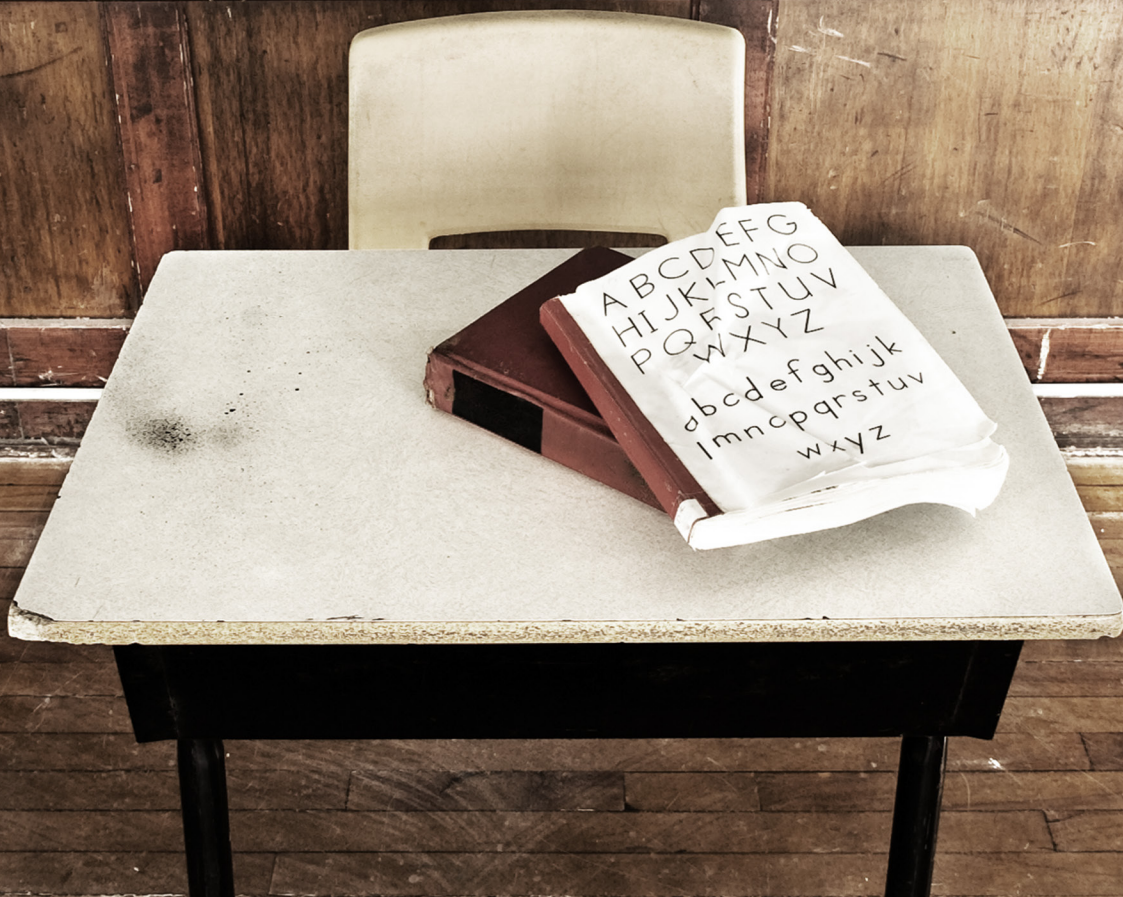


New for 2018

The Unequal Impact of Suspension on the Opportunity to Learn in California:

What the 2016-17 Rates Tell Us About Progress

By Daniel J. Losen and Kacy Martin



The Center for Civil Rights Remedies

at The Civil Rights Project | *Proyecto Derechos Civiles*

Acknowledgements

A special thank you to The California Endowment for funding this research and for their ongoing support for our work in California. We want to thank Dody Riggs for her thorough editing support. We are always grateful to Laurie Russman, the administrative point person at The Civil Rights Project, for her assistance. Finally, a warm thank you for the leadership, wisdom, and oversight of CRP's co-directors, Gary Orfield and Patricia Gándara.

Table of Contents

Introduction

Statewide Trends In Days Of Lost Instruction Show Racial Gap Wide Despite Important Narrowing

Grades 7-8 Show Greatest Lost Instruction And Largest Disparities

Students Of Color With Disabilities Lose Far More Instruction Than Their White Peers

District Level Analyses:

Suspensions For Disruption Or Defiance Contribute More To Lost Instruction In Districts With The Highest Rates And Largest Gaps

No Signs Of Chaos From Declines In Use Of Suspensions For Disruption Or Defiance

Recommendations

References

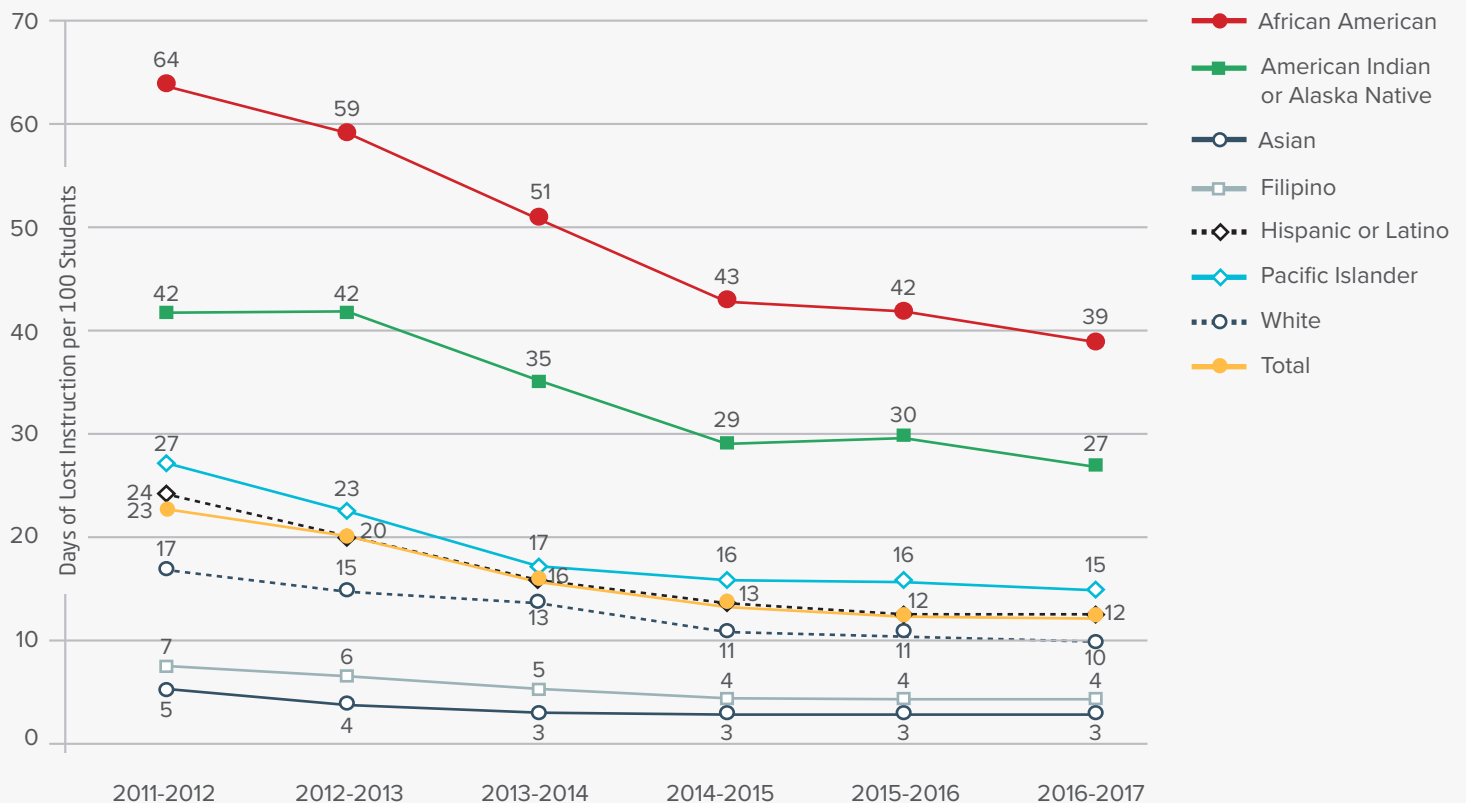
Appendix

Introduction

In 2016-17, schoolchildren in California lost an estimated 763,690 days of instruction time, a figure based on the combined total of 381,845 in-school suspensions (ISS) and out-of-school suspensions (OSS). When compared to similar estimates of days lost due to discipline from prior years (Losen et al, 2015, 2017) our straightforward estimates indicate that students are in fact losing far fewer days of instruction in 2015-16 than they were in 2011-12 after accounting for differences in enrollment. By translating the underlying suspension rates into conservative estimates of the resulting lost instruction, this report intentionally highlights the unequal educational impact of suspensions.

California has been engaged increasingly in discipline reform efforts at the state and local level for well over six years. The subgroup trend lines describing the rates of lost instruction per 100 students make it clear that the racial gap has indeed narrowed. This conclusion may appear to contradict recent media coverage suggesting that, despite a reduction in suspensions overall, the disparities remain unchanged.¹ The six-year trend lines in Figure 1 indicate that Blacks students had the highest rate of lost instruction per 100 in 2011-12, and that they have experienced the steepest decline in rates of lost instruction of all racial groups.

Figure 1: Six-Year Narrowing of the Racial Gap in Days of Lost Instruction per 100 Students (2011-12 to 2016-17)



Statewide Trends in Days of Lost Instruction Show Racial Gap Still Large Despite Important Narrowing

Since 2011-12, the number of days of lost instruction per 100 students has been lower each school year than in the previous year across all racial groups; however, the trend lines also suggest that these declining rates are starting to level off. Figure 1 illustrates how lost days per 100 dropped overall by nearly half (from 23 to 12.0) between 2011-12 and 2016-17. For Black students, the rate of days lost per 100 students declined from 64 in 2011-12 to a lower, but still disturbing, 39 in 2016-17. The rate for Latino students fell from 24 to 12 days of lost instruction, and for Native American students from 42 to 27 days lost—a much lower rate, yet still comparatively high.

Using the same formula developed in our prior reports (we assign two days for each suspension), we estimate the number of days of instruction lost due to suspension by simply doubling the reported rates of suspension per 100 enrolled students. Note that those underlying suspension rates are not estimates, which means that all the observed trends for days of lost instruction apply equally to trends in the rate of suspensions.

