



**ARKANSAS EDUCATION REPORT**  
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**ARKANSAS STUDENT DISCIPLINE REPORT**

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## Executive Summary

This report examines student discipline in the Arkansas public schools. Using ten years of de-identified student- and infraction-level data from 2010-11 to 2019-20 provided by the Arkansas Department of Education, our research identifies trends and a number of key student outcomes related to student discipline in the Arkansas public schools. This work builds upon prior editions of this report.<sup>1</sup> 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. An important caution for interpretation is that the 2019-20 reports are much lower than typical, largely due to the closure of Arkansas schools beginning in mid-March of 2020, due to the COVID-19 pandemic.

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

- With the exception of the COVID-19-affected 2019-20 school year, the number of disciplinary infractions has steadily increased over this time period. We believe the increase in referrals is not solely due to increasing misbehavior over time. Given that the largest growth was in the category of “other” – relatively minor compared to other categories – this increase likely reflects, at least partially, an increased focus on reporting more minor disciplinary incidents. See Table 1 and Figure 1.
- Over 80% of discipline referrals reported over the past ten years are for insubordination, disorderly conduct, or “other” infractions, indicating that the vast majority of reported infractions are relatively subjective. See Table 1 and Figure 1.
- The most common consequences are in-school suspension (ISS, 36.6%), “other” (34.8%), and out-of-school suspension (OSS, 19.4%). There has been a steady decline in reported reliance on OSS and corporal punishment over time, while “other” consequences have steadily increased. While this trend away from exclusionary discipline might indicate benefits for students, further investigation and/or more detailed reporting of what is included within the “other” consequences would be useful for understanding whether this represents a meaningful change for students. See Table 2 and Figure 2.

### 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.

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<sup>1</sup> The 2018 report is available here: <http://www.officeforeducationpolicy.org/arkansas-student-discipline-report/>  
The 2019 report is available here: <http://www.officeforeducationpolicy.org/2019-arkansas-discipline-report/>

- OSS and expulsions in grades K-5 has declined steadily since this law was passed, from over 13,000 incidents in 2016-17 to roughly 9,000 in 2018-19. 2019-20 reports were even lower, but are impacted by COVID-19 related school closures. See Table 3.
- In the past five years, K-5 students were most commonly suspended or expelled for disorderly conduct (31.6% of K-5 OSS and expulsions), “other” infractions (24.2%), fighting (19.6%), and insubordination (12.5%). See Table 3.
- The count of OSS and suspensions in grades K-5 decreased for almost all racial/ethnic groups, with very large declines in 2019-20 in part due to the COVID-19 related closures. See Table 4.
- However, the share of students receiving at least one OSS or expulsion did not decline as much, suggesting that much of the reduction was due to reductions in multiple infractions, rather than reductions in the share of individual students who received OSS or expulsion. For example, from 2015-16 to 2018-19, the share of Black students in grades K-5 receiving at least one OSS or expulsion only declined from 9.1% to 8.2%. The corresponding share for White students remained fairly stable over this time period, only decreasing from 1.9% to 1.8%. See Table 5.
- The relative risk ratios comparing the risk of receiving at least one OSS or expulsion between different racial/ethnic groups remained quite stable through 2018-19. For example, before this policy change, Black K-5 students were about 4.7 or 4.8 times as likely as White K-5 students to receive at least one OSS or expulsion, and in 2018-19, the RRR was still 4.6. In other words, total numbers of OSS and expulsion in K-5 did decline following Act 1059, but Black students remained at an elevated level of risk of exclusion. See Table 5.

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

- The state is making very good progress overall. Use of OSS for truancy declined from about 14% of all truancy cases in 2012-13 to about 2% of cases in 2019-20. See Figure 3.
- In 2019-20, there were only 21 schools reporting at least five or more truancy infractions and reporting using OSS in at least 5% of those cases. See Appendix Table A.

**4. Are there racial or programmatic disproportionalities in school discipline?**

- As we have consistently reported, 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 received about 105.1 referrals per 100 students per year, over the past three years, relative to only about 35-40 referrals per 100 students for other racial/ethnic groups. Notably, these disproportionalities are largely driven by larger numbers of subjective infractions such as disorderly conduct, insubordination, and “other.”

- Then, conditional on being written up for any infraction, Black students receive OSS, expulsions, or referrals to ALE in about 38% of these cases, relative to only about 12-15% for students of other racial/ethnic groups. See Section V.

**5. How did student disciplinary reports change after the COVID-19-related school closures?**

- Only 125 infractions were reported on March 17, 2020 or later, after the COVID-19 related school closures, compared to 196,097 in the earlier part of the year. See Tables 6 and 7.
- Given this COVID-19 impact, we caution against trying to make direct comparisons between 2019-20 data and other years' data.

## 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 for the ten year period from 2010-11 to 2019-20 provided by the Arkansas Department of Education. Note: due to the COVID-19 pandemic, and the physical closure of school beginning Tuesday, March 17, the 2019-20 numbers are not directly comparable across years.

## II. Student Discipline Trends Over Time

### *Trends in behavioral infractions*

Table 1 and Figure 1 present the frequency of various infraction types, over time. Beginning in 2016-17, some new categories were reported that were previously included in a general “other” category. These new categories include cellphones/electronic devices, stealing/theft, harassment/sexual harassment, public display of affection, terroristic threats, and cyberbullying. Over time, the number of “other” infractions, including these new groups, generally increased except in 2019-20, in part due to the COVID-19 related closures from mid-March through the end of the school year. The increase over time (ignoring the COVID-19 period) 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 (25.1% of the total) and insubordination (19.6%). The “other” infractions that do not fit into a state-level reporting category represent 33.4% of total infractions (36.3% 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. Other infractions include fighting (6.7%), truancy (6.0%), bullying (2.2%), tobacco (1.3%), 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, over time. As with infractions, beginning in 2016-17, new categories were reported that previously were included in the “other” consequences: detentions, warnings, bus suspensions, parent/guardian conferences, and Saturday school. In about 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, but within each category there may have been some additional, more minor consequences attached as well. Across all ten years, the most common consequences were ISS, representing 36.6% of the total, “other” consequences (34.8%), and OSS (19.4%). Corporal punishment was used in about 8.3% of infractions over this ten-year period, and referrals to ALE, expulsions, and no actions, are quite rare. Overtime, there was a significant increase in reports of “other” consequences, while corporal punishment and OSS use declined.

**Table 1: Frequency of infractions, by type (2010-11 to 2019-20)**

|                              | 2010-11        | 2011-12        | 2012-13        | 2013-14        | 2014-15        | 2015-16        | 2016-17        | 2017-18        | 2018-19        | 2019-20        | Total            | % of Total    |
|------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|---------------|
| Disorderly Cond.             | 48,132         | 50,854         | 42,124         | 57,072         | 62,674         | 64,072         | 59,417         | 60,642         | 61,566         | 42,457         | 549,010          | 25.1%         |
| Insubordination              | 45,174         | 38,388         | 34,435         | 42,474         | 50,479         | 53,869         | 48,569         | 44,099         | 43,161         | 29,151         | 429,799          | 19.6%         |
| Fighting                     | 12,092         | 11,904         | 12,269         | 12,900         | 14,212         | 16,311         | 16,302         | 17,690         | 19,163         | 13,146         | 145,989          | 6.7%          |
| Truancy                      | 11,626         | 10,370         | 9,349          | 12,758         | 14,808         | 15,435         | 15,531         | 16,285         | 15,960         | 10,284         | 132,406          | 6.0%          |
| Bullying                     | 4,328          | 4,446          | 4,467          | 5,452          | 5,773          | 5,834          | 4,749          | 4,766          | 4,953          | 2,622          | 47,390           | 2.2%          |
| Tobacco                      | 1,961          | 1,899          | 1,963          | 2,408          | 2,771          | 2,434          | 2,224          | 2,842          | 6,337          | 4,279          | 29,118           | 1.3%          |
| Student Assault              | 1,608          | 1,631          | 1,983          | 2,123          | 2,200          | 2,160          | 2,332          | 2,871          | 2,618          | 2,559          | 22,085           | 1.0%          |
| Drugs                        | 920            | 1,117          | 1,193          | 1,203          | 1,383          | 1,327          | 1,391          | 1,390          | 1,902          | 1,332          | 13,158           | 0.6%          |
| Vandalism                    | 893            | 677            | 730            | 1,075          | 1,076          | 1,051          | 1,173          | 1,104          | 1,286          | 934            | 9,999            | 0.5%          |
| Knife                        | 369            | 388            | 436            | 503            | 478            | 476            | 527            | 494            | 583            | 285            | 4,539            | 0.2%          |
| Staff Assault                | 277            | 310            | 351            | 342            | 479            | 498            | 497            | 619            | 699            | 513            | 4,585            | 0.2%          |
| Alcohol                      | 309            | 277            | 290            | 333            | 377            | 319            | 385            | 389            | 405            | 325            | 3,409            | 0.2%          |
| Gangs                        | 175            | 107            | 127            | 102            | 108            | 170            | 130            | 149            | 205            | 98             | 1,371            | 0.1%          |
| Explosives                   | 60             | 50             | 42             | 52             | 40             | 33             | 46             | 41             | 50             | 28             | 442              | 0.0%          |
| Club                         | 49             | 45             | 42             | 53             | 57             | 38             | 30             | 15             | 24             | 174            | 527              | 0.0%          |
| Guns                         | 31             | 25             | 35             | 32             | 57             | 19             | 40             | 41             | 54             | 20             | 354              | 0.0%          |
| <b>Total Other</b>           | <b>26,322</b>  | <b>31,640</b>  | <b>34,684</b>  | <b>59,738</b>  | <b>94,340</b>  | <b>95,511</b>  | <b>117,271</b> | <b>115,328</b> | <b>131,823</b> | <b>88,015</b>  | <b>794,672</b>   | <b>36.3%</b>  |
| Other                        | 26,322         | 31,640         | 34,684         | 59,738         | 94,340         | 95,511         | 102,207        | 98,616         | 113,465        | 75,112         | 731,635          |               |
| Cellphone/Electronic Devices |                |                |                |                |                |                | 10,137         | 10,944         | 12,142         | 8,481          | 41,704           |               |
| Stealing/Theft               |                |                |                |                |                |                | 1,717          | 2,034          | 1,961          | 1,446          | 7,158            |               |
| Harassment/Sexual Harassment |                |                |                |                |                |                | 1,431          | 1,524          | 1,933          | 1,338          | 6,226            |               |
| Terroristic Threats          |                |                |                |                |                |                | 639            | 1,012          | 1,158          | 766            | 3,575            |               |
| Public Display of Affection  |                |                |                |                |                |                | 850            | 913            | 918            | 620            | 3,301            |               |
| Cyberbullying                |                |                |                |                |                |                | 290            | 285            | 246            | 252            | 1,073            |               |
| <b>Total</b>                 | <b>154,326</b> | <b>154,128</b> | <b>144,520</b> | <b>198,620</b> | <b>251,312</b> | <b>259,557</b> | <b>270,614</b> | <b>268,765</b> | <b>290,789</b> | <b>196,222</b> | <b>2,188,853</b> | <b>100.0%</b> |

