

ARKANSAS EDUCATION REPORT
Volume 17, Issue 4

ARKANSAS STUDENT DISCIPLINE REPORT

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November 13, 2019

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Executive Summary

This report examines trends and overall measures of compliance and disproportionality for student discipline in public schools across the state of Arkansas in order to illuminate key findings for educators and policymakers. Using data from 2008-09 to 2017-18, provided by the Arkansas Department of Education, our research identifies trends and a number of key student outcomes related to student discipline in Arkansas public schools. This work builds upon prior editions of this report.¹ We assess compliance with recent legislation, passed in 2017, limiting suspensions and expulsions for elementary-aged students. In addition, we continue to report on 2013 legislation banning the use of out-of-school suspensions for truancy. While the data are only limited to the infractions and consequences reported by schools, and while we do not estimate causal effects of any policies or programs, this work includes some key findings relevant for educators and policymakers in the state. Based on the analysis we answered the following questions:

1. How have reported student infractions and associated consequences changed over time?

- Since the 2012-13 school year there has been an 86% increase in reported discipline infractions, with almost 270,000 discipline referrals in 2017-18. We believe this increase may not be due solely to increasing misbehavior over time but likely reflects, at least in part, an increased focus on reporting more minor disciplinary incidents.
- Over 80% of discipline referrals reported over the past ten years are for insubordination, disorderly conduct, or “other” infractions.
- The majority of the increase in infraction referrals has been in the category of “other” infractions. Beginning with the 2016-17 school year, additional reporting categories were included to try and capture a broader range of infraction types, but as of 2017-18, over a third of total infractions still remained identified only as “other”. Since infraction types within the “other” category cannot be individually categorized this complicates the interpretation of these data.
- Almost 88% of discipline consequences are out-of-school suspension (OSS), in-school suspension (ISS), or “other” action. There has been a decline in reported reliance on OSS, and corporal punishment over time.
- The majority of the increase in consequences has been in the category of “other” consequences. In 2016-17, additional reporting categories were included in an attempt to capture a wider variety of consequences implemented, but as of 2017-18, over 18% of consequences still remained identified only as “other.” While trends away from exclusionary discipline might indicate benefits for students, knowing more about what the “other” consequences are is important for understanding whether this represents a meaningful change for students.

¹ For last year’s report, see: <http://www.officeforeducationpolicy.org/arkansas-student-discipline-report/>

2. Are schools complying with Act 1059 of 2017, which limits the use of OSS and expulsion for students in kindergarten through fifth grade?

- Act 1059 restricted the use of OSS and expulsion for K-5 students except when a student’s behavior: a) poses a physical risk to himself or herself or to others or b) causes a serious disruption that cannot be addressed through other means.
- OSS and expulsions in grades K-5 declined 16.7%, from over 13,000 incidents in 2016-17 to roughly 11,000 incidents in 2017-18.
- In the past five years, K-5 students were most commonly suspended or expelled for disorderly conduct (32.3% of K-5 OSS and expulsions), “other” infractions (21.6%), fighting (18.6%), and insubordination (14.1%).
- Schools with a higher proportion of Hispanic and/or limited English proficient students tended to reduce reliance on OSS and expulsion for K-5 students the most. In general, schools with reduced reliance on OSS and expulsion also are disproportionately located in the Northwest and Southwest regions of the state.

3. How do elementary school principals and counselors in Arkansas characterize their experience implementing Act 1059?

- Due to relatively low response rates, the generalizability of results is limited. When combining principal and counselor surveys, only about 36% of elementary schools had at least one survey started, and only 23% had at least one survey completed.
- A majority of respondents indicated that they agree or strongly agree that the law is reasonable and will help meet student needs. Still, about one third of respondents agreed or strongly agreed that the wording of the law was ambiguous, and roughly 40% indicated they still have unanswered questions about the law.
- A majority also indicated they have the resources needed to comply. However, less than a quarter agreed or strongly agreed that the law would require their school to change our practices substantially.
- The majority of respondents indicated they were having no or minimal difficulties implementing the law, but they commonly cited challenges/barriers such as a lack of feasible discipline alternatives, a lack of mental health supports/counseling resources for students, insufficient resources, significant discipline challenges, and time spent on administrative tasks and paperwork.
- When asked about the success of this law, respondents generally reported that many outcomes were “about the same as before”. Counselors were generally more optimistic than principals about the success of the policy implementation.

4. Are schools complying with Act 1329 of 2013, which bans the use of OSS as a legal disciplinary response to truancy?

- The use of OSS for truancy declined from about 14% of all truancy cases in 2012-13 to about 6% of cases in 2017-18.

- In 2017-18, sixty-six schools reported at least five or more truancy infractions and reported using OSS in at least 10% of those cases. Many of these were concentrated in a few districts (e.g. 10 schools in the Little Rock School District, 4 schools in the Springdale School District, and 3 schools in the Pulaski County Special School District).

5. Are there racial or programmatic disproportionalities in school discipline?

- Disproportionalities by race, free and reduced price lunch eligibility, and special education status exist both in terms of the number of referrals for infractions of various types, as well as in the likelihood of receiving exclusionary discipline, conditional on referral for a particular type of infraction. For example, Black students receive 118.7 referrals per 100 students, relative to only about 38-42 for white students, Hispanic students, or students of other races. In addition, conditional on being written up for any infraction, Black students receive OSS, expulsions, or referrals to ALE in about 24% of these cases, relative to only about 13-15% for students of other races.

6. Which types of schools are High-Exclusion schools?

- Certain types of schools in the state tend to administer longer exclusionary punishments. These include schools with greater proportions of Black students, high schools, and middle schools (relative to elementary schools).

I. Introduction

This report was prepared by the Office for Education Policy for the Arkansas State Board of Education and the Arkansas Department of Education in response to Act 1329 of 2013 (State of Arkansas, 2013). The data used are de-identified student- and infraction-level information from 2007-08 to 2017-18 provided by the Arkansas Department of Education.

II. Student Discipline Trends Over Time

Trends in behavioral infractions

Table 1 and Figure 1 present the frequency of various infraction types from the 2008-09 school year through the 2017-18 school year. Of importance to note, beginning in 2016-17 some new categories were reported that were previously included in a general “other” category in an effort to capture a broader range of infraction types. These new categories include cellphones/electronic devices, stealing/theft, harassment/sexual harassment, public display of affection, terroristic threats, cyberbullying, and “other”. Regardless of the addition of the new categories, the number of “other” infractions increased over the period of time studied for this report. This does not necessarily mean that minor misbehaviors were on the rise, as some of the increase could be due to increased reporting of these behaviors when they do occur.

Across the past ten years, the most common infraction types were disorderly conduct (27.1% of the total) and insubordination (22.2%). The “other” infractions that do not fit into a state-level reporting category represent 29.8% of total infractions (31.3% when including the categories that were separately reported for the first time in 2016-17). Notably, these categories generally represent relatively minor, non-violent infractions. Further, disorderly conduct and insubordination are relatively subjective terms that could include a wide variety of behaviors. Additional, less-frequently reported, infractions include fighting (6.8%), truancy (6.3%), bullying (2.3%), tobacco (1.1%), student assault (1.0%), and a number of smaller categories that represent fewer than 1% of infractions each (drugs, vandalism, knives, staff assault, alcohol, gangs, explosives, guns, clubs).

Trends in consequences used

Table 2 and Figure 2 present the frequency of various consequence types from the 2008-09 school year through the 2017-18 school year. As with infractions, beginning in 2016-17, new categories were reported that previously were included in the “other” consequences in an attempt to capture a wider variety of consequences implemented. These new categories include detentions, warnings, bus suspensions, parent/guardian conferences, Saturday school, and “other”. In about 1.1% of all incidents, more than one consequence was listed as a response to the incident, so for the purposes of this report, the rates of each consequence type represent the most-severe/most-exclusionary type of consequence. Across all ten years, the most common consequences were in-school suspension (ISS), representing 37.1% of the total, “other” consequences (29.4%), and out-of-school suspensions (21.0%). Corporal punishment was used in about 11.3% of infractions over this ten-year period. Referrals to ALE, expulsions, and no actions, are quite rare.

Over time, reports of “other” consequences grew substantially. In 2008-09, these consequences represented about 14% of all consequences, but grew to about 42% by 2017-18. Over this same period, reliance on OSS decreased from about 25% to about 17%, ISS use

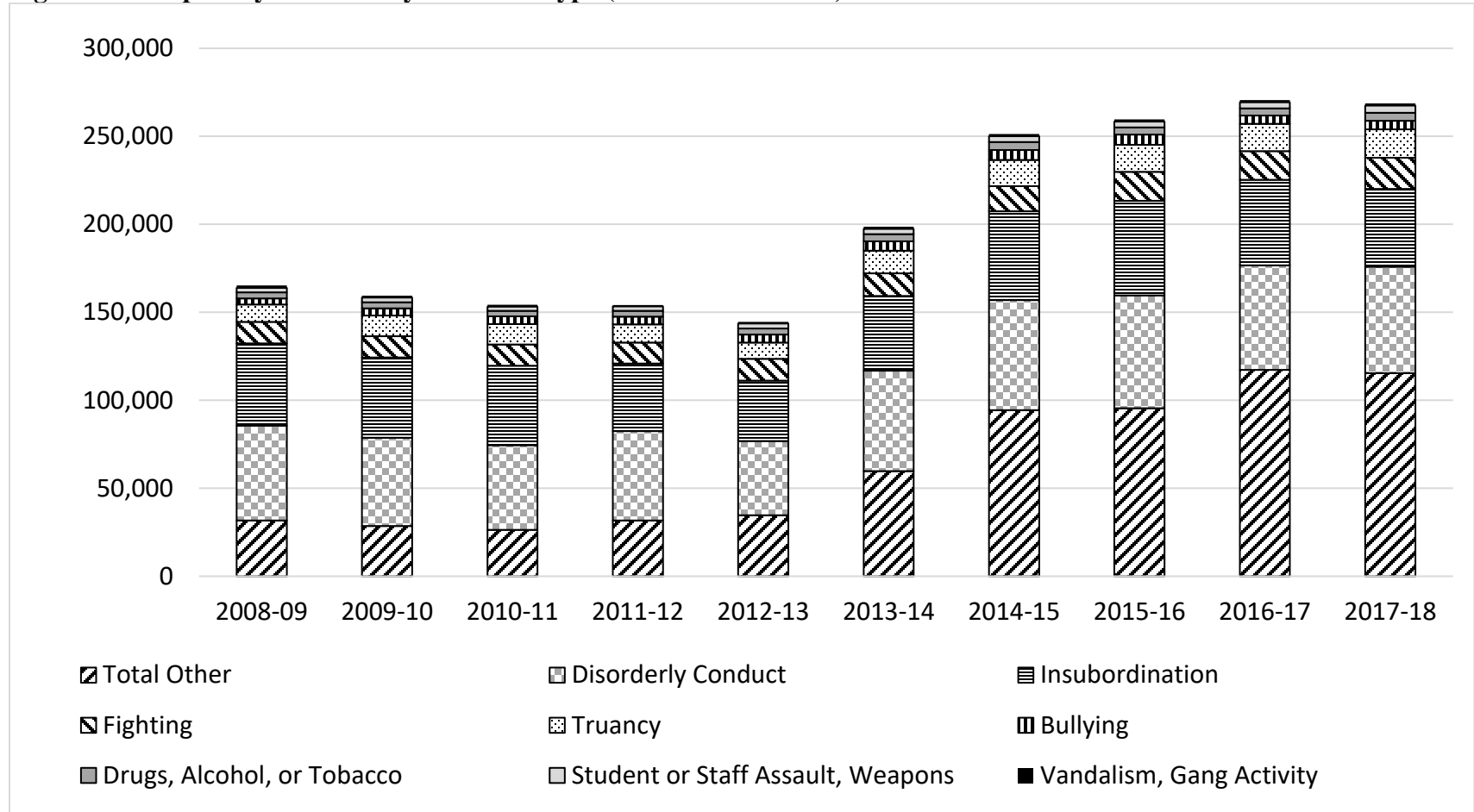
declined from 38% to 35%, and corporal punishment declined from 22% to 5%. Notably, while the share of infractions resulting in ISS or OSS declined over this period, the overall number of incidents per year increased – slightly for OSS and more substantially for ISS. As previously mentioned, this indicates a shift towards increased reporting of minor infractions in the “other” category, compared to more severe infractions.