We chose to use two days per suspension because our analyses of several districts that did track and report their data on days of lost instruction concluded that students on average lose at least two days for each suspension. Based on additional research, an average of two days per suspension is a conservative estimate of lost instruction time per suspension. (See the appendix for a detailed description of the research behind our estimate.) Furthermore, detailed data on reported days of lost instruction due solely to out-of-school suspensions for the 2015-16 school year were collected and reported publicly by the U.S. Department of Education Office for Civil Rights

(OCR). OCR's data are the first comprehensive collection and therefore cannot be used to show trends. The most important difference between our data and OCR's is that our estimates include both ISS and OSS. Despite the fact that our estimates covered more types of disciplinary removal, they were still only slightly higher than the actual amount of lost instruction due to OSS collected and reported by OCR.²

Much of the reduction in lost instruction can be attributed to a reduction in the use of suspensions to respond to minor behaviors in all grades. Equally important is that there is no evidence of an offsetting statewide increase in serious, unlawful, or dangerous behavior among students. Of course, if there were such an offset, it would be inappropriate to assume the policy change was the cause. The lack of any large increase in dangerous behavior that offsets the sizeable decrease in suspensions for disruption or defiance casts doubts on the validity of the assertion that frequent suspensions for minor behaviors are necessary to prevent school-based violence or essential to student safety. The California trends run counter to predictions that reducing suspensions would bring disorder to California's schools.³

Readers should note that this report picks up where our prior report, "Lost Instruction: The Disparate Impact of the School Discipline Gap in California," left off, and it includes some of the same data from earlier years as part of our six-year trend lines. In the appendix, readers can also find the underlying ISS and OSS suspension rates for each year. Each type of suspension shows consistently declining rates overall, and for each subgroup. Importantly, the larger decline in OSS does not appear to be offset by any increase in ISS (see appendix, Tables 15 and 16).

Despite the meaningful progress made in California, and the clear narrowing of the racial gap, the racial differences in the impact of disciplinary removal implicates serious inequities in educational opportunity. Because these profound differences remain, the majority of this report focuses on estimates of the amount of instruction time lost in 2016-17 due to both ISS and OSS, statewide and for every district.

One area covered for the first time by this report is the grade-span analysis. The grade-span analyses include a unique examination of the impact of suspensions under the catch-all category of minor behavior known as “disruption or defiance,” including how this category adds to the observed inequities. This report, along with the companion spreadsheet, also provides the most up-to-date analyses available of the estimated instruction time lost due to “disruption or defiance” suspensions for students with disabilities, further disaggregated by major racial/ethnic subgroups.

This influx of new information is timely for several reasons, including the fact that school discipline is one of the non-academic indicators for statewide accountability in California. Moreover, in September 2018, a majority in the California legislature voted to expand the existing prohibition on suspension for disruption or defiance in grades K-3⁴ to include grades K-8; as of this writing, however, the bill has not been signed into law. Also noteworthy is that the Trump administration’s Education Department has sent a clear signal that its OCR plans to scale back civil rights enforcement around school discipline, and in particular is considering rescinding the agency’s guidance that encourages districts to review school discipline policies for possible legal implications where disparities are caused by unjustified policies or practices. As noted in our prior reports, several school districts in California have entered into agreements with OCR to change discipline policies and practices including Los Angeles and Oakland.⁵

Grades 7-8 Show Greatest Lost Instruction and Largest Disparities

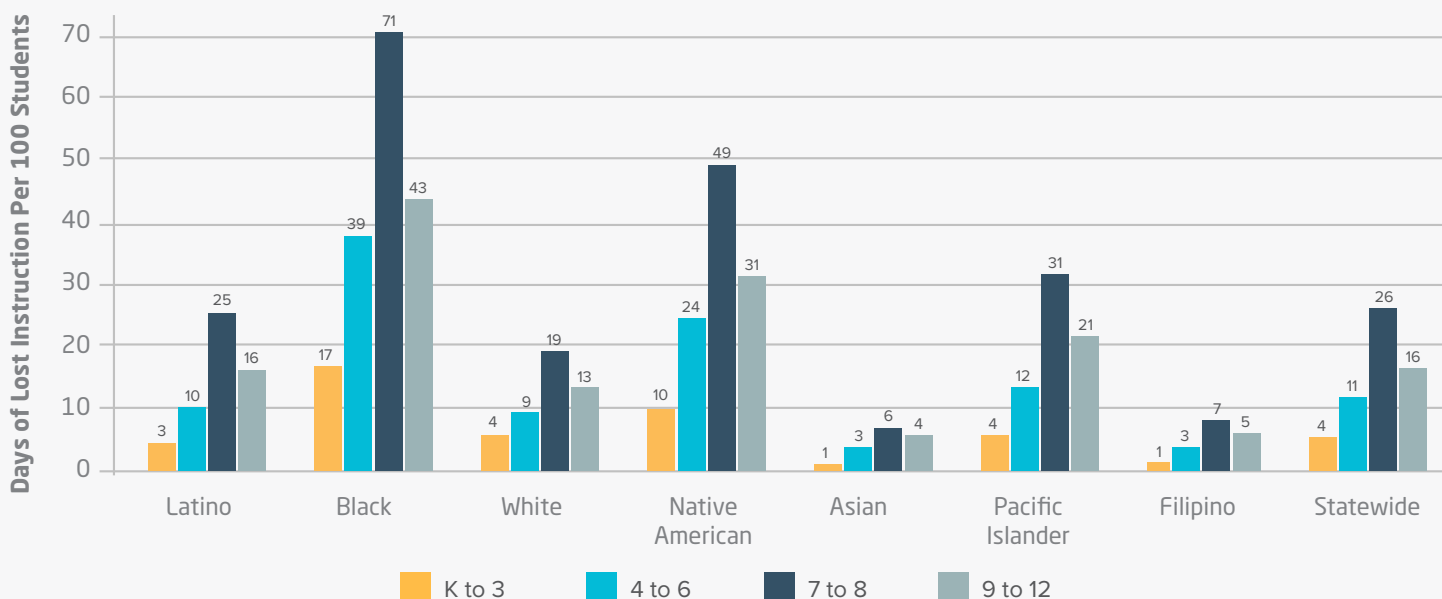
Lost Instruction: Statewide Rates by Race and Grade Span in 2015-16

A close look at statewide grade-level suspension rates for the most recent year shows that the rate is lowest in grades K-3, with a total of 38,628 suspensions; this translates into more than 77,000 days of lost instruction. Despite a state-mandated ban on suspensions for the category of disruption or defiance in K-3, about 2,000 were reported, which add up to more than 4,000 days of lost instruction. Some elementary schools are still meting out suspensions in these grades for minor disruptive behavior, so while there has been a dramatic reduction, the legislated restriction clearly has not been fully implemented. However, in this

grade span, students lose far fewer days of instruction due to discipline than at higher grade levels. This holds true for every racial/ethnic subgroup.

One of the most striking racial differences is that Black K-3 students lost 13 more days per 100 students enrolled than the statewide average for all students in the lower elementary grades (17 versus 4). Figure 2 illustrates this disproportionality. Moreover, the rate of days lost per 100 Black students in grades K-3 was higher than the aggregate rate for all students in grades 9-12. Even more noticeable, however, is that the most lost instruction for every racial group occurred in grades 7-8.

Figure 2: Days of Lost Instruction for Students by Race and Grade Level, 2016-17



Dramatically Higher Rates in Grades 7-8 Raise Serious Concerns

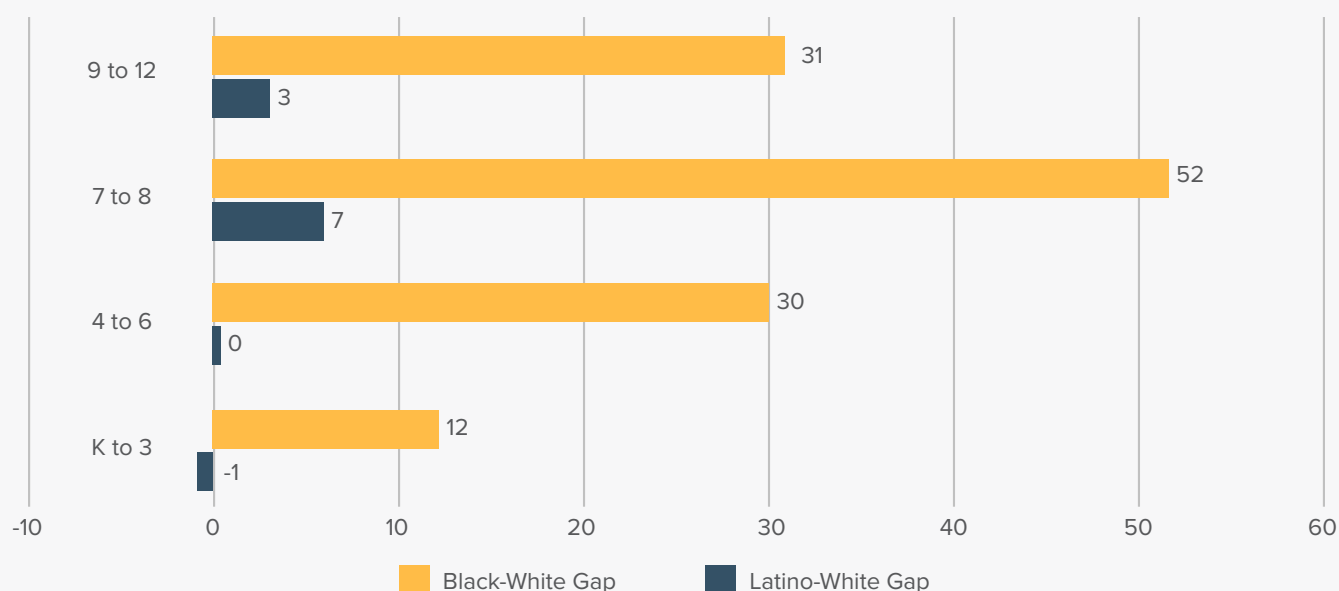
Within each racial group, the increase in the rate of lost instruction, in absolute terms, was greatest between the 4-6 and 7-8 grade spans. In terms of the size of the increase in lost days of instruction, the rate for Latino students in grades 7-8 increased by 15 days per 100 students; by 25 days per 100 Native Americans; and by 32 days per 100 Black students.⁶ These high middle school rates are especially troubling considering that a robust Texas study that tracked every middle school student in the state for six years indicated that being suspended in middle school dramatically increased the risk for dropping out and for involvement in the juvenile justice system, after controlling for numerous other variables linked to these outcomes (Fabelo et al., 2011; Noltemeyer, Ward, & Mcloughlin, 2015). An earlier Brookings report analyzed school and grade-level patterns in California through 2014-15, with similar results to the more recent results we document in this report. Loveless et al. (2017) found that middle schools had noticeably higher suspension rates than others. Our related research studies find that suspensions in high school predict a much higher probability of dropping out, after controlling for other reasons students fail to graduate. Our recent statewide report, which tracked every tenth-grade student in the state for three years, estimated that suspensions alone contributed to a 6.5-point lower graduation rate for

one student cohort (Rumberger & Losen, 2017). A recent national study that tracked individual students for 12 years, from elementary school into adulthood, and compared similarly situated youth, found that suspensions likely contributed to higher dropout rates and higher risk for incarceration (Rosenbaum, 2018).

