

Arkansas Student Discipline Report

2021-22

Kaitlin Anderson, PhD
Sarah C. McKenzie, PhD
Taylor Wilson

University of Arkansas
October 24, 2023

Table of Contents

Executive Summary	2
I. Introduction	5
II. Student Discipline Trends Over Time	5
III. Legal Compliance with Act 1059	10
IV. Legal Compliance with Act 1329 Ban on OSS for Truancy	15
V. Disproportionalities in Student Discipline	16
VI. Discussion and Key Takeaways	38

Executive Summary

This report examines student discipline in Arkansas public schools. Using ten years of de-identified student data from 2012-13 to 2021-22, our research identifies a number of key trends and outcomes related to student discipline in the Arkansas public schools. Data are provided by the Arkansas Department of Education, and this work builds upon prior editions of this report.¹ Data are limited to the disciplinary infractions and consequences reported by schools, and we do not estimate causal effects of any policies or programs, however, this work includes findings relevant to educators and policymakers in the state. An important caution for interpretation is much lower rates of discipline infractions were reported in 2019-20 and 2020-21, likely due to the COVID-19 pandemic-related closure of Arkansas schools beginning in mid-March of 2020 and continuing COVID-related disruptions to face-to-face schooling through the 2020-21 school year. In 2021-22, reports of discipline infractions increased, but not to the level seen prior to the pandemic. It is not clear if the reduced number of reported disciplinary incidents is a reflection of improved students' behavior, or rather the result of other factors including changes in school operations, intensified health protocols, and modification of reporting subjective infractions.

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

- The number of disciplinary infractions reported for Arkansas students nearly doubled in the seven years prior to the onset of the COVID-19 pandemic, from approximately 145,000 incidents in 2012-13 to approximately 291,000 in 2018-19. It is unlikely that this increase in referrals is due solely to increases in misbehavior over time. The largest growth was in the category of “other” non-specified infractions, which are relatively minor compared to other categories and do not have a specific state reporting category. “Other” infractions grew from about 35,000 incidents in 2012-13 to about 113,000 in 2018-19, so the increase in discipline referrals may at least in part reflect an increased focus on reporting more minor disciplinary incidents. See Table 1 and Figure 1.
- Discipline infraction rates declined substantially during the COVID-19 pandemic. The number of reported disciplinary infractions dipped to approximately 116,000 in 2020-21 but moved closer to pre-COVID numbers with 215,000 incidents reported in 2021-22. Although an increase from 2020-21, the 2021-22 infraction rate reflects a 26% reduction from pre-COVID numbers.
- Approximately 80% of discipline referrals reported over the past ten years are for relatively subjective infractions: disorderly conduct, insubordination, or “other” non-specified infractions which do not have a reporting category at the state level. See Table 1 and Figure 1.
- The most common consequences for discipline infractions are in-school suspension (ISS, 36%) and “other” non-specified consequences without a reporting category at the state level (36%). Out-of-school suspension rates had been declining, but rose in 2021-22 (19%). There has been a decline in the use of corporal punishment over time. ISS rates have remained relatively stable since 2013-14, while “other” consequences

¹The 2021 report is available here: <https://oep.uark.edu/2021-arkansas-discipline-report/>

have steadily increased. Further investigation and/or more detailed reporting of what is included within the “other” consequences would be useful for understanding whether “other” consequences are a meaningful change from exclusionary discipline for students. See Table 2 and Figure 2.

2. To what extent 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 have declined steadily since this law was passed, from over 13,000 incidents in 2016-17 to just over 8,000 in 2021-22. The Reports from 2019-20 and 2020-21 were even lower than 2021-22, but we cannot conclude that the declines during these years indicate greater compliance with the policy given COVID-19-related school closures. See Table 3.
- In the five years since this legislation was passed, K-5 students were most commonly suspended or expelled for disorderly conduct (29% of K-5 OSS and expulsions), “other” infractions (25%), fighting (22%), and insubordination (10%). See Table 3.
- In 2021-22 OSS was used as a consequence for K-5 students at the highest rate since the legislation was passed. Infractions for disorderly conduct and fighting had significant increases in OSS/expulsion use in 2021-22. Reliance on OSS and expulsion in response to elementary grade referrals had previously declined over time. These declines were primarily offset by increases in “other” consequences. See Table 4. These declines in reliance on OSS and expulsion were primarily due to declines in the use of these consequences in response to “other” non-specified infractions, disorderly conduct, and insubordination. See Table 5.
- The count of OSS and suspensions in grades K-5 decreased for many racial/ethnic groups with large declines during the COVID-affected years of 2019-20 and 2020-21. The exceptions were for three groups that experienced increases over this time: Asian students, students of two or more races, and Native American/Alaska Native students. All racial/ethnic groups except for Asian students and students of two more races also experienced declines by the 2018-19 school year (pre-COVID). See Table 6.
- Among elementary age students, Black students are at a high risk of OSS and expulsion. Black students in grades K-5 were nearly five times as likely – relative to White students - to receive at least one OSS or expulsion in 2015-16 and remain four times as likely in 2021-22. See Table 7.
- The 2021-22 school year shows that the share of K-5 students receiving at least one OSS or expulsion (2.4%) has remained lower than in pre-COVID years (2.9% or higher). See Table 7.

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

- The state has made good progress, but has regressed a bit, as the use of OSS for truancy as a share of truancy cases increased in 2021-22 relative to 2020-21; still, use

of OSS for truancy declined from about 14% of all truancy cases in 2012-13 to about 2% of cases in 2021-22. See Table 8.

4. Are there racial/ethnic or programmatic (free/reduced lunch or special education) disproportionalities in school discipline?

- As we have consistently reported, disproportionalities by race/ethnicity, 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, during the two years prior to COVID Black students received about 119.8 referrals per 100 students per year. During the two COVID-affected years Black students received about 55.0 referrals per 100 students per year, and in the most recent year (2021-22) Black students received about 82.2 referrals per 100 students. Compared to 43.5 referrals, 27.9 referrals, and 36.3 referrals per 100 White students during the same periods. Notably, these disproportionalities are largely driven by larger numbers of subjective infractions such as disorderly conduct, insubordination, and “other.” See Figures 3-8.
- Black students in the state are overrepresented both in terms of referrals and in terms of exclusionary discipline conditional on a referral. In 2021-22, the exclusionary rate for Black students was higher than pre-COVID trends at 27.5%. Conditional on being written up for any infraction, Black students receive OSS, expulsions, or referrals to ALE at higher rates than other groups. In 2017-18 and 2018-19, approximately 23% of all infractions for Black students resulted in exclusionary discipline, relative to only 13% for White students, 14% for Hispanic students, and 16% for students of other races. The exclusionary rate decreased slightly in 2019-20 and 2020-21 to 21% of infractions for Black students but remained high relative to other groups. See Figures 3-8.

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 2012-13 to 2021-22 provided by the Arkansas Department of Education. It is important to note that, due to the COVID-19 pandemic, and the closure of schools beginning Tuesday, March 17 through the end of the 2019-20 school year, the counts of disciplinary incidents are not directly comparable across years. In 2020-21, schools were required to be open for in-person learning unless they needed to close temporarily for an outbreak, but the counts are also not directly comparable in this year. The 2021-22 data shows that counts are increasing toward pre-COVID-19 trends.

II. Student Discipline Trends Over Time

Investigating increases in reported incidents in 2021-22

COVID-19 disrupted face-to-face schooling in years 2019-20 and 2020-21, likely resulting in lower disciplinary incidents. On average, fewer students were in school, and students attended for a shorter amount of time due to school closures. The 2020-21 Arkansas Discipline Report explained that a number of schools reporting disciplinary incidents in 2018-19 did not report incidents in 2019-20, suggesting that COVID-19 disruptions (i.e., schools report no incidents when closed, and fewer incidents when hybrid, than when in person) most likely decreased the incidents. In the 2021-22 school year there were increases in reported incidents relative to the prior two years, likely due to students spending more time in the classroom.

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 for a disruption due to the COVID-19 pandemic. The general 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 the result of heightened reporting of these behaviors.