*Note.* Disorderly Cond. = disorderly conduct. Beginning in 2016-17, a few of the largest "other" categories began being separately reported. 2019-20 reports are lower than typical due to the COVID-19 related closures beginning mid-March of 2020.

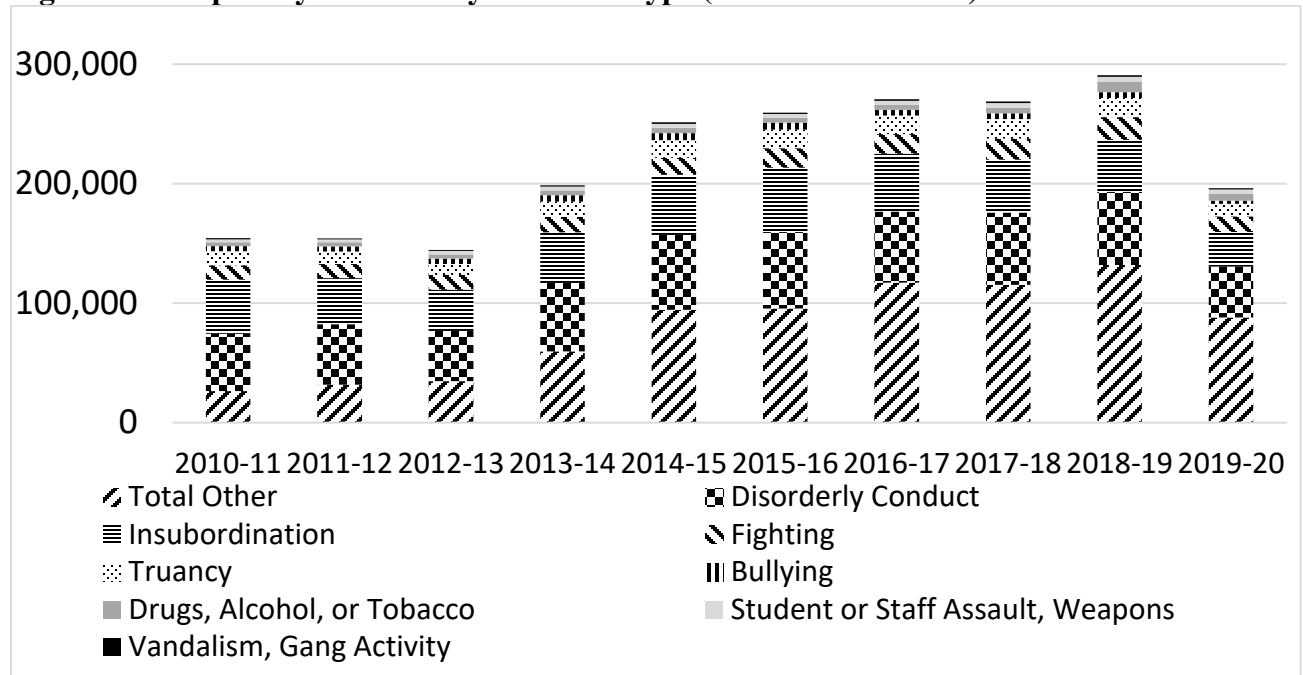
**Table 2: Frequency of consequences, by type (2010-11 to 2019-20)**

|                                | 2010-11                       | 2011-12                       | 2012-13                       | 2013-14                       | 2014-15                       | 2015-16                       | 2016-17                        | 2017-18                        | 2018-19                        | 2019-20                       | Total                          |
|--------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|--------------------------------|--------------------------------|--------------------------------|-------------------------------|--------------------------------|
| Expulsion                      | 192<br>0.1%                   | 95<br>0.1%                    | 200<br>0.1%                   | 248<br>0.1%                   | 165<br>0.1%                   | 170<br>0.1%                   | 151<br>0.1%                    | 478<br>0.2%                    | 913<br>0.3%                    | 421<br>0.2%                   | <b>3,033</b><br><b>0.1%</b>    |
| ALE                            | 619<br>0.4%                   | 253<br>0.2%                   | 317<br>0.2%                   | 586<br>0.3%                   | 538<br>0.2%                   | 646<br>0.2%                   | 559<br>0.2%                    | 296<br>0.1%                    | 290<br>0.1%                    | 264<br>0.1%                   | <b>4,368</b><br><b>0.2%</b>    |
| OSS                            | 36,590<br>23.7%               | 37,714<br>24.5%               | 40,139<br>27.8%               | 42,094<br>21.2%               | 47,641<br>19.0%               | 48,872<br>18.8%               | 47,865<br>17.7%                | 44,853<br>16.7%                | 50,125<br>17.2%                | 29,467<br>15.0%               | <b>425,360</b><br><b>19.4%</b> |
| ISS                            | 59,031<br>38.3%               | 61,510<br>39.9%               | 62,033<br>42.9%               | 72,934<br>36.7%               | 90,346<br>35.9%               | 95,560<br>36.8%               | 90,227<br>33.3%                | 94,456<br>35.1%                | 104,221<br>35.8%               | 69,917<br>35.6%               | <b>800,235</b><br><b>36.6%</b> |
| Corporal Punishment            | 29,132<br>18.9%               | 27,611<br>17.9%               | 19,013<br>13.2%               | 19,534<br>9.8%                | 19,274<br>7.7%                | 18,157<br>7.0%                | 15,806<br>5.8%                 | 14,126<br>5.3%                 | 13,228<br>4.5%                 | 5,239<br>2.7%                 | <b>181,120</b><br><b>8.3%</b>  |
| No Action                      | 1,682<br>1.1%                 | 969<br>0.6%                   | 1,256<br>0.9%                 | 1,339<br>0.7%                 | 2,035<br>0.8%                 | 1,585<br>0.6%                 | 797<br>0.3%                    | 1,250<br>0.5%                  | 1,056<br>0.4%                  | 772<br>0.4%                   | <b>12,741</b><br><b>0.6%</b>   |
| <b>Total Other</b>             | <b>27,080</b><br><b>17.5%</b> | <b>25,976</b><br><b>16.9%</b> | <b>21,562</b><br><b>14.9%</b> | <b>61,885</b><br><b>31.2%</b> | <b>91,313</b><br><b>36.3%</b> | <b>94,567</b><br><b>36.4%</b> | <b>115,209</b><br><b>42.6%</b> | <b>113,306</b><br><b>42.2%</b> | <b>120,956</b><br><b>41.6%</b> | <b>90,142</b><br><b>45.9%</b> | <b>761,996</b><br><b>34.8%</b> |
| Other                          | 27,080                        | 25,976                        | 21,562                        | 61,885                        | 91,313                        | 94,567                        | 51,860                         | 48,909                         | 49,579                         | 35,071                        | <b>507,802</b>                 |
| Detention                      |                               |                               |                               |                               |                               |                               | 32,927                         | 33,955                         | 38,008                         | 28,829                        | <b>133,719</b>                 |
| Warning                        |                               |                               |                               |                               |                               |                               | 15,096                         | 16,409                         | 16,315                         | 13,712                        | <b>61,532</b>                  |
| Bus Suspension                 |                               |                               |                               |                               |                               |                               | 5,178                          | 4,973                          | 5,184                          | 3,435                         | <b>18,770</b>                  |
| Saturday School                |                               |                               |                               |                               |                               |                               | 7,152                          | 5,915                          | 7,569                          | 5,681                         | <b>26,317</b>                  |
| Parent Conference              |                               |                               |                               |                               |                               |                               | 2,795                          | 2,907                          | 3,788                          | 2,855                         | <b>12,345</b>                  |
| More than one "Other Category" |                               |                               |                               |                               |                               |                               | 201                            | 238                            | 513                            | 559                           | <b>1,511</b>                   |
| <b>Total</b>                   | <b>154,326</b>                | <b>154,128</b>                | <b>144,520</b>                | <b>198,620</b>                | <b>251,312</b>                | <b>259,557</b>                | <b>270,614</b>                 | <b>268,765</b>                 | <b>290,789</b>                 | <b>196,222</b>                | <b>2,188,853</b>               |

*Note.* About 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. 2019-20 reports are lower than typical due to the COVID-19 related closures beginning mid-March of 2020.