While rates of lost instruction are greatest in middle school, we also should consider that students who get suspended in middle school and early in high school are more likely to drop out than those not suspended (Balfanz, 2014, Rumberger & Losen, 2017). Moreover, the higher dropout rates among those frequently suspended likely impact the lower suspension rates at the high school level. If we consider that experiencing suspension likely causes some proportion of school-aged students to drop out, and to subsequently miss years of instruction, we cannot assume that the largest educational impact from lost instruction due to discipline is on middle school students.

Also worth noting is that grade 7-8 students are found in schools with a wide variety of grade configurations and a recent report that focused on school level suspensions in California found that the grade 7-8 suspension rates tend to be lower in schools configured for grades K-8 than they are for middle schools not containing lower elementary grades (Loveless, 2017).

Figure 3: Racial Gap in Days of Lost Instruction per 100 Students by Grade-Level Band



The rate at which students lose instructional time due to suspension varies by both race and grade level, but the most disproportionate impact from suspensions is evident at the middle school level. For example, Latino students in grades 7 and 8 (combined) are suspended at a higher rate than White students, namely they lost 7 more days per 100 students. This finding is particularly alarming when comparing the racial gap in middle school to that in the lower grades. In both K-3 and 4-6, Latino students are suspended at roughly the same rate as their White peers. In middle school, however, Latinos lose substantially more instruction time. While the gap between Black and White students is far higher than the Latino-White gap at all grade levels, Black students in grades 7 and 8 lose 52 more instructional days per 100 students than White students. The Black-White gap in the lower grades is also considerable

(12 additional lost days per 100 students for Black K-3 students and 30 more lost days in grades 4-6).

The gap between days of lost instruction for Black and Latino students narrows at the high school level. Black students lose 31 more days of instruction than their White peers, a rate similar to the racial gap at the 4-6 grade level. Latino high school students lose three more instructional days than White students, which is less than half of the disparity at the middle school level. While encouraging at first glance, this reduced disparity among high school students may be due to students dropping out, rather than because schools have successfully remediated those with consistent behavior challenges. Previous studies (Ginsburg et al., 2014; Rosenbaum, 2018) have demonstrated a positive relationship between suspensions

and dropout rates and support an inference that the narrower lost instruction racial gap in high school is related to disproportionate dropouts. In other words, if disparities in suspensions in earlier years contributed to disproportionate dropout rates, they may also be part of the reason we see a smaller racial gap in the days of lost high school instruction.

One very positive development is that at all grade configurations, the rates for lost instruction have consistently dropped each year since 2011-12. The most apparent reason is a steady reduction in the numbers of students removed for disruptive behavior. Tables 6-12 in the appendix detail the rates of lost instruction due to all reasons for suspension, and for disruption only, at grade levels K-3, 4-6, and 7-8. The overall decrease

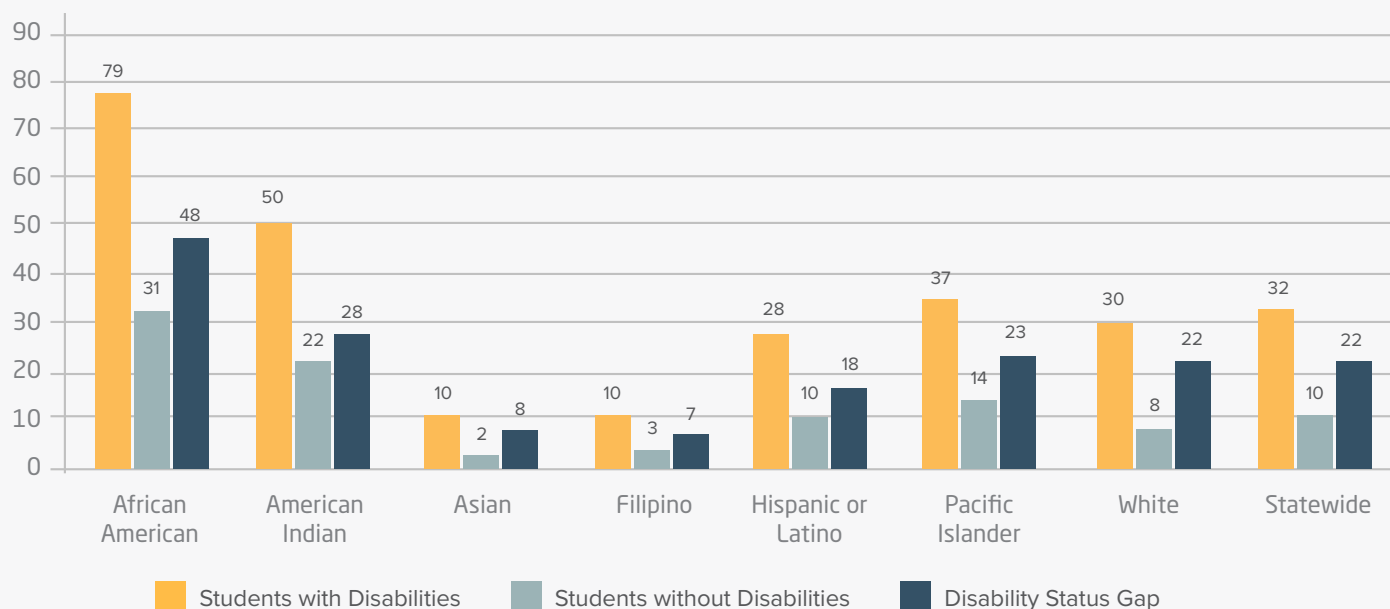
in suspensions, as well as the reduced racial gap, likely reflects districts' and schools' efforts to address the disproportionate impact of suspensions on students of color. However, the large gaps that persist between Black and White students, particularly at the middle school level, should bring a sense of urgency to the efforts of lawmakers and district officials. It is also worth noting that in 2016-17 there were an estimated 156,484 days of lost instruction for disruption/defiance in all. Of that number, 49,386 were due to suspensions for disruption/defiance in grades 7-8, alone. In other words, this span of just two grades in middle school accounted for a disproportionate 32% of all the days of instruction lost under the catchall "disruption or defiance" category.

Students of Color With Disabilities Lose Far More Instruction Than Their Peers

Federal law requires that districts provide disciplinary due process protections in order to prevent the unjust and unlawful disciplinary removal of students with disabilities for behaviors that are a manifestation of those disabilities. While it is never lawful to exclude children from school because they have a disability, the federal procedural protections against unjust disciplinary removal are only triggered when the number of days lost (10) is far greater than the average two-day suspension. The large observed differences documented here beg the question, “If students with disabilities are not being suspended

because of behavior caused by their disabilities, why do they consistently end up losing at least twice as many days of instruction as their non-disabled peers in nearly every district?” Data showing that students with disabilities lose 22 more days of instruction **per 100 enrolled** than those without disabilities is insufficient proof that administrators are unlawfully removing students for behavior caused by their disabilities. However, these profound differences certainly suggest that the current safeguards are not adequately protecting students with disabilities from unjust, and unlawful, removal.

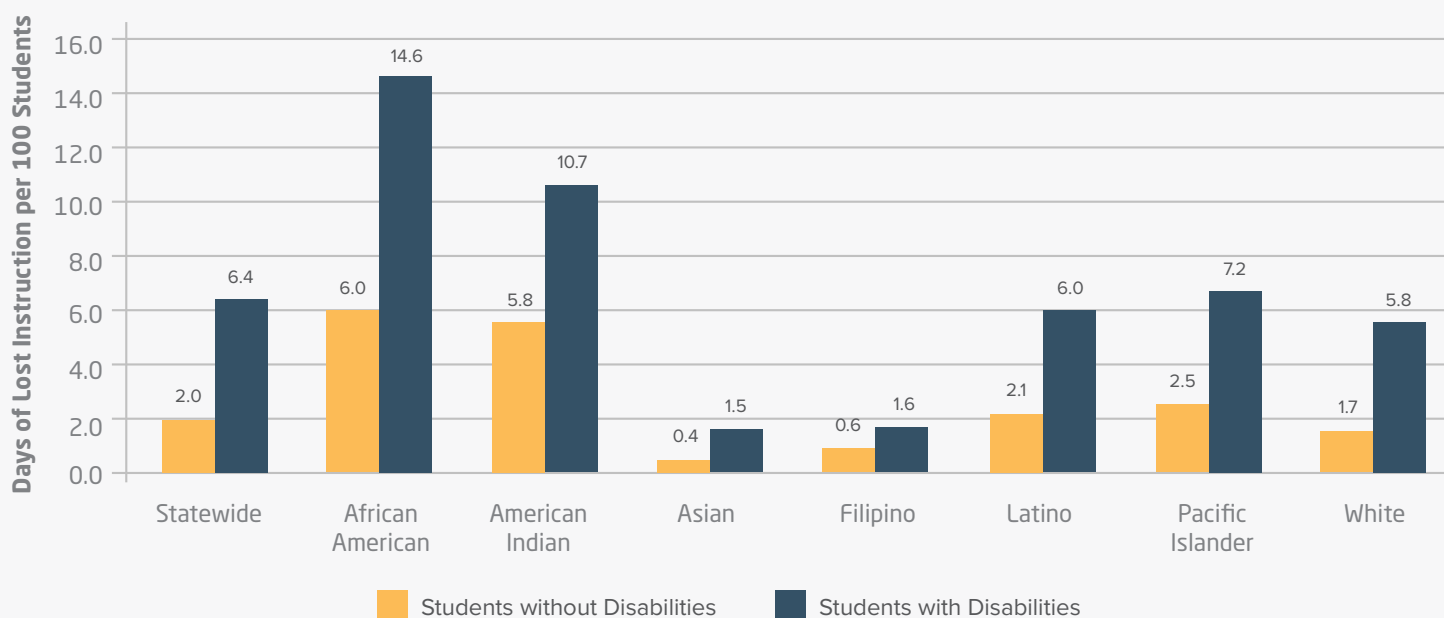
Figure 4: Statewide Days of Lost Instruction per 100 Students for Students with and without Disabilities by Race, 2016-17



Within each racial group, the columns in Figure 4 compare the days lost per 100 students with disabilities to days lost for students without disabilities. Asian American students with disabilities lost 8 more days per 100 than their Asian peers without disabilities. If expressed as a ratio, Asian American students would have the largest disparity within their group, at five times that of their non-disabled peers. However, the absolute differences represented in the grey columns show much larger gaps in lost instruction for Black and Native American youth: the gaps of 48 and 28 more days lost, respectively, are far greater than the difference of 8 days experienced by Asian Americans.

What is more striking is that among the greatest differences in days of lost instruction are experienced by Black and Native American students with disabilities compared to those from other racial groups. For example, Black students with disabilities lost 49 more days per 100 enrolled than White students with disabilities. However if we compared Black students with disabilities to White students without disabilities the difference in lost instruction rises to 71 more days per 100 than White students without disabilities. We also find large racial disparities in lost instruction by race among students with disabilities when the impact is narrowed to the disruption or defiance category..

