of greatly reduced use of disciplinary exclusion in DC schools. Individual groups and organizations in the coalition may have various ideas about the best way to achieve this shared goal and may not endorse individual components of this report.

ENDNOTES

¹ Deborah Fitzgerald Fowler, *Texas' School-to-Prison Pipeline: Dropout to Incarceration* (Austin, TX: Texas Appleseed, October 2007), 1, <http://www.texasappleseed.net/pdf/Pipeline%20Report.pdf>.

² Daniel J. Losen and Jonathan Gillespie, *Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School* (The Center for Civil Rights Remedies at The Civil Rights Project at UCLA, August 2012), 13, <http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/upcoming-ccrr-research/losen-gillespie-opportunity-suspended-2012.pdf>.

Note that the data used in Losen and Gillespie's report are from the federal Department of Education's Civil Rights Data Collection for the 2009-10 school year and were provided by a nationwide representative sample of school districts. This report, by contrast, uses data provided directly from DCPS and PCSB for school year 2011-12, which may not be readily comparable to the available national figures.

³ Daniel J. Losen and Tia Elena Martinez, *Out of School & Off Track: The Overuse of Suspensions in American Middle and High School* (The Center for Civil Rights Remedies at The Civil Rights Project at UCLA, April 8, 2013), 3-10, http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/out-of-school-and-off-track-the-overuse-of-suspensions-in-american-middle-and-high-schools/OutofSchool-OffTrack_UCLA_4-8.pdf.

⁴ Deborah Fitzgerald Fowler, *Texas' School-to-Prison Pipeline: Dropout to Incarceration*, 26-27.

⁵ Tony Fabelo et al., *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (Council of States Governments Justice Center and The Public Policy Research Institute, Texas A&M University, July 2011), 59, http://justicecenter.csg.org/files/Breaking_Schools_Rules_Report_Final.pdf.

⁶ *Ibid.*, 70-71.

⁷ This report employs two primary datasets. For DCPS, it uses the Student Behavior Tracker Weekly Principals Report for the 2011-2012 school year. This dataset is regularly produced by DCPS and was provided to DC Lawyers for Youth in response to a Freedom of Information Act request. For PCSB, the report uses the School Year 2011-12 Suspension and Expulsion Rates by Public Charter School file, available on PCSB's website. Throughout, all statistics are from these sources unless otherwise cited in an accompanying endnote. Both datasets are available for download accompanying this report.

Student Behavior Tracker Weekly Principals Report SY11-12 (District of Columbia Public Schools, 2012).

School Year 2011-2012 Suspension and Expulsion Rates by Public Charter School (District of Columbia Public Charter School Board, September 26, 2012), http://www.dcpubliccharter.com/data/images/copy%20of%20council_attendance_discipline_by_school_09_26_2012.pdf.

⁸ David A. Catania, *Attendance Accountability Amendment Act of 2013*, 2013, <http://dcclims1.dccouncil.us/images/00001/20130606110822.pdf>.

⁹ Note that the figures in this report include all suspensions, whether they are off-site suspensions or on-site suspensions. Some schools employ only off-site suspensions, while others employ on-site suspensions as well. DCPS provided data disaggregating the number of on-site suspensions from the total, and in the DCPS system they represent 11.2% of all suspensions. However, PCSB did not publish separate on-site suspension statistics. To make the numbers more straightforward to compare, when this report cites figures for suspensions, they include both types unless otherwise indicated.

¹⁰ Education campuses serve a range of grades different than a traditional elementary school, middle school, or high school. The vast majority of DCPS education campuses serve kindergarten through 8th

grade students, but some also include pre-kindergarten, and one (Columbia Heights EC) serves 6th through 12th grade students.

“DCPS School Profiles Home: Find A School,” *DC Public Schools, Washington, DC*, accessed May 7, 2013, <http://profiles.dcps.dc.gov/>.

¹¹ One complicating factor in the analysis is the distinction between on-site and off-site suspensions. Across DCPS schools, on-site suspensions make up 11% of all suspensions. However, some of the schools in Table 2 are outliers, with a far greater proportion of their reported suspensions occurring on-site. Schools with above 11% of their suspensions occurring on-site are indicated with an asterisk.