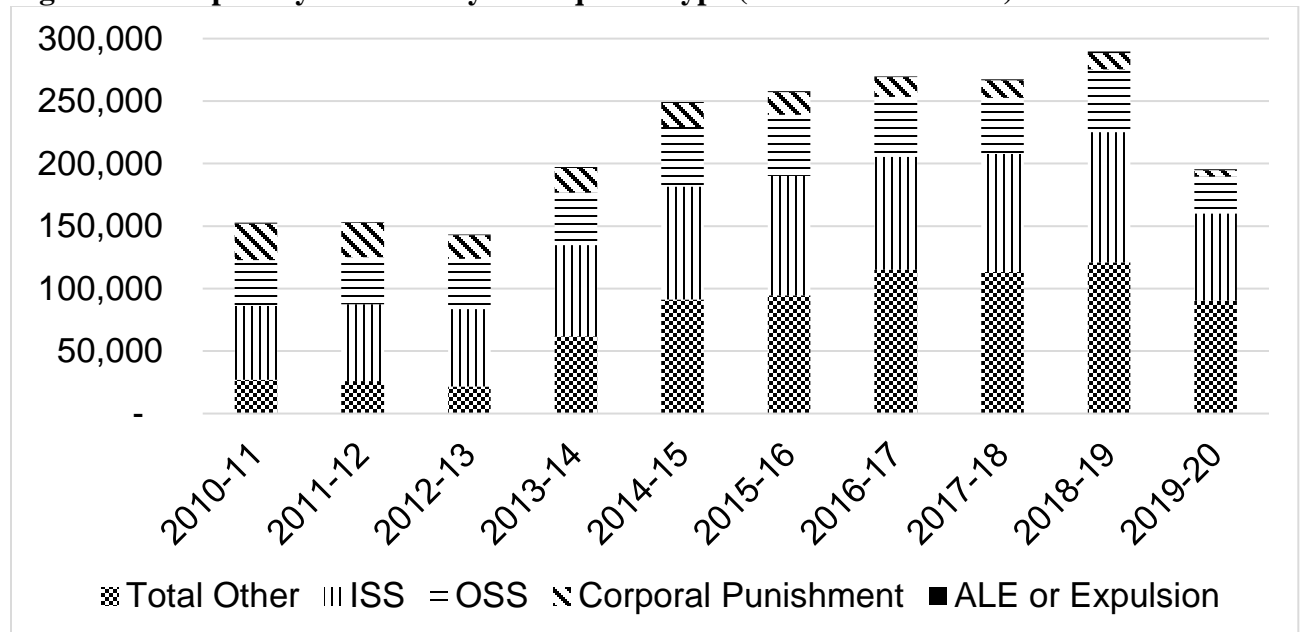


**Figure 1: Disciplinary incidents by infraction type (2010-11 to 2019-20)**



*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). 2019-20 reports are lower than typical due to the COVID-19 related closures beginning mid-March of 2020.

**Figure 2: Disciplinary incidents by consequence type (2010-11 to 2019-20)**



*Note.* “No action” (0.6% 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. 2019-20 reports are lower than typical due to the COVID-19 related closures beginning mid-March of 2020.

### 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.

The reported disciplinary incidents and consequences indicate that the use of exclusionary discipline like OSS and expulsion for students in K-5 has declined from over 13,000 incidents in 2016-17 to less than 9,000 incidents in 2018-19. The 2019-20 rate was even lower, but this is due in part to the COVID-19 related closures, making it more difficult to compare with other years.

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 3 shows the types of incidents for which students in grades K-5 receive OSS or expulsion, for each year from 2015-16 to 2019-20. Overall, the most common types of incidents that result in OSS or expulsions for K-5 students are disorderly conduct (31.6% of K-5 OSS and expulsions), "other" infractions (24.2%), fighting (19.6%), and insubordination (12.5%). Except for fighting, these most common incident types are relatively subjective, and perhaps could be addressed through means other than suspension or expulsion. The use of OSS and expulsion for these types of subjective infractions (disorderly conduct, insubordination, and other) did decline between 2016-17 and 2018-19. It is important to note that 2019-20 numbers are even lower than typical, in part due to COVID-19 related school closures beginning in mid-March of 2020. It is also 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. It is also noteworthy that although Act 1059 provided exceptions for behavior that poses a physical risk, reports of OSS and expulsion for violent infractions such as fighting and student assault also decreased over this time period.

**Table 3: Types of infractions for which K-5 students are expelled or suspended**

|                              | 2015-16       | 2016-17       | 2017-18       | 2018-19      | 2019-20      | Total         | % of Total    |
|------------------------------|---------------|---------------|---------------|--------------|--------------|---------------|---------------|
| Disorderly Conduct           | 4,260         | 4,275         | 3,313         | 2,993        | 1,764        | 16,605        | 31.6%         |
| Fighting                     | 2,342         | 2,516         | 2,485         | 1,541        | 1,381        | 10,265        | 19.6%         |
| Insubordination              | 1,746         | 1,893         | 1,311         | 970          | 622          | 6,542         | 12.5%         |
| Student Assault              | 416           | 523           | 574           | 428          | 385          | 2,326         | 4.4%          |
| Bullying                     | 471           | 418           | 347           | 287          | 157          | 1,680         | 3.2%          |
| Staff Assault                | 214           | 225           | 248           | 293          | 227          | 1,207         | 2.3%          |
| Knife                        | 103           | 137           | 125           | 81           | 43           | 489           | 0.9%          |
| Vandalism                    | 65            | 69            | 52            | 37           | 27           | 250           | 0.5%          |
| Drugs                        | 24            | 22            | 29            | 9            | 11           | 95            | 0.2%          |
| Tobacco                      | 26            | 12            | 18            | 7            | 20           | 83            | 0.2%          |
| Truancy                      | 28            | 32            | 13            | 3            | 7            | 83            | 0.2%          |
| Club                         | 12            | 8             | 1             | 1            | 44           | 66            | 0.1%          |
| Explosives                   | 5             | 10            | 9             | 9            | 4            | 37            | 0.1%          |
| Guns                         | 4             | 7             | 7             | 4            | 5            | 27            | 0.1%          |
| Alcohol                      | 6             | 4             | 6             | 2            | 1            | 19            | 0.0%          |
| Gangs                        | 1             | 8             | 1             | 2            | 0            | 12            | 0.0%          |
| <b>Total Other</b>           | <b>2,961</b>  | <b>3,234</b>  | <b>2,620</b>  | <b>2,148</b> | <b>1,743</b> | <b>12,706</b> | <b>24.2%</b>  |
| Other                        | 2,961         | 2,757         | 2,145         | 1,818        | 1,455        | 11,136        | 21.2%         |
| Terroristic Threats          | 0             | 152           | 215           | 141          | 134          | 642           | 1.2%          |
| Harassment/Sexual Harassment | 0             | 146           | 120           | 99           | 58           | 423           | 0.8%          |
| Stealing/Threat              | 0             | 160           | 121           | 76           | 44           | 401           | 0.8%          |
| Public Display of Affection  | 0             | 3             | 3             | 8            | 25           | 39            | 0.1%          |
| Cellphone/Electronic Devices | 0             | 12            | 11            | 4            | 8            | 35            | 0.1%          |
| Cyberbullying                | 0             | 4             | 5             | 2            | 19           | 30            | 0.1%          |
| <b>Total</b>                 | <b>12,684</b> | <b>13,393</b> | <b>11,159</b> | <b>8,815</b> | <b>6,441</b> | <b>52,492</b> | <b>100.0%</b> |

*Note.* The vertical dashed line indicates the approximate timing of Arkansas Act 1059. 2019-20 reports are lower than typical due to the COVID-19 related closures beginning mid-March of 2020.

Although the decline in K-5 suspensions and expulsions across the state is notable, we were also interested in whether disproportionalities in OSS and expulsions went down as well. Tables 4 and 5 show the racial/ethnic breakdown of K-5 suspensions and expulsions, by year in terms of the number of infractions (Table 4), and the share of students with at least one suspension/expulsion in an academic year (Table 5). Table 4 shows that counts of suspensions and expulsions declined between 2015-16 and 2019-20 for each racial category, except for Asian students, who experienced relatively stable – yet very low – numbers of suspensions and expulsions. The number of infractions resulting in OSS or expulsion for Black elementary school students declined a substantial 56% over this time period. However, part of the 2019-20 decline is due to the COVID-19 closure, making 2019-20 difficult to compare to other years. The pre-COVID-19 decline for Black students (from 2015-16 to 2018-19) is only 36%. Similarly, the numbers declined by about 51% for Hispanic students, or by 21% excluding the COVID-19-impacted 2019-20 school year. The drop for White students was also significant (38.1%, or

24.7% excluding 2018-19). These data indicate that K-5 students in many racial groups were receiving fewer OSS and suspensions after Act 1059, as intended by the policy.

We also tested whether the percent of K-5 students (by race/ethnicity) receiving at least one OSS or expulsion in the year declined over time, as we might expect following Arkansas Act 1059. Table 5 shows that the percent of students exposed in most groups – except Asian students and Native American or Alaska Native students – declined over this time period. Comparing Tables 4 and 5, while both indicate declines for most groups, it is clear that much of the decline in Table 4 is due to reductions in multiple infractions, rather than reductions in the share of individual students who received OSS or expulsion. For example, from 2015-16 to 2018-19, the share of Black students in grades K-5 receiving at least one OSS or expulsion only declined from 9.1% to 8.2%. The corresponding share for White students remained fairly stable over this time period, only decreasing from 1.9% to 1.8%. Fewer students received an OSS or expulsion in 2019-20, but again, this is largely due to the COVID-19 related closures.

