

Summary Points

- Discipline infractions largely declined during the pandemic, but increased post-pandemic.
- The use of OSS is on the rise. The percentage of students receiving OSS in 2021-22 is the second-highest since 2013-14.
- Most infractions and consequences alike are categorized as “other.” A decrease in 2021-22 suggests that schools may be returning to more “normal” consequence types.
- Black students are receiving a higher number of referrals and harsher consequences compared to other students.
- Policy recommendations include providing more insight on “other” infractions/consequences and how to address issues post-pandemic.

**Analyzing Student Discipline Trends in Arkansas: The 2022 Report**

*This brief provides an overview of the findings from the 2021- 22 Arkansas Student Discipline Report. We aim to shed light on the significant trends and key student outcomes related to student discipline in Arkansas public schools. Furthermore, we assess the impact of recent policy changes in this context and recommend further policy recommendations to neutralize negative trends.*

**Introduction**

The 2021-22 school year marked the first full academic year after the COVID-19 pandemic. During the pandemic, school operations were disrupted, and data for the 2019-20 and 2020-21 showed a sharp decrease in reported student discipline incidents. The data for the 2021-22 academic year are especially important as they allow us to understand the relationship of the pandemic to student discipline. In the 2021-22 academic year, reported incidents were down by more than 26% compared to 2018-19 rates, but were higher than during the pandemic years. The increase in discipline incidents in the past academic year is noteworthy and may be linked to the adjustment as schools returned to a more "normal" state.

This Brief

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*Data & Sample*

The data used in this study are de-identified student- and infraction-level information for the ten-year period from 2012-13 to 2021-22. Anonymized data were sourced from the Arkansas Department of Education and maintained by the Office for Education Policy at the University of Arkansas. This dataset encompasses all public K-12 students per year (approximately 470,000 annually) throughout the state and connects student demographics to Arkansas reported discipline infractions and consequences.

Counts of disciplinary incidents are not directly comparable across years due to the COVID-19 related school closures. All Arkansas public schools were closed from March 17 through the end of the 2019-20 school year, . . . In 2020-21, all Arkansas public schools were required to be open for in-person learning, unless they needed to close temporarily for an outbreak. While some students were still attending remotely, most Arkansas students were attending their local public school in person the majority of the time.



### Pandemic Effect

Despite widespread reports of increased levels of student misbehavior, there was significant decline in the number of student disciplinary infractions in Arkansas in the 2019-20 and 2020-21 school years. This could be largely due to the disruptions caused by the COVID-19 pandemic, including school closures and changes in the educational environment. In the 2021-22 academic year, when students returned to in-person learning after two years of disruptions, there was an increase in disciplinary reports. However, it's important to note that these reports did not reach the levels seen before the pandemic. Several factors may explain this, including changes in school operations, stricter health measures, and a reduction in reporting minor, subjective infractions by school staff.