Across the past ten years, the most common discipline infraction types were disorderly conduct (23.4% of the total) and insubordination (17.6%). Disorderly conduct and insubordination are relatively subjective terms that could include a wide variety of behaviors. Infractions that do not fit into a state-level reporting category are reported as “other” and represent 36.0% of total infractions.² Other infractions include fighting (6.7%), truancy (6.0%), bullying (2.0%), tobacco (1.7%), student assault (1.1%), and a number of smaller categories that represent fewer than 1% of infractions, each (drugs, vandalism, knives, staff assault, alcohol, gangs, explosives, guns, clubs).

² This 36.0% excludes the categories newly reported beginning in 2016-17. With these newly reported categories added back in, the total “other” is 39.8% (as shown in Table 1).

Table 1 highlights a significant increase in infractions related to tobacco and vandalism for the 2021-22 school year. The years 2018-19 previously recorded the highest instances of these types of infractions, and there was a notable decrease during the pandemic. However, the data for the 2021-22 school year reveals the highest numbers in both of these categories to date. Although it's worth noting that these two infractions constitute a small proportion of the total infractions, specifically 1.7% for tobacco and 0.5% for vandalism, the sudden spike raises concerns. Over the period since 2012-13, the number of tobacco-related infractions has surged by 296%, while vandalism infractions have increased by 135%. This surge in tobacco and vandalism infractions may be attributed to various factors, including shifts in student behavior, changes in school policies or enforcement, and potentially external factors such as social media. Further analysis is needed to fully understand the underlying causes of this increase.

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. 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 36.1% of the total, “other” consequences (38.5%),³ and OSS (18.5%). Corporal punishment was used in about 6.0% of infractions over this ten-year period, and referrals to ALE, expulsions, and no actions, are quite rare. Over time, with the exception of the period since the beginning of the COVID-19 pandemic, there was a significant increase in reports of the total “other” consequences (including the newly reported categories such as detentions and warnings), while the use of corporal punishment generally declined.

³ This 38.5% figure includes the categories newly reported beginning in 2016-17. After excluding these new categories, the true “other” non-specified consequences represent only 22.9% of total consequences.

Table 1: Frequency of infractions, by type (2012-13 to 2021-22)

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	Total	% of Total
Disorderly Conduct	42,124	57,072	62,674	64,072	59,417	60,643	61,566	42,457	24,616	41,939	516,580	23.4%
Insubordination	34,435	42,474	50,479	53,869	48,569	44,099	43,161	29,151	15,525	26,676	388,438	17.6%
Fighting	12,269	12,900	14,212	16,311	16,301	17,691	19,163	13,146	8,356	17,515	147,864	6.7%
Truancy	9,349	12,758	14,808	15,435	15,534	16,286	15,960	10,284	7,694	15,601	133,709	6.0%
Bullying	4,467	5,452	5,773	5,834	4,749	4,766	4,953	2,622	1,524	3,046	43,186	2.0%
Tobacco	1,963	2,408	2,771	2,434	2,224	2,842	6,337	4,279	4,740	7,765	37,763	1.7%
Student Assault	1,983	2,123	2,200	2,160	2,332	2,871	2,618	2,559	1,270	3,801	23,917	1.1%
Drugs	1,193	1,203	1,383	1,327	1,391	1,390	1,902	1,332	960	1,893	13,974	0.6%
Vandalism	730	1,075	1,076	1,051	1,173	1,104	1,286	934	655	1,717	10,801	0.5%
Staff Assault	351	342	479	498	497	619	699	513	258	619	4,875	0.2%
Knife	436	503	478	476	527	494	583	285	271	360	4,413	0.2%
Alcohol	290	333	377	319	385	389	405	325	162	302	3,287	0.1%
Gangs	127	102	108	170	130	149	205	98	59	86	1,234	0.1%
Club	42	53	57	38	30	15	24	174	181	331	945	0.0%
Explosives	42	52	40	33	46	41	50	28	24	53	409	0.0%
Guns	35	32	57	19	40	41	54	20	12	28	338	0.0%
Total Other	34,684	59,738	94,340	95,511	117,271	115,329	131,823	88,015	49,527	93,168	879,406	39.8%
Other	34,684	59,738	94,340	95,511	102,207	98,617	113,465	75,112	42,312	78,938	794,924	
Cellphone/Electronic Devices	0	0	0	0	10,137	10,944	12,142	8,481	4,668	8,486	54,858	
Stealing/Theft	0	0	0	0	1,717	2,034	1,961	1,446	595	1,723	9,476	
Harassment/Sexual Harassment	0	0	0	0	1,431	1,524	1,933	1,338	865	1,842	8,933	
Terroristic Threats	0	0	0	0	639	1,012	1,158	766	491	1,006	5,072	
Public Display of Affection	0	0	0	0	850	913	918	620	378	806	4,485	
Cyberbullying	0	0	0	0	290	285	246	252	218	367	1,658	
Total	144,520	198,620	251,312	259,557	270,616	268,769	290,789	196,222	115,834	214,900	2,211,139	100.0%

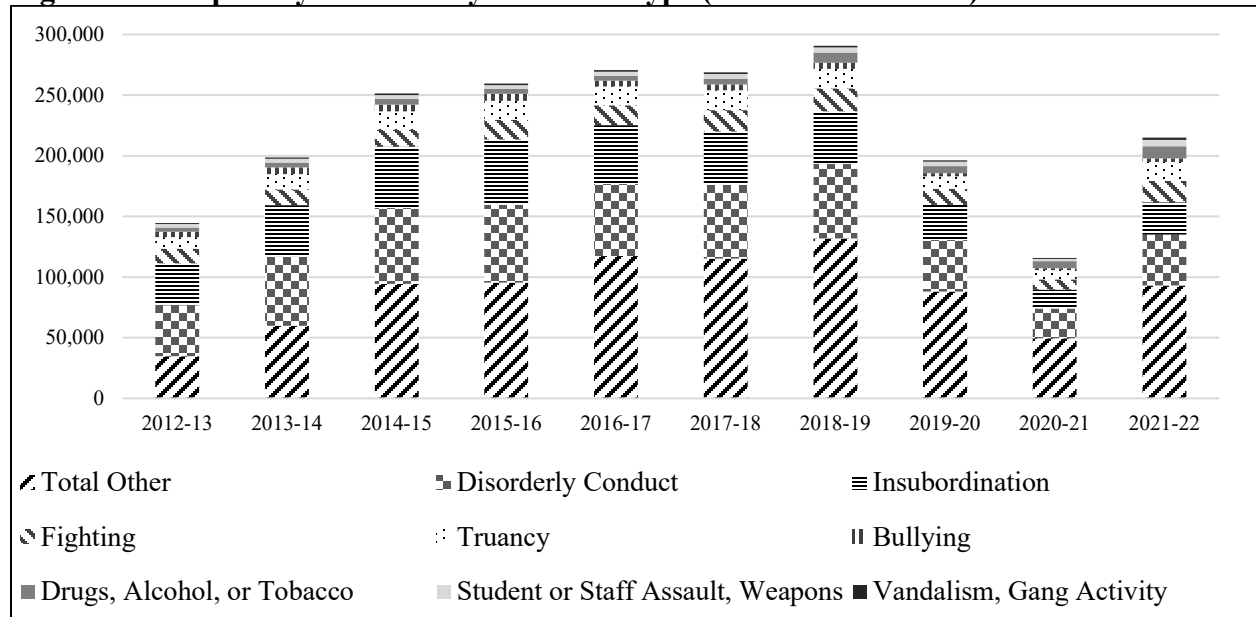
Note. Beginning in 2016-17, a few of the largest "other" categories began being separately reported. Reports from 2019-20 and 2020-2 are significantly lower than typical, in part due to the COVID-19-related closures and remote instruction beginning mid-March of 2020. Reports in 2021-22 are higher than the pandemic years, but still notably lower than pre-pandemic.