In the bottom of Table 5, we also report Relative Risk Ratios (RRR) comparing the risk of receiving at least one OSS or expulsion between different groups. Specifically, the RRR is the percent of students in one group with at least one OSS or expulsion, divided by the percent of students in another group with at least one OSS or expulsion. Before this policy change, Black K-5 students were about 4.7 or 4.8 times as likely as White K-5 students to receive at least one OSS or expulsion. Hispanic students were actually at lower risk than White students (RRR = 0.7). Over this time period, despite the decrease in suspensions overall, these RRRs have remained quite stable, excluding the COVID-19 impacted 2019-20 school year. This suggests an important takeaway: these RRRs to be relatively stable over time, despite the decrease in the number of OSS and expulsions overall. In other words, total numbers of OSS and expulsion in K-5 did decline following Act 1059, but Black students remained at an elevated level of risk of exclusion.

**Table 4: Counts of OSS and expulsions for students in grades K-5, by race/ethnicity**

| Race                             | 2015-16       | 2016-17       | 2017-18       | 2018-19      | 2019-20      | Total         | % Change                | % Change                |
|----------------------------------|---------------|---------------|---------------|--------------|--------------|---------------|-------------------------|-------------------------|
|                                  |               |               |               |              |              |               | from 2015-16 to 2018-19 | from 2015-16 to 2019-20 |
| Black/African American           | 7,687         | 7,926         | 6,586         | 4,920        | 3,350        | <b>30,469</b> | -36.0%                  | -56.4%                  |
| White                            | 4,035         | 4,356         | 3,515         | 3,040        | 2,499        | <b>17,445</b> | -24.7%                  | -38.1%                  |
| Hispanic                         | 527           | 616           | 517           | 417          | 257          | <b>2,334</b>  | -20.9%                  | -51.2%                  |
| Two or More Races                | 360           | 408           | 456           | 380          | 282          | <b>1,886</b>  | 5.6%                    | -21.7%                  |
| Native American/Alaska Native    | 37            | 46            | 52            | 31           | 29           | <b>195</b>    | -16.2%                  | -21.6%                  |
| Asian                            | 18            | 27            | 21            | 24           | 18           | <b>108</b>    | 33.3%                   | 0.0%                    |
| Native Hawaiian/Pacific Islander | 20            | 14            | 12            | 3            | 6            | <b>55</b>     | -85.0%                  | -70.0%                  |
| <b>Total</b>                     | <b>12,684</b> | <b>13,393</b> | <b>11,159</b> | <b>8,815</b> | <b>6,441</b> | <b>52,492</b> | <b>-30.5%</b>           | <b>-49.2%</b>           |

*Note.* The vertical dashed line indicates the approximate timing of Arkansas Act 1059. 2019-20 reports are lower than typical due to the COVID-19 related closures beginning mid-March of 2020.

**Table 5: Percent of students in grades K-5 with at least one OSS or expulsion, by race/ethnicity**

|                               | 2015-16     | 2016-17     | 2017-18     | 2018-19     | 2019-20     | Total       | % Change from 2015-16 to 2018-19 | % Change from 2015-16 to 2019-20 |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|----------------------------------|----------------------------------|
| White                         | 1.9%        | 2.0%        | 1.7%        | 1.8%        | 1.3%        | 1.5%        | -7.3%                            | -33.0%                           |
| Black                         | 9.1%        | 9.5%        | 7.9%        | 8.2%        | 5.2%        | 7.6%        | -10.3%                           | -42.5%                           |
| Hispanic                      | 1.3%        | 1.4%        | 1.1%        | 1.2%        | 0.6%        | 1.0%        | -5.5%                            | -50.8%                           |
| Two or More Races             | 3.9%        | 4.0%        | 3.9%        | 3.7%        | 2.3%        | 3.1%        | -5.3%                            | -41.9%                           |
| Asian                         | 0.4%        | 0.6%        | 0.5%        | 0.6%        | 0.4%        | 0.6%        | 73.0%                            | 13.5%                            |
| Hawaiian/Pacific Islander     | 0.8%        | 0.5%        | 0.5%        | 0.2%        | 0.2%        | 0.4%        | -74.7%                           | -68.0%                           |
| Native American/Alaska Native | 1.4%        | 2.0%        | 2.2%        | 2.0%        | 2.1%        | 1.7%        | 38.2%                            | 43.1%                            |
| <b>Total</b>                  | <b>3.3%</b> | <b>3.5%</b> | <b>2.9%</b> | <b>3.0%</b> | <b>2.0%</b> | <b>2.7%</b> | <b>-9.3%</b>                     | <b>-40.2%</b>                    |
| Black-White RRR               | 4.8         | 4.7         | 4.6         | 4.6         | 4.1         | 5.0         | -3.2%                            | -14.3%                           |
| Hispanic-White RRR            | 0.7         | 0.7         | 0.6         | 0.7         | 0.5         | 0.7         | 2.0%                             | -26.6%                           |

*Note.* The vertical dashed line indicates the approximate timing of Arkansas Act 1059. RRRs are only provided for these three comparisons due to the relatively low populations of other groups. 2019-20 reports are lower than typical due to the COVID-19 related closures beginning mid-March of 2020.

#### IV. Legal Compliance with Act 1329 Ban on OSS for Truancy

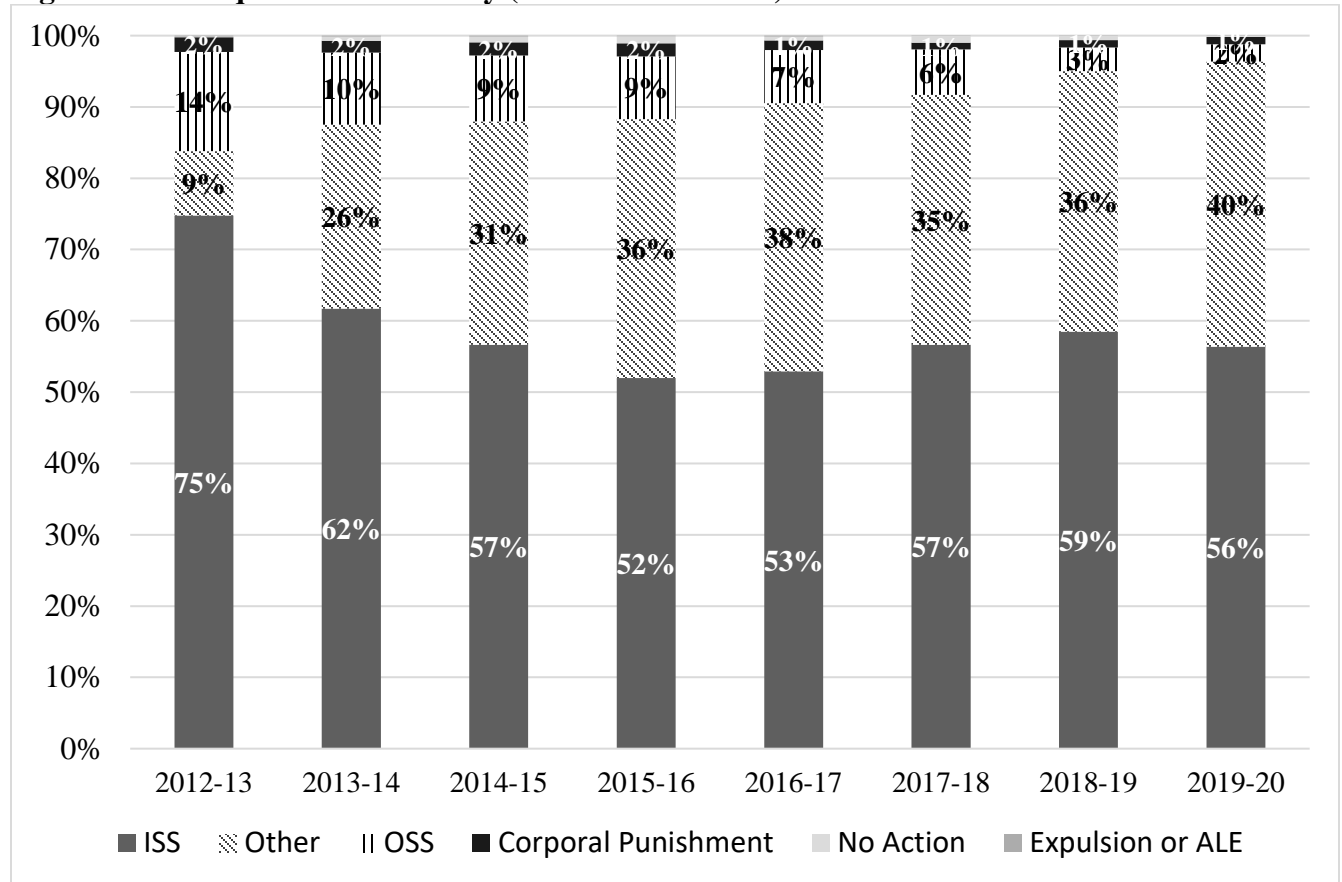
In March 2013, the Arkansas state legislature passed Act 1329 (State of Arkansas, 2013), which among other things, banned the use of OSS as a consequence for truancy. This law did not explicitly mention the use of any other alternative responses to truancy and did not explicitly ban the use of other consequences including expulsions, referrals to ALE, or ISS. Truancy has represented about 6% of total reported infractions during the past ten years, with 132,406 reported truancy infractions over this period. As indicated in Table 1, the number of truancy infractions reported increased from almost 12,000 incidents in 2010-11 to about 16,000 per year in 2017-18 and 2018-19. Truancy incidents declined substantially in 2019-20, largely due to the COVID-19-related closures.