Table 1: Frequency of infractions, by type (2008-09 to 2017-18)

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	Total	% of Total
Disorderly Conduct	53,969	50,266	48,132	50,854	42,124	57,072	62,674	64,072	59,417	60,643	549,223	27.1%
Insubordination	46,735	45,588	45,174	38,387	34,435	42,474	50,479	53,869	48,569	44,099	449,809	22.2%
Fighting	12,221	12,105	12,092	11,904	12,269	12,900	14,212	16,311	16,301	17,691	138,006	6.8%
Truancy	9,853	11,697	11,626	10,370	9,349	12,758	14,808	15,435	15,534	16,286	127,716	6.3%
Bullying	3,415	4,068	4,328	4,446	4,467	5,452	5,773	5,834	4,749	4,766	47,298	2.3%
Tobacco	2,199	2,230	1,961	1,899	1,963	2,408	2,771	2,434	2,224	2,842	22,931	1.1%
Student Assault	1,838	1,777	1,608	1,631	1,983	2,123	2,200	2,160	2,332	2,871	20,523	1.0%
Drugs	920	968	920	1,117	1,193	1,203	1,383	1,327	1,391	1,390	11,812	0.6%
Vandalism	945	824	893	677	730	1,075	1,076	1,051	1,173	1,104	9,548	0.5%
Knife	388	412	369	388	436	503	478	476	527	494	4,471	0.2%
Staff Assault	287	305	277	310	351	342	479	498	497	619	3,965	0.2%
Alcohol	286	286	309	277	290	333	377	319	385	389	3,251	0.2%
Gangs	357	332	175	107	127	102	108	170	130	149	1,757	0.1%
Explosives	46	57	60	50	42	52	40	33	46	41	467	0.0%
Guns	38	18	31	25	35	32	57	19	40	41	336	0.0%
Club	21	21	49	45	42	53	57	38	30	15	371	0.0%
Total Other	31,665	28,493	26,322	31,640	34,684	59,738	94,340	95,511	117,271	115,329	634,993	31.3%
Other									102,207	98,617	200,824	
Cellphone/Electronic Devices									10,137	10,944	21,081	
Stealing/Theft									1,717	2,034	3,751	
Harassment/Sexual Harassment									1,431	1,524	2,955	
Public Display of Affection									850	913	1,763	
Terroristic Threats									639	1,012	1,651	
Cyberbullying									290	285	575	
Total	165,183	159,447	154,326	154,127	144,520	198,620	251,312	259,557	270,616	268,769	2,026,477	100.0%

Note. Beginning in 2016-17, a few of the largest "other" categories began being separately reported.

Figure 1: Disciplinary incidents by infraction type (2008-09 to 2017-18)



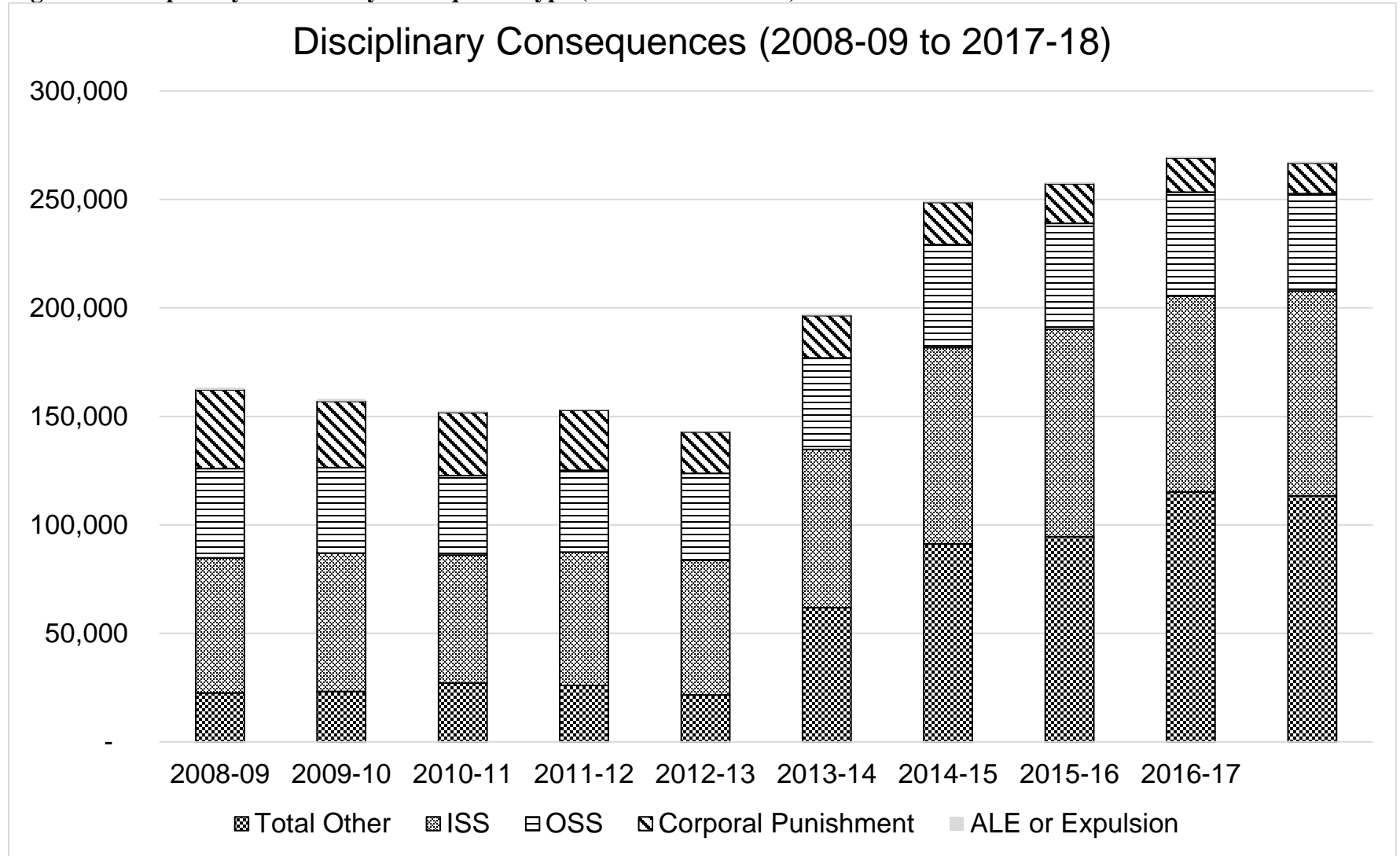
Note. Some infrequently reported infraction categories were grouped for ease of visibility (e.g. drugs, alcohol, and tobacco were originally reported separately but grouped together, as were student assault, staff assault, and weapons, as well as vandalism and gang activity).

Table 2: Frequency of consequences, by type (2008-09 to 2017-18)

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	Total
Expulsion	135 0.1%	321 0.2%	192 0.1%	95 0.1%	200 0.1%	248 0.1%	165 0.1%	170 0.1%	151 0.1%	478 0.2%	2,155 0.1%
ALE	915 0.6%	793 0.5%	619 0.4%	253 0.2%	317 0.2%	586 0.3%	538 0.2%	646 0.2%	559 0.2%	296 0.1%	5,522 0.3%
OSS	41,185 24.9%	39,452 24.7%	36,590 23.7%	37,714 24.5%	40,139 27.8%	42,094 21.2%	47,641 19.0%	48,872 18.8%	47,864 17.7%	44,854 16.7%	426,405 21.0%
ISS	62,233 37.7%	63,655 39.9%	59,031 38.3%	61,509 39.9%	62,033 42.9%	72,934 36.7%	90,346 35.9%	95,560 36.8%	90,228 33.3%	94,457 35.1%	751,986 37.1%
Corporal Punishment	36,246 21.9%	30,537 19.2%	29,132 18.9%	27,611 17.9%	19,013 13.2%	19,534 9.8%	19,274 7.7%	18,157 7.0%	15,806 5.8%	14,126 5.3%	229,436 11.3%
No Action	1,909 1.2%	1,397 0.9%	1,682 1.1%	969 0.6%	1,256 0.9%	1,339 0.7%	2,035 0.8%	1,585 0.6%	797 0.3%	1,250 0.5%	14,219 0.7%
Total Other	22,560 13.7%	23,292 14.6%	27,080 17.5%	25,976 16.9%	21,562 14.9%	61,885 31.2%	91,313 36.3%	94,567 36.4%	115,211 42.6%	113,308 42.2%	596,754 29.4%
Other	22,560	23,292	27,080	25,976	21,562	61,885	91,313	94,567	51,862	48,910	469,007
Detention									32,927	33,955	66,882
Warning									15,096	16,409	31,505
Bus Suspension									5,178	4,974	10,152
Parent/Guardian Conference									2,795	2,907	5,702
Saturday School									7,152	5,915	13,067
More than one "other" category									201	238	439
Total	165,183	159,447	154,326	154,127	144,520	198,620	251,312	259,557	270,616	268,769	2,026,477

Note. About 1.1% of infractions resulted in more than one consequence type. The numbers reported indicate the most-exclusionary/severe consequence type. Thus, each category may include some incidents that resulted in the reported category plus some less exclusionary/severe consequences.

Figure 2: Disciplinary incidents by consequence type (2008-09 to 2017-18)



Note. "No action" (0.8% of the total) was not shown for ease of visibility and interpretation. ALE or expulsion are reported separately but grouped together for ease of visibility.

III. Legal Compliance with Act 1059, Limiting Exclusionary Discipline in Grades K-5

In April 2017, the Arkansas state legislature passed Act 1059, which outlines the following:

The school district shall not use out-of-school suspension or expulsion for a student in kindergarten through grade five (K-5) except in cases when a student's behavior:

(A) Poses a physical risk to himself or herself or to others; or

(B) Causes a serious disruption that cannot be addressed through other means.

While this law did not completely ban the use of OSS or expulsions for students in grades K-5, it is reasonable to assume that the intent of the state legislature was to drastically reduce the use of exclusionary discipline practices except in extreme circumstances for this age group.

The reported disciplinary incidents and consequences indicate that the use of exclusionary discipline like OSS and expulsion for students in K-5 declined very little. As shown in Table 3, in 2016-17, the year in which the law was passed, there were over 13,000 disciplinary incidents, reported for students in grades K-5, that resulted in either OSS or expulsion. In 2017-18, this number declined slightly but was still above 11,000.

Table 3: Number of incidents, resulting in OSS or expulsion, by grade level and year

Grade	2013-14	2014-15	2015-16	2016-17	2017-18	Total	% of Total
Pre-K	7	11	3	14	3	38	0.0%
K	1,316	1,430	1,549	1,644	1,227	7,166	3.1%
1	1,377	1,635	1,640	1,744	1,449	7,845	3.4%
2	1,325	1,729	2,009	1,753	1,603	8,419	3.6%
3	1,472	1,789	2,044	2,229	1,750	9,284	4.0%
4	1,835	2,106	2,324	2,656	2,391	11,312	4.9%
5	2,832	2,959	3,118	3,367	2,739	15,015	6.4%
K-5 Total	10,157	11,648	12,684	13,393	11,159	59,041	25.4%
6	4,284	4,711	4,967	5,042	5,117	24,121	10.4%
7	5,479	5,941	5,804	6,034	6,061	29,319	12.6%
8	5,650	6,628	6,027	5,811	6,288	30,404	13.1%
9	5,837	7,008	7,340	6,830	6,145	33,160	14.2%
10	5,118	5,419	5,583	5,003	4,872	25,995	11.2%
11	3,476	3,843	3,950	3,631	3,415	18,315	7.9%
12	2,396	2,655	2,764	2,306	2,314	12,435	5.3%
6-12 Total	32,240	36,205	36,435	34,657	34,212	173,749	74.6%
Total	42,404	47,864	49,122	48,064	45,374	232,828	100.0%

Arkansas Act 1059 stated that OSS and expulsion could still be used if there was a risk of physical harm to the student or others, or a disruption that could not be addressed through other means. Table 4 shows the types of incidents for which students in grades K-5 receive OSS or expulsion, for each year from 2013-14 to 2017-18. Overall, the most common types of incidents that result in OSS or expulsions for K-5 students are disorderly conduct (32.3%), “other” infractions (21.6%), fighting (18.6%), and insubordination (14.1%). With the exception of fighting, the most common incident types are relatively subjective, and could likely be addressed through means other than suspension or expulsion. Trends in the data show the use of OSS and expulsion for these types of subjective infractions did decline between 2016-17 and 2017-18. From 2013-14 to 2017-18, the proportion of incidents resulting in OSS or expulsion for K-5 decreased 30.7% for insubordination incidents, 22.5% for disorderly conduct, and 19.0% for “other” infractions. OSS and expulsion for fighting only declined 1.2%, which seems reasonable given that the law allows for exceptions when there is a risk of physical harm. It is important to note that these declines could represent either a decrease in reported infractions in these groups, reduced reliance on exclusionary discipline for these infractions, or both.

Table 4: Types of infractions for which K-5 students are expelled or suspended

	2013- 14	2014- 15	2015- 16	2016- 17	2017- 18	Total	% of Total
Disorderly Conduct	3,608	3,596	4,260	4,275	3,313	19,052	32.3%
Fighting	1,745	1,908	2,342	2,516	2,485	10,996	18.6%
Insubordination	1,596	1,781	1,746	1,893	1,311	8,327	14.1%
Student Assault	354	383	416	523	574	2,250	3.8%
Bullying	504	465	471	418	347	2,205	3.7%
Staff Assault	124	202	214	225	248	1,013	1.7%
Knife	138	145	103	137	125	648	1.1%
Vandalism	48	73	65	69	52	307	0.5%
Truancy	30	20	28	32	13	123	0.2%
Drugs	22	19	24	22	29	116	0.2%
Tobacco	22	31	26	12	18	109	0.2%
Club	16	24	12	8	1	61	0.1%
Explosives	21	12	5	10	9	57	0.1%
Guns	9	19	4	7	7	46	0.1%
Alcohol	7	6	6	4	6	29	0.0%
Gangs	7	3	1	8	1	20	0.0%
Total Other	1,906	2,961	2,961	3,234	2,620	13,682	23.2%
Other	1,906	2,961	2,961	2,757	2,145	12,730	21.6%
Terroristic Threats				152	215	367	0.6%
Stealing/Theft				160	121	281	0.5%
Harassment/Sexual Harassment				146	120	266	0.5%
Cellphone/Electronic Devices				12	11	23	0.0%
Cyberbullying				4	5	9	0.0%
Public Display of Affection				3	3	6	0.0%
Total	10,157	11,648	12,684	13,393	11,159	59,041	100.0%

In addition, the share of students in kindergarten through fifth grade who received at least one OSS or expulsion, as shown in Table 5, decreased slightly between 2016-17 and 2017-18, which is in line with the intent of Act 1059. In each grade K-5, there was a decline in the proportion of excluded students of about 0.3 to 1.1 percentage points.