## Arkansas Discipline Trends

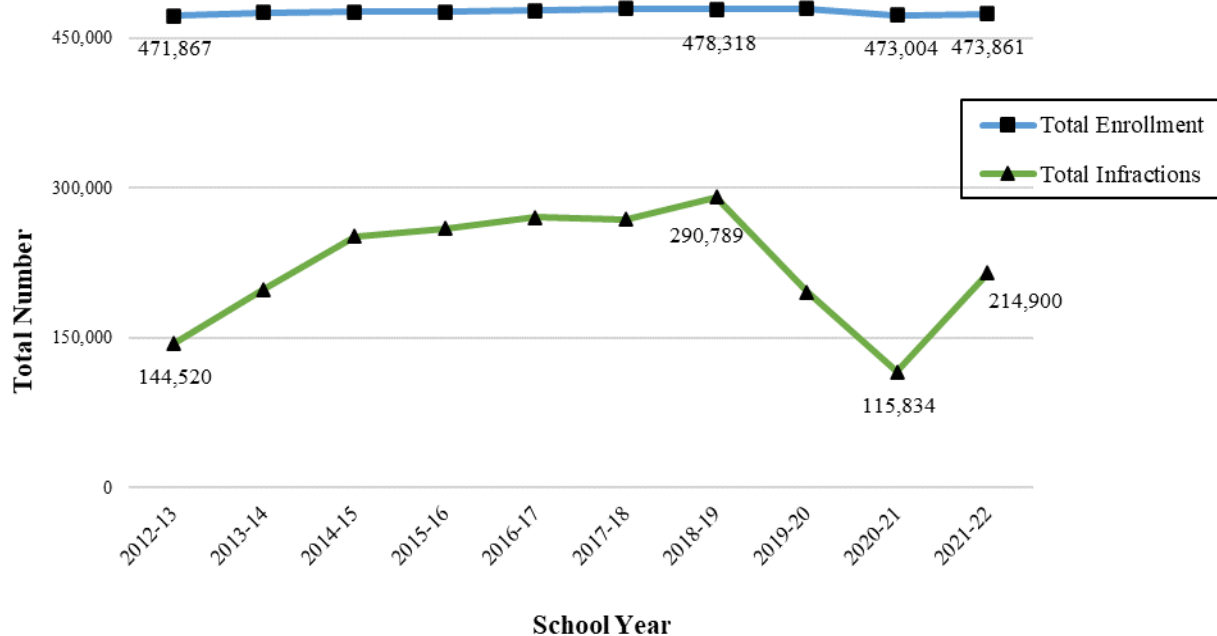
We compared the makeup of each school year, specifically the years prior to the pandemic, during the pandemic, and our most recent year after the pandemic by denoting the number of infractions and consequences for each school year, to see how they have changed over time. See Figure 1 for a breakdown of the total

enrollment over time and the total number of infractions. The total number of infractions went from 165,183 in 2008-09 to a high of 290,789 in 2018-19. After the 2018-19 school year, there was decline in infractions and consequences due to the pandemic. As students came back into the classroom in 2021-22, we see that the number has an increase compared to 2019-20 and 2020-21.

### Student Infractions

It is unlikely that the jump reported in discipline in 2021-22 was solely due to increased student misbehavior. Most of growth in discipline referrals was in the category of “other” non-specified infractions, which are relatively minor compared to other categories. This increase might reflect, at least in part, a greater emphasis on reporting less serious disciplinary incidents. Table 1 emphasizes the breakdown of infraction types from the past year. It is notable that a majority of infractions (43%) are categorized as “other.” Without more information about these infractions, it is impossible to fully understand the landscape of student behavior in Arkansas schools.

Figure 1: Total Enrollment and Infractions, 2013-22



**Table 1: Infraction Makeup, 2021-22**

Infraction	Number	Percent
Other	93,168	43%
Disorderly Conduct	41,939	30%
Insubordination	26,676	12%
Fighting	17,515	8%
Truancy	15,601	7%
Tobacco	7,765	2%
Student Assault	3,801	2%
Bullying	3,046	1%
Drugs	1,893	1%
Vandalism	1,717	1%
Staff Assault	619	<1%
Knife	360	<1%
Club	331	<1%
Alcohol	302	<1%
Gangs	86	<1%
Explosives	53	<1%
Guns	28	<1%

**Table 2: Consequence Makeup, 2021-22**

Consequence	Number	Percent
Other	91,134	42%
In-School Suspension (ISS)	76,597	36%
Out-of-School Suspension (OSS)	40,999	19%
Corporal Punishment	4,047	2%
No Action	1,171	1%
ALE or Expulsion	952	<1%