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 substantially, however, from about 14% of all truancy incidents in 2012-13 to about 2% in 2019-20. At the same time, reliance on “other” consequences as a response for truancy has increased from about 9% in 2012-13 to about 40% in 2019-20. 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 56% in 2019-20. Thus, there was a shift towards not suspending students – either in or out of school – for truancy.

While this is generally good news in line with the intent of Act 1329, uncertainly about what is being used within the “other” category may create a need to further investigate what schools are actually using as alternatives to suspension. Recall that several new categories of consequences were reported starting in 2016-17. Of these newly reported categories, the most commonly used for truancy were Saturday School (7.6% of total truancy cases since 2016-17),

detention (7.0%), warnings (2.1%), and parent conferences (0.7%), but there are still a substantial proportion of truancy cases for which the consequence reported is simply a non-specified other (19.5%). Reporting additional categories at the state level to diminish this “other” category further, as well as more detailed research at the school and district level would better indicate what is happening in these remaining one-fifth of truancy cases.

**Figure 3: Consequences for truancy (2012-13 to 2019-20)**



Further, the use of OSS for truancy has not been completely eliminated. 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 2019-20. Specifically, we report in Appendix Table A the set of 21 schools that had five or more truancy infractions in 2019-20 and reported using OSS in 5% 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 using OSS as a response to truancy as the result of a reporting error.

## V. 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 four most common infraction types (disorderly conduct, insubordination, “other”, and fighting). Each of these bubble charts is

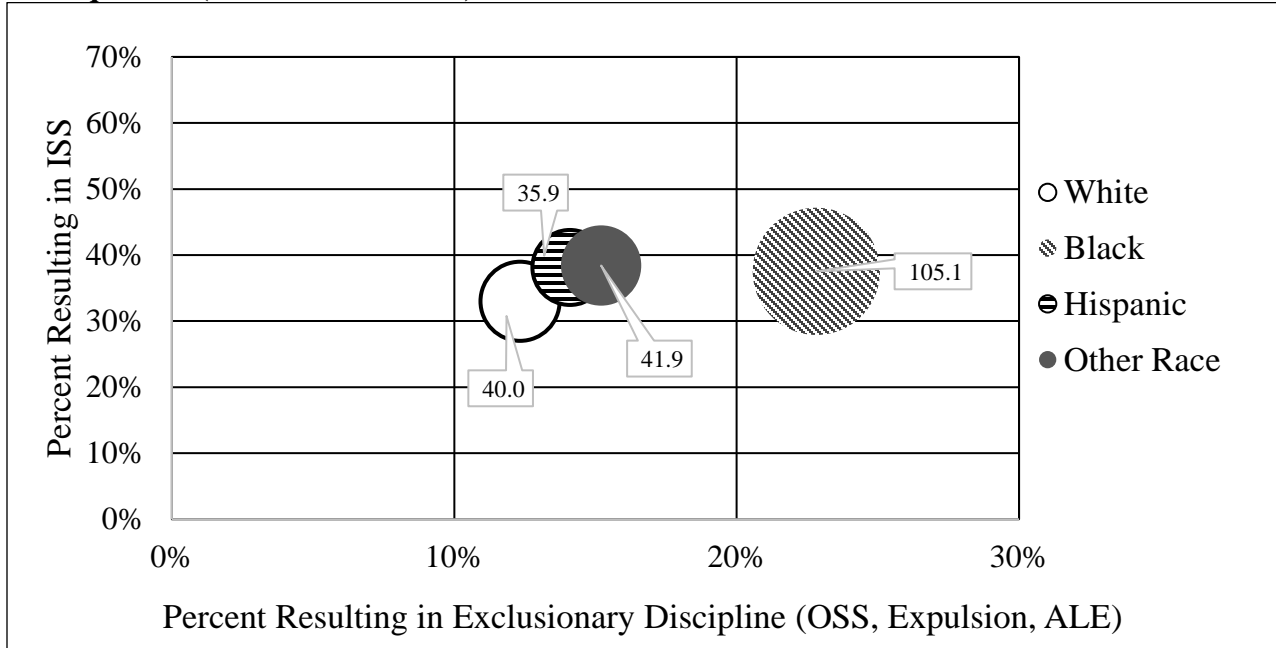
produced using the three most recent years of data (2017-18 to 2019-20), to represent the recent discipline climate in the state. We display racial disproportionalities as the number of infractions per 100 students in a group (indicated by the relative size of the bubbles), as well as in the types of consequences received as a result (indicated by the location of the center of the bubble on the vertical and horizontal axes).

Figure 4, for example, shows that Black students receive 105.1 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 36-42 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 23% of all infractions for Black students result in exclusionary discipline, relative to only about 12% 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 22.9 referrals for disorderly conduct, per 100 students, relative to only about 8.7 referrals per 100 White students. Thus, Black students are about 2.6 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, 24% of disorderly conduct infractions reported for Black students result in exclusionary discipline, compared to only 10% for White students, 10% for Hispanic students, and 13% for students of another race.

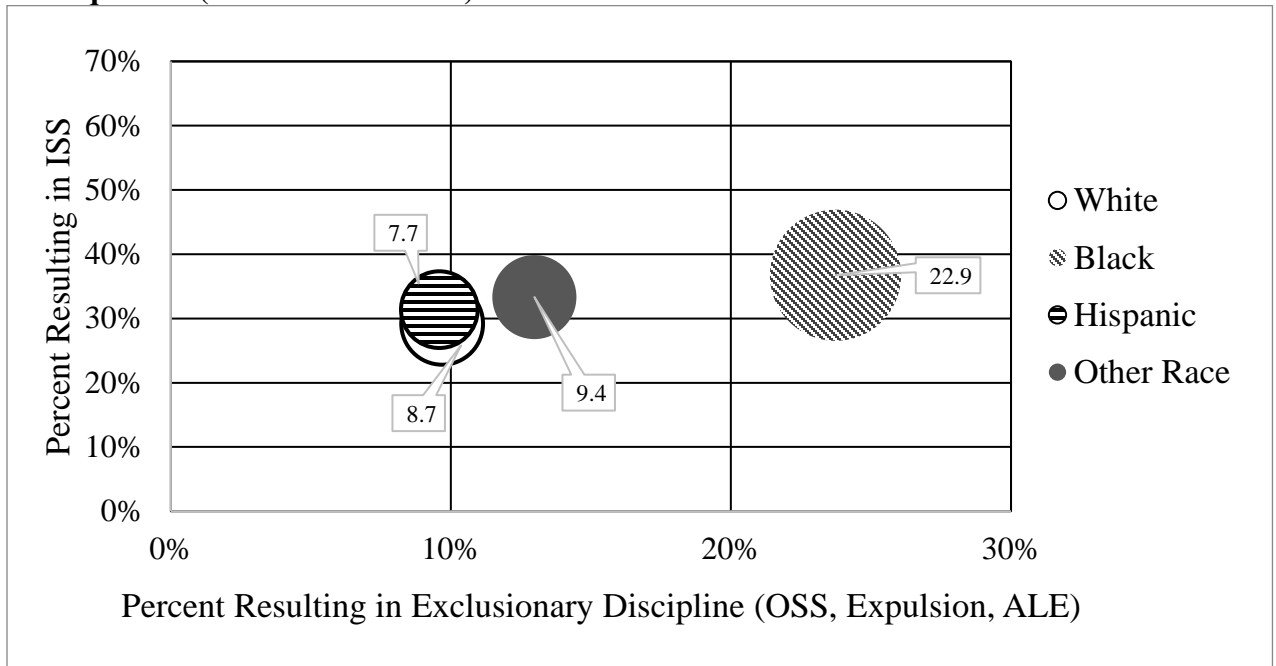
Similar patterns can be seen for the other frequent infraction types (insubordination, other, and fighting); Black students are overrepresented in both referrals and exclusionary discipline conditional on referral. Of these common infraction types, only one type – fighting – resulted in exclusionary discipline for another racial subgroup, Hispanic students, at similar rates that Black students experience (62% for Hispanic students, 64% for Black students).