Table 5: Share of students receiving at least one OSS or expulsion, by grade and school-year

Grade Level	2014-15	2015-16	2016-17	2017-18
K	2.3%	2.4%	2.5%	1.9%
1	2.5%	2.5%	2.5%	2.2%
2	2.6%	3.0%	2.8%	2.5%
3	3.0%	3.2%	3.4%	2.7%
4	3.6%	3.8%	4.1%	3.6%
5	4.7%	4.9%	5.3%	4.2%
6	7.1%	7.4%	7.6%	7.7%
7	8.4%	8.8%	8.8%	9.1%
8	9.4%	9.1%	9.0%	9.6%
9	9.5%	9.9%	9.5%	9.2%
10	8.0%	8.1%	7.6%	7.8%
11	6.6%	6.8%	6.4%	6.3%
12	5.4%	5.5%	4.9%	5.0%

It is possible that the slight decline in K-5 suspensions and expulsions at the state level is masking heterogeneity across different types of schools. To assess this, we compared four different types of schools: decliners (those that suspended a smaller fraction of their K-5 students in 2017-18, relative to 2016-17), relative to non-decliners (those that suspended the same fraction or larger). In addition, we compare high-decliners (those who were in the top quartile in terms of declines that are in line with the intent of the policy), relative to other schools.

The results in Table 6 indicate that decliners and high-decliners do differ from their counterparts in that they tend to serve larger proportions of Hispanic students and larger shares of limited English proficient students. In addition, decliner schools serve a smaller proportion of special education students compared to their non-decliner peers. High decliners tend to serve a lower share of black students and tend to have smaller student enrollment numbers than non-high-decliners.

Table 7 also shows some differences in compliance by region. In total across the state, about 64% of elementary schools were decliners, with higher shares of decliner schools in the Southwest (75%) and Northwest (67%). Only about 54% of schools in the Northeast had a decline in the rate of K-5 students suspended or expelled.

Similarly, while 25% of the state’s elementary schools are high-decliners (by the researcher-created definition of high-decliners), these schools are disproportionately in the Southwest and Northwest regions.

It is important to note that much of the comparison of demographic characteristics in Table 6 may also be driven by these differences in region. In particular, the Northwest region, which had a higher share of decliners, serves more Hispanic students (21%) than the state average (13%) and more LEP students (15%) than the state average (8%).²

Table 6: Comparison of School Characteristics, Based on Change in Share of K-5 Students Suspended Expelled (2016-17 to 2017-18 Change)

	Decliner		Not		High-		Not High-	
	Schools	Decliners	Diff.	P-value	Decliners	Decliners	Diff.	P-value
Number of Schools	330	190			130	390		
School Enrollment	423.0	417.2	5.8	0.716	389.4	431.3	-42.0 **	0.017
% White	60.1%	63.3%	-3.2%	0.232	63.9%	60.4%	3.5%	0.240
% Black	21.4%	23.3%	-1.9%	0.464	15.3%	24.4%	-9.1% ***	0.001
% Hispanic	13.0%	8.7%	4.3% ***	0.000	15.0%	10.2%	4.8% ***	0.000
% Other Minority	5.5%	4.7%	0.8% *	0.054	5.9%	5.0%	0.8% *	0.070
% FRL	67.4%	66.8%	0.7%	0.685	67.7%	67.0%	0.6%	0.729
% Special Education	12.7%	13.4%	-0.7% **	0.045	12.8%	13.0%	-0.2%	0.553
% LEP	9.2%	5.2%	4.0% ***	0.001	11.5%	6.5%	5.0% ***	0.000
Avg. Math Z-Score	-0.053	-0.041	-0.012	0.733	-0.013	-0.059	0.046	0.246
Avg. ELA Z-Score	-0.045	-0.024	-0.021	0.552	0.000	-0.049	0.049	0.218

Note. Decliner schools are those that suspended out-of-school or expelled a smaller proportion of students in the post-policy year. High-decliner schools were the lowest quartile (25%) with the largest decline in the share of students suspended out-of-school or expelled. Only 303 out of 330 decliner schools and only 180 out of 190 non-decliner schools have test scores reported. Only 115 out of 130 high-decliner schools and 368 out of 390 non-high-decliner schools have test scores reported. Test scores only include grades 3-5.

***Difference is statistically significant at the 99% confidence level. **Difference is statistically significant at the 95% confidence level. *Difference is statistically significant at the 90% confidence level.

Table 7: Share of decliner, non-decliner, high-decliners, and non-high-decliners, by region

	% Decliners	% Non-Decliners	% High-Decliners	% Not High-Decliners
Northwest	67.3%	32.7%	32.2%	67.8%
Northeast	54.4%	45.6%	18.4%	81.6%
Central	61.7%	38.3%	20.4%	79.6%
Southwest	75.0%	25.0%	32.7%	67.3%
Southeast	62.5%	37.5%	18.8%	81.3%
Total	63.5%	36.5%	25.0%	75.0%

² Based on 2017-18 demographic characteristics from the Office for Education Policy. Source: <http://www.officeforeducationpolicy.org/arkansas-schools-data-demographics/>

IV. Principal and Counselor Perspectives on Arkansas Act 1059, Limiting Exclusionary Discipline in Grades K-5

In late spring of 2019, the Office for Education Policy at the University of Arkansas sent an email-based survey to principals and counselors in Arkansas' elementary schools, asking about their perspectives on the implementation of Act 1059 and on student discipline and climate more broadly. We present some summary results from these surveys here.

Survey Response Rates

Relatively low response rates limit our ability to generalize broadly about the results. Of the 624 elementary schools open in the 2016-17 school year (the year the policy was passed), 151 (24.2%) had principals start responding to the survey, with only 94 principals ultimately (15.1%) finishing the survey. Of the 624 open in that year, 105 (16.8%) had counselors begin to respond to the survey, with 63 (10.1%) finishing the survey. When combining the principal and counselor surveys, 222 (35.6%) of schools had at least one survey started, and 145 (23.2%) had at least one survey completed.

Schools that responded differ from non-responders in some ways, indicating our results may not represent the full set of Arkansas elementary schools. Table 8 compares the characteristics of schools that had at least one survey started (from either a principal or a counselor), and those with no response. Schools that responded had slightly larger student enrollments, a larger share of Hispanic students, a larger share of students that are neither White, Black, nor Hispanic, and a larger share of students with limited English proficiency. Responding and non-responding schools do not significantly differ in terms of sector (charter v. traditional public), baseline achievement or suspension/expulsion rates for K-5 students.

Table 8: Characteristics of schools by response type.

	No Response	At Least One Response	Diff.		P-value
Number of Schools	401	222			
School Enrollment	398.0	429.5	31.5	**	0.030
Pct. FRL	67.1%	67.4%	0.2%		0.877
Pct. White	62.6%	60.9%	-1.7%		0.496
Pct. Hispanic	10.7%	13.9%	3.2%	***	0.006
Pct. Black	21.7%	19.4%	-2.3%		0.323
Pct. Other Races	4.9%	5.7%	0.8%	**	0.047
Pct. Special Education	13.1%	13.2%	0.1%		0.873
Pct. LEP	7.1%	10.6%	3.5%	***	0.003
Charter	4.5%	3.2%	-1.3%		0.417
Math Z-score	-0.056	-0.023	0.033		0.318
ELA Z-score	-0.046	-0.020	0.025		0.452
Pct. Suspended or Expelled	3.7%	3.7%	0.0%		0.983

Note. Compares average school characteristics for schools with at least one response (at least one survey was started, either by a principal or a counselor) and those with no responses. Test scores were only available for 377 of the 401

schools that did not have survey responses and only 206 of the 222 schools that did respond. The percent of students suspended or expelled was only available for 400 of the 401 schools that did not have survey responses.

Response rates (focusing on the number of schools that had at least one survey response) were higher in the Southwest (46%), Northwest (39%), and Southeast (42%) regions, with lower rates in the Northeast (32%) and Central Arkansas (28%).

Survey Results

One of the survey questions asked how the survey respondent first became aware of this law. Table 9 shows the results and indicates that most principals learned about it through the Arkansas Department of Education (32%) or their district superintendent (26%), while most counselors learned about it through their school principal (31%) or the Arkansas Department of Education (16%). Notably, 11% of school principals and 43% of school counselors responded: “I wasn't aware this law had passed until taking this survey.” This indicates that many schools have administrators or counselors that are not even aware that this law had passed, which may affect the success of its implementation.

Table 9: Responses to the following question: “In April 2017, the Arkansas state legislature passed Act 1059, which outlines the following: The school district shall not use out-of-school suspension or expulsion for a student in kindergarten through grade five (K-5) except in cases when a student's behavior: (A) Poses a physical risk to himself or herself or to others; or (B) Causes a serious disruption that cannot be addressed through other means. How did you first become aware of this change in the law?”

	Principals		Counselors	
	Num.	%	Num.	%
I wasn't aware this law had passed until taking this survey	16	11.0%	43	43.4%
My district superintendent	38	26.0%	N/A	N/A
My school principal	N/A	N/A	31	31.3%
Another principal in my district	9	6.2%	N/A	N/A
Another employee in my district	10	6.8%	4	4.0%
My regional Education Service Cooperative	10	6.8%	0	0.0%
Arkansas Department of Education	46	31.5%	16	16.2%
The news or social media	2	1.4%	1	1.0%
Other	15	10.3%	4	4.0%
Total Responses	146	100.0%	99	100.0%

Note. “N/A” indicates that a given response was not an answer choice for that particular survey.

Survey respondents were asked the extent to which they agree (strongly disagree, disagree, agree, or strongly agree) with a variety of statements. Table 10 shows a summary of these results, focusing on a simple measure that indicates the percent of respondents that agree or strongly agree with each statement. The majority of survey respondents indicate that they believe the law is reasonable and has potential to improve school outcomes. For example, 68% of principals and 80% of counselors agreed or strongly agreed that “this law is reasonable.” 58% of

principals and 62% of counselors agreed or strongly agreed that “this law will help meet the needs of students.” Still, 41% of principals (only 20% of counselors) agreed or strongly agreed that “this law will hurt school climate.”

Further, many survey respondents indicate that the law seems feasible with existing resources and would not require drastic changes. For example, only 24% of principals and 24% of counselors agreed or strongly agreed that “this law requires my school to change our practices substantially.” 64% of principals and 80% of counselors agreed or strongly agreed that “this law is feasible,” and a majority of respondents (56% of principals and 57% of counselors) also agreed or disagreed that “my school has the resources we need to comply with this law.” While these results seem positive, as they indicate that school leaders feel confident they can comply, they also indicate that many schools do not view the law as something that requires them to change their practices substantially, which may temper our expectations for the impacts of this law.

Finally, in all cases, a majority of survey respondents indicate that the expectations with respect to the law are clear. Of particular note, 85% of principals agreed or strongly agreed that “my district superintendent's expectations with respect to this law are clear to me,” and 68% said the same of the ADE’s expectations. However, about one third of respondents agreed or strongly agreed that “the wording of this law is ambiguous” and roughly 40% agreed or strongly agreed that “I have unanswered questions about the law,” indicating there could still be some room for improvement in terms of communicating the expectations at higher levels of policy making.

Table 10: Percent of survey respondents that “agree” or “strongly agree” with each statement

	Principals	Counselors
This law is reasonable.	68.0%	80.0%
This law will help meet the needs of students.	57.9%	62.0%
This law will hurt school climate.	41.4%	20.0%
This law will make it easier to educate students.	24.0%	47.9%
I do not understand the rationale for this law.	37.5%	20.4%
This law requires my school to change our practices substantially.	24.4%	24.0%
My school has the resources we need to comply with this law.	55.9%	57.1%
This law is feasible.	64.1%	79.6%
The wording of this law is ambiguous.	36.2%	34.7%
I have unanswered questions about the law.	42.9%	38.0%
I have a clear vision for how to successfully implement this law in my school.	67.2%	55.1%
The state legislature's expectations with respect to this law are clear to me.	60.9%	62.0%
The Arkansas Department of Education's expectations with respect to this law are clear to me.	67.7%	63.3%
My district superintendent's expectations with respect to this law are clear to me.	85.2%	53.3%

The OEP also asked survey respondents the following: “To what extent did your school experience difficulties implementing this law during the two most recent school years?” (2017-18 and 2018-19). Table 11 indicates the majority of schools were having no or minimal difficulties, with very few schools responding that they were having substantial difficulties.