Figure 5: Days of Lost Instruction Attributed to Disruption/Defiance for Students with and without Disabilities by Race, 2016-17



When schools make the decision to mete out suspensions for minor misbehaviors to students with disabilities, such suspensions contribute significantly to the much greater loss of instruction these students experience than their peers. In California in 2016-17, students with disabilities lost four more days of instruction for minor behaviors than their peers without disabilities (6.4 versus 2 days). As mentioned, if behavioral problems are caused by a disability, denying access to instruction based on such behavior is unlawful discrimination. In such cases, the Individualized Education Programs (IEPs) of students with disabilities should reflect a behavioral assessment and contain a behavioral improvement plan based on the students' individualized needs. By definition, effective behavioral plans are those that ensure that students whose minor misbehaviors are a manifestation of their disability do not lose instruction time due to suspension from school for those disability-linked behaviors.

In addition, the gap in days lost due to disruption or defiance is far wider for Black and Native American students with disabilities than for most other racial groups. Black students with disabilities lost 8 more days per 100 students for minor misbehaviors than all students with disabilities in California in 2016-17, and nearly 13 more days than the statewide rate for all students without disabilities. These differences might be attributable to a number of factors including implicit cultural and racial bias that affects educators' decisions to suspend students of color with disabilities in circumstances that they might otherwise attempt to remediate, rather than to simply punish students struggling to meet classroom expectations (Okonofua & Eberhardt, 2015); (Gilliam et al., 2016).

District Analysis Reveals Greater Losses and Larger Gaps

Analysis of Rates of Lost Instruction for Every District in 2016-17, by Race

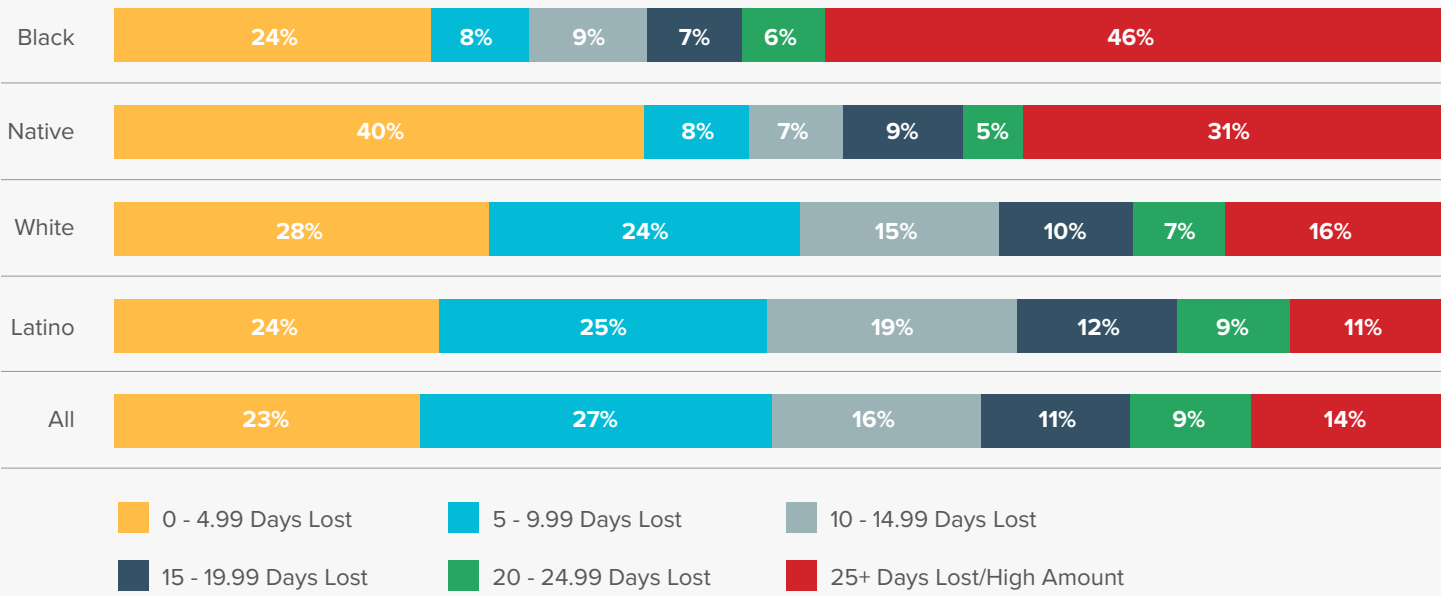
At the district level, there can be much greater racial inequity in the amount of time students are typically out of the classroom due to suspension. One way to understand this inequity is to look at the racially distinct distribution of rates of lost instruction by race. Figure 6 displays our distribution findings for each racial group, side by side.

Consistent with the methodology in our previous study, we label 25 or more days of missed instruction as “high,” as it approximates the number of days missed when we add one standard deviation to the statewide rate of 13.7 days per 100 enrolled. The distribution was calculated by dividing the number of districts in which students lost a particular range of days of instruction by the total number

of districts that enroll more than five students in that corresponding demographic category. For example, we found 678 districts with more than five Black students enrolled. Of these districts, 315 (46%) had a rate of days lost for Black students that was *at least* 25 days per 100 enrolled. Similar to Black students, in a large proportion of the districts Native American students attended (31%), they experienced lost instruction at a rate of at least 25 days per 100 enrolled.

In comparison, disregarding racial differences, 14% of all the districts had rates of 25 days lost per 100 enrolled. Furthermore, we found that Latino students in 11% of the districts they attended experienced rates of at least 25 days lost per 100 enrolled. That is a lower share of districts than the 16% of districts where White students experienced these high rates of lost instruction.

Figure 6: Distribution: Percentage of School Districts by Range of Days of Missed Instruction (per 100 enrolled) by selected racial groups, 2016-17



At the lowest end of the distribution, about 23% of districts had overall rates of 0 to 4.99 days of lost instruction time per 100 enrolled. Furthermore, 24% of districts with at least five Black students enrolled and 40% of districts serving Native American students also had rates of lost instruction at the lowest end of this distribution. In other

words, it's likely that about one-quarter of all districts in the state have minimized lost instruction due to discipline and have achieved low rates for all racial groups they serve. It is possible that many districts on the lowest end are elementary school districts. Future analyses will examine district distribution after controlling for grade levels served.

Suspensions for Disruption or Defiance Contribute More in Districts With Highest Rates and Largest Gaps

The individual district disparities highlighted in the remainder of this report are far greater than the statewide differences overall, as well as far greater in the category of disruption or defiance. In Table 1 we highlight the 25 districts where the frequent use of suspension had the greatest impact on instruction for all students in 2016-2017. In Table 2 we examine the districts we flagged in 2014-15, and how the rates for the largest racial/ethnic

subgroups have since changed. Next, this report takes a closer look at the districts with the largest racial gaps for 2016-17 and describes the percentage of all lost instruction that is attributed to suspensions for disruption or defiance (Tables 3 & 4). We hope to take a closer look at the most successful districts in California in future reports, and to better define and understand what makes some districts more effective than others.

Table 1: California's 25 Districts with the Highest Number of Days of Lost Instruction (All Students), with Further Disaggregation for Selected Subgroups, 2016-17

District	All Students	Black Student Days Lost Per 100		Latino Student Days Lost Per 100		White Student Days Lost Per 100	
	All Behavior	All Behavior	Disruption	All Behavior	Disruption	All Behavior	Disruption
Oroville Union High	87	251	184	89	50	85	49
Mojave Unified	53	102	10	25	3	42	6
Ceres Unified	52	89	52	51	34	64	30
Oroville City Elementary	51	136	52	44	7	49	8
Konocti Unified	49	59	13	37	8	55	10
Lemoore Union High	46	46	17	54	32	28	11
Antioch Unified	45	95	46	29	15	26	11
Morongo Unified	44	86	28	39	13	42	12
John Swett USD	44	44	15	28	3	39	6
Barstow Unified	43	114	28	26	5	29	4
Tracy Joint Unified	41	76	40	46	27	35	19
Vallejo City Unified	37	76	15	22	5	32	5
Petaluma Joint Union High	35	45	36	54	33	26	13
Weaver Union	35	102	33	34	12	38	11
Palo Verde Unified	34	79	16	32	7	27	5
Antelope Valley Union High	34	89	23	22	7	16	4
Lancaster Elementary	33	73	11	16	2	14	2
Twin Rivers Unified	33	77	20	26	8	24	6
Stockton Unified	32	95	24	24	5	43	10
Southern Kern Unified	31	97	25	19	8	30	9

Table 1: Continued

District	All Students	Black Student Days Lost Per 100		Latino Student Days Lost Per 100		White Student Days Lost Per 100	
	<i>All Behavior</i>	<i>All Behavior</i>	<i>Disruption</i>	<i>All Behavior</i>	<i>Disruption</i>	<i>All Behavior</i>	<i>Disruption</i>
Kern High	30	81	14	28	7	26	5
Redding Elementary	29	56	7	39	11	27	8
Santa Rosa High	29	59	14	35	9	20	4
Fresno Unified	28	73	11	26	5	28	4
Eureka City Schools	28	79	13	24	3	29	2
Average	41	88	31	35	13	35	11

*Excludes county offices of education and special schools. Includes only districts with >1700 students and >75 Black, Latino, and White students enrolled

To highlight the fact that many districts have improved, Table 2 presents the same list we used two years ago and notes whether the amount of lost instruction decreased or increased. Most districts reduced their suspension rates

considerably. In fact, from our list of the highest suspending districts in California in 2014-15, only 11 were still among the highest suspending in 2016-17.

Table 2: Two-Year Difference in California's 25 Districts with Most Days of Lost Instruction per 100 Enrolled in 2014-15

District	Days of Missed Instruction 2014-15	Days of Missed Instruction 2016-17	Difference in Days of Missed Instruction 2014-15 to 2016-17	District on 25 Highest Suspending List in 2016-17
Sausalito Marin City	106	23	-83	No
Mojave USD	82	53	-29	Yes
Vallejo City USD	55	37	-18	Yes
Weaver Union	53	35	-19	Yes
Ceres USD	52	53	0	Yes
Barstow USD	48	43	-4	No
Woodland Joint	47	27	-20	No
Manteca USD	47	23	-23	No
Antioch USD	46	45	-2	Yes
Stockton USD	46	32	-14	Yes
Victor Valley Union High	46	26	-21	No

Table 2: Continued

<i>District</i>	Days of Missed Instruction 2014-15	Days of Missed Instruction 2016-17	Difference in Days of Missed Instruction 2014-15 to 2016-17	District on 25 Highest Suspending List in 2016-17
Tracy Joint USD	45	41	-5	No
Kern High	44	30	-14	Yes
Morongo USD	41	44	3	Yes
Antelope Valley Union High	39	34	-5	Yes
Palo Verde USD	39	34	-5	Yes
John Swett USD	39	45	6	Yes
Madera USD	39	27	-12	No
Merced City Elementary	39	17	-22	No
Konocti USD	38	49	11	Yes
Washington USD	37	16	-21	No
Twin Rivers USD	35	33	-2	No
Fairfield-Suisun	34	25	-9	No
Marysville Joint	34	27	-7	No
Yuba City USD	33	26	-7	No
Average	47	34	-13	

*Excludes County Offices of Education and Special Schools. Includes only districts with >1700 students and >75 black , Latino, and White students enrolled

Table 2 provides the most up-to-date data for the highest suspending districts in 2014-15 and notes the change in the overall rate of missed instruction. Readers should note that these data do not reflect the most recent year, 2017-18. Just as most of the districts with high suspension rates in 2014-15 made good progress, many on this list may have made effective progress more recently.