**Figure 4: Racial disparities in disciplinary referrals (all infractions) and associated consequences (2017-18 to 2019-20)**



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

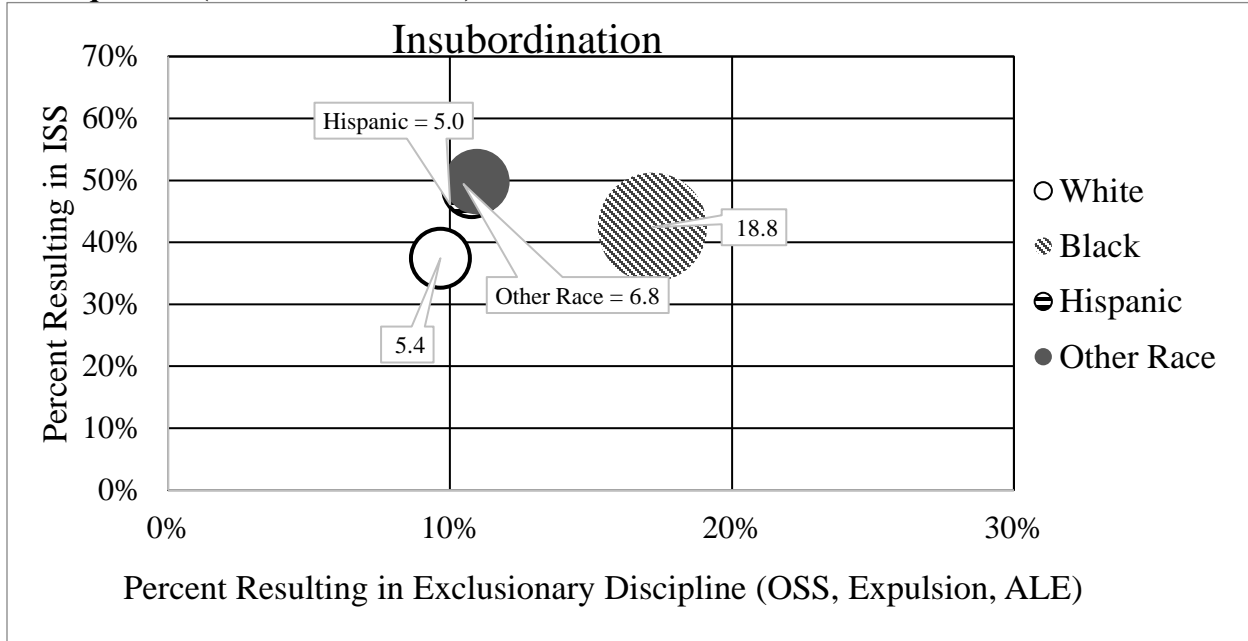
**Figure 5: Racial disparities in disciplinary referrals (disorderly conduct) and associated consequences (2017-18 to 2019-20)**



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

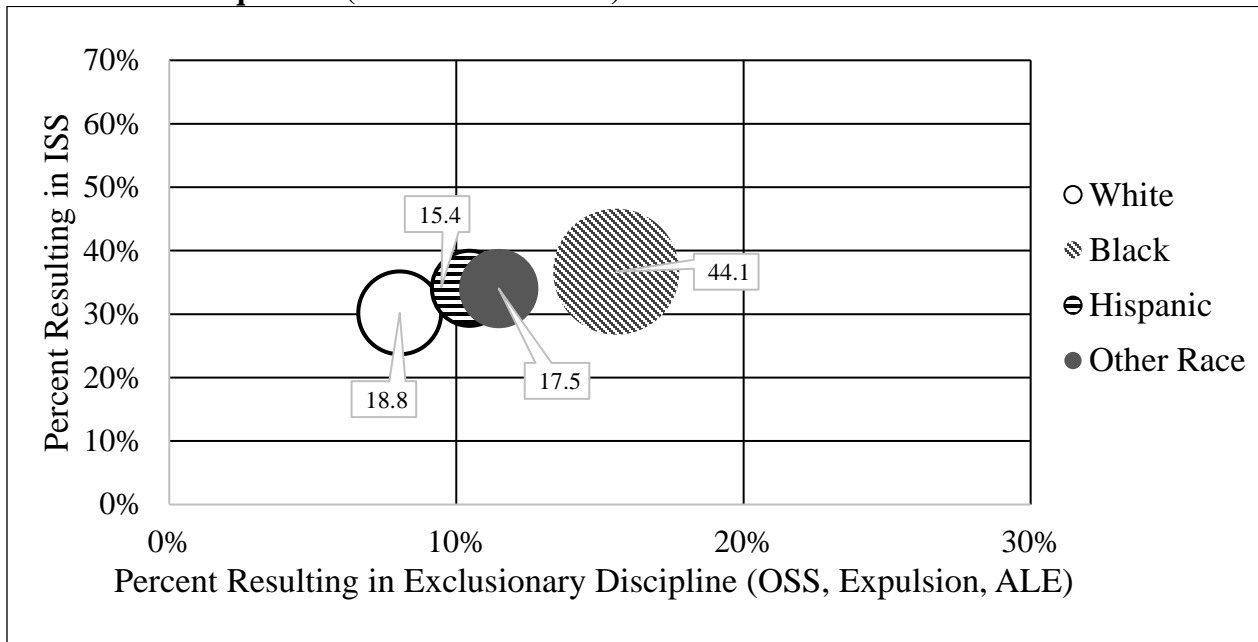


**Figure 6: Racial disparities in disciplinary referrals (insubordination) and associated consequences (2017-18 to 2019-20)**



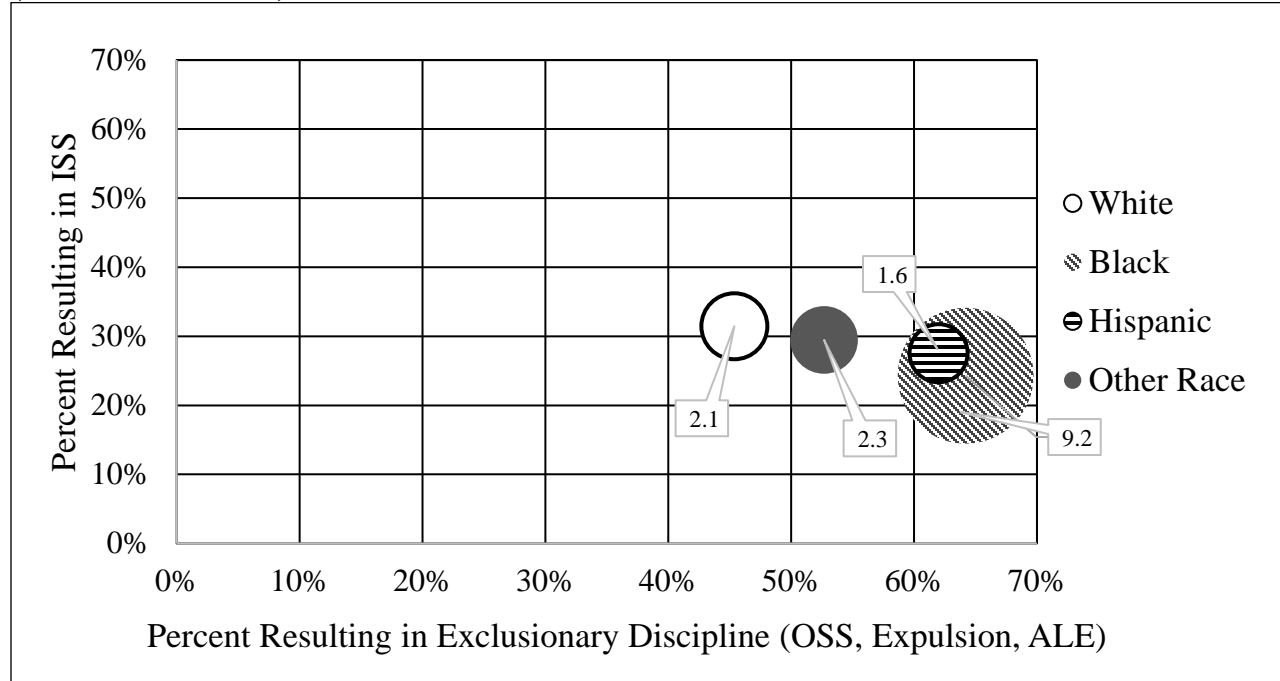
*Note.* Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students in racial subgroup. The circle for Hispanic is mostly hidden behind the circle for other race.

**Figure 7: Racial disparities in disciplinary referrals (“other” non-specified infractions) and associated consequences (2017-18 to 2019-20)**



*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 (2017-18 to 2019-20)**



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

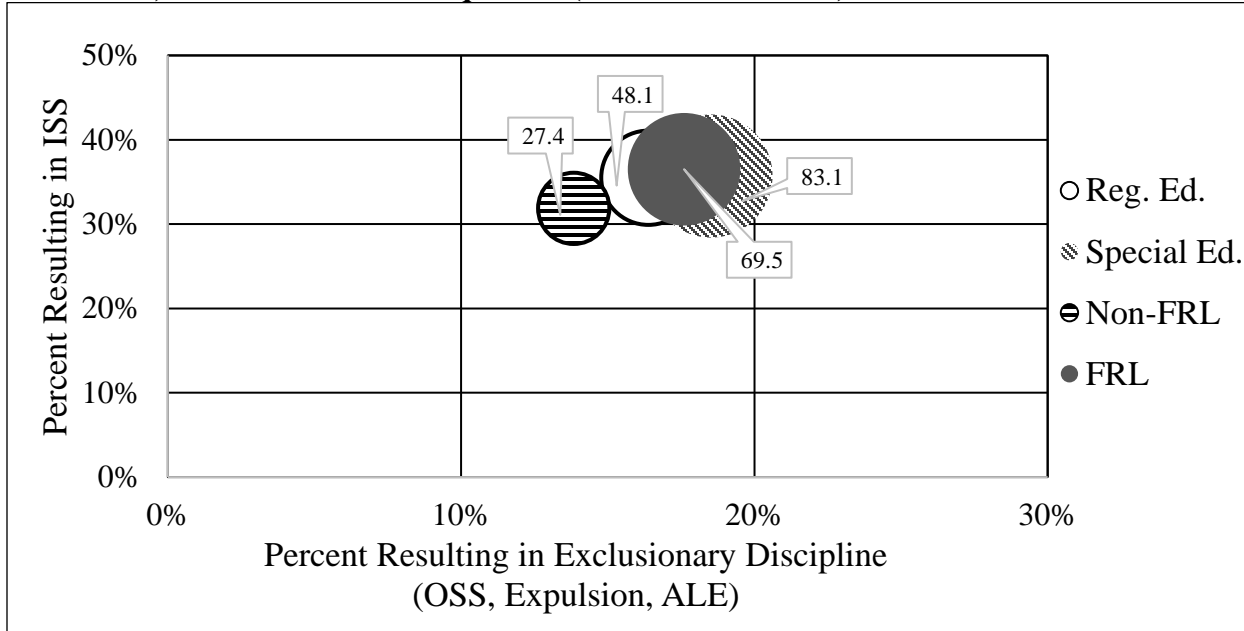
***Disproportionalities in referrals and consequences for low-income students and students with disabilities***

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 69.5 discipline referrals per 100 students, relative to about 27.4 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 83.1 referrals per 100 students, relative to only 48.1 for their regular education peers, a disparity of about 1.7 times. 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.