Table 11: Survey responses about difficulties implementing Act 1059

	<u>Principals</u>				<u>Counselors</u>			
	<u>2017-18</u>		<u>2018-19</u>		<u>2017-18</u>		<u>2018-19</u>	
	<u>Num.</u>	<u>%</u>	<u>Num.</u>	<u>%</u>	<u>Num.</u>	<u>%</u>	<u>Num.</u>	<u>%</u>
No difficulties	44	34.9%	45	35.4%	12	24.5%	15	30.6%
Minimal difficulties	40	31.7%	43	33.9%	18	36.7%	16	32.7%
Moderate difficulties	30	23.8%	29	22.8%	14	28.6%	13	26.5%
Substantial difficulties	8	6.3%	10	7.9%	4	8.2%	4	8.2%
I was not working in my current school at this time	4	3.2%	0	0.0%	1	2.0%	1	2.0%
Total Responses	82	100%	82	100%	37	100%	34	100%

When asked about challenges/barriers for implementing the law, principals most commonly cited discipline issues, lack of resources, and lack of mental health/counseling as key factors. Table 12 shows the results of a question asking “*To what extent is each of the following a challenge/barrier for implementing this law in your school?*” In particular, 58% of principals indicated that a “lack of feasible disciplinary alternatives” was a moderate or significant challenge or barrier. Similarly, 56% of principals indicated the same of “significant student discipline challenges.” Many (59%) principals also indicated that a “lack of mental health supports/counseling resources for students” was a significant or moderate challenge/barrier, and 45% also cited insufficient resources as a significant or moderate challenge/barrier. Some principals, when asked about “other” challenges/barriers, suggested that the law removes one option, without replacing it with another, “like funding for an ISS certified teacher” or a “true ALE/In-School Teacher.” One of these principals suggested that this is an unfunded mandate that will be ineffective, writing that “they love to make laws that are not supported with funding to find a way to solve the issues.” Several principals also indicated that parents, families, and community are also an important factor that remains a challenge/barrier to full implementation. In addition, some indicate a lack of understanding about restorative practices or trauma-informed practices as a challenge.

Counselors noted some of the same challenges/barriers, mainly a “lack of feasible discipline alternatives,” “significant student discipline challenges,” “insufficient resources,” and “lack of mental health supports/counseling resources.” In addition, 52% of counselors cited “time spent on administrative tasks and paperwork” as significant or moderate challenges. Some of the “other” challenges/barriers cited by counselors were related to other duties of counselors (primarily test coordination), and how school size often places a role in this, with smaller schools having counselors who are more stretched across multiple duties and sometimes multiple schools.

Table 12: Responses to the question: “To what extent is each of the following a challenge/barrier for implementing this law in your school?”

Panel A: Principals

	Not a challenge or barrier	A slight challenge or barrier	A moderate challenge or barrier	A significant challenge or barrier	Total Num. Responses
Teacher resistance	39.8%	32.5%	22.8%	4.9%	123
Lack of feasible disciplinary alternatives	16.4%	25.4%	38.5%	19.7%	122
Lack of teacher classroom management skills	21.1%	50.4%	21.1%	7.3%	123
Significant student discipline challenges	10.6%	33.3%	30.1%	26.0%	123
Lack of leadership by my district administrators	68.3%	21.1%	8.9%	1.6%	123
Lack of leadership by my school principal	N/A	N/A	N/A	N/A	N/A
Frequent changes in my district's policies and priorities	75.6%	17.1%	5.7%	1.6%	123
Frequent changes in my school's policies and priorities	N/A	N/A	N/A	N/A	N/A
Competing district priorities	67.5%	22.0%	7.3%	3.3%	123
Insufficient resources (e.g., funding, facilities, materials, personnel)	22.8%	32.5%	30.1%	14.6%	123
Politics	41.5%	29.3%	17.1%	12.2%	123
Lack of mental health supports/counseling resources for students	17.9%	23.6%	20.3%	38.2%	123
Time spent on administrative tasks and paperwork	21.3%	36.9%	31.1%	10.7%	122
Other	16.7%	8.3%	25.0%	50.0%	12

Panel B: Counselors

	Not a challenge or barrier	A slight challenge or barrier	A moderate challenge or barrier	A significant challenge or barrier	Total Num. Responses
Teacher resistance	34.8%	37.0%	21.7%	6.5%	46
Lack of feasible disciplinary alternatives	17.4%	34.8%	28.3%	19.6%	46
Lack of teacher classroom management skills	26.1%	37.0%	26.1%	10.9%	46
Significant student discipline challenges	15.2%	32.6%	32.6%	19.6%	46
Lack of leadership by my district administrators	64.4%	20.0%	6.7%	8.9%	45
Lack of leadership by my school principal	67.4%	21.7%	4.3%	6.5%	46
Frequent changes in my district's policies and priorities	60.9%	23.9%	6.5%	8.7%	46
Frequent changes in my school's policies and priorities	65.2%	23.9%	4.3%	6.5%	46
Competing district priorities	58.7%	21.7%	13.0%	6.5%	46
Insufficient resources (e.g., funding, facilities, materials, personnel)	13.0%	34.8%	23.9%	28.3%	46
Politics	41.3%	30.4%	15.2%	13.0%	46
Lack of mental health supports/counseling resources for students	19.6%	28.3%	26.1%	26.1%	46
Time spent on administrative tasks and paperwork	21.7%	26.1%	28.3%	23.9%	46
Other	60.0%	0.0%	0.0%	40.0%	5

Respondents were also asked their views on whether success with certain school outcomes changed as a result of this law. Table 13 shows that most respondents reported that outcomes related to school climate including student behavior, discipline, attendance, and achievement were “about the same as before.” In addition, counselors were more likely to indicate that outcomes were “slightly” or “much more successful than before” than were principals. For example, 41% of counselors reported the law was slightly or much more successful at reducing reliance on exclusionary discipline, relative to 28% of principals. Importantly, counselors are not indicating that this reducing on exclusionary discipline is coming at the cost of worsening safety or order in schools, as 36% of counselors reported the law was slightly or much more successful at ensuring a safe and orderly environment, while only 14% reported their school was slightly or much less successful at ensuring a safe and orderly environment after the law passed. On the other hand, principals are telling a slightly different story as it relates to safety and order, with 27% indicating that their school was slightly or much less successful at ensuring a safe and orderly environment after the passage of this law, and 22% of principals indicate their school was less successful at reducing misbehavior. These results indicate that principals and counselors— at least among the limited group of survey respondents – may have different perspectives on the success of this policy.

Table 13. Responses to the question: “How has your school's success with each of the following changed, as a result of this new law?”

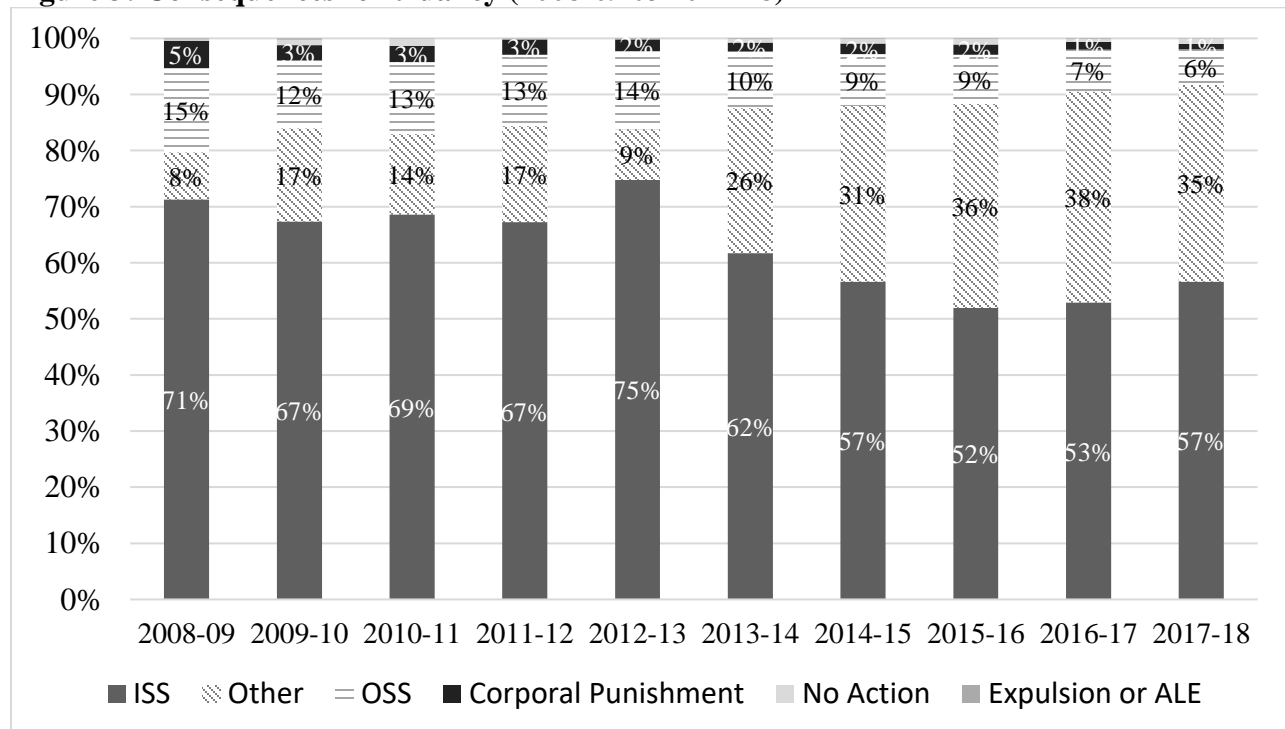
Panel A: Principals						
	Much less successful than before	Slightly less successful than before	About the same as before	Slightly more successful than before	Much more successful than before	Total Num. Responses
Reducing racial gaps in student discipline	1.2%	1.2%	88.4%	7.0%	2.3%	86
Reducing reliance on exclusionary discipline	3.5%	8.1%	60.5%	20.9%	7.0%	86
Improving attendance	1.1%	8.0%	70.1%	14.9%	5.7%	87
Reducing misbehavior	2.3%	19.5%	65.5%	9.2%	3.4%	87
Ensuring a safe and orderly environment	3.5%	23.3%	58.1%	10.5%	4.7%	86
Improving student achievement overall	1.2%	10.5%	70.9%	12.8%	4.7%	86
Reducing student achievement gaps	2.3%	8.1%	74.4%	10.5%	4.7%	86
Panel B: Counselors						
	Much less successful than before	Slightly less successful than before	About the same as before	Slightly more successful than before	Much more successful than before	Total Num. Responses
Reducing racial gaps in student discipline	0.0%	3.4%	75.9%	10.3%	10.3%	28
Reducing reliance on exclusionary discipline	0.0%	10.0%	53.3%	20.0%	16.7%	27
Improving attendance	3.3%	3.3%	66.7%	23.3%	3.3%	28
Reducing misbehavior	0.0%	6.7%	70.0%	13.3%	10.0%	28
Ensuring a safe and orderly environment	6.9%	6.9%	55.2%	13.8%	17.2%	25
Improving student achievement overall	0.0%	3.3%	70.0%	13.3%	13.3%	29
Reducing student achievement gaps	0.0%	3.4%	79.3%	6.9%	10.3%	28

V. Legal Compliance with Act 1329 Ban on OSS for Truancy

In March 2013, the Arkansas state legislature passed Act 1329 (State of Arkansas, 2013), which among other things, banned the use of OSS as a consequence for truancy. This law did not explicitly mention the use of any other alternative responses to truancy, and did not explicitly ban the use of other consequences including expulsions, referrals to ALE, or ISS. Truancy has represented about 6% of total reported infractions during the past ten years, with 127,716 reported truancy cases over this period. As indicated in Table 1, the number of truancy infractions reported increased over the past ten years, from about 10,000 to 11,000 in the first few years to about 15,000 to 16,000 in the last few years. This does not necessarily mean that students are actually increasingly truant, as it could also be due to changes in reporting practices over time.

To assess compliance with this policy change, we report the share of truancy incidents that resulted in each type of consequence, over time. Figure 3 shows that the use of OSS as a consequence for truancy has not been eliminated, as Act 1329 intended. Use of OSS for truancy *has* declined, however, from about 14% of all truancy incidents in 2012-13 to about 6% in 2017-18. At the same time, reliance on “other” consequences as a response for truancy has greatly increased from about 9% in 2012-13 to about 35% in 2017-18. Although ISS for truancy was not banned by Act 1329, the use of ISS for truancy has also declined significantly after this policy change was passed from about 75% of cases in 2012-13 to about 57% in 2017-18. Thus, there appears to have been a shift towards not suspending students – either in or out of school – for truancy, yet the policy did not eliminate OSS use for truancy, as intended.