¹² PCSB did not report the number of students suspended in each of the schools it oversees, but instead the number of students with a “discipline event,” defined as either a suspension or expulsion. Given that very few, if any, students are expelled without first having been suspended at least once, this report treats the number of students with a discipline event as a reliable estimate of the number of students with a suspension.

¹³ Data presented in this section are strictly from DCPS because PCSB schools did not publicly report any data on the behaviors resulting in suspensions from their students.

¹⁴ *Disciplinary Responses to Student Behavior (DCPS Student Discipline Policy, DCMR Chapter 25)* (District of Columbia Public Schools, August 2009), <http://dc.gov/DCPS/Files/downloads/SCHOOLS/Youth%20Engagement/DCPS-Student-Discipline-Policy-Tiers-August-2009.pdf>.

¹⁵ On a related note, for the 2011-12 academic year, eight DCPS schools reported that that one of the most common behaviors resulting in suspension was “leaving school without permission.” If a student is attempting to leave school, punishing the student by banning him or her from campus seems unlikely to be effective.

¹⁶ *Grounds for Disciplinary Action, 5-B DCMR § 2502, 2009*, <http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=5-B2502>.

¹⁷ Ibid.

¹⁸ *General Policy, 5-B DCMR § 2500, 2009*, <http://www.dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=5-B2500>.

¹⁹ Note that one possible source of distortion in these data is different distributions of students by age. For example, if one ward had far more elementary school students than a neighboring ward, the former’s suspension rate would likely appear lower not due to differences in policy or practice, but simply due to the different population. Given that data have not currently been provided in a grade-by-grade format for both DCPS and PCSB, it is not possible to adequately account for this effect. However, a review of the distribution of elementary, middle, and high schools in DCPS revealed similar trends within these subcategories as in the aggregate data. Therefore, this report makes the preliminary conclusion that there is geographic disproportionality in school discipline events independent of age-distribution effects.

²⁰ DCPS racial enrollment statistics were obtained through a Freedom of Information Act request. Poverty figures were gathered from “Neighborhood Profiles,” *Neighborhood Info DC*, n.d., <http://www.neighborhoodinfodc.org/profiles.html>. One limitation of these data is that students may not attend school within their ward. Suspension-level data would provide more reliable evidence about the relationship between a student’s race, socio-economic background, and likelihood of suspension.

²¹ The readily apparent explanation for these data is that a select few charter schools are actually relying more heavily on expulsion as a disciplinary tool. However, another possible explanation is that other schools are underreporting their use of expulsion or counseling students into voluntary withdrawal rather than executing formal expulsions.

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- ²³ Tony Fabelo et al., *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*, 25–29.
- ²⁴ *Ibid.*, 26–32.
- ²⁵ *Ibid.*, 59.
- ²⁶ *Ibid.*, 70.
- ²⁷ Russell Skiba et al., *Are Zero Tolerance Policies Effective in the Schools* (The American Psychological Association Zero Tolerance Task Force, August 9, 2006), 46, <http://www.apa.org/pubs/info/reports/zero-tolerance-report.pdf>.
- ²⁸ Tary Tobin, George Sugai, and Geoff Colvin, "Patterns in Middle School Discipline Records," *Journal of Emotional and Behavioral Disorders* 4, no. 2 (April 1996): 82–94.
- ²⁹ Elizabeth Stearns and Elizabeth J. Glennie, "When and Why Dropouts Leave High School," *Youth and Society* 38, no. 1 (September 2006): 53.
- ³⁰ Dottie Carmichael, Guy Whitten, and Michael Voloudakis, *Study of Minority Over-Representation in the Texas Juvenile Justice System* (The Public Policy Research Institute, Texas A&M University, October 2005), 24, <http://dmcfinalreport.tamu.edu/DMRFinalReport.pdf>.
- ³¹ Russell Skiba et al., *Are Zero Tolerance Policies Effective in the Schools*, 5.
- ³² American Academy of Pediatrics, "Out-of-School Suspension and Expulsion," *Pediatrics* 131, no. 3 (March 2013): 2, doi:10.1542/peds.2012-3932.
- ³³ Catherine P. Bradshaw, Tracy E. Waasdorp, and Philip J. Leaf, "Effects of School-Wide Positive Behavioral Interventions and Supports on Child Behavior Problems," *Pediatrics* (October 15, 2012), doi:10.1542/peds.2012-0243.
- ³⁴ Robert H. Horner, George Sugai, and Cynthia M. Anderson, "Examining the Evidence Base for School-Wide Positive Behavior Support," *Focus on Exceptional Children* 42, no. 8 (April 2010), <http://www.uconnucedd.org/lend/readings/2011/pdfs/Session%2022%20-%20March%204,%202011/horner%20sugai%20anderson%202010%20evidence.pdf>.
- ³⁵ Daniel J. Losen and Jonathan Gillespie, *Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School*, 35–36.
- ³⁶ David Osher et al., "How Can We Improve School Discipline," *Educational Researcher* 39, no. 1 (2010): 48–58.
- ³⁷ Ted Wachtel, *Defining Restorative* (International Institute for Restorative Practices, 2013), 3–4, <http://www.iirp.edu/pdf/Defining-Restorative.pdf>.
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Justice in Schools: Learning from Jena High School,” *Harvard Civil Rights-Civil Liberties Law Review* 44 (2009), <http://harvardcrcl.org/wp-content/uploads/2009/07/547-570.pdf>.