By the end of the 2016-17 academic year, 21 of the 25 districts we flagged as among the highest suspending in 2014-15 reduced their overall suspension rates and the corresponding estimated days lost per 100 enrolled. On average, students in these districts lost 44.6 days of

instruction in 2014-15 and 33.7 in 2016-17, an average decrease of 12.9 days of missed instruction time. However, four of these districts' suspension rate has increased since 2014-15. Most notably, the rate of missed instruction due to suspension increased by 29% at Konocti Unified School District and by 15% at John Swett Unified School District.

50 Districts with the Highest Racial Disparities in Days Lost Due to Suspension: How Suspensions for Disruption or Defiance Contributed.

This section highlights districts with the greatest racial differences in suspension rates. While rates for these

districts are not representative of the entire state, we use them to explore the extent to which suspensions for disruption or defiance were found to contribute to the largest gaps in rates **of lost instruction**.¹⁰ Theoretically, it should be easier for districts to reduce the use of suspensions for minor misbehaviors than for the most serious ones, as there is a less pressing need to remove children when their behavior involves no crime and presents no danger or threat to their physical safety or that of others.

Only districts with at least 100 Black students and 100 White students were included in this list to avoid distorting racial gaps due to low enrollment. The list of 50 districts contains 23% of all Black students in California, and more than 750,000 students in all.

Black students in these districts on average lost 80 days of instruction per 100 enrolled, compared to 25 days for White students. This results in a gap between the two groups of 55 days of missed instruction. A persistent source of this difference is suspension for disruption, which made up 30% of the Black-White racial gap in these 50 districts.

However, these differences have decreased somewhat from the 2014-15 school year. Whereas the gap was 55 lost days in 2016-17, it was 65 lost days two years earlier. Similarly, whereas 30% of the racial gap was due to suspensions for disruption in 2016-17, this proportion had dropped from the 41% reported in 2014-15.

Black-White Racial Gap in 50 Districts with the Largest Disparities in Days of Lost Instruction

Table 3: 50 Districts with the Largest Black-White Gap in Days of Lost Instruction

District	Black Days of Lost Instruction per 100	White Days of Lost Instruction per 100	Black-White Gap in Days of Lost Instruction per 100	Black Disruption Days of Lost Instruction per 100	White Disruption Days of Lost Instruction per 100	Black-White Gap in Disruption Days of Lost Instruction	Percentage of Total Gap Due to Racial Difference in Disruption Only
Oroville Union High	251	85	166	184	49	135	81%
South San Francisco Unified	117	24	93	53	13	40	43%
Oroville City Elementary	136	49	87	52	8	44	51%
Barstow Unified	114	29	85	28	4	24	28%
Bonita Unified	89	14	74	34	5	29	39%
Antelope Valley Union High	89	16	73	23	4	19	26%
Snowline Joint Unified	85	15	71	23	4	20	28%
Antioch Unified	95	26	69	46	11	35	51%
Tehachapi Unified	80	11	69	11	1	11	16%

Table 3: Continued

District	Black Days of Lost Instruction per 100	White Days of Lost Instruction per 100	Black-White Gap in Days of Lost Instruction per 100	Black Disruption Days of Lost Instruction per 100	White Disruption Days of Lost Instruction per 100	Black-White Gap in Disruption Days of Lost Instruction	Percentage of Total Gap Due to Racial Difference in Disruption Only
Southern Kern Unified	97	30	66	25	9	15	23%
Atwater Elementary	85	19	66	25	4	21	32%
Weaver Union	102	38	64	33	11	22	34%
Mojave Unified	102	42	60	10	6	4	7%
Lancaster Elementary	73	14	59	11	2	9	15%
Corcoran Joint Unified	80	24	55	5	0	5	9%
Kern High	81	26	54	14	5	9	17%
Twin Rivers Unified	77	24	53	20	6	14	26%
Woodland Joint Unified	78	25	53	30	6	24	45%
Folsom-Cordova Unified	64	12	53	16	3	13	25%
Palo Verde Unified	79	27	52	16	5	11	21%
Stockton Unified	95	43	52	24	10	14	27%
Fairfax Elementary	104	53	51	77	39	37	73%
Palmdale Elementary	70	20	51	7	2	6	12%
Eureka City Schools	79	29	50	13	2	10	20%
Tamalpais Union High	53	4	49	11	1	10	20%
San Joaquin County Office of Education	71	23	48	25	6	19	40%
Victor Valley Union High	60	12	47	4	0	3	6%
Turlock Unified	64	18	46	32	8	25	54%
Perris Union High	66	20	46	10	2	7	15%
Dos Palos Oro Loma Joint Unified	89	43	46	10	10	0	0%
Lodi Unified	61	15	45	5	2	3	7%
Fresno Unified	73	28	45	11	4	7	16%

Table 3: Continued

District	Black Days of Lost Instruction per 100	White Days of Lost Instruction Per 100	Black-White Gap in Days of Lost Instruction per 100	Black Disruption Days of Lost Instruction per 100	White Disruption Days of Lost Instruction per 100	Black-White Gap in Disruption Days of Lost Instruction	Percentage of Total Gap Due to Racial Difference in Disruption Only
Fairfield-Suisun Unified	63	18	45	10	2	7	16%
Sierra Sands Unified	60	15	45	10	5	6	13%
Eastside Union Elementary	58	13	45	9	1	9	20%
Lemoore Union Elementary	63	18	45	18	6	12	27%
Manteca Unified	69	24	45	18	9	9	20%
Natomas Unified	55	11	45	3	1	2	4%
Vallejo City Unified	76	32	44	15	5	10	23%
Morongo Unified	86	42	44	28	12	16	36%
Hesperia Unified	72	27	44	26	9	17	39%
Salinas Union High	62	18	44	12	4	7	16%
Liberty Union High	54	11	43	10	3	7	16%
West Contra Costa Unified	55	13	43	10	2	8	19%
Dixon Unified	72	30	42	24	10	14	33%
Mt. Diablo Unified	50	8	42	5	1	4	10%
Hemet Unified	67	25	42	5	2	3	7%
San Leandro Unified	62	20	42	22	8	15	36%
Tracy Joint Unified	76	35	42	40	19	21	50%
Elk Grove Unified	53	11	42	11	2	9	21%
Average	80	25	56	23	7	16	29%

The racial divide between Latino students and White students is less pronounced than between Black and White students. Based on the same methods, Table 4 highlights the five districts in California with the largest Latino/White gaps. Latinos ranged from having 28 more lost days per 100 in Petaluma Joint Union High District to

15 more lost days per 100 in Santa Rosa High. The minor disruption category accounted for between 4 and 20 more days of missed instruction for Latinos than for Whites. Across the five districts with the largest racial differences in lost instruction, suspensions for disruption or defiance constituted 49% of the difference on average.

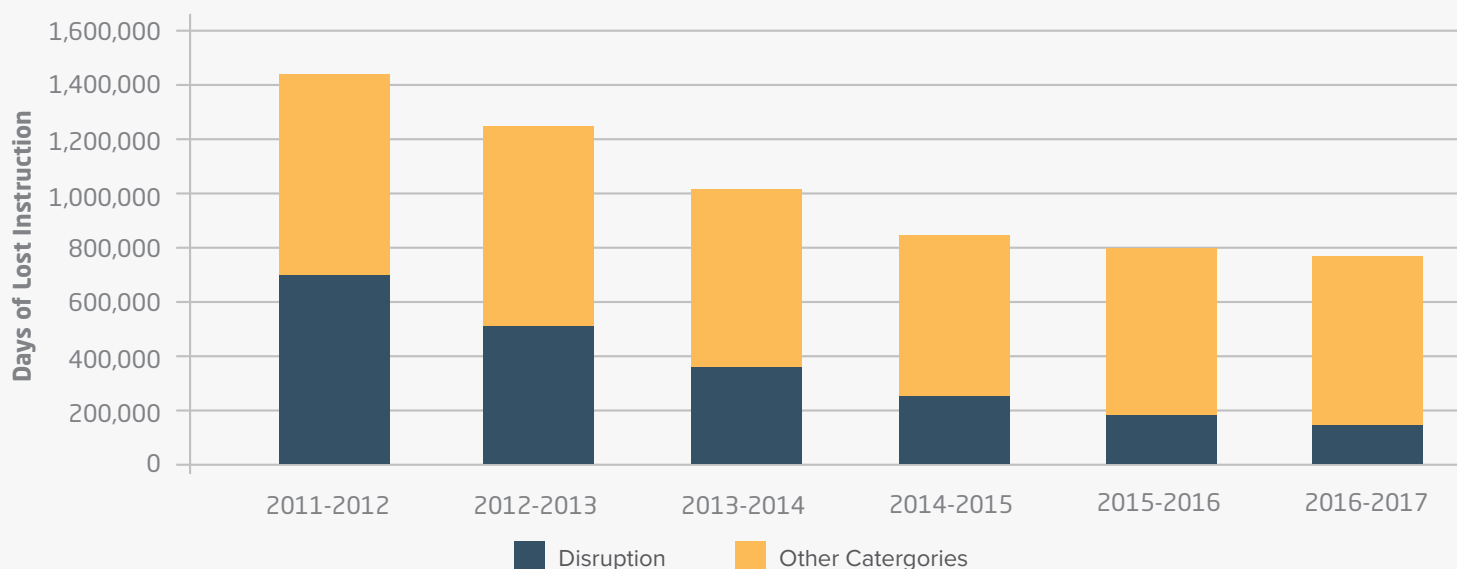
Table 4: The Five Districts with the Largest Latino-White Gap in Days of Lost Instruction

District	Latino Days of Lost Instruction per 100	White Days of Lost Instruction per 100	Latino-White Gap in Days of Lost Instruction per 100	Latino Disruption Days of Lost Instruction per 100	White Disruption Days of Lost Instruction per 100	Latino-White Gap in Disruption/Defiance Days of Lost Instruction	Percentage of Lost Instruction Days due to Disruption/Defiance Only
Petaluma Joint Union High	54	26	28	33	13	20	72%
Lemoore Union High	54	28	26	32	11	20	80%
Sequoia Union High	30	6	24	8	1	8	31%
Placer Union High	26	11	15	5	1	4	27%
Santa Rosa High	35	20	15	9	4	5	34%

To put these district numbers in context, it is worth noting that the disruption/defiance category's contribution to suspensions has shrunk a great deal. As Figure 7 illustrates, suspensions for disruption comprised 49% of all suspensions in 2011-12, and just 20% in 2016-17. For

both the Black/White and Latino/White gaps, the districts with the largest racial gaps in California in 2016-17 tended to have a higher share of suspensions for disruption or defiance than we find in the state averages.