Figure 3: Consequences for truancy (2008-09 to 2017-18)



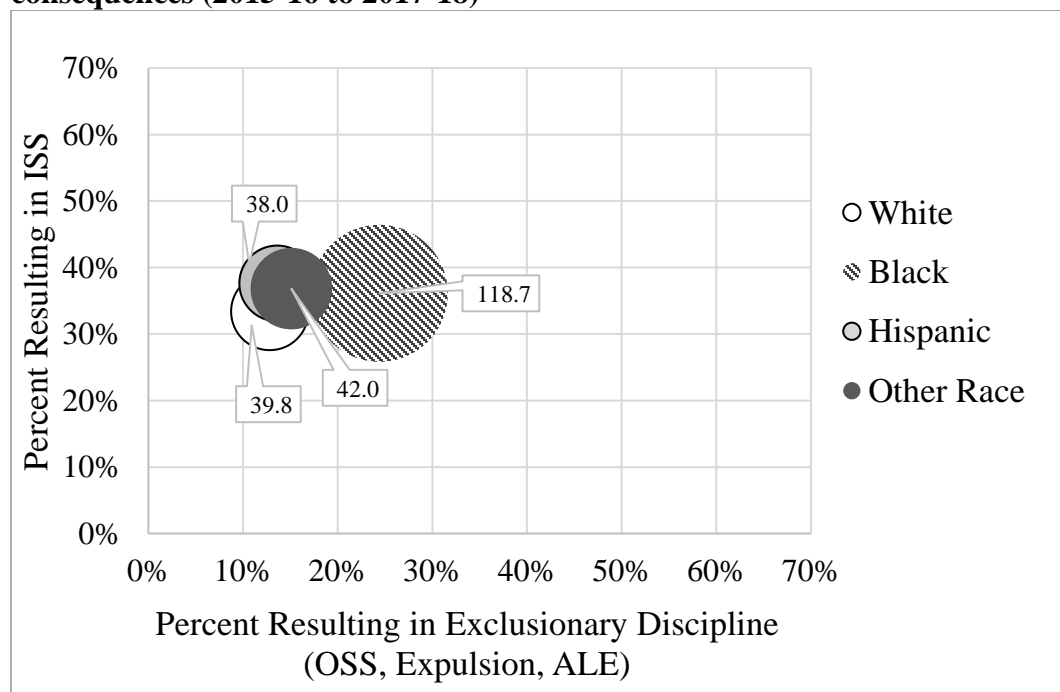
To test for school-level compliance with this policy change, we use the infraction-level data, with the associated consequences, to note which schools used OSS as a consequence for truancy in 2017-18. Specifically, we report in Appendix Table A the set of 66 schools that had five or more truancy infractions in 2017-18 and reported using OSS in 10% or more of those cases. By focusing on the schools that report at least at these levels, we limit the likelihood that we identify a school that only reported truancy or use of OSS in response as the result of a fluke or reporting error. In addition, we denote, among this list of schools, whether they also used OSS as a consequence for truancy at least once in 2016-17. There were three districts with three or more schools using OSS for truancy in at least 10% of truancy incidents in 2017-18: Little Rock SD (10 schools), Pulaski County Special SD (3 schools), and Springdale SD (4 schools). In addition, 3 schools used OSS in response to truancy for 100% of 2017-18 truancy cases, although in these 3 schools, the total number of truancy incidents was 15 or fewer.

VI. Disproportionalities in Student Discipline

Racial disproportionalities in referrals and consequences

To illustrate the racial disparities in both referrals and consequences, we present a series of bubble charts for all infraction types, as well as the five most common infraction types (disorderly conduct, insubordination, other, fighting, and truancy). Each of these bubble charts is produced using the three most recent years of data (2015-16 to 2017-18), to represent the recent discipline climate in the state. Figures 4-9 display racial disproportionalities in the number of infractions per 100 students in a group (indicated by the relative size of the bubbles), as well as in the types of consequences received as a result (indicated by the location of the center of the bubble on the vertical and horizontal axes).

Figure 4: Racial disparities in disciplinary referrals (all infractions) and associated consequences (2015-16 to 2017-18)



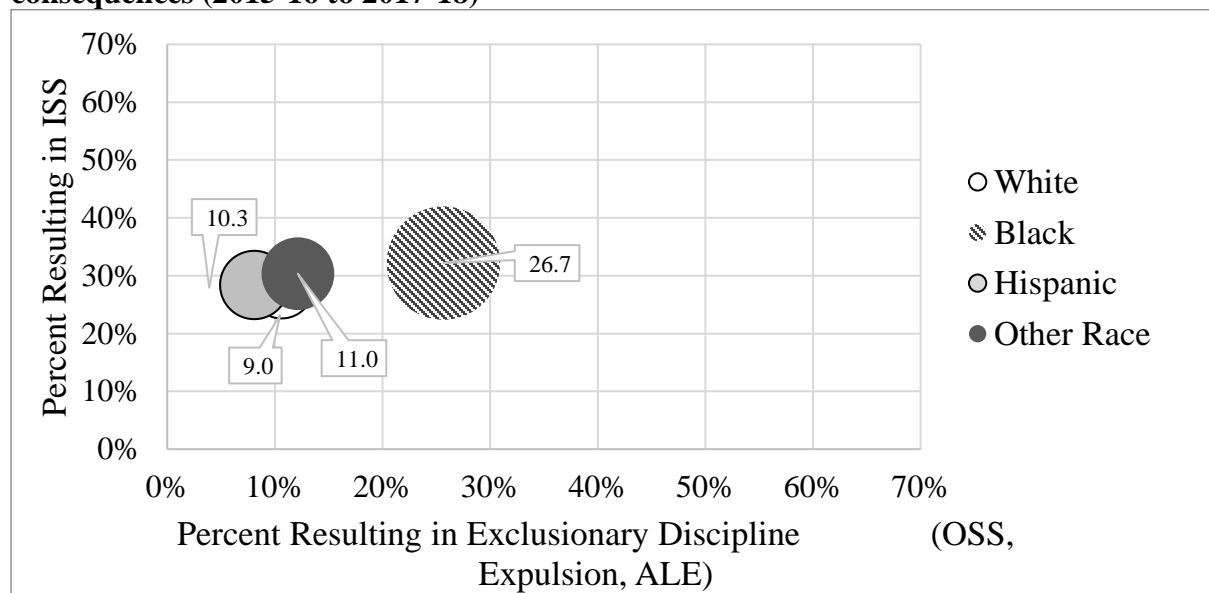
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students in racial subgroup.

Figure 4, for example, shows that black students receive 118.7 infractions per 100 students, or more than one infraction per student per year. This is quite high relative to other racial groups in the state, who tend to receive about 38-42 referrals per 100 students. Not only are black students in the state much more likely to be referred for disciplinary infractions, they also are more likely to receive exclusionary discipline as a result. Approximately 24% of all infractions for black students result in exclusionary discipline, relative to only about 13% for White students, 14% for Hispanic students, and 15% for students of other races. Thus, black students in the state are overrepresented both in terms of referrals, and in terms of exclusionary discipline conditional on a referral.

Next, we discuss these same disparities for the most common types of infractions in the state. Figure 5 shows that black students receive 26.7 referrals for disorderly conduct, per 100 students, relative to only about 9.0 referrals per 100 white students. Thus, black students are about 3.0 times as likely as white students in the state to be referred for disorderly conduct. Then, conditional on being written up for this type of infraction, black students are also much more likely than all other racial groups to receive exclusionary discipline. For example, 26% of disorderly conduct infractions reported for black students result in exclusionary discipline, compared to only 11% of disorderly conduct infractions reported for white students, 8% of disorderly conduct infractions reported for Hispanic students, and 12% of disorderly conduct infractions reported for students of another race.

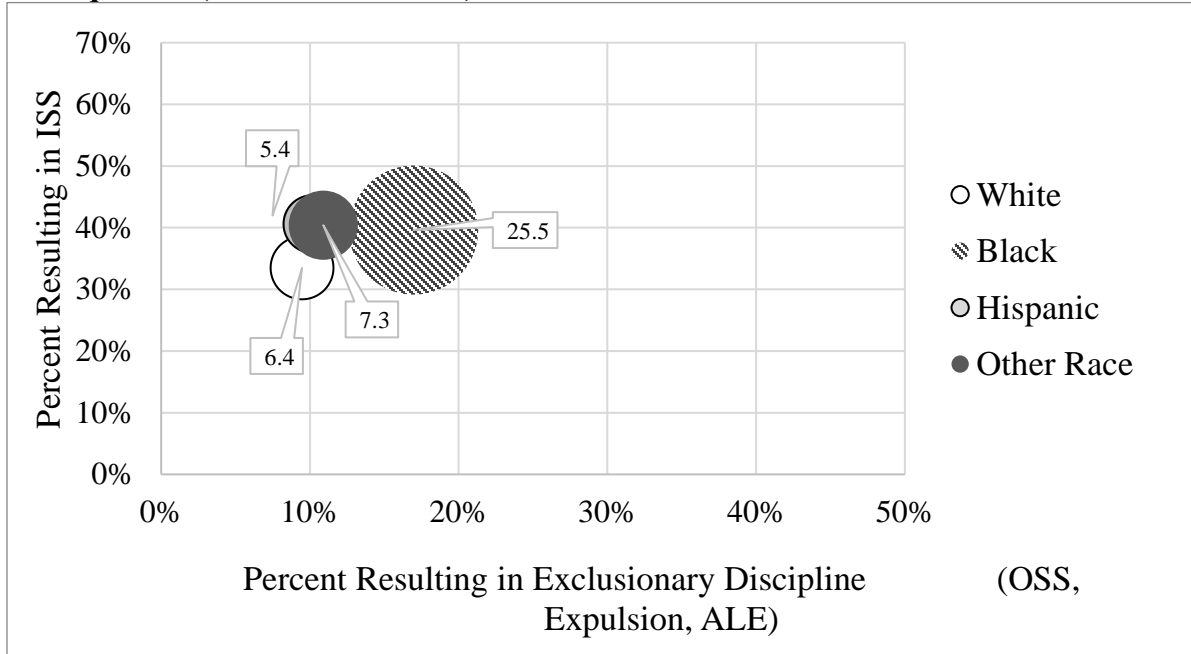
Similar patterns can be seen for the other frequent infraction types (insubordination, other, fighting, and truancy); black students are overrepresented in both referrals and exclusionary discipline conditional on referral. Of these common infraction types, only one type – fighting – resulted in exclusionary discipline for another racial subgroup, Hispanic students, at similar rates that Black students experience (63% for Hispanic students, 65% for black students).

Figure 5: Racial disparities in disciplinary referrals (disorderly conduct) and associated consequences (2015-16 to 2017-18)



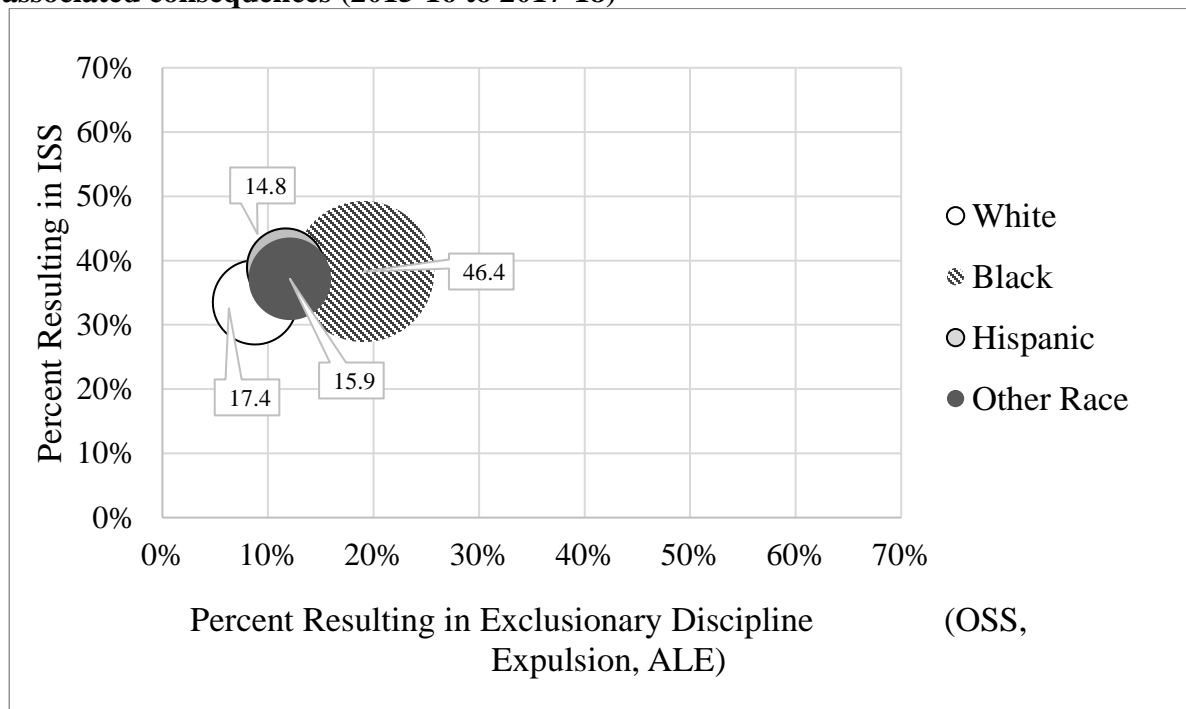
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students in racial subgroup.