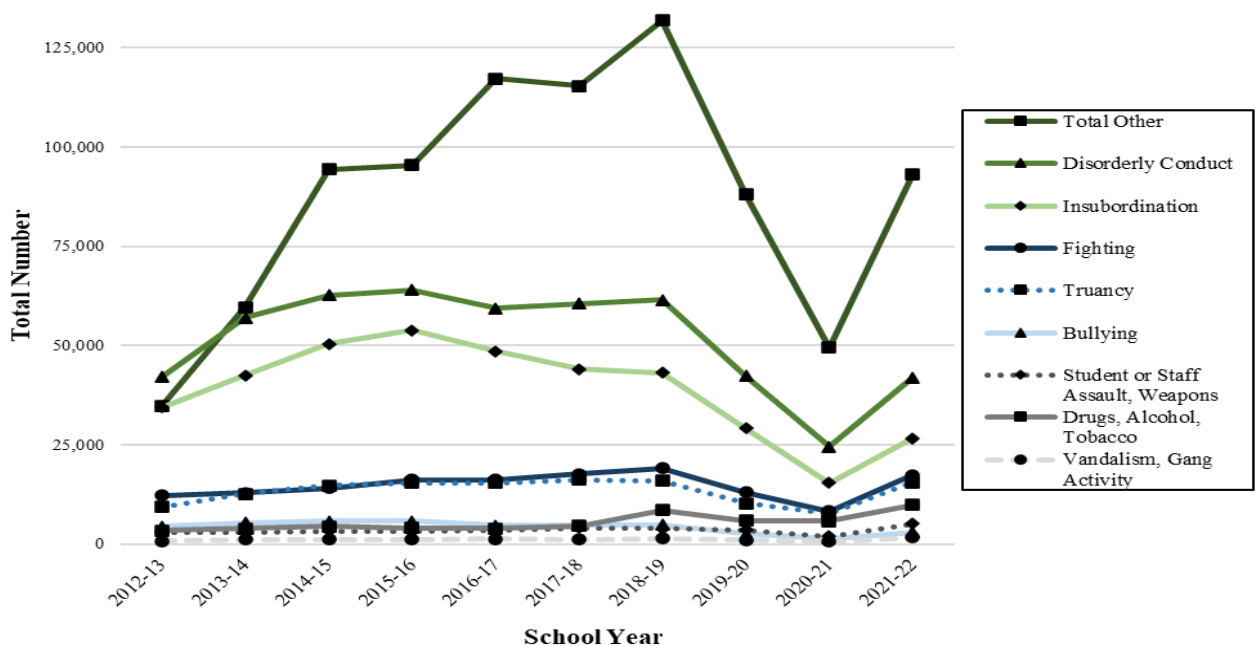
*Student Consequences*

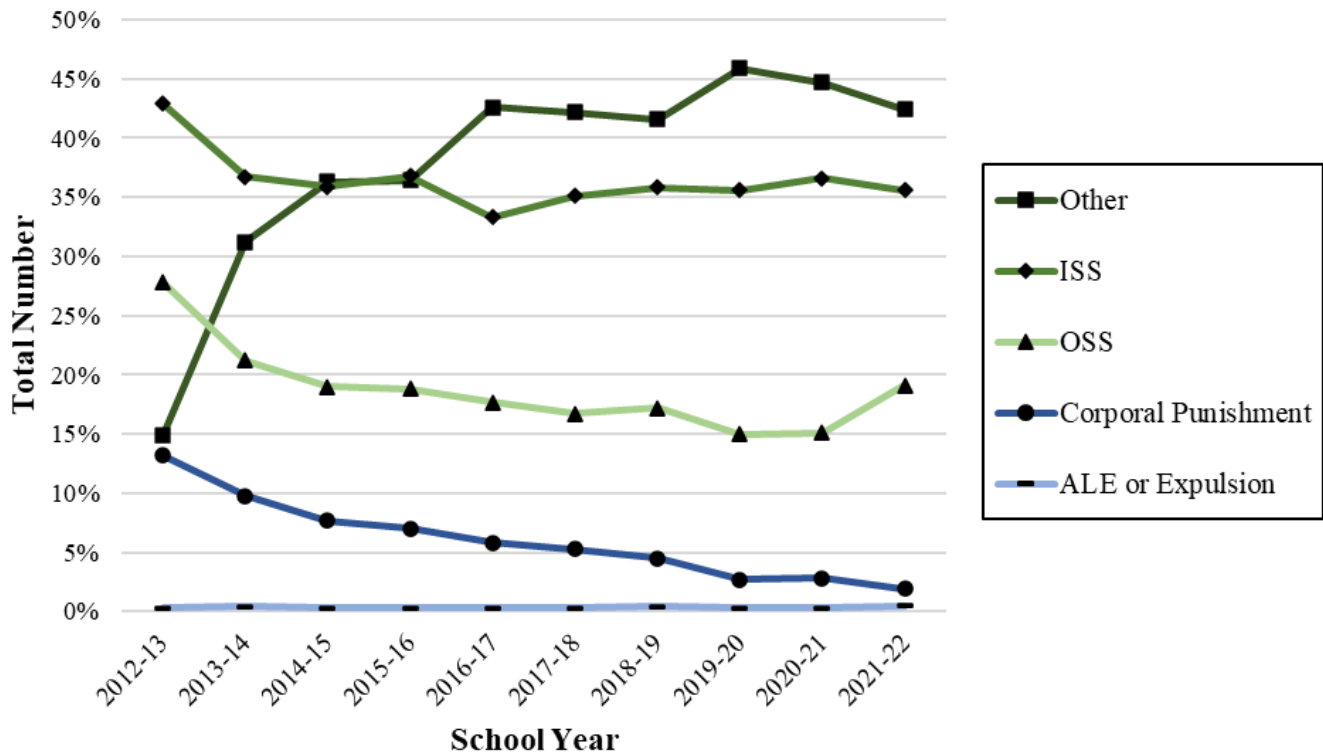
Similar to the infraction data, the most common consequences for infractions in 2021-22 include “other” non-specified consequences (42% of cases), in-school suspension (ISS, accounting for 36%), and out-of-school suspension (OSS, comprising 19%). Without more information about what “other” consequences entail, it is impossible to understand the effect such consequences may be having on student learning and well being.

## Multi-Year Trend Analysis

About 80% of discipline referrals in the past ten years were for disorderly conduct, insubordination, or “other” non-specified infractions. This suggests that the majority of reported infractions involve a fair amount of subjectivity. In the 2021-22 school year, we saw an increase in infractions compared to the previous pandemic year. Most types of infractions, however, are still lower than the pre-pandemic levels.

