

The State of Discipline in NC Schools

Breaking down the use of exclusionary discipline in North Carolina public schools during the 2016-17 school year

April 2018

By Peggy Nicholson, Co-Director of the Youth Justice Project
of the Southern Coalition for Social Justice



SOUTHERN COALITION
for SOCIAL JUSTICE

YOUTH **JUSTICE** PROJECT

INTRODUCTION

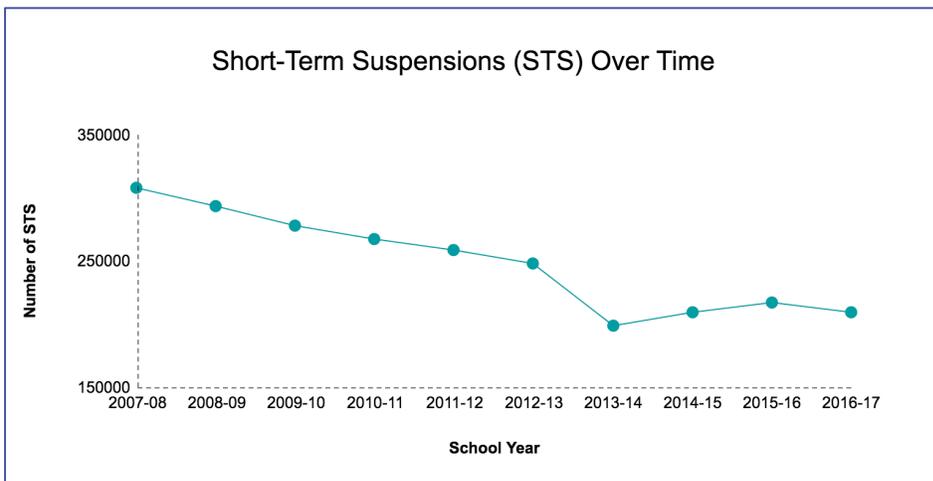
In March 2018, the North Carolina State Board of Education issued a report to the General Assembly on the use of suspension, expulsion, alternative learning program placements, disciplinary reassignments, and corporal punishment during the 2016-17 school year.ⁱ This annual report, required by lawⁱⁱ and prepared by the Department of Public Instruction, contains selected discipline data from the state’s 115 school districts and 150+ charter schools.ⁱⁱⁱ Although not comprehensive, the data contained in the annual report is an important tool for tracking trends in school discipline in North Carolina. This white paper looks at the most recent report, highlighting some of the key takeaways from the 2016-17 data and making recommendations to improve school discipline in the state.

KEY POINTS

- 1. The overall number of suspensions has decreased since last year, but that doesn’t necessarily mean students are staying in class.**

The school-to-prison pipeline is the system of laws, policies, and practices that push students out of school and on a path toward the juvenile and criminal systems. Out-of-school suspension and other forms of exclusionary school discipline contribute to the pipeline by putting students at increased risk of academic failure, behavior problems, and court involvement.^{iv} Furthermore, research has shown that suspension is ineffective at improving student behavior and the overall school climate.^v

Many North Carolina schools have made progress decreasing their use of suspension and, instead, utilizing alternatives that keep students in the classroom and on track towards graduation. This progress is seen in the substantial decrease in short-term suspensions (suspensions for 10 days or fewer) in North Carolina over the last 10 years.