Figure 6: Racial disparities in disciplinary referrals (insubordination) and associated consequences (2015-16 to 2017-18)



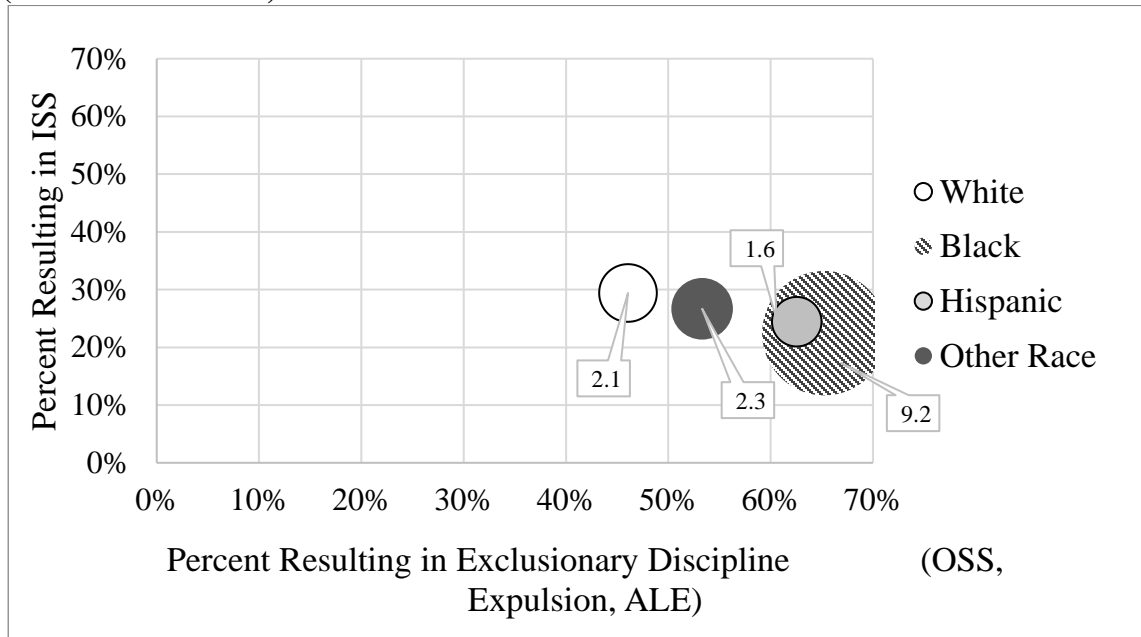
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students in racial subgroup. The circle for Hispanic is mostly hidden behind the circle for other race.

Figure 7: Racial disparities in disciplinary referrals (“other” non-specified infractions) and associated consequences (2015-16 to 2017-18)



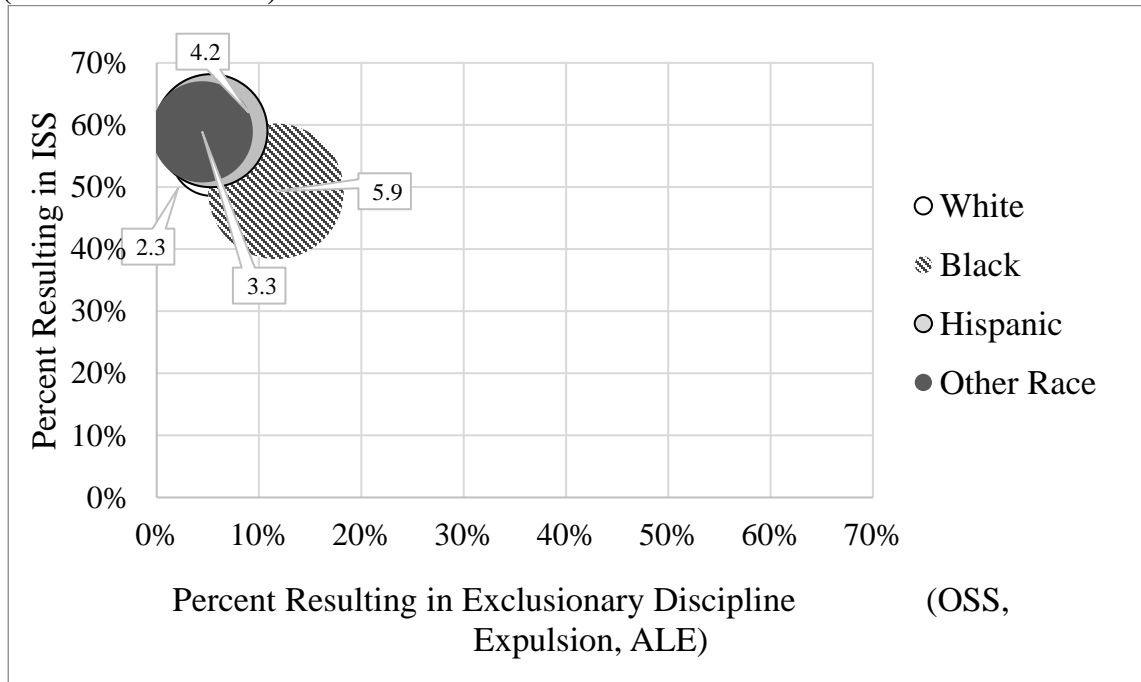
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students in racial subgroup.

Figure 8: Racial disparities in disciplinary referrals (fighting) and associated consequences (2015-16 to 2017-18)



Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students in racial subgroup.

Figure 9: Racial disparities in disciplinary referrals (truancy) and associated consequences (2015-16 to 2017-18)



Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students in racial subgroup.

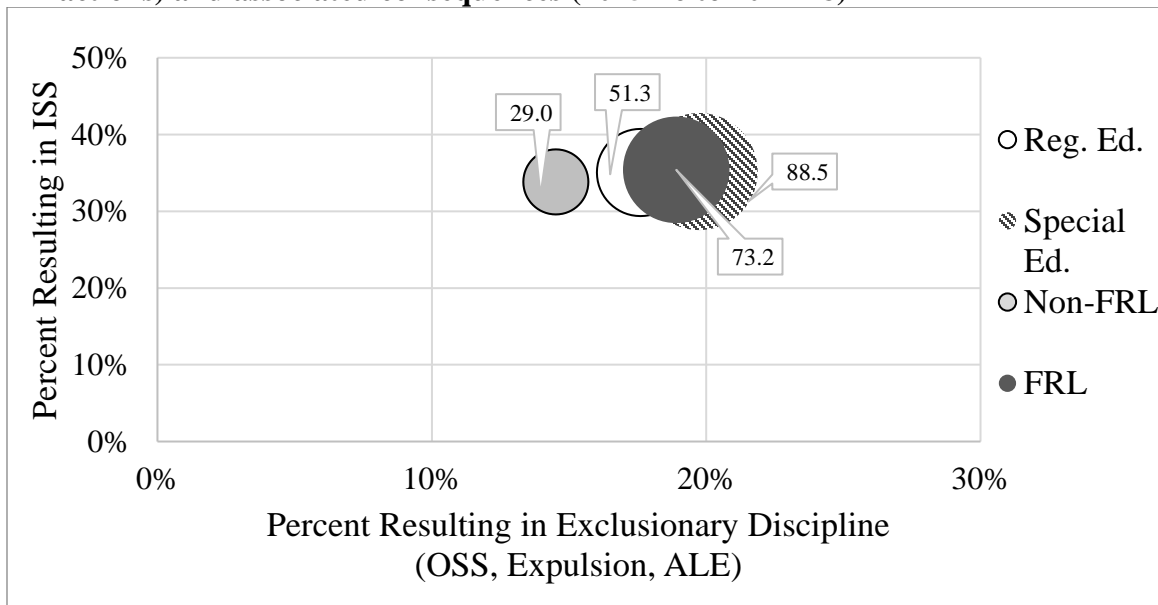
Disproportionalities in referrals and consequences for low-income students and students with disabilities

We also present similar figures showing the relative disparities in referrals and consequences for low-income students, as measured by free- and reduced-price lunch (FRL) eligibility, as well as for students with disabilities (SWDs). Figure 10 shows these figures for all infractions, and Figures 11-13 represent the disparities for each of the three most common infraction types (disorderly conduct, insubordination, and “other”).

Figure 10 shows that FRL students and students with disabilities are over-represented in referrals, as indicated by the relatively large bubble sizes. FRL students receive about 73.2 discipline referrals per 100 students, relative to about 29.0 per 100 for their non-FRL peers in the state, indicating their referral rate is about 2.5 times that of non-FRL students. Special Education students receive about 88.5 referrals per 100 students, relative to only 51.3 for their regular education peers, a disparity of about 1.7 times that of non-Special Education students. Similar disparities can be seen for each of the three most common types of infractions (disorderly conduct, insubordination, and other) in Figures 11-13. For all these types of consequences, FRL students and SWDs are more likely to be referred than their peers.

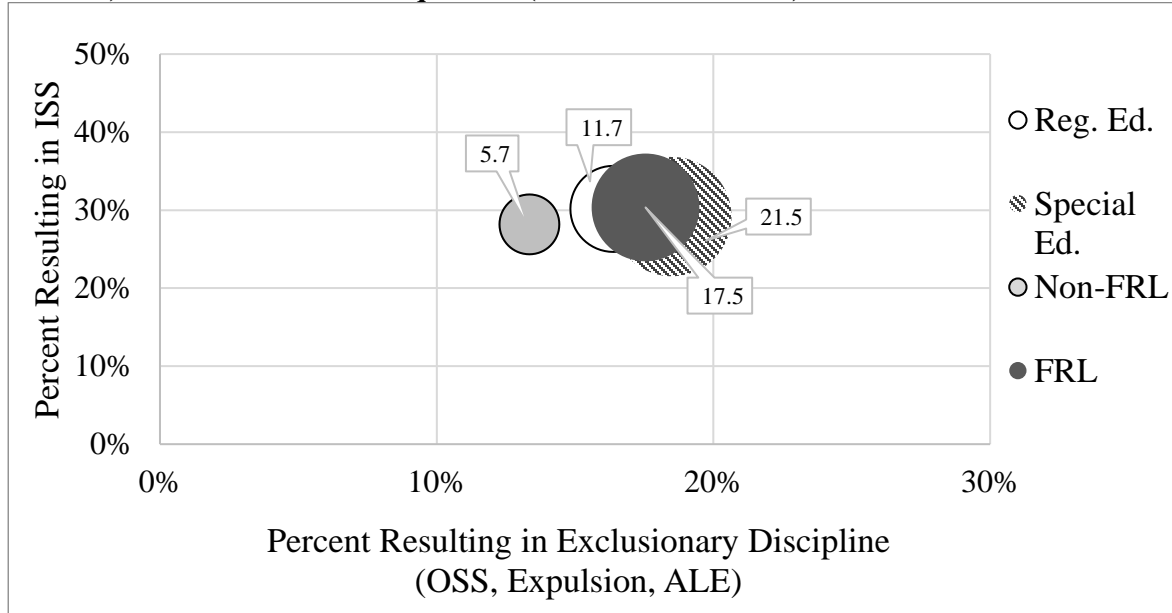
With respect to the type of disciplinary consequence used in response to these infractions, there are not obvious disparities in the types of discipline used when comparing between special education and regular education students. More disparities exist between FRL and non-FRL students. Non-FRL students are less likely to receive exclusionary discipline for these types of infractions than all other groups, on average.

Figure 10: Special education and income disparities in disciplinary referrals (total infractions) and associated consequences (2015-16 to 2017-18)



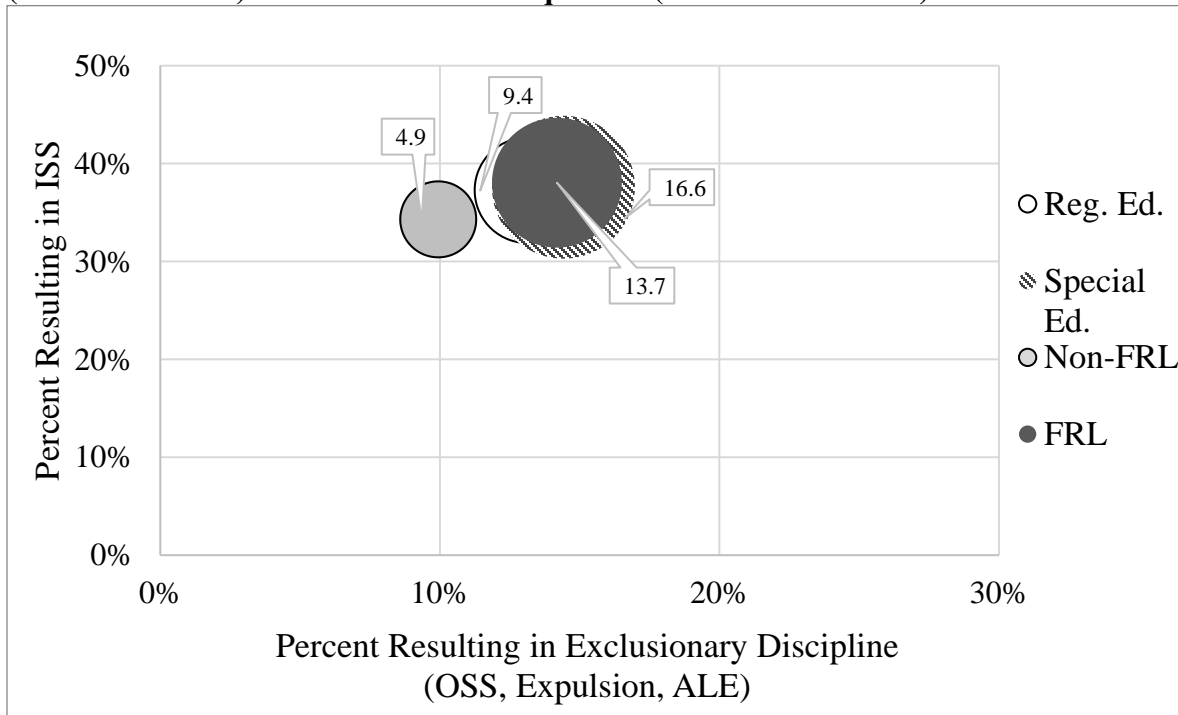
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students in each subgroup.