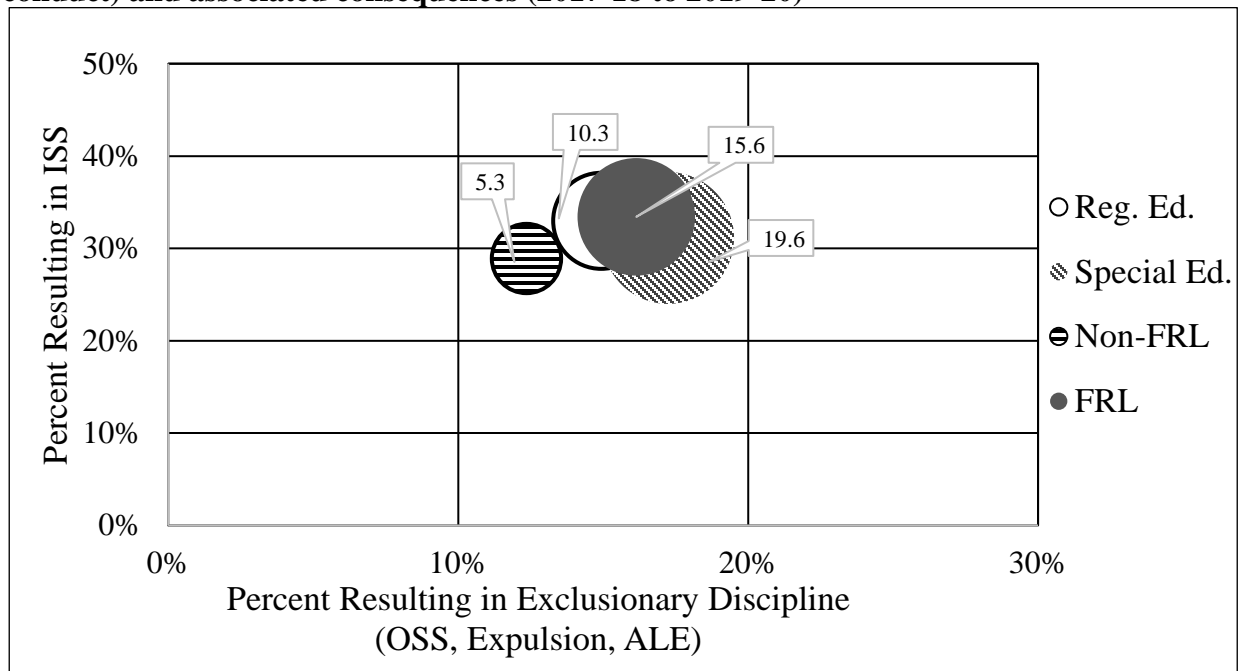
With respect to the type of disciplinary consequence used in response to these infractions, across all figures, special education students and FRL students are more likely to receive an exclusionary consequence than their peers, although these disproportionalities are not as wide as the Black-White disproportionalities shown previously.

**Figure 10: Special education and income disparities in disciplinary referrals (total infractions) and associated consequences (2017-18 to 2019-20)**



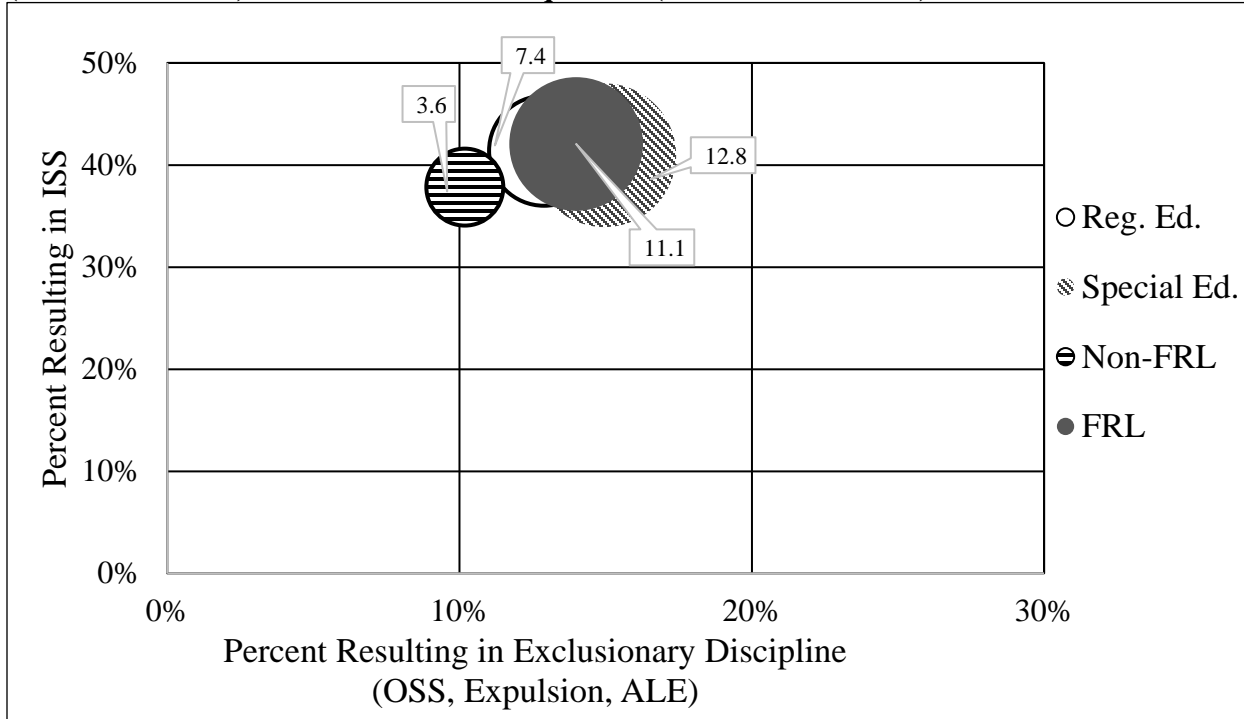
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students in each subgroup.

**Figure 11: Special education and income disparities in disciplinary referrals (disorderly conduct) and associated consequences (2017-18 to 2019-20)**



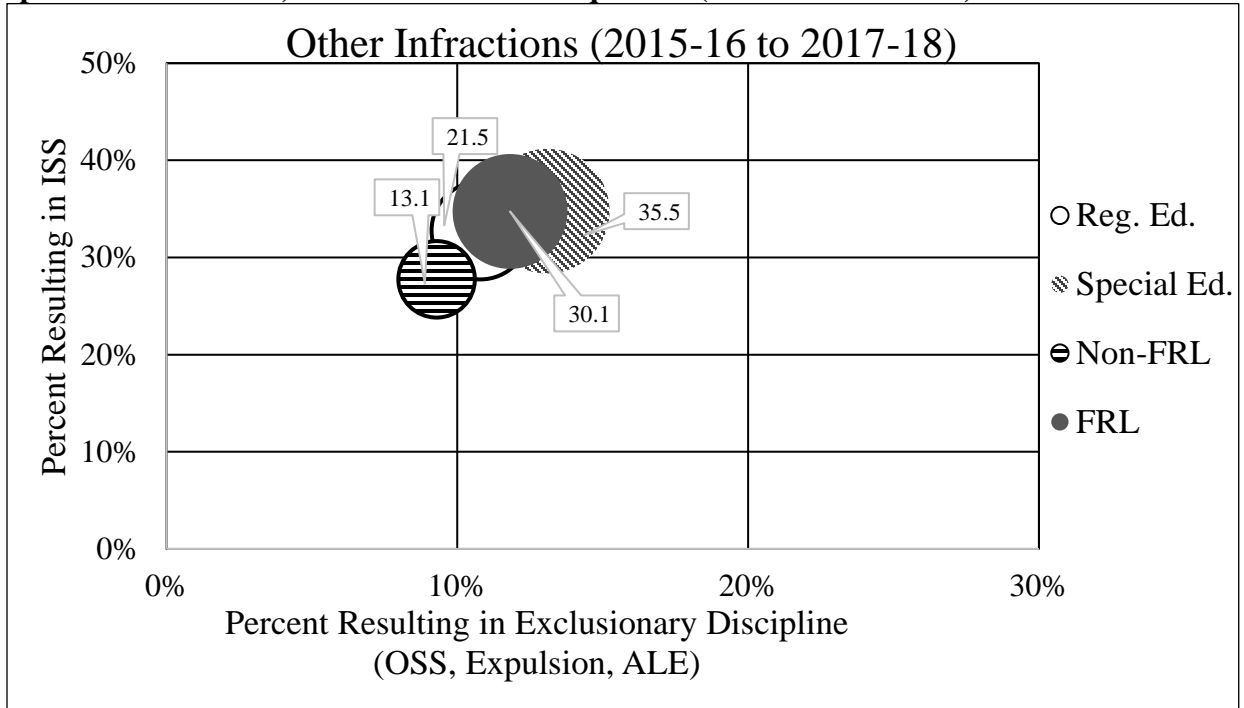
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students in each subgroup.