Table 2: Frequency of consequences, by type (2012-13 to 2021-22)

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	Total
Expulsion	200 0.1%	248 0.1%	165 0.1%	170 0.1%	151 0.1%	478 0.2%	913 0.3%	421 0.2%	169 0.1%	626 0.3%	3,541 0.2%
Alternative Learning Environment	317 0.2%	586 0.3%	538 0.2%	646 0.2%	559 0.2%	296 0.1%	290 0.1%	264 0.1%	180 0.2%	326 0.2%	4,002 0.2%
Out-of-School Suspension	40,139 27.8%	42,094 21.2%	47,641 19.0%	48,872 18.8%	47,864 17.7%	44,854 16.7%	50,125 17.2%	29,467 15.0%	17,541 15.1%	40,999 19.1%	409,596 18.5%
In-School Suspension	62,033 42.9%	72,934 36.7%	90,346 35.9%	95,560 36.8%	90,228 33.3%	94,457 35.1%	104,221 35.8%	69,917 35.6%	42,426 36.6%	76,597 35.6%	798,719 36.1%
Corporal Punishment	19,013 13.2%	19,534 9.8%	19,274 7.7%	18,157 7.0%	15,806 5.8%	14,126 5.3%	13,228 4.5%	5,239 2.7%	3,253 2.8%	4,047 1.9%	131,677 6.0%
No Action	1,256 0.9%	1,339 0.7%	2,035 0.8%	1,585 0.6%	797 0.3%	1,250 0.5%	1,056 0.4%	772 0.4%	480 0.4%	1,171 0.5%	11,741 0.5%
Total Other	21,562 14.9%	61,885 31.2%	91,313 36.3%	94,567 36.4%	115,211 42.6%	113,308 42.2%	120,956 41.6%	90,142 45.9%	51,785 44.7%	91,134 42.4%	851,863 38.5%
Other	21,562	61,885	91,313	94,567	51,862	48,910	49,579	35,071	19,326	31,802	505,877
Detention	0	0	0	0	32,927	33,955	38,008	28,829	16,556	31,374	181,649
Warning	0	0	0	0	15,096	16,409	16,315	13,712	9,061	15,981	86,574
Saturday School	0	0	0	0	7,152	5,915	7,569	5,681	2,361	4,081	32,759
Bus Suspension	0	0	0	0	5,178	4,974	5,184	3,435	2,293	3,942	25,006
Parent Conference	0	0	0	0	2,795	2,907	3,788	2,855	1,789	3,443	17,577
More than one "Other Category"	0	0	0	0	201	238	513	559	399	511	2,421
Total	144,520	198,620	251,312	259,557	270,616	268,769	290,789	196,222	115,834	214,900	2,211,139

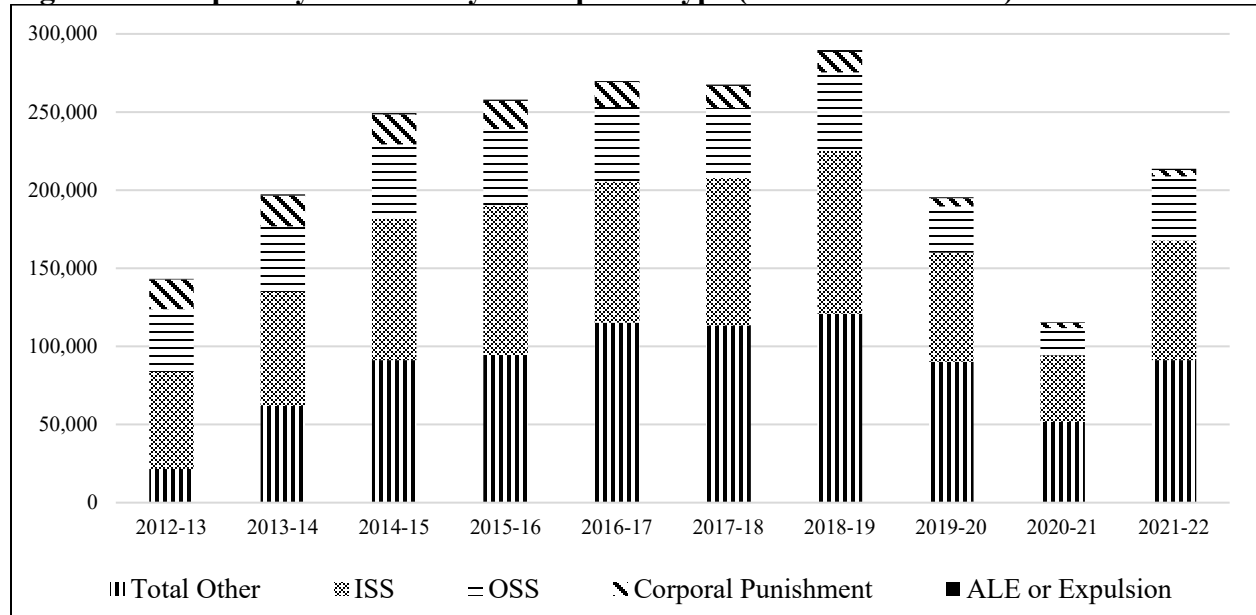
Note. About 1% of infractions resulted in more than one consequence type. The numbers reported indicate the most exclusionary/severe consequence type. Thus, each category may include some incidents that resulted in the reported category plus some less exclusionary/severe consequences. Reports from 2019-20 and 2020-21 are significantly lower than typical, in part due to the COVID-19-related closures and remote instruction beginning mid-March of 2020. Reports in 2021-22 are higher than the pandemic years, but still notably lower than pre-pandemic.

Figure 1: Disciplinary incidents by infraction type (2012-13 to 2021-22)



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). Reports from 2019-20 and 2020-21 are significantly lower than typical, in part due to the COVID-19-related closures and remote instruction beginning mid-March of 2020. Reports in 2021-22 are higher than the pandemic years, but still notably lower than pre-pandemic.

Figure 2: Disciplinary incidents by consequence type (2012-13 to 2021-22)



Note. “No action” (0.5% 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. Reports from 2019-20 and 2020-21 are significantly lower than typical, in part due to the COVID-19-related closures and remote instruction beginning mid-March of 2020. Reports in 2021-22 are higher than the pandemic years, but still notably lower than pre-pandemic.

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 declined from more than 13,000 incidents in 2016-17 to fewer than 9,000 incidents in 2018-19. The 2019-20 and 2020-21 counts were even lower (approximately 6,000 and 4,000 respectively), due in part to COVID-19-related disruptions making it difficult to compare with other years. The nearly 8,000 counts of K-5 exclusionary discipline in 2021-22, are lower than pre-COVID trends. See Table 3.

Arkansas Act 1059 allowed the use of out-of-school suspension (OSS) and expulsion in cases involving a risk of physical harm or unresolved disruptions. Table 3 displays incidents leading to OSS or expulsion for K-5 students from 2015-16 to 2021-22. The most common infractions were disorderly conduct (30.8%), "other" offenses (24.4%), fighting (20.5%), and insubordination (11.5%). These common subjective infractions, except fighting, could likely be addressed without suspension or expulsion. Usage of OSS and expulsion for such subjective infractions declined between 2016-17 and 2018-19.

Notably, the 2019-20 and 2020-21 figures were significantly lower due to COVID-19 disruptions. This decrease might be from reduced reporting of violations, less reliance on exclusionary discipline, or both. Act 1059 allowed exceptions for behaviors posing a physical risk. Reports of OSS and expulsion for violent infractions like fighting, student assault, and staff assault also decreased. However, OSS and expulsion increased in 2021-22 as students returned to in-person learning after the pandemic, increasing the likelihood of infractions.

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

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	Total	% of Total
Disorderly Conduct	4,260	4,275	3,313	2,993	1,764	1,055	2,219	19,879	30.8%
Fighting	2,342	2,516	2,485	1,541	1,381	817	2,143	13,225	20.5%
Insubordination	1,746	1,893	1,311	970	622	359	527	7,428	11.5%
Student Assault	416	523	574	428	385	177	599	3,102	4.8%
Bullying	471	418	347	287	157	90	157	1,927	3.0%
Staff Assault	214	225	248	293	227	128	249	1,584	2.5%
Knife	103	137	125	81	43	63	56	608	0.9%
Vandalism	65	69	52	37	27	11	34	295	0.5%
Tobacco	26	12	18	7	20	67	107	257	0.4%
Drugs	24	22	29	9	11	14	26	135	0.2%
Club	12	8	1	1	44	32	73	171	0.3%
Truancy	28	32	13	3	7	2	6	91	0.1%
Explosives	5	10	9	9	4	5	7	49	0.1%
Guns	4	7	7	4	5	2	8	37	0.1%
Alcohol	6	4	6	2	1	2	17	38	0.1%
Gangs	1	8	1	2	0	2	1	15	0.0%
Total Other	2,961	3,234	2,620	2,148	1,743	1,044	2,034	15,784	24.4%
Other	2,961	2,757	2,145	1,818	1,455	839	1,627	13,602	21.0%
Terroristic Threats		152	215	141	134	92	174	908	1.4%
Harassment/Sexual Harassment		146	120	99	58	53	96	572	0.9%
Stealing/Theft		160	121	76	44	28	61	490	0.8%
Public Display of Affection		3	3	8	25	11	63	113	0.2%
Cellphone/Electronic Devices		12	11	4	8	8	6	49	0.1%
Cyberbullying		4	5	2	19	13	7	50	0.1%
Total	12,684	13,393	11,159	8,815	6,441	3,870	8,263	64,625	100.0%

Note. The vertical dashed line indicates the approximate timing of Arkansas Act 1059. Reports from 2019-20 and 2020-21 are significantly lower than typical, in part due to the COVID-19-related closures and remote instruction beginning mid-March of 2020. Reports in 2021-22 are higher than the pandemic years, but still notably lower than pre-pandemic.