Figure 11: Special education and income disparities in disciplinary referrals (disorderly conduct) and associated consequences (2015-16 to 2017-18)



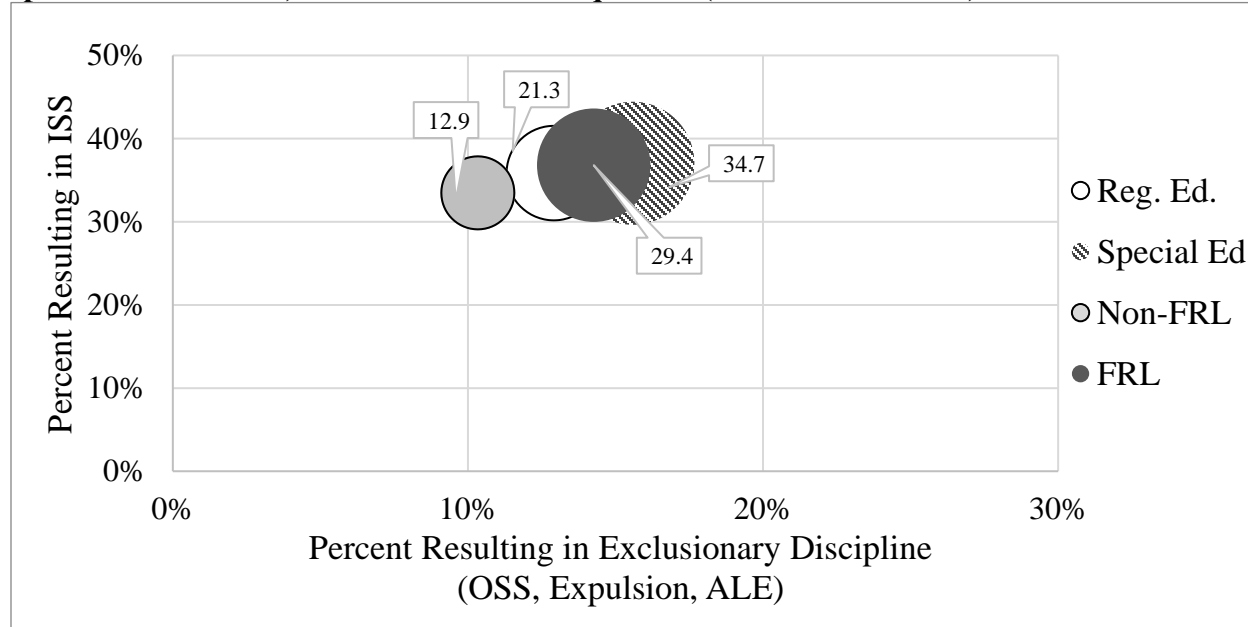
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students in each subgroup.

Figure 12: Special education and income disparities in disciplinary referrals (insubordination) and associated consequences (2015-16 to 2017-18)



Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students in each subgroup.

Figure 13: Special education and income disparities in disciplinary referrals (“other” non-specified infractions) and associated consequences (2015-16 to 2017-18)



Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students in each subgroup.

VII. School Severity Index: Assessing Which Types of Schools are High-Exclusion Schools

The results mentioned so far indicate that students of color, low-income students, and special education students are referred for disciplinary infractions at disproportionately higher rates than their peers. Moreover, exclusionary discipline is administered disproportionately, particularly to students of color and low-income students. Therefore, to identify what types of schools might be ideal for programmatic or policy interventions, we construct what we refer to as a “School Severity Index” (Anderson & Ritter, 2017). The aim in doing this is to identify schools who are administering relatively “severe” or longer exclusionary discipline in response to infractions. We use a two-stage residuals approach, focusing on the three most recent years of our data (2015-16 to 2017-18). In the first stage, we predict the number of days of exclusionary discipline as a function of the types of factors that reasonably could predict the type or length of consequence received for a particular disciplinary incident. For example, the type of infraction, grade level, school year, and the number of total infractions for that student up through that point in the school year are all factors that might reasonably affect a school leader’s decision about how to respond. Then, we use this model to test which schools, on average, mete out longer or shorter punishments, relative to the state average. This creates a school-by-year level measure of the SSI. Then, in a second stage of our analysis, we regress this SSI measure on school characteristics to assess what types of schools administer longer punishments. For more details on this approach, see Appendix B.

We conduct this two stage approach using three different definitions of “exclusionary consequences” to test the robustness of these results:

1. OSS and expulsions
2. OSS, expulsions, and referrals to ALE

3. OSS, expulsions, referrals to ALE, and ISS

In addition, we use two imputation methods to deal with incidents in which the days of the consequence was missing; we either impute the mean number of days or the modal number of days for that type of consequence. Thus, we present six different models in Table 3.

Table 3: School Severity Index as a function of school characteristics (2015-16 to 2017-18)

	OSS, Expulsion (Mean Imputed)	OSS, Expulsion, ALE (Mean Imputed)	OSS, Expulsion, ALE, and ISS (Mean Imputed)	OSS, Expulsion (Mode Imputed)	OSS, Expulsion, ALE (Mode Imputed)	OSS, Expulsion, ALE, and ISS (Mode Imputed)
Log of School Enrollment	-0.024 (0.016)	-0.024 (0.016)	-0.020 (0.017)	-0.024 (0.016)	-0.024 (0.016)	-0.021 (0.017)
School % Special Ed.	0.147 (0.120)	0.156 (0.126)	0.176 (0.160)	0.147 (0.120)	0.153 (0.124)	0.174 (0.158)
School % LEP	0.478** (0.241)	0.480* (0.248)	0.409 (0.265)	0.477** (0.241)	0.481* (0.245)	0.412 (0.263)
School % FRL	-0.073 (0.058)	-0.073 (0.060)	-0.065 (0.063)	-0.073 (0.058)	-0.074 (0.059)	-0.066 (0.063)
School % Hispanic	-0.346* (0.201)	-0.345* (0.206)	-0.307 (0.223)	-0.346* (0.201)	-0.345* (0.204)	-0.308 (0.222)
School % Black	0.136*** (0.038)	0.146*** (0.039)	0.149*** (0.043)	0.136*** (0.038)	0.143*** (0.039)	0.146*** (0.042)
School % Other Minority	-0.114 (0.182)	-0.116 (0.187)	-0.128 (0.211)	-0.113 (0.182)	-0.116 (0.185)	-0.127 (0.209)
Charter	0.134* -0.069	0.131* -0.070	0.0999 -0.075	0.135* -0.069	0.132* -0.070	0.101 -0.074
Middle School	0.303*** (0.019)	0.310*** (0.020)	0.586*** (0.021)	0.303*** (0.019)	0.307*** (0.019)	0.584*** (0.021)
High School	0.371*** (0.021)	0.374*** (0.022)	0.605*** (0.024)	0.371*** (0.021)	0.374*** (0.022)	0.604*** (0.023)
Other or Missing Grade Configuration	0.270*** (0.041)	0.276*** (0.042)	0.451*** (0.047)	0.270*** (0.041)	0.274*** (0.042)	0.449*** (0.046)
2016-17 Year	-0.063*** (0.014)	-0.068*** (0.015)	-0.152*** (0.015)	-0.063*** (0.014)	-0.066*** (0.015)	-0.150*** (0.015)
2017-18 Year	0.011 (0.015)	-0.005 (0.015)	-0.073*** (0.016)	0.011 (0.015)	0.000 (0.015)	-0.065*** (0.016)
Constant	0.557*** (0.110)	0.583*** (0.113)	1.093*** (0.119)	0.557*** (0.110)	0.574*** (0.112)	1.083*** (0.119)
Observations	2,947	2,947	2,947	2,947	2,947	2,947
Adjusted R-squared	0.208	0.204	0.386	0.208	0.205	0.389

Note. Elementary schools are the reference group for school grade configurations (middle school, high school, and other/missing). 2014-15 school year is the reference group for year. Robust standard errors in parentheses. *** p<0.01, ** p<0.05, * p<0.1

We regress each of these six SSI measures on school characteristics such as the log of school enrollment, demographic characteristics of students served, whether or not the school is an open enrollment charter, the grade level configuration of the school, and school-year fixed effects. The results, in Table 3, tell a relatively consistent story across all columns. All else equal, schools with more black students tend to administer longer consequences. Each 10 percentage point increase in share of black students is associated with approximately 0.014-0.015 days longer punishments, per incident. Elementary schools use the shortest punishments (relative to other grade configurations), typically about 0.3-0.6 days shorter depending on the type of consequences included in the measure. On average, schools administered shorter exclusionary punishments in the 2016-17 school year, relative to the 2015-16 school year, although there is not consistent evidence that this trend continues into the 2017-18 school year, as the length of exclusionary punishments in 2017-18 was only statistically different from 2015-16 in columns 3 and 6.

Note, while the results in Table 3 also indicate that schools with a higher share of LEP students have longer punishments, and that schools with a higher share of Hispanic students have shorter punishments, these two variables (School percent LEP and School percent Hispanic) are highly collinear. To test whether collinearity is effecting the results, we also estimate models excluding the school percent LEP and separate models excluding the school percent of each race, and in these models, these relationships go away, indicating they are indeed driven by collinearity between these variables.

VIII. Discussion and Key Takeaways

This report analyzed a number of key student outcomes related to student discipline in Arkansas public schools. While the data are limited to discipline infractions and consequences reported by schools as part of their administrative records, as well as survey responses from a limited set of elementary school principals and counselors, there are several meaningful findings from this work. We conclude with a number of key takeaways and recommendations:

- 1) There has been an increase in reporting of “other” infractions and “other” consequences over time. In 2016-17, additional reporting categories were included, but “other” infractions still represented about 37-38% of all infractions in recent years and “other” consequences still represented about 18-19% of all consequences in recent years. In light of the large remaining “other” categories, we recommend that the state should assess whether the reporting categories reflect the current needs of the state.
- 2) There has been a decline in reported reliance on OSS, ISS, and corporal punishment over time. Expulsions and referrals to ALE have remained quite rare over the past ten years. While trends away from exclusionary discipline might indicate benefits for students, knowing more about what the “other” consequences are, which increased greatly over the time period, is important for understanding whether this represents a meaningful change for students.
- 3) Compliance with Act 1059, which limited the use of exclusionary discipline for students in grades K-5 appears to have been quite modest. Over 11,000 K-5 disciplinary incidents resulted in OSS or expulsion in 2017-18, compared to over

- 13,000 in 2017-18. K-5 students are most likely to be suspended or expelled for disorderly conduct, fighting, insubordination, or “other.” Use of suspensions and expulsions for the relatively subjective categories of disorderly conduct, insubordination, and “other” decreased, while OSS and expulsion for K-5 fighting incidents actually increased.
- 4) Declines in the use of OSS and expulsions in elementary grades, likely in response to Act 1059, was largest in the Southwest and Northwest regions of the state.
 - 5) We caution against over-generalizing from the limited survey responses, but generally people believe Act 1059 is reasonable and feasible, but a bit ambiguous.
 - 6) Generally, survey respondents indicated that they have the resources to comply with Act 1059, but key challenges – when cited – include a lack of feasible discipline alternatives, a lack of mental health supports/counseling resources for students, insufficient resources, significant discipline challenges, and time spent on administrative tasks and paperwork.
 - 7) When asked about the success of Act 1059, respondents generally reported that many outcomes were “about the same as before,” and counselors were slightly more optimistic than principals about the success of the policy implementation.
 - 8) Although Act 1329, passed in March 2013, prohibits the use of OSS as a response to truancy, use of OSS for truancy only declined from about 14% of all truancy cases in 2012-13 to about 6% of cases in 2017-18. In 2017-18, the districts with the greatest number of schools reporting non-compliance with this law include the Little Rock School District, the Springdale School District, and the Pulaski County Special School District.
 - 9) Disproportionalities by race, free- and reduced- price lunch eligibility, and special education status exist both in terms of the number of referrals for infractions of various types, as well as in the likelihood of receiving exclusionary discipline, conditional on referral for a particular type of infraction. For example, black students receive 118.7 referrals per 100 students, relative to only about 38-42 for white students, Hispanic students, or students of other races. Then, conditional on being written up for any infraction, Black students receive OSS, expulsions, or referrals to ALE in about 24% of these cases, relative to only about 13-15% for students of other races.
 - 10) Certain types of schools in the state are more likely to administer lengthy exclusionary punishments: schools with greater proportions of black students, high schools, and middle schools (relative to elementary schools).