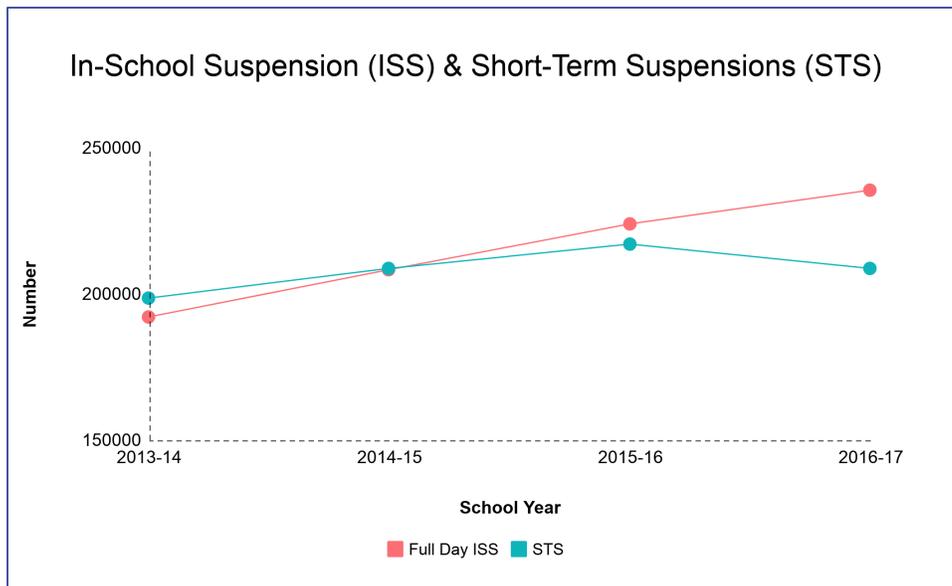


School Year	Number of STS
2007-08	308,010
2008-09	293,453
2009-10	277,206
2010-11	266,488
2011-12	258,197
2012-13	247,919
2013-14	198,254
2014-15	208,650
2015-16	216,895
2016-17	208,539

THE STATE OF DISCIPLINE IN NC SCHOOLS

Despite the overall downward trend, there was a troubling spike in short-term suspensions between 2013-14 and 2015-16. Fortunately, last school year’s data shows a return to 2014-15 levels, although the number is still not as low as in 2013-14.

While the decrease in out-of-school suspensions in 2016-17 is encouraging, it does not necessarily mean that students are staying in the classroom. The number of students referred to in-school suspension has been rising steadily over the past four years. The number of disciplinary reassignments to alternative learning programs also increased by **19.7%** over the last four years, from **4,223** in 2013-14 to **5,054** in 2016-17.



	2013-14	2014-15	2015-16	2016-17
Short-Term Suspension	198,254	208,650	216,895	208,539
Full Day In-School Suspension	192,032	207,943	223,729	235,442

There is no consistent statewide definition for in-school suspension (ISS), but it is commonly understood to mean a brief reassignment of a student to an area apart from the regular classroom. ISS can last for a class period or for multiple days. Generally, a referral to ISS is preferred over an out-of-school suspension. If utilized appropriately, ISS is only imposed when a student’s behavior cannot be handled in the regular classroom environment and provides an opportunity for school staff to intervene to correct the behavior and return the student to the classroom as quickly as possible. Unfortunately, in many schools, ISS is used too often and in inappropriate circumstances. Further, once in ISS, students often don’t have access to missed classwork, qualified instructors, or supports and interventions to address their behavior or keep them on track academically.

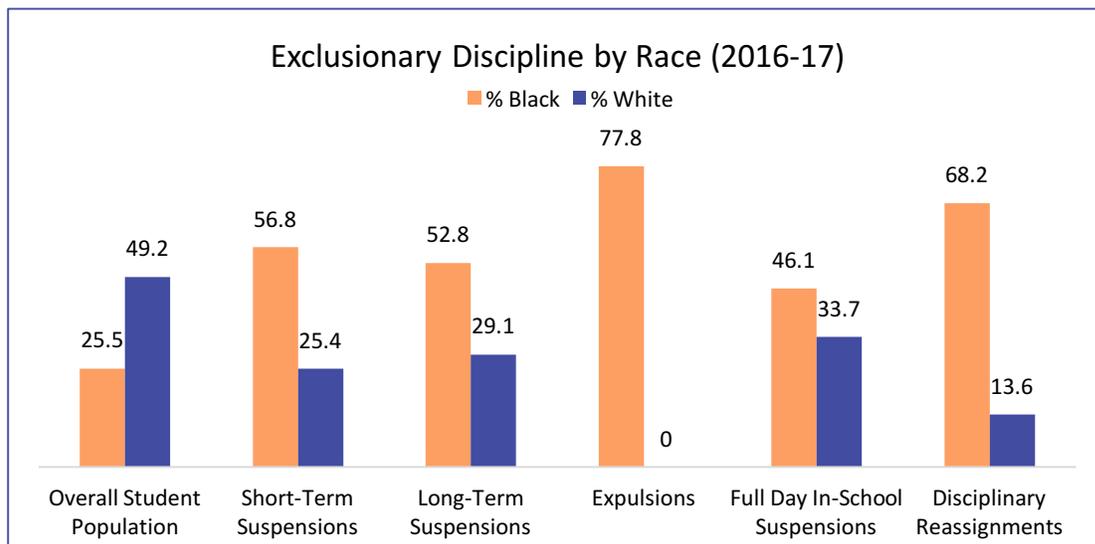
The same is true for disciplinary reassignments to alternative schools and programs. In theory, these programs can be offered as an alternative to long-term suspension (suspensions longer than 10 days) and provide a safe, orderly, and inviting learning environment that assists