For a more stable comparison over time, it is useful to analyze the proportion of incidents resulting in OSS or expulsion. As a percentage of total reported disciplinary incidents for elementary age students, OSS declined from approximately 17% of infractions in 2016-17 to approximately 12% in 2020-21 before increasing to 15% in 2021-22. During this time period, corporal punishment also declined, with “other” consequences primarily replacing OSS and corporal punishment. As a result, “other” consequences increased proportionally from 42% of elementary infractions in 2016-17 to 51% in 2021-22. See Table 4.

Table 4: Share of infractions, by consequence type, for students in grades K-5

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Expulsion	0.0%	0.0%	0.1%	0.0%	0.0%	0.0%	0.1%
ALE	0.2%	0.1%	0.2%	0.2%	0.1%	0.1%	0.1%
OSS	17.3%	17.2%	14.0%	14.2%	12.3%	12.0%	15.0%
ISS	28.8%	27.4%	29.7%	28.2%	30.6%	28.4%	29.5%
Corporal Punishment	15.1%	13.4%	12.2%	12.2%	6.8%	6.7%	4.6%
No Action	0.5%	0.3%	0.5%	0.4%	0.5%	0.2%	0.3%
Total Other	38.1%	41.6%	43.4%	44.8%	49.6%	52.4%	50.5%

Note. The vertical dashed line indicates the approximate timing of Arkansas Act 1059. Reports in 2019-20 and 2020-21 are significantly lower than typical, in part due to the COVID-19-related closures and remote instruction beginning mid-March of 2020. Reports in 2021-22 are higher than the pandemic years, but still notably lower than pre-pandemic. For comparability over time, “Total Other” includes the categories of consequences newly reported in 2016-17 (detention, warning, Saturday school, bus suspension, and parent conference).

Given the exceptions outlined in Act 1059, it is reasonable to expect that the reductions in OSS and expulsion for students in grades K-5 would primarily be related to minor and non-violent offenses. Table 5 shows how reliance on OSS and expulsion changed between 2015-16 and 2018-19 (the last full academic year before the COVID-19 pandemic) as well as between 2015-16 and 2021-22, as measured by the percent of infractions of that type resulting in OSS or expulsion. Table 5 focuses only on the seven infraction types making up the bulk of elementary grade OSS and expulsion, specifically, the seven infraction types that represent at least 1% of K-5 OSS and expulsion. The proportion of total K-5 infractions resulting in OSS and expulsion is also shown.

Between 2015-16 and 2021-22, reliance on OSS in response to elementary grade referrals has declined primarily for “other” non-specified infractions, disorderly conduct, and insubordination, which are relatively minor and subjective infractions. This seems in line with the intent of the policy.

Table 5: Share of infractions resulting in OSS or expulsion, by infraction type, for students in grades K-5

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	Pct. Change from 2015-16 to 2018-19	Pct. Change from 2015-16 to 2021-22
Disorderly Conduct	16.5%	16.2%	12.5%	13.8%	10.0%	9.9%	13.5%	-16.3%	-17.9%
Other	13.4%	11.1%	8.5%	8.9%	8.0%	7.3%	8.1%	-33.8%	-39.7%
Fighting	35.3%	36.9%	34.2%	29.0%	29.5%	28.1%	36.4%	-18.0%	3.2%
Insubordination	13.2%	14.7%	10.6%	11.7%	10.2%	9.3%	9.1%	-11.3%	-30.7%
Student Assault	32.2%	37.7%	29.9%	32.4%	24.0%	23.9%	27.5%	0.7%	-14.7%
Bullying	17.9%	18.5%	15.0%	16.1%	14.8%	14.3%	14.8%	-10.2%	-17.1%
Staff Assault	69.3%	69.4%	58.5%	70.1%	61.7%	64.0%	61.9%	1.2%	-10.6%
Total	17.4%	17.2%	14.0%	14.3%	12.4%	12.1%	15.1%	-18.1%	-13.4%

Note. The vertical dashed line indicates the approximate timing of Arkansas Act 1059. Infractions representing less than 1% of K-5 OSS and expulsions have been hidden. Reports from 2019-20 and 2020-21 are lower than typical, in part due to the COVID-19-related closures and remote instruction beginning mid-March of 2020. Reports in 2021-22 are higher than the pandemic years, but still notably lower than pre-pandemic. For comparability over time, “Other” includes the categories of consequences newly reported in 2016-17 (detention, warning, Saturday school, bus suspension, and parent conference).

Tables 6 and 7 show the racial/ethnic breakdown of K-5 suspensions and expulsions, by year, in terms of the number of infractions resulting in OSS or expulsion, by student race/ethnicity (Table 6) and the share of students with at least one suspension/expulsion in an academic year, by student race/ethnicity (Table 7).

Table 6 shows that counts of OSS and expulsions in grades K-5 declined over time through 2020-21 for each racial category, and then increased in 2021-22 for each racial category. The lower rates of referrals in 2019-20 and 2020-21 are due in part to COVID-19-related closures and other disruptions, making these two years difficult to compare to other years. When comparing the change over time between 2015-16 and 2018-19 (the last year prior to these pandemic-related disruptions), reported OSS and expulsions in grades K-5 declined for each racial/ethnic group except Asian students and students of two or more races. In 2021-22, reported OSS and expulsions in grades K-5 were higher than pre-pandemic years for three groups: Asian students, students of two or more races, and Native American/Alaska Native students. These data generally indicate, however, that K-5 students in many racial groups were receiving fewer OSS and suspensions after Act 1059, as intended by the policy.

The simple counts of OSS and expulsions, by race/ethnicity, presented in Table 6, are difficult to compare across racial/ethnic groups in the state due to the differences in relative representation within the student population within the state. As a result, we also report in Table 7 the percent of K-5 students, within each racial/ethnic group, that received at least one OSS or expulsion in each year. In line with the intent of Arkansas Act 1059, we might expect that the share of students affected by exclusionary discipline in this way would decline over time. Table 7 shows that the percentage of K-5 students receiving at least one OSS or expulsion declined between 2015-16 and 2021-22, except for Asian students. Despite these declines, the rates of OSS and expulsion for some K-5 students, particularly Black students, remain high. For

example, while 9.1% of Black students in grades K-5 received at least one OSS or expulsion in 2015-16, this had only declined to 8.2% of students in 2018-19 and 6.0% in 2021-22, much higher than their peers.

Given the overrepresentation of Black students in exclusionary discipline, we report at the bottom of Table 7 two measures of disproportionality over time: Absolute Risk Differences (ARD) and Relative Risk Ratios (RRR). Specifically, the ARD is the percentage of students in one group with at least one OSS or expulsion, minus the percentage of students in another group with at least one OSS or expulsion. As such, positive ARDs indicate overrepresentation (Black students are suspended at higher rates than White students), and ARDs of zero indicate equal representation. The RRR divides, rather than subtracts these rates. RRRs of 1 indicate equal representation, and values greater than 1 indicate overrepresentation (Black students are suspended at higher rates than White students).