References

- Anderson, K. P., & Ritter, G. W. (2017). Disparate use of exclusionary discipline: Evidence on inequities in school discipline from a U.S. state. *Education Policy Analysis Archives*, 25(49). Retrieved from <http://dx.doi.org/10.14507/epaa.25.2787>
- State of Arkansas (2013). *Act 1329: An act to evaluate the impact of school discipline on student achievement; and for other purposes*. Retrieved from <http://www.arkleg.state.ar.us/assembly/2013/2013R/Acts/Act1329.pdf>

Appendix Table A: Schools with at least 5 truancy incidents in 2017-18 of which at least 10% resulted in OSS

School LEA	School Name	District LEA	District Name	2016-17		2017-18	
				Num. Truancy Incidents	Percent Resulting in OSS	Num. Truancy Incidents	Percent Resulting in OSS
7301003	BALD KNOB HIGH SCHOOL	7301000	BALD KNOB SCHOOL DISTRICT	27	0%	26	12%
6301003	BAUXITE MIDDLE SCHOOL	6301000	BAUXITE SCHOOL DISTRICT	5	20%	10	10%
401010	LINCOLN JUNIOR HIGH SCHOOL	401000	BENTONVILLE SCHOOL DISTRICT	9	11%	7	14%
4702012	BLYTHEVILLE MIDDLE SCHOOL	4702000	BLYTHEVILLE SCHOOL DISTRICT	14	0%	36	14%
4901003	CADDO HILLS HIGH SCHOOL	4901000	CADDO HILLS SCHOOL DISTRICT	N/A	N/A	11	27%
5204023	CAMDEN FAIRVIEW HIGH SCHOOL	5204000	CAMDEN FAIRVIEW SCHOOL DISTRICT	36	6%	118	17%
3212027	CEDAR RIDGE HIGH SCHOOL	3212000	CEDAR RIDGE SCHOOL DISTRICT	40	5%	47	11%
2402007	CHARLESTON HIGH SCHOOL	2402000	CHARLESTON SCHOOL DISTRICT	7	43%	15	20%
201008	CROSSETT MIDDLE SCHOOL	201000	CROSSETT SCHOOL DISTRICT	14	14%	16	25%
402011	DECATUR MIDDLE SCHOOL	402000	DECATUR SCHOOL DISTRICT	2	0%	7	14%
6701005	DEQUEEN JUNIOR HIGH SCHOOL	6701000	DEQUEEN SCHOOL DISTRICT	32	13%	40	15%
2104021	DUMAS HIGH SCHOOL	2104000	DUMAS SCHOOL DISTRICT	92	1%	15	13%
7202703	FARMINGTON CAREER ACADEMIES	7202000	FARMINGTON SCHOOL DISTRICT	2	100%	10	20%
6201011	FORREST CITY HIGH SCHOOL	6201000	FORREST CITY SCHOOL DISTRICT	61	56%	79	37%
403703	GENTRY HIGH SCHOOL CONVERSION CHARTER	403000	GENTRY SCHOOL DISTRICT	7	0%	14	21%
203017	HAMBURG MIDDLE SCHOOL	203000	HAMBURG SCHOOL DISTRICT	7	14%	7	14%
5602703	HARRISBURG COLLEGE & CAREER PREP SCH.	5602000	HARRISBURG SCHOOL DISTRICT	N/A	N/A	22	45%
4401012	ST. PAUL HIGH SCHOOL	4401000	HUNTSVILLE SCHOOL DISTRICT	9	0%	7	14%
6004008	JACKSONVILLE MIDDLE SCHOOL	6004000	JACKSONVILLE NORTH PULASKI SCHOOL DISTRICT	161	22%	101	22%
6004009	JACKSONVILLE HIGH SCHOOL	6004000	JACKSONVILLE NORTH PULASKI SCHOOL DISTRICT	167	28%	133	13%
1608023	ANNIE CAMP JR. HIGH SCHOOL	1608000	JONESBORO SCHOOL DISTRICT	39	5%	19	16%
3704013	LAFAYETTE COUNTY HIGH SCHOOL	3704000	LAFAYETTE COUNTY SCHOOL DISTRICT	15	0%	13	15%
3604019	LAMAR HIGH SCHOOL	3604000	LAMAR SCHOOL DISTRICT	16	0%	20	10%
3810027	WALNUT RIDGE HIGH SCHOOL	3810000	LAWRENCE COUNTY SCHOOL DISTRICT	33	18%	5	40%
6041703	LISA ACADEMY HIGH	6041700	LISA ACADEMY	N/A	N/A	15	100%
6001076	PINNACLE VIEW MIDDLE SCHOOL	6001000	LITTLE ROCK SCHOOL DISTRICT	N/A	N/A	6	17%
6001005	PARKVIEW MAGNET HIGH SCHOOL	6001000	LITTLE ROCK SCHOOL DISTRICT	13	100%	9	100%
6001013	HENDERSON MIDDLE SCHOOL	6001000	LITTLE ROCK SCHOOL DISTRICT	13	100%	37	16%
6001003	MANN MAGNET MIDDLE SCHOOL	6001000	LITTLE ROCK SCHOOL DISTRICT	9	100%	46	24%
6001062	MABELVALE MIDDLE SCHOOL	6001000	LITTLE ROCK SCHOOL DISTRICT	7	100%	51	39%
6001010	PULASKI HEIGHTS MIDDLE SCHOOL	6001000	LITTLE ROCK SCHOOL DISTRICT	1	100%	52	12%
6001007	DUNBAR MAGNET MIDDLE SCHOOL	6001000	LITTLE ROCK SCHOOL DISTRICT	3	100%	68	22%
6001064	MCCELLELLAN MAGNET HIGH SCHOOL	6001000	LITTLE ROCK SCHOOL DISTRICT	41	100%	109	29%
6001002	HALL HIGH SCHOOL	6001000	LITTLE ROCK SCHOOL DISTRICT	37	100%	272	33%
6001063	J.A. FAIR HIGH SCHOOL	6001000	LITTLE ROCK SCHOOL DISTRICT	14	100%	279	16%

Appendix Table A Cont'd.: Schools that had at least 5 truancy incidents in 2017-18 of which at least 10% resulted in OSS

School LEA	School Name	District LEA	District Name	2016-17		2017-18	
				Num. Truancy Incidents	Percent Resulting in OSS	Num. Truancy Incidents	Percent Resulting in OSS
1402008	MAGNOLIA JR. HIGH SCHOOL	1402000	MAGNOLIA SCHOOL DISTRICT	18	0%	9	11%
1804014	MARION JUNIOR HIGH SCHOOL	1804000	MARION SCHOOL DISTRICT	6	50%	9	78%
1804015	MARION HIGH SCHOOL	1804000	MARION SCHOOL DISTRICT	79	8%	46	13%
5604017	MARKED TREE HIGH SCHOOL	5604000	MARKED TREE SCHOOL DISTRICT	25	0%	29	10%
5404032	MARVELL-ELAINE HIGH SCHOOL	5404000	MARVELL-ELAINE SCHOOL DISTRICT	36	0%	7	29%
2305026	MAYFLOWER HIGH SCHOOL	2305000	MAYFLOWER SCHOOL DISTRICT	11	0%	15	13%
3211035	MIDLAND HIGH SCHOOL	3211000	MIDLAND SCHOOL DISTRICT	2	0%	7	14%
3104006	MINERAL SPRINGS HIGH SCHOOL	3104000	MINERAL SPRINGS SCHOOL DISTRICT	5	0%	23	13%
303019	MOUNTAIN HOME JR. HIGH SCHOOL	303000	MOUNTAIN HOME SCHOOL DISTRICT	2	0%	11	45%
2404017	OZARK HIGH SCHOOL	2404000	OZARK SCHOOL DISTRICT	12	33%	8	63%
407703	PEA RIDGE MANUFACTURING & BUSINESS ACAD.	407000	PEA RIDGE SCHOOL DISTRICT	12	17%	29	14%
3505044	JACK ROBEY MIDDLE SCHOOL	3505000	PINE BLUFF SCHOOL DISTRICT	31	71%	19	68%
6103012	POCAHONTAS JUNIOR HIGH SCHOOL	6103000	POCAHONTAS SCHOOL DISTRICT	2	0%	5	40%
6003108	OAK GROVE ELEMENTARY SCHOOL	6003000	PULASKI COUNTY SPECIAL SCHOOL DISTRICT	16	31%	11	18%
6003120	FULLER MIDDLE SCHOOL	6003000	PULASKI COUNTY SPECIAL SCHOOL DISTRICT	17	29%	221	38%
6003151	MAUMELLE HIGH SCHOOL	6003000	PULASKI COUNTY SPECIAL SCHOOL DISTRICT	261	21%	278	12%
1203011	QUITMAN HIGH SCHOOL	1203000	QUITMAN SCHOOL DISTRICT	2	0%	10	30%
6054703	QUEST ACADEMY OF WEST LITTLE ROCK	6054700	RESPONSIVE ED. SOLUTIONS QUEST M.S. OF L.R.	23	57%	32	19%
7307033	RIVERVIEW JUNIOR HIGH SCHOOL	7307000	RIVERVIEW SCHOOL DISTRICT	19	5%	27	30%
7307032	RIVERVIEW HIGH SCHOOL	7307000	RIVERVIEW SCHOOL DISTRICT	55	16%	87	18%
7310043	ROSE BUD HIGH SCHOOL	7310000	ROSE BUD SCHOOL DISTRICT	116	3%	12	33%
7008045	SMACKOVER HIGH SCHOOL	7008000	SMACKOVER-NORPHLET SCHOOL DISTRICT	18	0%	18	22%
3209703	SOUTHSIDE CHARTER HIGH SCHOOL	3209000	SOUTHSIDE SCHOOL DISTRICT (INDEPENDENCE)	13	0%	17	24%
7207062	HAR-BER HIGH SCHOOL	7207000	SPRINGDALE SCHOOL DISTRICT	15	33%	7	57%
7207069	SONORA MIDDLE SCHOOL	7207000	SPRINGDALE SCHOOL DISTRICT	11	0%	20	10%
7207048	SOUTHWEST JUNIOR HIGH SCHOOL	7207000	SPRINGDALE SCHOOL DISTRICT	29	7%	38	11%
7207060	GEORGE JUNIOR HIGH SCHOOL	7207000	SPRINGDALE SCHOOL DISTRICT	58	7%	66	11%
4605703	WASHINGTON ACADEMY	4605000	TEXARKANA SCHOOL DISTRICT	8	100%	6	100%
3509067	WATSON CHAPEL HIGH SCHOOL	3509000	WATSON CHAPEL SCHOOL DISTRICT	136	38%	103	22%
3510081	WHITE HALL JUNIOR HIGH SCHOOL	3510000	WHITE HALL SCHOOL DISTRICT	N/A	N/A	6	17%
3510076	WHITE HALL HIGH SCHOOL	3510000	WHITE HALL SCHOOL DISTRICT	11	0%	9	67%

Appendix B: Analytic methods for two-stage School Severity Index

To assess whether certain types of schools tend to assign longer punishments for similar types of infractions, we use a two-stage residuals analysis approach. In the first stage, we predict the number of days of exclusionary discipline as a function of factors related to a particular disciplinary incident that might reasonably predict the type (exclusionary or not) and length of consequence received. In this first stage, we do not include student demographic information other than grade level, which could be associated with the type or severity of consequence used.

The first stage model predicts days punished as the following function:

$$DaysPunished_i = f(\tau_i, \phi_i, \lambda_t, \alpha_i, \varepsilon_i)$$

where i indexes at the disciplinary incident level, $DaysPunished_i$ is the total number of days of punishment, τ_i is a vector of indicators for the 17 infraction types, ϕ_i is a vector of indicators for whether the infraction was the first, second, third, etc., for that student that year (a total of 10 indicators for 1-9 and 10 or more), λ_t is a vector of school-year indicators for 2015-16 and 2016-17, with 2014-15 as the reference group, α_i is a vector of grade-level indicators, and ε_i is the infraction-level idiosyncratic error (clustered at the student level).

We estimate this model using three different definitions of “days punished” to test the robustness of these results to summing days across the following categories of consequences:

1. OSS and expulsions
2. OSS, expulsions, and referrals to ALE
3. OSS, expulsions, referrals to ALE, and ISS

In addition, we use two approaches to deal with incidents in which the consequence days were not reported; we impute the mean or the modal number of days for that consequence type.

After estimating each of these six models, in each case, the residuals generated by the model are averaged at a school-by-year level to produce a measure of whether a school, on average, gave out longer punishments (residuals greater than 0) or shorter punishments (residuals less than 0), relative to the state average, for a similar type of infraction for a student in the same grade with a similar number of past disciplinary infractions. We refer to these six different residual types as various measures of a School Severity Index (SSI).

In the second stage, we predict the SSI as a function of school-level demographic characteristics to assess which school characteristics are associated with disciplinary practices:

$$SSI_{st} = f(X_{st}, \lambda_t, \varepsilon_{st})$$

Where s indexes at the school level, X_{st} is a vector of school level characteristics (log of enrollment, an indicator for open-enrollment charter schools, indicators for middle, high school, or other school grade-level types (with elementary schools as the reference group), and the percent of the student population that is FRL-eligible, percent of students by race, percent receiving special education services, percent limited English proficient (LEP), λ_t is vector of school-year indicators, and ε_{st} is the school-level idiosyncratic error.