**Figure 2: Most Frequent Infractions, 2013-22**



**Figure 3:** Total Percentage of Consequence Types, 2013-2022

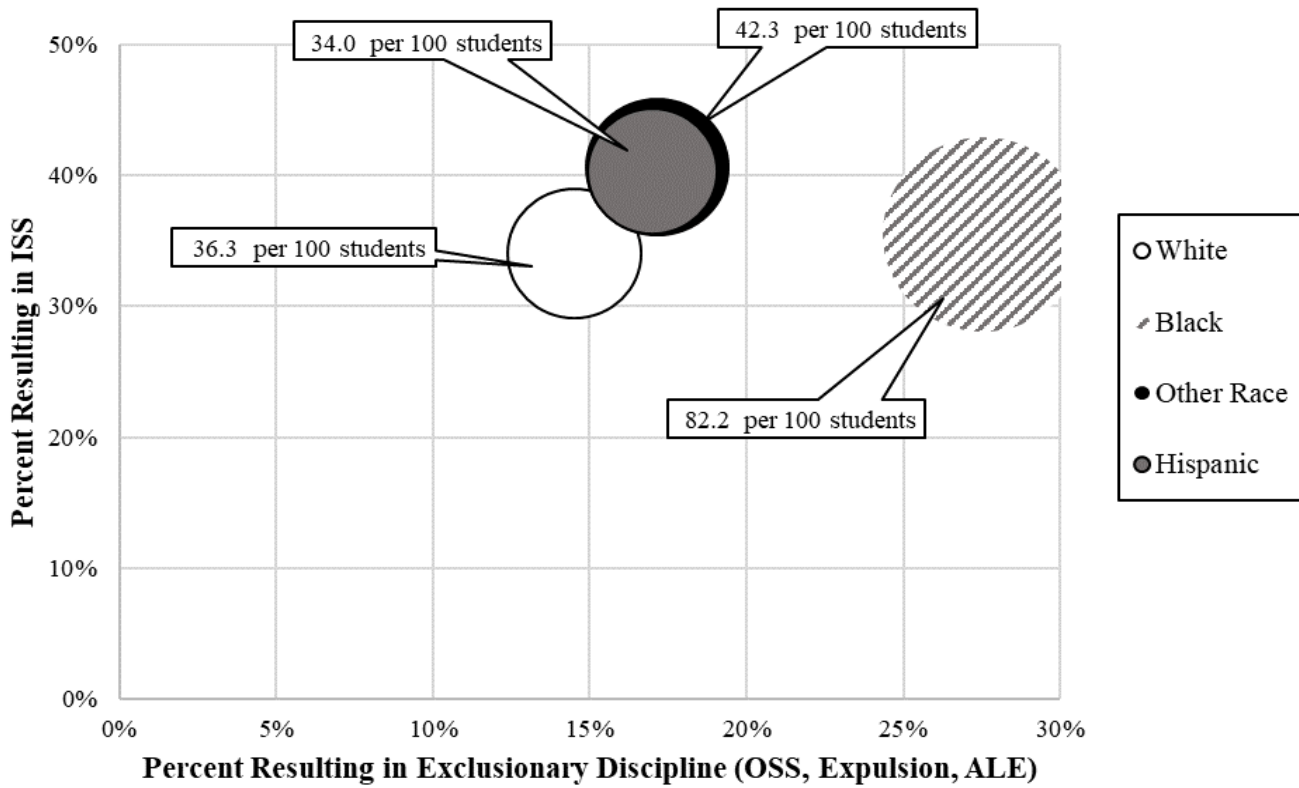
Since 2012-13, the use of several consequences has shifted. Figure 3 illustrates that the use of corporal punishment as a consequence for behavior infractions has declined steadily. Corporal punishment was used as a consequence for 13% of infractions in 2012-13 but represented only 2% of consequences in 2021-22. The use of OSS as a consequence decreased from 28% of all consequences in 2012-13 to 15% of all consequences in 2020-21 before rising to 19% of consequences in 2021-22. Since 2012-13, the “other” consequence category has consistently accounted for a greater share of consequences used. In 2021-22, “other” consequences were used for discipline infractions in 42% of the cases, down slightly from a high of 46% of cases in 2020-21. Further investigation or providing more detailed information on what falls under these “other” consequences would help us better understand if these “other” consequences are appropriate and ensuring that students are able to equally access learning opportunities at school.

### *Racial and Programmatic Disproportionalities*

Disparities regarding the number of referrals for different types of infractions, as well as the likelihood of receiving exclusionary discipline once referred for a specific infraction persist based on race/ethnicity, eligibility for free or reduced-price lunch, and special education status. Figure 4 illustrates that Black students received around 119.8 referrals per 100 students annually in the two years before COVID-19. This number decreased to about 55 referrals per 100 students during the two COVID-affected years and increased to about 82.2 referrals per 100 students in 2021-22. In comparison, White students received only 43.5 referrals, 27.9 referrals, and 36.3 referrals per 100 students, respectively, during the same time periods. These disparities are largely driven by larger numbers of subjective infractions such as disorderly conduct, insubordination, and “other.”