Before this policy change, Black K-5 students were about 4.7-4.8 times as likely as White K-5 students to receive at least one OSS or expulsion. This also corresponded to a 7.2-7.5 percentage point higher likelihood of receiving at least one OSS or expulsion for Black students relative to White students. These disproportionalities declined slightly over this time period, but Black students remain about 4.0 times as likely as White students to receive at least one OSS or expulsion in 2021-22.

Table 6: Counts of OSS and expulsions for students in grades K-5, by race/ethnicity

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	Total	% Change from 2015-16 to 2018-19	% Change from 2015-16 to 2021-22
Black/African American	7,687	7,926	6,586	4,920	3,350	1,482	4,137	36,088	-36.0%	-46.2%
White	4,035	4,356	3,515	3,040	2,499	1,827	3,120	22,392	-24.7%	-22.7%
Hispanic	527	616	517	417	257	286	476	3,096	-20.9%	-9.7%
Two or More Races	360	408	456	380	282	236	450	2,572	5.6%	25.0%
Native American/Alaska Native	37	46	52	31	29	23	38	256	-16.2%	2.7%
Asian	18	27	21	24	18	11	26	145	33.3%	44.4%
Native Hawaiian/Pacific Islander	20	14	12	3	6	5	16	76	-85.0%	-20.0%
Total	12,684	13,393	11,159	8,815	6,441	3,870	8,263	64,625	-30.5%	-34.9%

Note. The vertical dashed line indicates the approximate timing of Arkansas Act 1059. Reports from 2019-20 and 2020-21 are lower than typical, in part due to the COVID-19-related closures and remote instruction beginning mid-March of 2020. Reports in 2021-22 are higher than the pandemic years, but still notably lower than pre-pandemic.

Table 7: 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	2020-21	2021-22	6-Year Weighted Average	% Change from 2015-16 to 2018-19	% Change from 2015-16 to 2021-22
Black/African American	9.1%	9.5%	7.9%	8.2%	5.2%	2.6%	6.0%	6.7%	-10.3%	-34.0%
White	1.9%	2.0%	1.7%	1.8%	1.3%	1.0%	1.5%	1.6%	-7.3%	-20.4%
Hispanic	1.3%	1.4%	1.1%	1.2%	0.6%	0.7%	1.1%	1.0%	-5.5%	-18.0%
Two or More Races	3.9%	4.0%	3.9%	3.8%	2.3%	1.7%	2.9%	3.0%	-4.8%	-27.4%
Native American/Alaska Native	1.4%	2.0%	2.2%	2.0%	2.1%	1.4%	1.3%	1.8%	38.2%	-6.9%
Asian	0.4%	0.6%	0.5%	0.6%	0.4%	0.2%	0.5%	0.5%	73.0%	21.6%
Native Hawaiian/Pacific Islander	0.8%	0.5%	0.5%	0.2%	0.2%	0.1%	0.5%	0.3%	-74.7%	-36.0%
Total	3.3%	3.5%	2.9%	3.0%	2.0%	1.3%	2.4%	2.5%	-9.3%	-29.1%
Black-White ARD	7.2%	7.5%	6.2%	6.4%	4.0%	1.6%	4.5%	5.1%	-11.1%	-37.6%
Black-White RRR	4.8	4.7	4.6	4.6	4.1	2.5	4.0	4.3	-3.2%	-17.1%

Note. The vertical dashed line indicates the approximate timing of Arkansas Act 1059. ARD = Absolute Risk Difference, calculated as the proportion of Black students with at least one OSS or expulsion, minus the proportion of White students with at least one OSS or expulsion. The 2021-22 ARD of 4.5% indicates that Black students are 4.5 percentage points more likely than White students to receive at least one OSS or expulsion. RRR = Relative Risk Ratio calculated as the proportion of Black students with at least one OSS or expulsion, divided by the proportion of White students with at least one OSS or expulsion. The 2021-22 RRR of 4.0 indicates that Black students are 4.0 times as likely as White students to receive at least one OSS or expulsion. Reports from 2019-20 and 2020-21 are significantly lower than typical, in part due to the COVID-19-related closures and remote instruction beginning mid-March of 2020. Reports in 2021-22 are higher than the pandemic years, but still notably lower than pre-pandemic.

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 133,709 reported truancy infractions over this period. As indicated in Table 1, the number of truancy infractions reported increased from about 9,000 incidents per year in 2012-13 to about 16,000 per year in 2017-18 and 2018-19. Truancy incidents then declined substantially in 2019-20 (to approximately 10,000 incidents), and 2020-21 (to approximately 8,000 incidents), in part due to COVID-19-related disruptions. In 2021-22, the number of truancy infractions reported increased to almost 16,000 per year, similar to pre-COVID trends.

To assess compliance with this policy change, we report the share of truancy incidents that resulted in each type of consequence, over time. Table 8 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 substantially declined, however, from about 14% of all truancy incidents in 2012-13 to about 2% in 2021-22. At the same time, reliance on “other” consequences⁴ as a response for truancy has increased from about 9% in 2012-13 to about 36% in 2021-22. Although ISS for truancy was not banned by Act 1329, the use of ISS for truancy has also declined overall after this policy

⁴ For comparability over time, “other” includes the categories of consequences newly reported in 2016-17 (detention, warning, Saturday school, bus suspension, and parent conference).

change from about 75% of cases in 2012-13 to about 60% in 2021-22. The exception to this downward trend was a rate increase to 64% in 2020-21.

While the reduction in the use of suspensions is in line with the intent of Act 1329, uncertainty about what is being used within the “other” category creates a need to further investigate what schools are using as alternatives to suspension. Several new categories of consequences were reported starting in 2016-17. Of these newly reported categories, the most used for truancy were detention (9.0% of reported truancy incidents since 2016-17), Saturday school (7.2%), and warnings (2.5%). There are still a substantial proportion of truancy cases for which the consequence reported is simply a non-specified other (16.9%). Reporting additional categories at the state level to diminish the size of this “other” category further, as well as more detailed research at the school and district level would better indicate what consequences are being administered in these truancy cases.

Table 8: Consequences administered for truancy, as a proportion of the total

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	% of Total
ISS	74.8%	61.7%	56.6%	52.0%	52.9%	56.6%	58.5%	56.4%	64.0%	60.3%	59.1%
Other	9.0%	25.8%	31.4%	36.3%	37.6%	35.1%	36.5%	40.0%	33.3%	36.4%	31.9%
OSS	13.9%	10.1%	9.2%	8.8%	7.4%	6.4%	3.3%	2.4%	1.4%	2.0%	7.0%
Corporal Punishment	2.1%	1.6%	1.9%	1.8%	1.4%	0.9%	1.0%	1.0%	1.2%	1.1%	1.5%
No Action	0.1%	0.6%	0.8%	1.0%	0.5%	0.9%	0.6%	0.1%	0.1%	0.2%	0.5%
Expulsion or ALE	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.0%	0.0%	0.1%	0.0%	0.1%
# of Truancy Incidents	9,349	12,758	14,808	15,435	15,534	16,286	15,960	10,284	7,694	15,601	144,075

Note. The vertical dashed line indicates the approximate timing of Arkansas Act 1329. Reports in 2019-20 and 2020-21 are lower than typical, in part due to the COVID-19-related closures from mid-March of 2020, as well as continued COVID-19 related disruptions to face-to-face learning through the 2020-21 school year. Reports in 2021-22 are higher than the pandemic years, but still notably lower than pre-pandemic. For comparability over time, “Other” includes the categories of consequences newly reported in 2016-17 (detention, warning, Saturday school, bus suspension, and parent conference).

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 charts for all infraction types, as well as the five most common infraction types (“other” non-specified infractions, disorderly conduct, insubordination, fighting, and truancy). Combined, these five types of infractions represent about 90% of all reported infractions.

For each infraction type, we provide three bubble charts, one for the most recent school year for which these data were available (2021-22), one for the two years prior (2019-20 and 2020-21), each affected by the COVID-19 pandemic, and one for the two years pre-pandemic (2017-18 to 2018-19). Combined, these figures represent the recent discipline climate in the state, while also showing how discipline reports changed during the COVID-19 era and after. A key limitation is that we are only able to see discipline incidents that are reported, and during this time period there may be changes, such as in school’s reporting practices.