Figure 7: Number of Days of Lost Instruction by Disruption/Defiance and "All Other" 2011-12 to 2016-17



As the illustration Figure 7 makes clear, the decline in lost days of instruction for disruption or defiance has contributed to a much larger share of the total decline when compared to the category of “all other” offenses.

In the context of a changing culture and new legislation related to discipline in California, it appears that educators increasingly respond to minor misbehaviors in ways other than to exclude students from instruction time.

No Signs of Chaos Being Caused by Discipline Reforms

Some have expressed concern that discipline reform efforts in California have resulted in chaos and a serious increase in violence. If discipline reform, in particular efforts to limit suspensions for disruption or defiance, resulted in more serious misbehaviors and safety problems, one would expect that newly released data on the reasons for suspensions, which can be tracked as far back as 2011-12, would show a major and consistent increase in suspensions for the most serious offenses that correspond with the major decline in suspensions for minor offenses. A full-scale correlational analysis to examine this hypothesis was beyond the scope of this report, but the descriptive data do not support an argument that reforms have caused chaos or serious safety issues.

Many school districts, including Los Angeles, have banned the use of suspensions for disruption or defiance for grades beyond the state-mandated K-3. Given calls to expand the ban to the upper grades and make it a requirement statewide, it is reasonable to note that, when OSS for all grades are considered over a six-year

period, the suspension rates for serious offenses per 100 enrolled have declined. Moreover, although not depicted, the decline in suspensions per 100 between 2011-12 and 2016-17 has also occurred in the category of violence without injury.

Most importantly, the overarching decline in OSS for serious offenses of nearly 4/10ths occurred entirely between 2011-12 and 2014-15, when OSS for disruption or defiance also declined the most. Some may point to the fact that there has been a small uptick of 5/100ths of one suspension per 100 since 2014-15. All increases in serious offenses should be taken seriously, but the much smaller 5/100 increase in the rate does not come close to compensating for the original decline.¹² Although a detailed causal analyses is beyond the scope of this report, we can say that the overarching data trends we observe for OSS for serious offenses are best described as large declines, followed some small fluctuations among lower rates, and that they lend no support to oft-heard but unproven assumptions that the large decrease in suspensions for disruption or defiance has caused a corresponding large increase in safety issues.

Table 5: Six-Year Trend in OSS per 100 Students for Serious Offenses¹¹ and for Disruption/Defiance

	Overall Number of OSS for Serious Behaviors	Rate per 100 for Serious Behaviors	Overall Number of OSS for Disruption Defiance	Disruption Rate per 100
2011-12	115,847	1.86	199,592	3.21
2014-15	89,824	1.44	72,531	1.16
2016-17	92,859	1.49	47,749	0.77
Total Change	-22,988	-0.37	-151,843	-2.51

Recommendations

The consistent decline in the days of lost instruction due to suspension is indicative of a strong commitment on the part of lawmakers, district officials, educators, and community members to keep California's students in school and seek alternative ways to address problem behaviors. The steady decrease demonstrates that change does not come rapidly at the state, district, or school level. Concerted effort will be required to continue the progress achieved for California's students. These efforts must focus not only on lowering the rate at which students are suspended but also on narrowing the racial gap to address the disproportionate amount of lost instruction time students of color experience compared to their White peers. Similar attention needs to be paid to the disparities among students with disabilities, by race, as well as compared with their non-disabled peers.

Moreover, we have always recommended that the state support district and school-level efforts to more effectively engage in discipline reforms with more resources for trainings, interventions, and research to improve knowledge of less discriminatory discipline alternatives. Effective reforms maintain safety and promote improvements in the conditions of learning. Toward these ends, we recommend the following actions:

For state policymakers and administrators:

- Require that, annually, schools and districts publicly report the actual number of days of missed instruction due to suspensions, disaggregated by race/ethnicity, gender, and disability, and further broken down by reasons for removal.
- Support efforts to change state and local codes of conduct to eliminate suspensions for minor behaviors, including, but not limited to, suspensions for disruption or willful defiance.

- Provide technical assistance to high-suspending districts for the implementation of restorative discipline policy and other non-punitive forms of intervention focused on prevention.
- Require that schools conduct student, parent, and staff climate surveys, and report the outcomes publicly, to ensure that interventions are supporting a safe and healthy environment.
- Set goals for accountability plans to reduce disciplinary exclusion's impact on instruction as part of state and local standards.
- Measure progress with methods that make it clear whether lost instruction due to discipline is increasing or decreasing, with special attention to whether the subgroups that have historically lost the most instruction time are benefitting from interventions.

For educators:

- Review the number of days of lost instruction due to discipline and corresponding rates of discipline by race, gender, and disability status and use the data within the school system to evaluate progress alongside other academic and school climate indicators.
- Implement alternative systems of school discipline that emphasize non-punitive approaches, including restorative and rehabilitative responses to behavior problems.
- Prioritize training and support for teachers to improve their engagement with students and parents. Also include training and supports for administrative leaders.
- Where rates are high and disparities are wide, reject the status quo and accept a share of responsibility for remedying disparities by race/ethnicity, gender, and disability status.

For parents and child advocates:

- Request discipline data annually and require that schools and districts provide data that includes the number of days of lost instruction, as well as discipline data by race, gender, and disability status.
- Express support for positive policies and practices, in addition to raising concerns about excessive and disparately applied discipline policies.
- Encourage the use of resources for staff training and for professional development in initiating and implementing more effective methods.
- Bring concerns about excessive and disparate discipline to the attention of administrators and of state and local education boards

For members of the media:

- Find and feature districts that have successfully improved their learning environment and reduced the use of severe discipline policies
- Highlight noncompliance with public reporting requirements and encourage school authorities to make timely corrections
- Describe discipline data as an indicator of school performance or achievement
- Raise questions about the impact of excessive suspensions, such as leaving large numbers of children unsupervised in the community, and the long-term safety implications of frequent suspensions that lead to higher dropout and delinquency rates.

Expanding the data available will be essential to informing the efforts outlined above. The continued improvement of school discipline policy in California will require data collection and reporting on discipline by grade level and across subgroup category such as race with gender. Where possible, districts should consider piloting the collection of discipline and safety data on LGBTQ youth as well. Likewise, increased reporting on the length of suspension will provide an accurate depiction of which students are missing extended periods of instruction in school.

Finally, educators, lawmakers, and community members should also continue to question whether suspensions are an educationally justifiable response to minor or more serious student behavior. The use of suspensions as a default consequence for even serious behavioral infractions isolates students from the very environment that may be used as a tool for rehabilitation. Furthermore, students suspended from school may be more likely to spend the instructional day unsupervised in their homes and communities. Equitable and effective school discipline policy combines the concern for students' safety with concrete steps to help young people address their behavioral problems and the issues that underlie them.

References

- 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*, pg 17. New York: Teachers College Press.
- Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks, M. P., III. & 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 Governments Justice Center and Public Policy Research Institute.
- Gilliam, W. S., Maupin, A. N., Reyes, C. R., Accavitti, M., & Shic, F. (2016). *Do early educators' implicit biases regarding sex and race relate to behavior expectations and recommendations of preschool expulsions and suspensions?* Yale University Child Study Center Retrieved from http://ziglercenter.yale.edu/publications/Preschool%20Implicit%20Bias%20Policy%20Brief_final_9_26_276766_5379_v1.pdf
- Ginsburg, A., Jordan, P., & Chang, H. (2014). *Absences add up: How school attendance influences student success*. San Francisco: Attendance Works.
- Losen, D. J., Ee, J., Hodson, C., & Martinez, T. E. (2015). Disturbing inequities: Exploring the relationship of discipline disparities for students with disabilities by race with gender with school outcomes. *Closing the school discipline gap: Equitable remedies for excessive exclusion*, 89-106.
- Losen, D. J., Hodson, C., Keith, M. A., II, Morrison, K., & Belway, S. (2015). *Are we closing the school discipline gap?* Los Angeles: University of California, Los Angeles. Retrieved from <http://tinyurl.com/CCRRNationalReports>
- Losen, D. J., Sun, W. L., & Keith, M. A. (2017). *Suspended education in Massachusetts: Using days of lost instruction due to suspension to evaluate our schools*. Los Angeles: Civil Rights Project-Proyecto Derechos Civiles.
- Losen, D. J., & Whitaker, A. (2017). *Lost instruction: The disparate impact of the school discipline gap in California*. Los Angeles: Civil Rights Project-Proyecto Derechos Civiles. Retrieved from file:///C:/Users/crpgsr/Desktop/CA%20Suspension%20Data/UCLA_Lost-Instruction_R7-102317.pdf
- Losen, D. J. (2018). *Disabling punishment: The need for remedies to the disparate loss of instruction experienced by black students with disabilities*. Cambridge, MA: Harvard Law School, Charles Hamilton Houston Institute for Race and Justice. Retrieved from <https://today.law.harvard.edu/wp-content/uploads/2018/04/disabling-punishment-report-.pdf>
- Loveless, T. (2017). *The 2017 Brown Center report on American education: How well are American students learning?* Brown Center on Education Policy at Brookings. Retrieved from <https://www.brookings.edu/wp-content/uploads/2017/03/2017-brown-center-report-on-american-education.pdf>
- Noltemeyer, A. L., Ward, R. M., & McLoughlin, C. (2015). Relationship between school suspension and student outcomes: A meta-analysis. *School Psychology Review*, 44, 224-240.
- Okonofua, J. A., & Eberhardt, J. L. (2015). Two strikes: Race and the disciplining of young students. *Psychological Science*, 26, 617-624.
- Rosenbaum J. (2018). Educational and criminal justice outcomes 12 years after school suspension. *Youth & Society*. 00(0). 1-33. DOI: 10.1177/0044118X17752208
- Rumberger, R. W., & Losen, D. J. (2017). *The hidden costs of California's harsh school discipline: And the localized economic benefits from suspending fewer high school students*. University of Los Angeles: Civil Rights Project-Proyecto Derechos Civiles.