In 2021-22, Black students received exclusionary discipline (OSS, expulsion or ALE) at higher rates than other racial groups. The percent of all students receiving exclusionary discipline is 20%, while the percent for Black students is 27.5%. Exclusionary discipline rates are lower than 20% for all other racial groups.

**Figure 4: Racial Disproportionalities in Discipline, 2021-22**

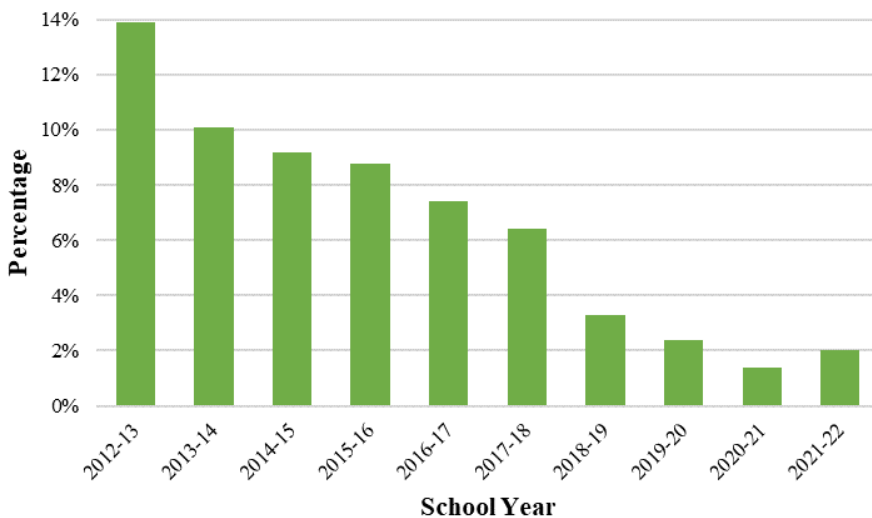


*Compliance with State Mandates*

Two major policy changes related to discipline were implemented in the state of Arkansas. In 2013, Act 1329 banned the use of OSS as a legal disciplinary response to truancy. In 2017, Act 1059 limited the use of OSS and expulsion for students in kindergarten through fifth grade. Each of these policies have aided the state in reducing the use of exclusionary consequences for disciplinary infractions.

**Act 1329**

**Figure 5: Percentage of OSS for Truancy, 2012-22**



Arkansas has made significant progress in reducing the use of OSS for truancy. Figure 5 shows that in 2012-13, about 14% of all truancy cases resulted in OSS. By 2021-22, the use of OSS for truancy had dropped to just about 2% of cases.

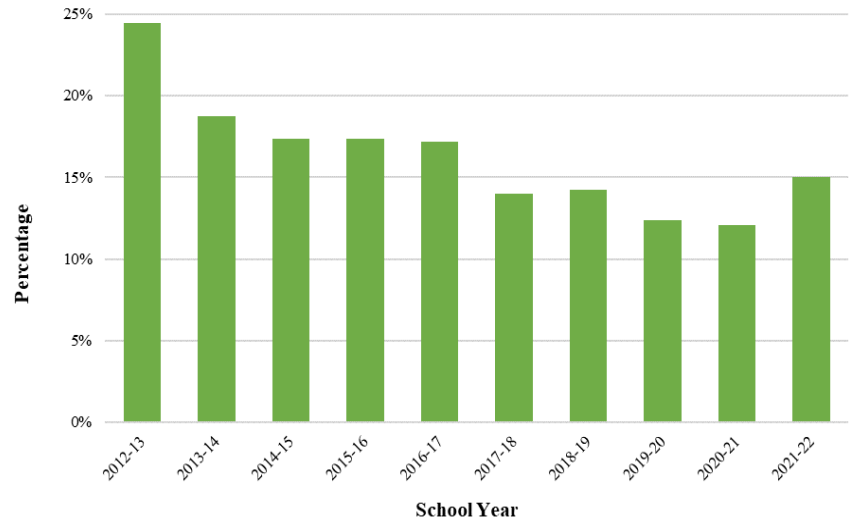
The ban on using OSS as a consequence for truancy has had a positive impact across the state. Even though the number of truancy incidents is similar to what it was before the pandemic, schools are now using In-School Suspension (ISS) and “other” consequences more often than exclusionary consequences.