students with overcoming academic and/or behavioral challenges. The intended goal of these programs is to provide a rigorous education while developing individual student strengths, talents, and interests.^{vi} In reality, students are often referred to these programs unnecessarily, causing disruption in their learning. Many of the programs are also academically inadequate, overly punitive with high suspension rates and a heavy police presence, and racially segregated.^{vii} In some cases, districts use disciplinary reassignment to alternative programs to avoid providing students with meaningful due process to appeal the discipline decision.^{viii}

Schools should continue efforts to decrease the number of out-of-school suspensions. However, at the same time, it is important to ensure the alternatives being offered in lieu of suspension are appropriate, effective, and keep the student on track towards graduation.

2. Black students were more likely to be suspended than white students.

As in previous years, in 2016-17, black students were overrepresented in every category of exclusionary discipline. Statewide, black students were **4.3** times more likely to be given a short-term suspension than their white classmates, and **3.4** times more likely to be given a long-term suspension. In 17 school districts, the likelihood that black students would be given a short-term suspension as compared to their white peers was even higher than the statewide average.



Unfortunately, these disparities are not new.^{ix} Year after year, black students are suspended at higher rates than their white peers. Even as suspensions overall have come down, the racial disproportionality persists and suspension continues to have a discriminatory and harmful impact on students of color. Research has shown that the higher rates of suspension for black students cannot be attributed to more frequent or more serious misbehavior by these students.^x Instead, this racial disproportionality is more likely explained by implicit racial biases of decision-makers, institutional and structural racism, and explicit discrimination against people of color.

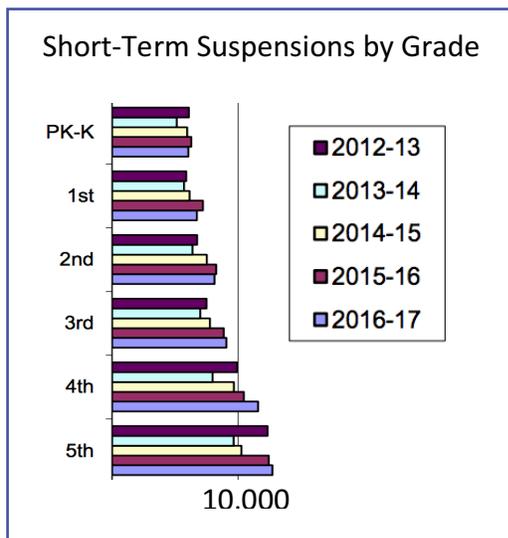
Some schools have begun to take steps to try to address these racial inequities. These measures include, but are not limited to:

- Passing policies promoting racial equity and including racial equity as a goal in long-term strategic planning;
- Implicit bias and racial equity training for teachers, administrators, and district leadership;
- Appointing a district-level supervisor to ensure discipline is imposed equitably across schools; and
- Establishing an equity task force that includes community stakeholders.

As these efforts are relatively new, it is too soon to fully evaluate their impact. However, schools should be encouraged to prioritize racial equity and to involve directly impacted students, parents, and community stakeholders in conversations about how to make discipline practices more equitable for students of color.

3. Tens of thousands of young children were suspended last school year.

The state’s youngest students, those in grades pre-kindergarten through fifth grade, received tens of thousands of out-of-school suspensions in 2016-17. The exact number of suspensions given to elementary school students is not published. However, the discipline data report reveals that despite the overall decrease in suspension, there were increases in the number of short-term suspensions given to students in **grades 3-5** and only slight decreases in the number given to students in grades PreK-2.