Appendix

Estimating Days of Lost Instruction

We produced a report on lost instruction in November 2017, and our estimate of two days per suspension for that report was based on analyses of more detailed data supplied voluntarily by California districts, such as Oakland Unified and Los Angeles Unified (Losen, 2017). Our estimate of lost instruction includes both in-school and out-of-school suspensions. We divide the total number of suspensions by the enrollment and multiply by 100 to arrive at suspensions per 100 enrolled. We double that rate to arrive at days of lost instruction per 100 enrolled. In April 2018, a new data source became available that included data on lost instruction due to out-of-school suspensions collected from every school in California and reported publicly. As expected, our estimates of days lost, which include in-school suspensions, were slightly higher than OCR's reported data on days lost, which were solely based on out-of-school suspensions. In Table 6, one can compare how, in 2015-16, our estimated rates based on all suspensions compared to the OCR rates based solely on out-of-school suspensions.

Table 6: Estimates of Days of Lost Instruction Based on CDE Data Compared with OCR-Calculated Rates Based on Reported Data, 2015-16

Days of Lost Instruction	CDE Estimate 2015-16 All Suspensions	OCR Actual Rates 2015-16 Out-of-School Suspensions Only
African American	41.8	39.0
Native American or Alaska Native	29.6	23.9
Hispanic or Latino	12.3	11.6
White	10.7	10.1
Total	12.7	12.0

Days of Lost Instruction by Grade-Level Band

While Figure 3 provides a condensed view of days of instruction lost by grade-level band in 2016-17, Tables 7-9 contain detailed information about lost days by grade-level band over time. At each grade-level band and within each racial group, suspension rates and the resulting days of lost instruction have declined overall since 2012. Tables 10-12 demonstrate the downward trend in suspensions for minor behaviors over a five-year period by grade-level band.

Table 7: Five-Year Trend in Days of Lost Instruction per 100 in California, Grades K-3

Year	2012-13	2013-14	2014-15	2015-16	2016-17	Total Decline 2012-17
Latino K-3	4.5	4.1	3.4	3.2	3.2	-1.3
Black K-3	19.6	18.8	16.5	16.9	16.5	-3.1
White K-3	5.7	5.6	4.6	4.5	4.4	-1.4

Table 7: Continued

Year	2012-13	2013-14	2014-15	2015-16	2016-17	Total Decline 2012-17
Native American K-3	18.2	12.7	10.3	11.8	10.1	-8.1
Asian K-3	1.4	1.2	1.1	0.9	0.9	-0.5
Two or More Races K-3	7.2	6.0	5.5	5.7	5.6	-1.6
All Students	5.5	5.1	4.3	4.2	4.1	-1.5

Table 8: Five-Year Trend in Days of Lost Instruction per 100 in California, Grades 4-6

	2012-13	2013-14	2014-15	2015-16	2016-17	Total Decline 2012 -17
Latino 4-6	13.6	12.2	9.8	9.7	9.5	-4.1
Black 4-6	52.5	46.4	41.7	40.5	39.3	-13.1
White 4-6	12.3	10.9	9.2	9.4	9.5	-2.8
Native American 4-6	39.6	36.1	25.8	25.8	24.5	-15.1
Asian 4-6	3.3	2.8	2.5	2.6	2.8	-0.5
Two or More Races 4-6	17.7	14.9	13.2	12.7	12.3	-5.4
All Students	14.9	13.1	10.9	10.8	10.6	-4.2

Table 9: Five-Year Trend in Days of Lost Instruction per 100 in California, Grades 7-8

	2012-13	2013-14	2014-15	2015-16	2016-17	Total Decline 2012-17
Latino 7-8	39.1	34.9	27.3	26.6	25.5	-13.6
Black 7-8	105.0	97.4	79.6	77.7	70.7	-34.3
White 7-8	26.8	23.0	19.3	19.3	18.6	-8.2
Native American 7-8	71.8	69.1	62.9	61.2	49.1	-22.6
Asian 7-8	7.8	6.4	5.6	5.6	5.7	-2.2
Two or More Races 7-8	37.0	32.1	27.4	26.7	26.9	-10.1
All Students	36.9	32.8	26.3	25.6	24.2	-12.7

Table 10: Five-Year Trend in Lost Days per 100 Students in California: Suspensions for Disruption, Grades K-3

	2012-13	2013-14	2014-15	2015-16	2016-17	Total Decline 2012-17
Latino K-3	1.2	1.0	0.5	0.2	0.2	-1.0
Black K-3	5.6	4.6	2.2	1.3	0.9	-4.7
White K-3	1.9	1.5	0.8	0.4	0.2	-1.6
Native American K-3	5.9	3.3	1.9	1.4	0.6	-5.3
Asian K-3	0.4	0.3	0.2	0.1	0.0	-0.3
Two or More Races K-3	2.1	1.6	0.9	0.4	0.3	-1.8
All Students	1.6	1.3	0.7	0.3	0.2	-1.4

Table 11: Five-Year Trend in Lost Days per 100 Students in California: Suspensions for Disruption, Grades 4-6

	2012-13	2013-14	2014-15	2015-16	2016-17	Total Decline 2012-17
Latino 4-6	4.0	3.3	2.1	1.8	1.5	-2.5
Black 4-6	16.1	12.6	8.1	7.3	6.3	-9.8
White 4-6	3.9	3.0	2.1	1.9	1.6	-2.3
Native American 4-6	13.6	12.0	7.1	6.7	4.6	-9.0
Asian 4-6	0.8	0.6	0.4	0.4	0.3	-0.5
Two or More Races 4-6	5.4	4.1	3.1	2.5	1.9	-3.5
All Students	4.5	3.5	2.3	2.0	1.7	-2.8

Table 12: Five-Year Trend in Lost Days per 100 Students in California: Suspensions for Disruption, Grades 7-8

	2012-13	2013-14	2014-15	2015-16	2016-17	Total Decline 2012-17
Latino 7-8	15.8	13.0	8.3	6.9	5.6	-10.3
Black 7-8	42.7	38.7	23.3	19.9	14.6	-28.0
White 7-8	11.2	8.5	5.6	5.1	4.0	-7.2
Native American 7-8	29.5	26.4	22.1	16.7	13.4	-16.1
Asian 7-8	2.4	1.7	1.1	1.0	0.9	-1.5
Two or More Races 7-8	14.9	12.3	8.4	7.0	6.7	-8.2
All Students	14.9	12.2	7.8	6.6	5.2	-9.7

Comparing Lost Days Based on Suspension Rates among Students with Disabilities

Building on observations about the disparities between students with and without disabilities, Table 13 illustrates the differences between races among students with disabilities over two years. Each racial group lost substantially less instruction time due to suspensions over a two-year span. Most notable, however, is the extreme disparity between Black students with disabilities and White students with disabilities. Black students with disabilities lost nearly 80 days of instruction due to suspension in 2016-17, while their White counterparts lost roughly 30 days per 100 enrolled. Exclusion at this rate, particularly among students that require the greatest amount of instructional support, is dramatically disproportionate and has dire implications for these students' academic and social outcomes (Losen, 2018).

Table 13: Days of Lost Instruction per 100 Students with Disabilities by Race, 2015-16 and 2016-17

Year	African American	Native American	Asian	Hispanic or Latino	White	Statewide
2015-16	85.3	58.1	11.4	28.9	31.4	33.9
2016-17	78.9	50.4	10.3	27.8	29.9	32.0

Tables 14 through 16 describe the actual underlying statewide suspension rates. We used the combined ISS and OSS suspensions to estimate lost instruction. These rates are based on a count of suspensions, and they are not estimates. They are disaggregated by type of suspension.

Table 14: Six-Year Trend in OSS per 100 Students for Serious Offenses, Disaggregated by Race

	Black	Native American	Asian	Filipino	Latino	Pacific Islander	White	Overall
2011-12	4.58	3.42	0.55	0.82	1.91	2.60	1.58	1.86
2012-13	4.50	3.65	0.44	0.74	1.78	2.26	1.44	1.74
2013-14	4.08	3.52	0.42	0.72	1.71	1.88	1.33	1.63
2014-15	3.73	3.15	0.37	0.60	1.46	1.84	1.25	1.44
2015-16	3.82	3.40	0.37	0.58	1.48	1.86	1.24	1.45
2016-17	3.78	3.24	0.39	0.59	1.54	1.95	1.31	1.49

The patterns for each racial group are similar to the pattern we observe for all students in the last column. Namely, a large decline in OSS rates for serious offenses per 100 enrolled occurred during the largest decline in suspensions for disruption or defiance. Since the initial large decline, we observe small fluctuations, including small increases, but all are within a lower range and no group showed a higher rate in 2016-17 than they had in 2011-12.

The observable patterns for each racial group are similar to the pattern we observe for all students in the last column, which appear in the text. The additional decimal place was added to the overall rates to make the degree of change clearer. The others are rounded to one decimal place. Namely, we can see a relatively larger decline in OSS rates per 100 for serious offenses during the largest decline in suspensions for disruption and defiance, through 2014-15. After the initial large decline, we observe smaller fluctuations for each group, including a small decline for Black and Native American students and small increases for the others, but all remained within a low range and no group showed a higher rate in 2016-17 than they had in 2011-12, with the possible exception of Native Americans. Furthermore, these are merely observations. Readers are reminded that one cannot infer a causal factor for the small increase from a mere correlation with changes to policy or practice. Furthermore, a small amount of fluctuation is considered normal and any number of changes to policy or practice could influence their direction.

Table 15: Six-Year Trend in Use of ISS per 100 Students in California

Year	Black	Native American	Pacific Islander	Latino	White	Filipino	Asian	Overall
2011-12	6.8	5	3.3	2.9	2.2	0.8	0.5	2.7
2012-13	6.2	4.8	2.5	2.2	1.9	0.7	0.4	2.2
2013-14	5.5	3.6	1.7	1.8	1.4	0.5	0.4	1.8
2014-15	3.9	3.2	1.7	1.4	1.2	0.5	0.3	1.4
2015-16	3.4	3.0	1.6	1.1	1.1	0.4	0.3	1.1
2016-17	2.8	2.6	1.2	1.0	1.0	0.0	0.2	1.0
Decline 2011-14	-1.3	-1.4	-1.6	-1.1	-0.8	-0.3	-0.1	-0.9
Decline 2014-17	-1.1	-0.6	-0.4	-0.4	-0.2	-0.4	0.0	-0.4
Total Decline 2011-17	-4.0	-2.4	-2.1	-1.9	-1.2	-0.8	-0.3	-1.7

Table 16: Six-Year Trend in Use of OSS per 100 Students in California

Year	Black	Native American	Pacific Islander	Latino	White	Filipino	Asian	Overall
2011-12	26.2	16.6	10.5	8.8	6.6	2.8	2.2	8.7
2012-13	23.5	16	8.8	7.6	5.9	2.4	1.8	7.6
2013-14	20.1	14	7	6.2	5	2	1.4	6.3
2014-15	17.8	11.7	6.4	5.2	4.4	1.7	1.2	5.4
2015-16	17.5	11.8	6.5	5.1	4.3	1.6	1.2	5.2
2016-17	16.6	11.0	6.6	5.0	4.2	1.6	1.2	5.1
Decline 2011-14	-6.1	-2.6	-3.5	-2.6	-1.6	-0.8	-0.8	-2.4
Decline 2014-17	-1.2	-0.7	0.2	-0.2	-0.2	-0.1	0.0	-0.3
Total Decline 2011-17	-9.6	-5.6	-3.9	-3.8	-2.4	-1.2	-1.0	-3.6

Six-Year Trend in Use of ISS and OSS per 100 Students in California

The suspension rates detailed in the findings for this report rate include district-reported ISS and OSS.