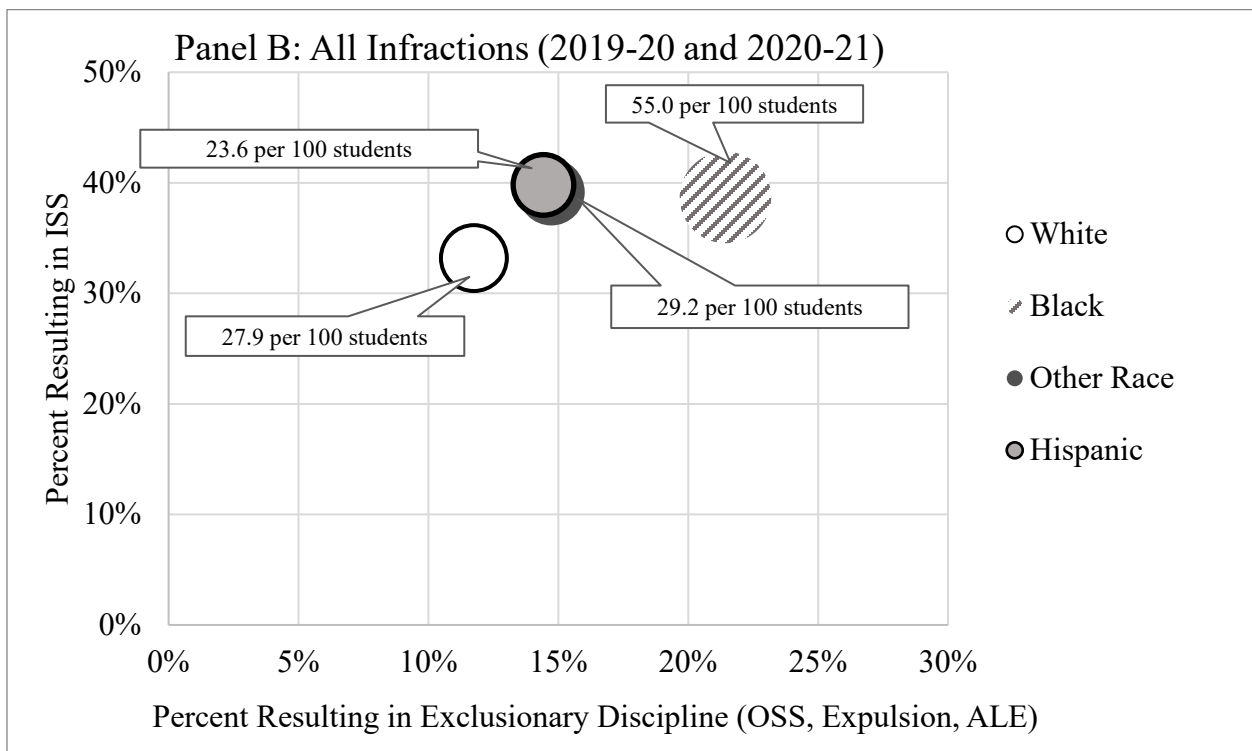
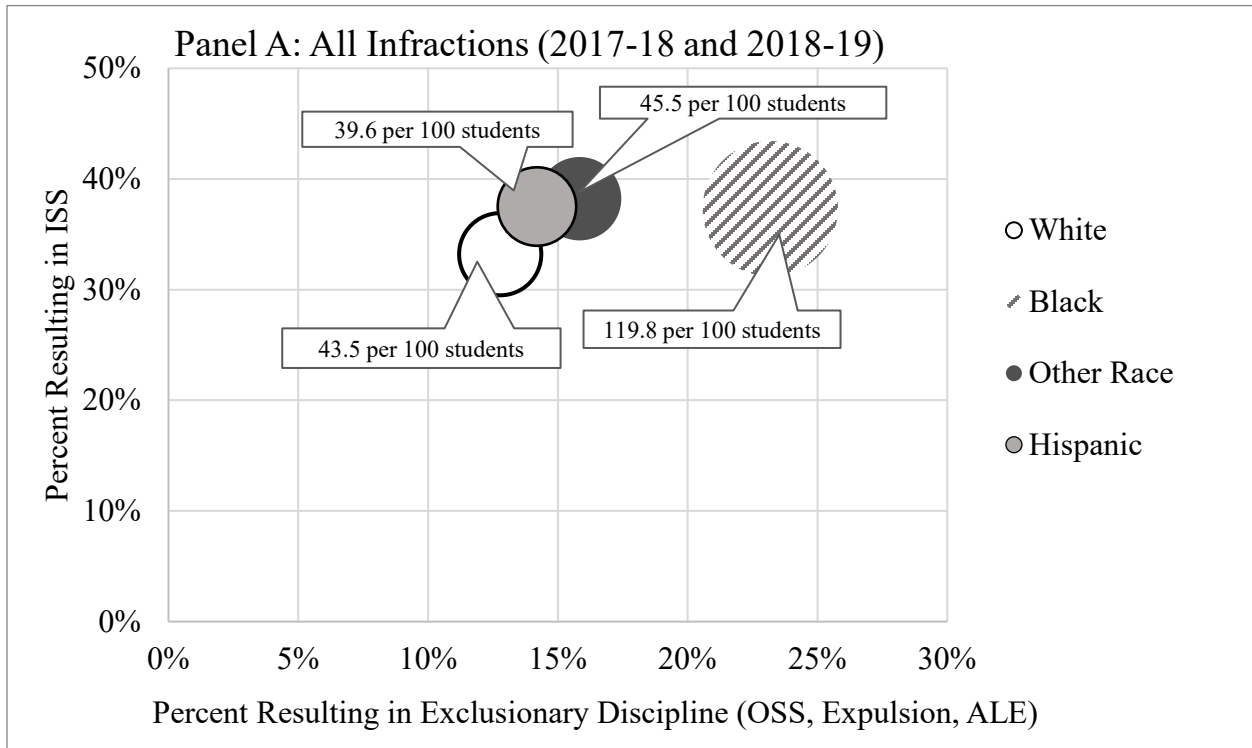
These bubble charts (see Figures 3-8) display racial disproportionalities in the number of infractions per 100 students per year in a group (indicated by the relative size of the bubbles), as well as in the types of consequences received as a result (indicated by the location of the center of the bubble on the vertical and horizontal axes). For example, as Black students are generally

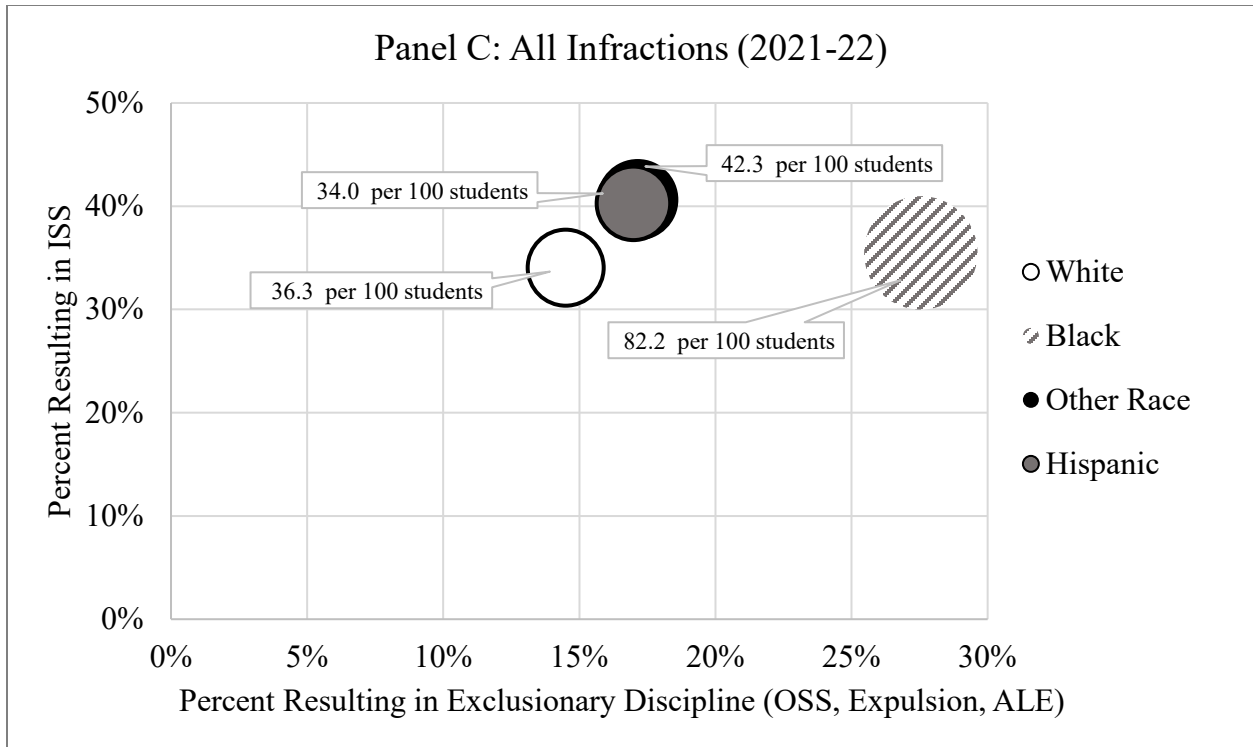
more likely to be written up for certain types of infractions, particularly subjective infractions such as disorderly conduct and insubordination, this is represented by a larger bubble size. At the same time, Black students also tend to be more likely to receive exclusionary discipline as a result, which is indicated by being farther to the right on the horizontal axis. Note, the horizontal and vertical positions indicate, in total, the share of infractions resulting in expulsion, OSS, or ALE (combined as exclusionary discipline) or ISS. There are, however, infractions that result in other consequences such as corporal punishment, or other less exclusionary responses. These are not represented in the charts.