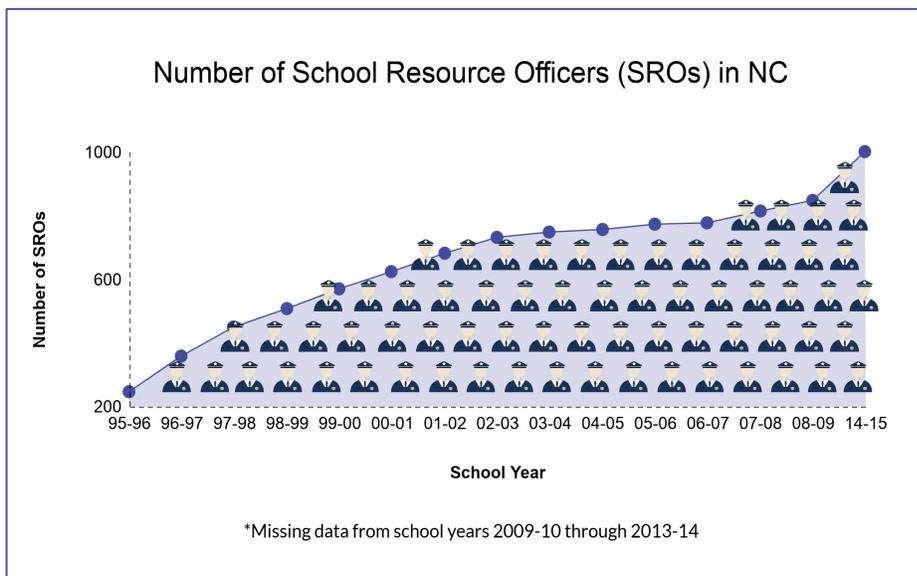


The high number of suspensions given to young students is troubling. As discussed above, suspension is not effective at addressing misbehavior and has negative impacts on student learning. Children suspended in early school years are 10 times more likely to drop out of high school, experience academic failure and grade retention, hold negative attitudes about school, and face incarceration, than those who are not.^{xi} Instead of pushing young children out of school through suspension, schools should instead be helping those students develop the social and emotional skills they need to be successful.

Recognizing this, many schools across the county are engaging in efforts to decrease early grade suspensions through measures such as early prevention and interventions, meaningful parent and family engagement, and policies banning suspensions for young students. Decreasing the number of young children who are pushed out of school through suspension in North Carolina should be a priority on both a local and state level.

4. There is not enough information about the impact of School Resource Officers.

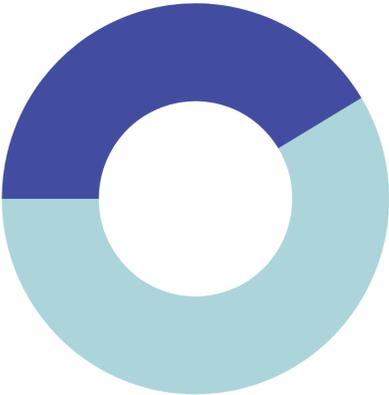
Since 1996, there has been a significant increase in the number of law enforcement officers, often called School Resource Officers or SROs, patrolling public schools in North Carolina.^{xii} In almost all schools, SROs are employed by local law enforcement agencies and primarily accountable to those agencies. In the vast majority of school districts, there are no school-based limitations on whether and when SROs may interrogate, search, arrest, or file complaints against students. Similarly, while schools are required to collect and report data on the use of suspension and expulsion, they are not required to do the same for school-based arrests or court referrals.



School Year	Number of SROs
1995-96	243
1996-97	359
1997-98	450
1998-99	507
1999-00	567
2000-01	623
2001-02	683
2002-03	731
2003-04	747
2004-05	754
2005-06	773
2006-07	778
2007-08	813
2008-09	849
2014-15	1000

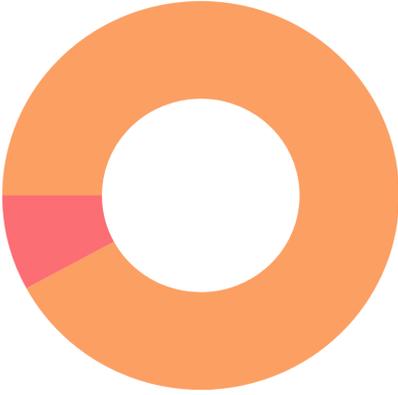
The lack of oversight for SRO programs is concerning since there is no evidence showing the presence of SROs improves overall school safety. Instead, research shows that the increasing presence of SROs correlates with an increase in the number of students being referred to court for minor misbehavior.^{xiii} In North Carolina, in 2016-17, the Division of Juvenile Justice reported that almost half of all juvenile complaints came from schools. Over **92%** of those school based complaints were for minor offenses. In contrast, only **72%** of all complaints (both school based and non-school based) were for minor offenses, suggesting that minor misconduct is more likely to be criminalized in the school environment.^{xiv} This is alarming given that court involvement has many of the same negative impacts on students as suspension and expulsion, including an increased risk of academic failure, dropping out, and future arrest.^{xv}