The decrease in suspensions, along with the shrinking racial gap in suspension rates, demonstrates progress toward disciplinary alternatives to removing students from instruction in California. To appropriately measure districts' declining use of suspensions, it is important to observe trends in ISS and OSS use, noting where an apparent decline in one type of suspension might actually be offset by an increase in another.

A comparison of the rates of each type of suspension confirms that the downward trend for suspensions overall is also reflected in a decrease in ISS rates at the state level. Overall, the ISS rate has decreased from 2.7 to 1.0 per 100 enrolled in California between the 2011-12 and 2016-17 school years. For Black students, the rate of ISS has decreased from 6.8 to 2.8 in six years. Native Americans have a similarly reduced rate, 5.0 to 2.6 since 2011; Pacific Islanders experienced a decrease from 3.3 to 1.2, Latino rates have dropped from 2.9 to 1.0, and White students' rates have decreased from 2.2 to 1.0.

As with ISS, OSS rates have declined consistently since 2011-12. The overall OSS rate per 100 students has declined from 8.7 to 5.2. Suspensions of Black students have dropped from 26.2 to 16.6 per 100 students. Native American students are suspended at nearly half the rate of six years ago, from 5.0 to 2.6 per 100, and OSS among Latino student have decreased from 2.9 per 100 in 2011-12 to 1.0 in 2016-17.

Endnotes

- 1 Our reports have repeatedly warned against misleading statements, such as “data show that even while suspension rates fell across the board, the rate for Black students dropped the least. In fact, in 2017, Black students were still being suspended at four times the rate as Whites—and that gap had widened slightly from 2013.” See <https://www.the74million.org/article/even-as-californias-student-suspension-fell-46-over-the-past-6-years-the-racial-discipline-gap-remains-as-wide-as-ever/>. The underlying suspension rates are not at issue, but in absolute terms the rates dropped more for Black students and the racial gap narrowed. The author made the error of relying solely on a purely relative disparity measure and overlooking how the reductions, in absolute terms, were greater for Black students than others. It is plain to see that the racial differences have narrowed over time. Mathematically, the relative ratios will only decline if the ratio of the reductions exceeds the starting ratio. For example, for the new ratio to become lower than the starting ratio, with a starting ratio of 5 to 1, the amount of reduction to the rate of the higher group must be greater than five times the reduction of the rate to the lower group. Consider, for example, an elementary school where, in a prior year, 5% of Black students are suspended and just 1% of Whites. Fast-forward to today, a few years after discipline reform. If the new rates indicate that 1% of Black students were suspended and 1/10 of 1% of White students were suspended, one could say that, in the more recent year, Blacks are suspended at 10 times the rate of White students, where it had once been five times the rate. The actual difference between the rates in absolute terms would be less than one percentage point, whereas it had once been a full four percentage point difference. Indeed, the Black rate dropped by four points and the White rate dropped by less than one point. Readers should be wary when the media or researchers describe trends using relative ratios, because they can be very high when the absolute racial differences in rates are very low, and where these differences have gotten a great deal smaller.
- 2 Our analyses of OCR’s data on lost instructions for the 2015-16 school year includes each of the 50 states and is entitled, 11 Million Days Lost: Race, Discipline and Safety, co-authored by Amir Whitaker, August 29, 2018. (will be posted at www.schooldisciplinedata.org).
- 3 Over time, as unnecessary suspensions for minor misbehaviors are reduced further or eliminated, we should expect to see higher and higher shares of total suspensions meted out for the most serious behaviors, such as violence with injury, weapons, or illicit drugs. Such a pattern would reflect that suspensions were being used as measures of last resort and that suspensions for minor misbehaviors had been replaced by more effective responses. However, we would also expect to see suspension rates for the most serious behaviors remain within a very low range.
- 4 Assembly Bill 420, which took effect on January 1, 2015, eliminated the authority of school districts to issue in-school and out-of-school suspensions to students in kindergarten through third grade for disruption or willful defiance.
- 5 A search using the keyword “discipline” turned up resolution agreements with 18 districts in California, which are posted on the OCR website. They include Lodi Unified, Oakland Unified, and Los Angeles. A complete analysis of these agreements is beyond the scope of this report. The agreements were retrieved from https://www.ed.gov/ocr-search-resolutions-letters-and-agreements?keywords=discipline&title=&subject_resolution_agreement=%22Resolution+Agreement%22&keywords_title_VI=%22Title+VI%22&keywords_504_ADA=%22Section+504%2FADA%22&keywords_state=CA.
- 6 This is another example of the importance of considering the absolute size of the change. In relative terms, Asian American students experienced a doubling in their rate, from three days to six days, while the Black rate did not quite double. Because we care about how much instruction is being lost, this report always describes the rate differences using absolute rather than purely relative values.
- 7 Readers should note that we selected the districts based on the absolute difference in rates. Doing so ensured that our analysis would identify districts that frequently suspended students.
- 8 We do not believe that the categories have changed since we last reported on this trend. The grouping of offenses reported uses the categorization made available by the California Department of Education on its website (<http://data1.cde.ca.gov/dataquest>) in the table entitled, “Suspension, Expulsion, and Truancy Report for 2011-12: Suspension by Federal Offense.” The Violent Incident with Injury offense category includes the following California Education Code sections: 48915(c)(4) Sexual Battery/Assault; 48915(a)(1) Caused Physical Injury; 48915(a)(5) Committed Assault or Battery on a School Employee; 48900(a)(2) Used Force or Violence; 48900.3 Committed an act of Hate Violence; 48900(q) Hazing. The Weapons Possession Offense Category includes the following California Education Code sections: 48915(c)(1) Possession, Sale, Furnishing a Firearm; 48900(b) Possession, Sale, Furnishing a Firearm or Knife; 48915(c)(2) Brandishing Closing The School Discipline Gap In California: Signs Of Progress 45a Knife; 48915(a)(2) Possession of a Knife or Dangerous Object; 48915(c)(5) Possession of an Explosive. The Illicit Drug Related Offense Category includes the following California Education Code sections: 48915(c)(3) Sale of Controlled Substance; 48915(a)(3) Possession of Controlled Substance; 48900(c) Possession, Use, Sale, or Furnishing a Controlled Substance, Alcohol, Intoxicant; 48900(d) Offering, Arranging, or Negotiating Sale of Controlled Substances, Alcohol, Intoxicants; 48900(j) Offering, Arranging, or Negotiating Sale of Drug Paraphernalia; 48900(p) Offering, Arranging, or Negotiating Sale of Soma.
- 9 In addition to disaggregating the changes in rates for each racial and ethnic group, we examined the trend in OSS for serious offenses per 100 enrolled for K-3 non-charter schools because the law only required non-charter schools to eliminate suspensions for disruption or defiance across those grades. During the period from 2011-12 to 2016-17, OSS for disruption or defiance in K-3 declined from 14,067 to just 1,189. In this same period, the number of OSS for serious offenses in non-charter schools also declined, from 8,363 to 8,240. However, when adjusted for a corresponding decline in enrollment, the change actually represents an increase in the rate of OSS for serious offenses of just two one-hundredths (+.02). As mentioned in this report, even though schools were not mandated to eliminate suspensions for disruption/defiance above grades K-3, the reductions in its use were even greater in each

of the upper grade configurations. The much larger K-12 decline in OSS (-0.37) for serious offenses during this same period compensates for this very small increase at the K-3 level. Therefore, we feel that these data, in their appropriate context, depict an overarching decline in suspensions for serious offenses. Although beyond the scope of this descriptive study, we note that some small up or down fluctuations in rates are expected to occur randomly, even when no policies are influencing the changes.

10 Readers should note that we selected the districts based on the absolute difference in rates. Doing so ensured that our analysis would identify districts that frequently suspended students.

11 We do not believe that the categories have changed since we last reported on this trend. The grouping of offenses reported uses the categorization made available by the California Department of Education on its website (<http://data1.cde.ca.gov/dataquest>) in the table entitled, "Suspension, Expulsion, and Truancy Report for 2011-12: Suspension by Federal Offense." The Violent Incident with Injury offense category includes the following California Education Code sections: 48915(c)(4) Sexual Battery/Assault; 48915(a)(1) Caused Physical Injury; 48915(a)(5) Committed Assault or Battery on a School Employee; 48900(a)(2) Used Force or Violence; 48900.3 Committed an act of Hate Violence; 48900(q) Hazing. The Weapons Possession Offense Category includes the following California Education Code sections: 48915(c)(1) Possession, Sale, Furnishing a Firearm; 48900(b) Possession, Sale, Furnishing a Firearm or Knife; 48915(c)(2) Brandishing Closing The School Discipline Gap In California: Signs Of Progress 45a Knife; 48915(a)(2) Possession of a Knife or Dangerous Object; 48915(c)(5) Possession of an Explosive. The Illicit Drug Related Offense Category includes the following California Education Code sections: 48915(c)(3) Sale of Controlled Substance; 48915(a)(3) Possession of Controlled Substance; 48900(c) Possession, Use, Sale, or Furnishing a Controlled Substance, Alcohol, Intoxicant; 48900(d) Offering, Arranging, or Negotiating Sale of Controlled Substances, Alcohol, Intoxicants; 48900(j) Offering, Arranging, or Negotiating Sale of Drug Paraphernalia; 48900(p) Offering, Arranging, or Negotiating Sale of Soma.

12 In addition to disaggregating the changes in rates for each racial and ethnic group, we examined the trend in OSS for serious offenses per 100 enrolled for K-3 non-charter schools because the law only required non-charter schools to eliminate suspensions for disruption or defiance across those grades. During the period from 2011-12 to 2016-17, OSS for disruption or defiance in K-3 declined from 14,067 to just 1,189. In this same period, the number of OSS for serious offenses in non-charter schools also declined, from 8,363 to 8,240. However, when adjusted for a corresponding decline in enrollment, the change actually represents an increase in the rate of OSS for serious offenses of just two one-hundredths (+.02). As mentioned in this report, even though schools were not mandated to eliminate suspensions for disruption/defiance above grades K-3, the reductions in its use were even greater in each of the upper grade configurations. The much larger K-12 decline in OSS (-0.37) for serious offenses during this same period compensates for this very small increase at the K-3 level. Therefore, we feel that these data, in their appropriate context, depict an overarching decline in suspensions for serious offenses. Although beyond the scope of this descriptive study, we note that some small up or down fluctuations in rates are expected to occur randomly, even when no policies are influencing the changes.