**Figure 12: Special education and income disparities in disciplinary referrals (insubordination) and associated consequences (2017-18 to 2019-20)**



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 (2017-18 to 2019-20)**



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

**VI. Student Discipline Rates in 2019-20: Comparison of Pre-and Post- COVID-19 Related School Closure**

Only 125 infractions were reported on March 17, 2020 or later, after the COVID-19 related school closures. A comparison of the pre- and post-closure infractions are reported in Table 6, and Table 7 is similar, but for consequences.

**Table 6: Infractions, by type, pre-and post-COVID-19 related school closures**

|                              | <b>Pre COVID-19<br/>School Closures</b> | <b>Post COVID-19<br/>School Closures</b> |
|------------------------------|---|--|
| Other                        | 75,069                                  | 43                                       |
| Disorderly Conduct           | 42,444                                  | 13                                       |
| Insubordination              | 29,134                                  | 17                                       |
| Fighting                     | 13,130                                  | 16                                       |
| Truancy                      | 10,265                                  | 19                                       |
| Cellphone/Electronics        | 8,475                                   | 6  |
| Tobacco                      | 4,278                                   | 1  |
| Bullying                     | 2,620                                   | 2  |
| Student Assault              | 2,558                                   | 1  |
| Stealing/Theft               | 1,446                                   | 0  |
| Harassment/Sexual Harassment | 1,338                                   | 0  |
| Drugs                        | 1,332                                   | 0  |
| Vandalism                    | 933                                     | 1  |
| Terroristic Threats          | 764                                     | 2  |
| Public Display of Affection  | 620                                     | 0  |
| Staff Assault                | 513                                     | 0  |
| Alcohol                      | 325                                     | 0  |
| Knife                        | 285                                     | 0  |
| Cyberbullying                | 248                                     | 4  |
| Club                         | 174                                     | 0  |
| Gangs                        | 98                                      | 0  |
| Explosives                   | 28                                      | 0  |
| Guns                         | 20                                      | 0  |
| <b>Total</b>                 | <b>196,097</b>                          | <b>125</b>                               |

**Table 7: Consequences, by type, pre-and post-COVID-19 related school closures**

|                     | <b>Pre COVID-19<br/>School Closures</b> | <b>Post COVID-19<br/>School Closures</b> |
|---------------------|---|--|
| ISS                 | 69,885                                  | 32                                       |
| Other               | 35,603                                  | 27                                       |
| OSS                 | 29,447                                  | 20                                       |
| Detention           | 28,825                                  | 4  |
| Warning             | 13,696                                  | 16                                       |
| Saturday School     | 5,679                                   | 2  |
| Corporal Punishment | 5,232                                   | 7  |
| Bus Suspension      | 3,434                                   | 1  |
| Parent Conference   | 2,852                                   | 3  |
| No Action           | 760                                     | 12                                       |
| Expulsion           | 420                                     | 1  |
| ALE                 | 264                                     | 0  |
| <b>Total</b>        | <b>196,097</b>                          | <b>125</b>                               |

*Note.* The "Other" row includes 559 infractions pre-COVID-19 closure that included more than one of the "other" categories, including those newly reported in 2016-17.

## **VII. Discussion and Key Takeaways**

This report analyzed a number of key student outcomes related to student discipline in the Arkansas public schools. While the data are limited to discipline infractions and consequences reported by schools as part of their administrative records, 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” non-specified infractions still represented about 38-39% of all infractions in recent years and “other” consequences still represented about 17-18% 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) The vast majority (over 80%) of discipline referrals reported over the past ten years are for insubordination, disorderly conduct, or “other” infractions, indicating that the vast majority of reported infractions are relatively subjective. Racial disproportionalities are also wide for these relatively subjective categories. Given the frequency and subjectivity of these reports, this indicates a potential opportunity for targeted interventions at the school level.
- 3) The most common consequences are in-school suspension (ISS, 36.6%), “other” (34.8%), and out-of-school suspension (OSS, 19.4%). There has been a steady decline in reported reliance on OSS and corporal punishment over time, while “other” consequences have steadily increased.
- 4) Suspensions in grades K-5 have declined significantly, in line with the expectations of Act 1059 of 2017. However, a large proportion of remaining elementary-aged suspensions are for relatively subjective categories such as disorderly conduct,

- insubordination, and “other.” This suggest that there is still room for improvement in terms of limiting suspensions to only extreme cases that pose a physical risk or cannot be addressed through other means.
- 5) Further, while the number of suspensions and expulsions decreased significantly over time in grades K-5, Black students in grades K-5 were still about 4.6 times as likely as White students to receive at least one OSS or expulsion in 2018-19, which is almost the same relative risk ratio as prior to Act 1059 (4.7 to 4.8 times). This indicates a continued need to further address racial disproportionalities, despite the overall reduction in exclusionary discipline in Arkansas’ elementary schools.
  - 6) The state has made very good progress with Act 1329 compliance. Specifically, use of OSS for truancy declined from about 14% of all truancy cases in 2012-13 to about 2% of cases in 2019-20. There are a small set of 21 schools that still use OSS for truancy to some extent.
  - 7) As we have consistently reported, 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. Notably, these disproportionalities are largely driven by larger numbers of subjective infractions such as disorderly conduct, insubordination, and “other.”
  - 8) The 2019-20 school year was unique in that schools were closed beginning mid-March. This affects our ability to interpret trends over time. Similarly, the 2020-21 year will bring unique challenges for understanding how disciplinary processes are affecting Arkansas’ students. In particular, administrative data may not fully reflect what is happening on the ground. Given that the pandemic is exacerbating educational inequalities that already existed pre-COVID, we recommend the state consider a larger investigation into how schools are addressing behavioral issues, mental health issues, and school climate issues more broadly, going forward.

**Appendix Table A: Schools with at least 5 truancy incidents in 2019-20 of which at least 5% resulted in OSS**

| School LEA | School                         | District                      | Num. of 2019-20 Truancy Infractions | % of 2019-20 Truancy Resulting in OSS |
|------------|--------------------------------|-------------------------------|-------------------------------------|---------------------------------------|
| 3201004    | BATESVILLE JUNIOR HIGH SCHOOL  | BATESVILLE SCH. DIST.         | 20                                  | 5.0%                                  |
| 7303015    | BRADFORD HIGH SCHOOL           | BRADFORD SCH. DIST.           | 6                                   | 16.7%                                 |
| 4304703    | ACADEMIC CENTER FOR EXCELLENCE | CABOT SCH. DIST.              | 17                                  | 5.9%                                  |
| 4901003    | CADDO HILLS HIGH SCHOOL        | CADDO HILLS SCH. DIST.        | 10                                  | 10.0%                                 |
| 5204023    | CAMDEN FAIRVIEW HIGH SCHOOL    | CAMDEN FAIRVIEW SCH. DIST.    | 55                                  | 9.1%                                  |
| 201008     | CROSSETT MIDDLE SCHOOL         | CROSSETT SCH. DIST.           | 38                                  | 5.3%                                  |
| 2202007    | DREW CENTRAL MIDDLE SCHOOL     | DREW CENTRAL SCH. DIST.       | 28                                  | 7.1%                                  |
| 7203025    | HOLT MIDDLE SCHOOL             | FAYETTEVILLE SCH. DIST.       | 18                                  | 5.6%                                  |
| 2303017    | GREENBRIER HIGH SCHOOL         | GREENBRIER SCH. DIST.         | 17                                  | 5.9%                                  |
| 2603702    | HOT SPRINGS JUNIOR ACADEMY     | HOT SPRINGS SCH. DIST.        | 14                                  | 7.1%                                  |
| 6041703    | LISA ACADEMY HIGH              | LISA ACADEMY                  | 6                                   | 100.0%                                |
| 6001007    | DUNBAR MAGNET MIDDLE SCHOOL    | LITTLE ROCK SCH. DIST.        | 62                                  | 58.1%                                 |
| 6001002    | HALL HIGH SCHOOL               | LITTLE ROCK SCH. DIST.        | 210                                 | 29.0%                                 |
| 6001063    | J.A. FAIR HIGH SCHOOL          | LITTLE ROCK SCH. DIST.        | 126                                 | 27.0%                                 |
| 6001003    | MANN MAGNET MIDDLE SCHOOL      | LITTLE ROCK SCH. DIST.        | 20                                  | 5.0%                                  |
| 1804015    | MARION HIGH SCHOOL             | MARION SCH. DIST.             | 9                                   | 22.2%                                 |
| 1804014    | MARION JUNIOR HIGH SCHOOL      | MARION SCH. DIST.             | 11                                  | 18.2%                                 |
| 7007040    | PARKERS CHAPEL HIGH SCHOOL     | PARKERS CHAPEL SCH. DIST.     | 16                                  | 6.3%                                  |
| 6062703    | PREMIER HS OF N. LITTLE ROCK   | RESPONSIVE ED SOLUTIONS       | 8                                   | 75.0%                                 |
| 7008045    | SMACKOVER HIGH SCHOOL          | SMACKOVER-NORPHLET SCH. DIST. | 5                                   | 20.0%                                 |
| 3509068    | WATSON CHAPEL JR. HIGH SCHOOL  | WATSON CHAPEL SCH. DIST.      | 48                                  | 12.5%                                 |