Juvenile Complaints (ages 6-15)



■ School-Based (41.38%) ■ Non-School Based (58.62%)

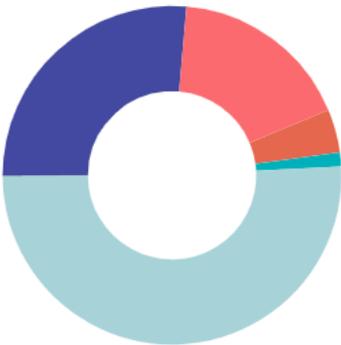
School-Based Complaints By Offense



■ Misdemeanor (92.08%) ■ Felony (7.92%)

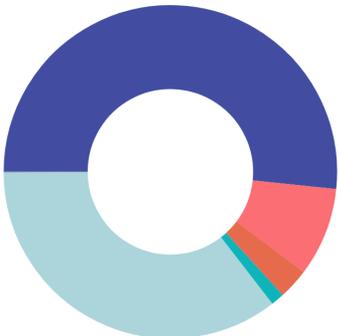
Further, just like with suspension, students of color are more likely to be referred to court than their white peers. In 2016-17, **51%** of school-based juvenile delinquency complaints were filed against black students, even though black students make up only a quarter of the statewide student population.

Student Population By Race



■ Black (26.34%)
 ■ Hispanic/Latino (17.36%)
 ■ Two or More Races (4.13%)
 ■ American Indian (1.34%)
 ■ White (50.72%)
 ■ Pacific Islander (0.10%)
 ■ Unknown Race (0%)

School Based Juvenile Complaints By Race



■ Black (51.65%)
 ■ Hispanic/Latino (8.60%)
 ■ Two or More Races (2.99%)
 ■ American Indian (1.29%)
 ■ White (35.39%)
 ■ Pacific Islander (0.08%)
 ■ Unknown Race (0%)

In the wake of recent school shootings, there have been calls for an expansion of SRO programs. However, given the negative effects school police have on many students and their unclear impact on overall safety, these proposals should be tabled until more information is gathered. In the meantime, resources should instead be used on evidence-based supports that are proven to improve school climate and make students feel safer, such as increasing the number of school nurses, social workers, and counselors.

RECOMMENDATIONS

While some individual schools and districts are taking steps to address the issues outlined above, to truly address these problems there must be immediate and bold action at the state level. This should include:

- Improving standards and oversight for alternative settings and programs, including better guidelines for *when* students can be referred to these programs and *what* services students are entitled to in alternative settings.
- Making racially equitable discipline a statewide priority by holding schools and districts accountable for discipline disproportionality and providing technical assistance to schools who want or need to improve racial equity in their discipline policies and practices.
- Enacting a statewide ban on the use of out-of-school suspension for young children, as many other districts and states have done.
- Mandating statewide data collection and public reporting of school-based interactions with police that allow deeper analysis of school policing programs.

For more information on recommendations, including best practices and examples of policy reforms from other states, please contact Peggy Nicholson at peggynicholson@scsj.org.

CONCLUSION

The school-to-prison pipeline funnels thousands of children out of schools and into the court system each year. While North Carolina is improving in many areas when it comes to school discipline, it is important to continue efforts to make sure that *all* children have meaningful access to safe, fair, and equitable schools. The recommendations above, whether taken through administrative or legislative actions, would help North Carolina get close to this goal.

*For questions about this white paper, contact Peggy Nicholson at 919-323-3380 or peggynicholson@scsj.org.

ⁱ *Consolidated Data Report, 2016-17*, Annual Reports, NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION (March 2018), <http://www.ncpublicschools.org/docs/research/discipline/reports/consolidated/2016-17/consolidated-report.pdf>.

ⁱⁱ N.C.G.S. § 115C-12(27).

ⁱⁱⁱ The report data were gathered from traditional and charter public schools as well as alternative schools/programs via the PowerSchool discipline module and files from third-party software in the specified state data format. Currently, Wake County is the only LEA providing data from third-party software without passing it through PowerSchool. *Consolidated Data Report, 2016-17*, p. 24.