### Act 1059

OSS and expulsions for K-5 students have decreased since the law's enactment. In 2016-17, exclusionary discipline made up 17% of K-5 consequences, which reduced to 14% in 2018-19 slightly increased to 15% in 2021-22 (Figure 6). The numbers were even lower in 2019-20 and 2020-21, but these years were affected by COVID-19-related school closures, so we can't conclude that these recent declines represent better compliance with the policy.

Over the past seven years, K-5 students were most frequently suspended or expelled for reasons such as disorderly conduct (31% of K-5 OSS and expulsions), “other” infractions (24%), fighting (21%), and insubordination (12%).

**Figure 6:** Percentage of OSS & Expulsions Used for K-5, 2013-22



### Out-of-School Suspension

The count of OSS and suspensions in K-5 decreased for most racial/ethnic groups, with significant drops during the COVID-affected years. In 2021-22, there were declines in all racial/ethnic groups except for Asian students. Table 3 shows that the share of K-5 students receiving at least one OSS or expulsion didn't initially drop as much, it appears to be decreasing, except for the 2019-20 school year. In the 2021-22 school year, 2.4% of K-5 students received at least one OSS or expulsion, up from a low of 1.3% in 2020-21 but still lower than the pre-COVID level of 3.0% in 2018-19 and 3.5% before Act 1059 was implemented.

**Table 3:** Percent of K-5 students with at least one OSS or expulsion, 2015-2022

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Black/African American	9.1%	9.5%	7.9%	8.2%	5.2%	2.6%	6.0%
Two or More Races	3.9%	4.0%	3.9%	3.8%	2.3%	1.7%	2.9%
White	1.9%	2.0%	1.7%	1.8%	1.3%	1.0%	1.5%
Native American/Alaska Native	1.4%	2.0%	2.2%	2.0%	2.1%	1.4%	1.3%
Hispanic	1.3%	1.4%	1.1%	1.2%	0.6%	0.7%	1.1%
Asian	0.4%	0.6%	0.5%	0.6%	0.4%	0.2%	0.5%
Native Hawaiian/Pacific Islander	0.8%	0.5%	0.5%	0.2%	0.2%	0.1%	0.5%
<b>Total</b>	<b>3.3%</b>	<b>3.5%</b>	<b>2.9%</b>	<b>3.0%</b>	<b>2.0%</b>	<b>1.3%</b>	<b>2.4%</b>

Between 2015-16 and 2021-22, the share of Black students in grades K-5 receiving at least one OSS or expulsion decreased from 9.1% to 6.0%. The corresponding share for White students remained fairly stable, only decreasing from 1.9% to 1.5%. All other racial/ethnic groups saw a decrease in the share of students receiving at least one OSS or expulsion from 2015-16, except for Asian students.

Particularly concerning, K-5 Black students remain at a high risk of OSS and expulsion. Black students in grades K-5 were almost five times as likely to receive at least one OSS or expulsion in 2015-16, and this risk still persists at four times as likely in 2021-22, despite the COVID-19 related declines in disciplinary reports. The disproportionalities for Black students are largely driven by subjective infractions such as disorderly conduct, insubordination, and “other.”

## Conclusions

Following consecutive declines during 2019-20 and 2020-21, the number of reported disciplinary infractions rose in 2021-22. The increase likely reflects a return to “typical” school, with students back in classrooms in person full-time, and perhaps a lifting of schools’ COVID-related protocols. The number of reported infractions in 2021-22, however, has not reached to pre-pandemic trends. This study identified several areas that Arkansas policymakers and school leaders should be tracking to ensure all students have access to high-quality learning opportunities.