Figure 3 shows that Black students received 119.8 infractions per 100 students per year or more than one infraction per student per year in the two-year period between 2017-18 and 2018-19. This is quite high relative to other racial groups in the state, who received between 40 and 46 referrals per 100 students per year. Rates of disciplinary referrals were lower during the two-year period between 2019-20 and 2020-21, with 55.0 infractions per 100 Black students per year, and approximately 24 to 29 infractions per 100 students of other racial groups per year. In 2021-22, Black students received 82.2 infractions per 100 students, compared to 34 to 42 referrals per 100 students of other racial groups.

Not only are Black students in the state much more likely to be referred for disciplinary infractions, but they also are more likely to receive exclusionary discipline as a result. In the first two years, approximately 23% of all infractions for Black students result in exclusionary discipline, relative to only about 13% for White students, 14% for Hispanic students, and 16% for students of other races. The exclusionary rate decreased slightly in the second two years, to 21% of infractions for Black students, but remained high relative to other groups. In the most recent year, 27.5% of all infractions for Black students resulted in exclusionary discipline, relative to 14.5% for White students. Black students in the state are overrepresented both in terms of referrals and in terms of the consequence of exclusionary discipline, conditional on a referral.

Figure 3: Racial disparities in disciplinary referrals (all infractions) and associated consequences





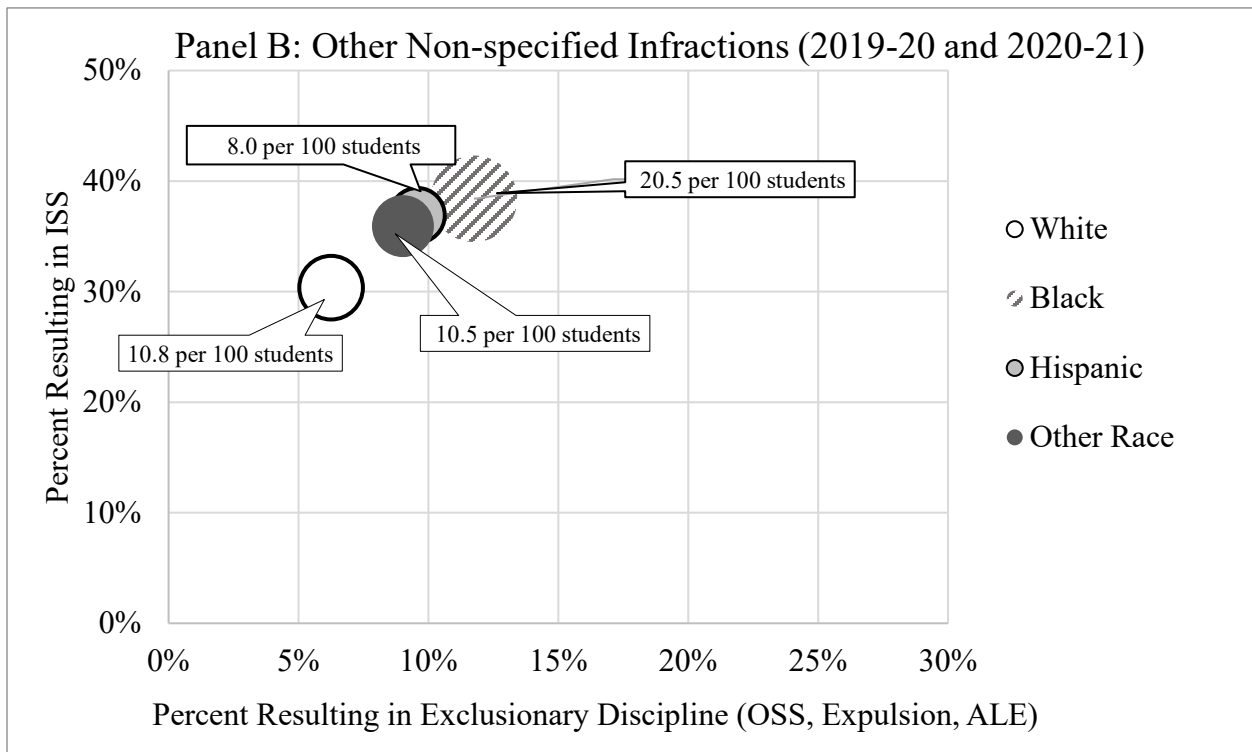
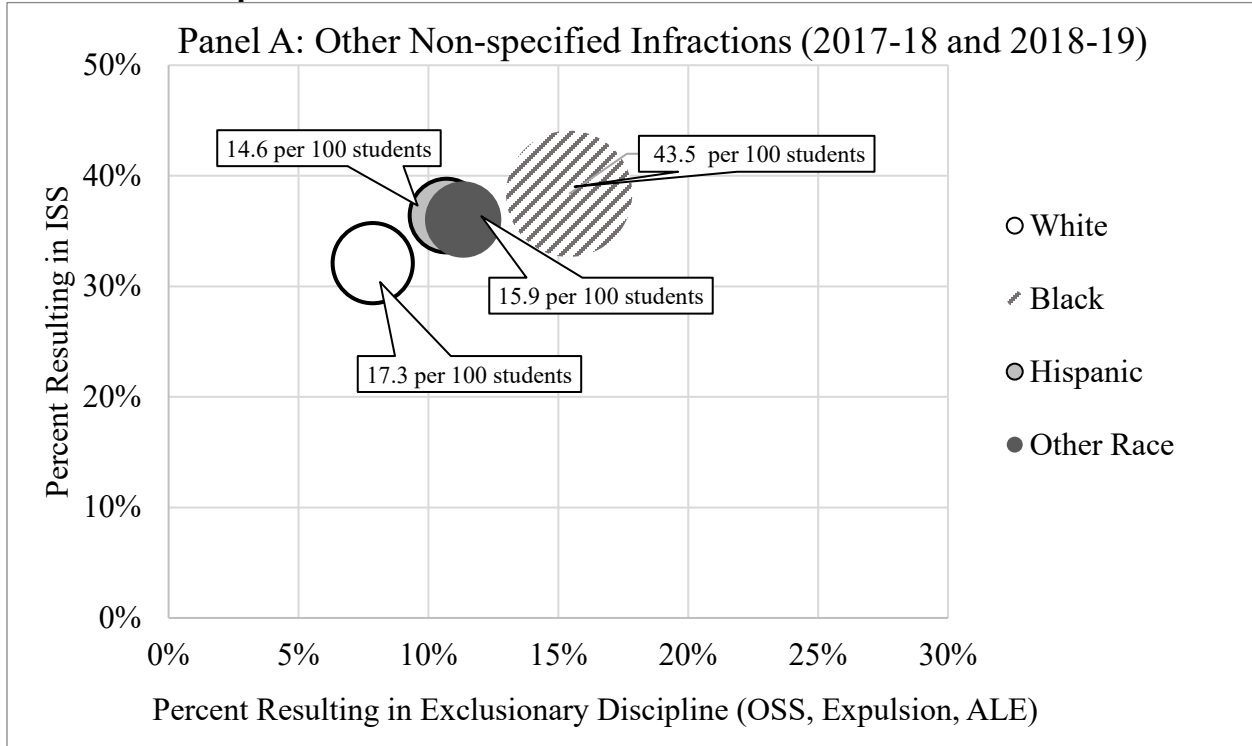
Note. Relative sizes of the bubbles (labeled) indicate the number of infractions per 100 students per year.