^{iv} See *Out-of-School Suspension and Expulsion*, Policy Statement, AMERICAN ACADEMY OF PEDIATRICS, p. 1001-02 (2013), <http://pediatrics.aappublications.org/content/131/3/e1000.full.pdf>. See also *Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations*, American Psychological Association Zero Tolerance Task Force, p. 854 (Dec. 2008), <http://www.apa.org/pubs/info/reports/zero-tolerance.pdf>, *Dear Colleague Letter: Nondiscriminatory Administration of School Discipline*, U.S. DEPARTMENT OF EDUCATION AND U.S. DEPARTMENT OF JUSTICE, p. 4-5 (Jan. 8, 2014), <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf>.

^v *Id.*

^{vi} Alternative Learning Programs, NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION, <http://www.ncpublicschools.org/alp/>.

^{vii} Jason Langberg, *Alternative Education in North Carolina*, YOUTH JUSTICE PROJECT OF THE SOUTHERN COALITION FOR SOCIAL JUSTICE (2015), <http://youthjusticenc.org/download/education-justice/prevention-intervention-alternatives/ALP%20Report-Final.pdf>.

^{viii} In recent years, some of the state's largest districts (e.g. Charlotte-Mecklenburg Schools, Wake County Public School System, Winston-Salem Forsyth County Schools) have reported large decreases in long-term suspensions. However, this does not mean students are staying in their base schools. Instead, when a disciplinary incident occurs, instead of recommending long-term suspension, these districts reassign students to underperforming, overly punitive, and racially segregated alternative schools. Disciplinary reassignments deny the student full and meaningful due process to appeal the disciplinary decision and ultimately results in the same outcome for the student since districts already have to offer alternative education to students serving long-term suspensions in most circumstances.

^{ix} Black students are not the only group suspended at higher rates. In 2016-17, as in past years, American Indian students, Multi-Racial students, and students receiving special education services were also disproportionality represented among suspended students. *Consolidated Data Report, 2016-17*, p. 25-45.

^x *Dear Colleague Letter: Nondiscriminatory Administration of School Discipline*, p. 4.

^{xi} *Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings*, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES & U.S. DEPARTMENT OF EDUCATION, <https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-eece-expulsions-suspensions.pdf>.

^{xii} See *Annual School Resource Officer Census 2008-2009*, NC DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION CENTER FOR THE PREVENTION OF SCHOOL VIOLENCE, p. 2, <http://www.ncpublicschools.org/docs/cfss/law-enforcement/sro-census-08-09.pdf>; *2015 North Carolina School Resource Officer Census*, N.C. CENTER FOR SAFER SCHOOLS, NC DEPARTMENT OF PUBLIC SAFETY, p. 3, <http://www.ncpublicschools.org/docs/cfss/law-enforcement/2015-srocensus.pdf>.

^{xiii} See Chongmin Na and Denise Gottfredson, *Police Officers in Schools: Effects on School Crime and the Processing of Offending Behaviors*, JUSTICE QUARTERLY 30, p. 619-620 (2013); Steven C. Teske, *A Study of Zero Tolerance Policies in Schools: A MultiIntegrated Systems Approach to Improve Outcomes for Adolescents*, JOURNAL OF CHILD AND ADOLESCENT PSYCHIATRIC NURSING 24, p. 88-97 (2011), [http://www.ncjfcj.org/sites/default/files/Zero%20Tolerance%20Policies%20in%20Schools%20\(2\).pdf](http://www.ncjfcj.org/sites/default/files/Zero%20Tolerance%20Policies%20in%20Schools%20(2).pdf); Matthew T. Theriot, *School Resource Officers and the Criminalization of Student Behavior*, JOURNAL OF CRIMINAL JUSTICE 37 (2009), <http://youthjusticenc.org/download/education-justice/school-policing-security/School%20Resource%20of%EF%AC%81cers%20and%20the%20Criminalization%20of%20Student%20Behavior.pdf>.

^{xiv} Data received from the Division of Juvenile Justice of the NC Department of Public Safety (on file with author).

^{xv} *Bullies in Blue: The Origins and Consequences of School Policing*, AMERICAN CIVIL LIBERTIES UNION (April 2017), https://www.aclu.org/sites/default/files/field_document/aclu_bullies_in_blue_4_11_17_final.pdf.