⁴¹ *School Discipline and Academic Success: Related Parts of Maryland’s Education Reform* (Baltimore, Maryland: The Maryland State Board of Education, July 2012), 1, <http://www.marylandpublicschools.org/NR/rdonlyres/42ED8EDA-AF34-4058-B275-03189163882D/32853/SchoolDisciplineandAcademicSuccessReportFinalJuly2.pdf>.

⁴² *Ibid.*, 19–25.

⁴³ *Code of Conduct 2012-13* (Baltimore, Maryland: Baltimore City Public Schools, n.d.), 12–13, <http://www.baltimorecityschools.org/cms/lib/MD01001351/Centricity/domain/87/pdf/20120709-Code-English-FINAL.pdf>.

⁴⁴ Christine A. Cichan, “Highlight: Baltimore City Public Schools’ School Discipline Reform Efforts,” *Fix School Discipline*, n.d., <http://www.fixschooldiscipline.org/toolkit/baltimore/>.

⁴⁵ Dakarai I. Aarons, “Fewer Black Males Drop Out in Baltimore Schools,” *Education Week*, November 3, 2010, <http://www.edweek.org/ew/articles/2010/11/03/10baltimore.h30.html?print=1>.

⁴⁶ Teresa Watanabe, “L.A. Unified Bans Suspension for ‘Willful Defiance’,” *Los Angeles Times*, May 14, 2013, <http://articles.latimes.com/2013/may/14/local/la-me-laUSD-suspension-20130515>.

⁴⁷ *Los Angeles Unified School District Parent Student Handbook* (Los Angeles: Los Angeles Unified School District, 2012), 24, http://home.lausd.net/pdf/Families_Forms/Parent_Student_Handbook_2012-13_English.pdf.

⁴⁸ Watanabe, “L.A. Unified Bans Suspension for ‘Willful Defiance’.”

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ Teresa Watanabe, “LAUSD Board Could Ban Suspensions for ‘Willful Defiance’,” *Los Angeles Times*, May 12, 2013, <http://articles.latimes.com/2013/may/12/local/la-me-adv-laUSD-discipline-20130513>.

⁵² David A. Catania, *Attendance Accountability Amendment Act of 2013*.

⁵³ See a full list of evidence-based delinquency prevention programs at Crime Solutions.gov.

“Juveniles: Delinquency Prevention,” *Office of Justice Programs: Crime Solutions*, n.d., <http://www.crimesolutions.gov/TopicDetails.aspx?ID=62>.

⁵⁴ *Elementary/Middle Schools PMF Task Force Meeting Minutes* (Public Charter School Board Elementary/Middle Schools PMF Task Force, March 26, 2013), http://pcsb-pmf.wikispaces.com/file/view/ESMS_taskforce_minute_3%2026%2013.pdf/419531760/ESMS_taskforce_minute_3%2026%2013.pdf.