- 1) The use of Out-of-School Suspension increased in 2021-22 to the highest level since 2013-14. In 2021-22, OSS was used as a consequence for 19% of disciplinary infractions. The use of OSS as a consequence for behavior infractions steadily declined over the past decade, but the recent increase indicates that schools in Arkansas are returning to the use exclusionary approaches. The recent increase of OSS infractions is concerning, because students who receive OSS are excluded from the opportunity to access instruction at school.
- 2) The use of Out-of-School Suspension as a consequence for students in grades K-5 has declined, from 17% of consequences in 2016-17 to 15% in 2021-22. This decrease reflect the intention line of Act 1059 of 2017, which limited the use of exclusionary discipline for students in kindergarten through fifth grade to extreme cases where there is a physical risk to the student or others, or which cannot be addressed through other means. A large proportion of elementary-aged suspensions, however, are for relatively subjective categories such as disorderly conduct, insubordination, and “other.” This suggests that there is still room for improvement in terms of limiting suspensions to extreme cases and providing more consistent opportunities for K-5 students to access learning opportunities in school.
- 3) While the percentage of suspensions and expulsions used as a consequence for K-5 students decreased somewhat over time, Black students in grades K-5 were still 4.0 times as likely as White students to receive at least one OSS or expulsion in 2021-22. This is lower than the relative risk ratio prior to Act 1059 (4.7 to 4.8 times) but is still troublingly high and persistent. Previous research indicated that the discrepancy in exclusionary discipline was between schools, not within the same school (Anderson and Ritter, 2017)
- 4) The use of Out-of-School Suspension as a consequence for truancy declined from about 14% of all truancy cases in 2012-13 to about 2% of cases in 2021-22. The state of Arkansas has made excellent progress with Act 1329 compliance. There are, however, a small set of 21 schools that continue to use OSS as a consequence for truancy to some extent.
- 5) Over 80% of discipline referrals reported over the past ten years are for insubordination, disorderly conduct, or “other” infractions. These infractions are relatively subjective, and large racial disproportionalities are evident.
- 6) Disproportionalities by race/ethnicity, free and reduced-price lunch eligibility, and special education status continue to exist both in terms of the number of referrals for infractions, the types of infractions referred, and in the likelihood of receiving exclusionary discipline conditional on referral for a particular type of infraction.
- 7) Over 40% of discipline referrals and consequences are not categorized within the state-provided data. This lack of clarity around types of discipline referrals and consequences could mask ongoing disparities between students groups that may be contributing to negative student outcomes.

## Policy Recommendations

Based off of our findings from this analysis of student discipline in Arkansas, we suggest:

- ◇ “Other” categories for infractions and consequences should be assessed to determine whether the infraction reporting categories reflect the current needs of the state and what the “other” consequences really are. School personnel should be included in the evaluation of current and additional discipline referral and consequence reporting categories.
- ◇ Targeted interventions for schools to address the racial disproportionalities evident in the data.

The 2021-22 year brings unique challenges for understanding how disciplinary processes are affecting Arkansas students after the pandemic. Our ability to interpret trends over time is hampered by the closing of schools in March 2020, and the affect this had on the 2021-22 school year as well as years moving forward.

The data from 2021-22 indicate increased infractions and increased reliance on OSS. Due to the pandemic, students are facing a host of mental health, social, and behavioral challenges while transitioning back into the classroom (Nugent, 2021; St. George, 2022). This could explain the increase in behavioral infractions and emphasize the need for policy to help students in this period of transition. In particular, administrative data may not fully reflect the context that students are experiencing in school. We recommend the state consider a larger investigation into how schools are addressing behavioral issues, mental health issues, and school climate issues more broadly.

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### Resources:

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