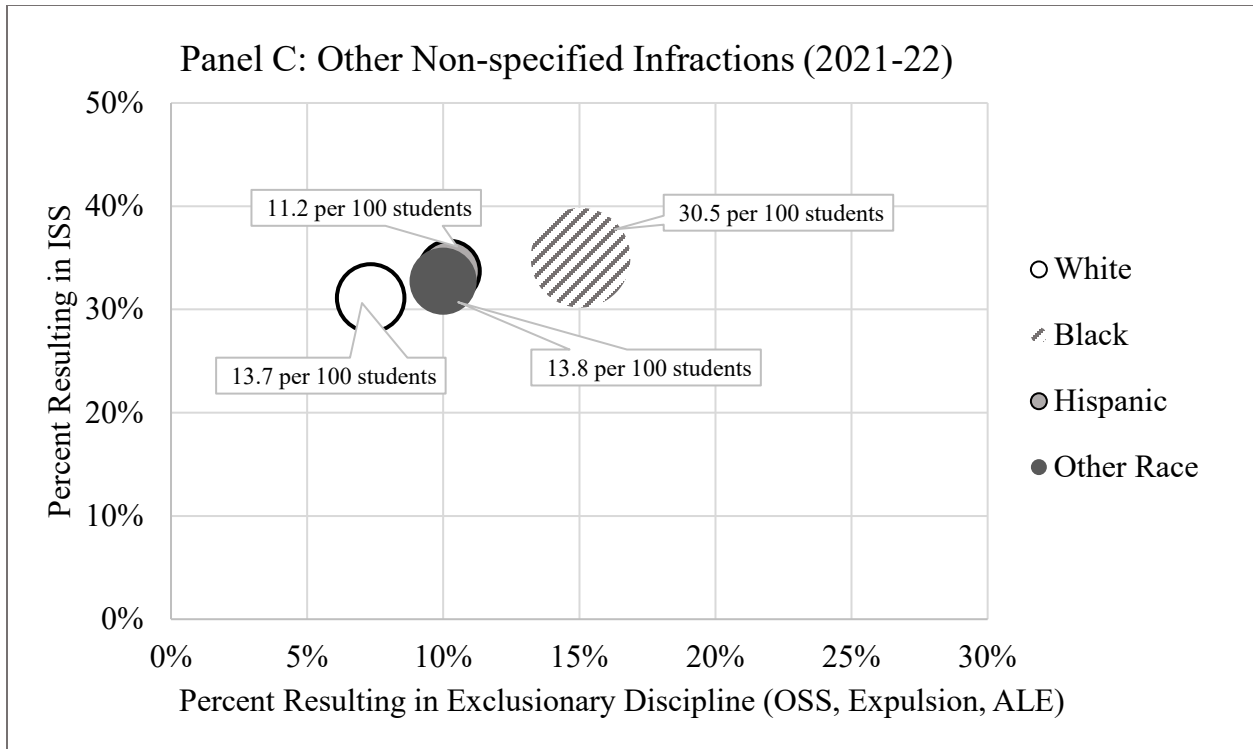
Next, we discuss these same disparities for the most common types of infractions in the state. Black students are receiving referrals of each infraction type at higher rates, as indicated by the larger bubble size, and are also receiving exclusionary discipline at higher rates as a result of the infraction, as indicated by being farther right on the horizontal axis. The two exceptions are that Black students and Hispanic students have similar exclusionary discipline rates for fighting in 2017-18 and 2018-19, and that in 2019-20 and 2020-21, Hispanic students received slightly more truancy referrals than Black students. Black students received exclusionary discipline at higher rates in all types of infractions in year 2021-22.

A key takeaway across all these bubble charts is that the frequency of infractions decline significantly between the first two years shown (Panel A), and the second two years shown (Panel B), as expected given the COVID-19-related disruptions to schooling. Then, Panel C shows the frequency of infractions generally increased in 2021-22 for all racial/ethnic groups, and Black students are receiving a higher number of referrals across all infraction types. Comparing Panels A and B show that the circles shifted towards the left, indicating less reliance on exclusionary discipline, but Panel C shows the shift has moved back towards the right, representing a return to higher rates of exclusionary discipline for all racial groups, even above pre-pandemic levels.

Although Act 1329 of 2013 banned the use of OSS as a legal disciplinary response to truancy, during the past year 2% of truancy infractions resulted in exclusionary discipline, but Black students, in particular, are at higher risk for still being excluded in response to truancy (RRR = 4.3 relative to White students). Thus, while the use of exclusionary discipline in response to truancy has declined substantially over time in response to this law, inequities by race remain.

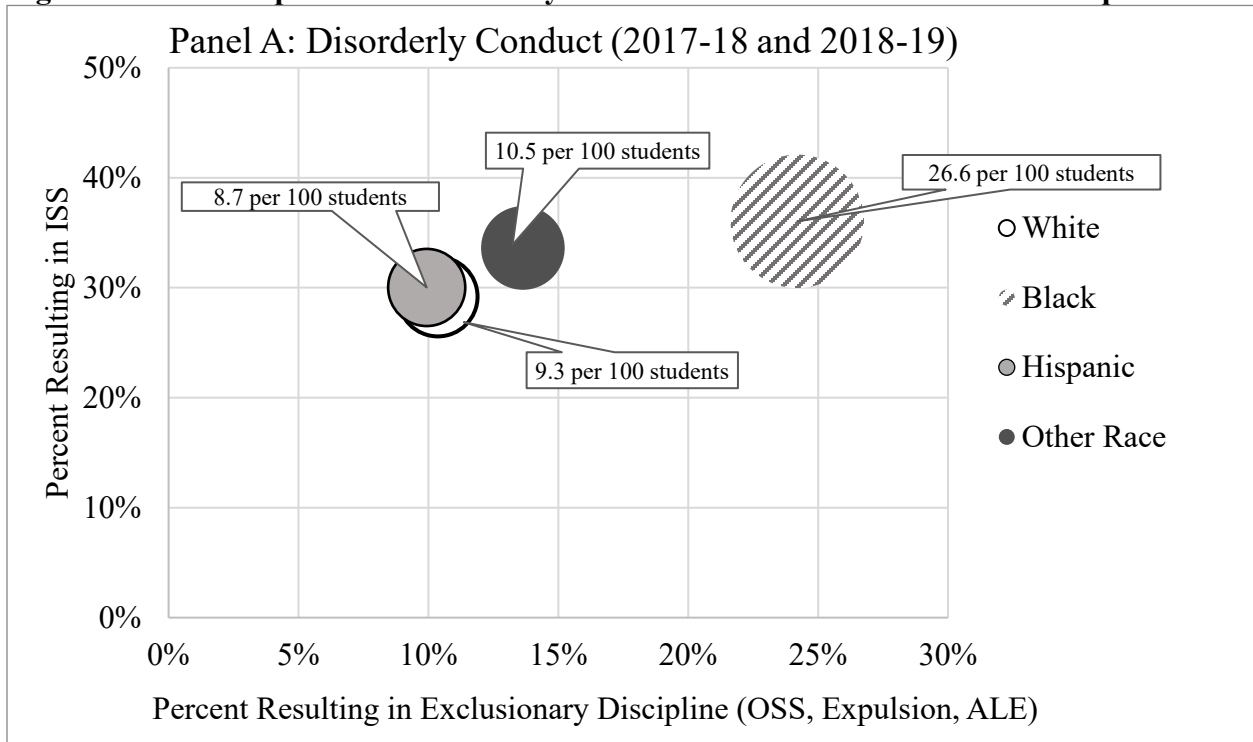
Figure 4: Racial disparities in disciplinary referrals (other non-specified infractions) and associated consequences

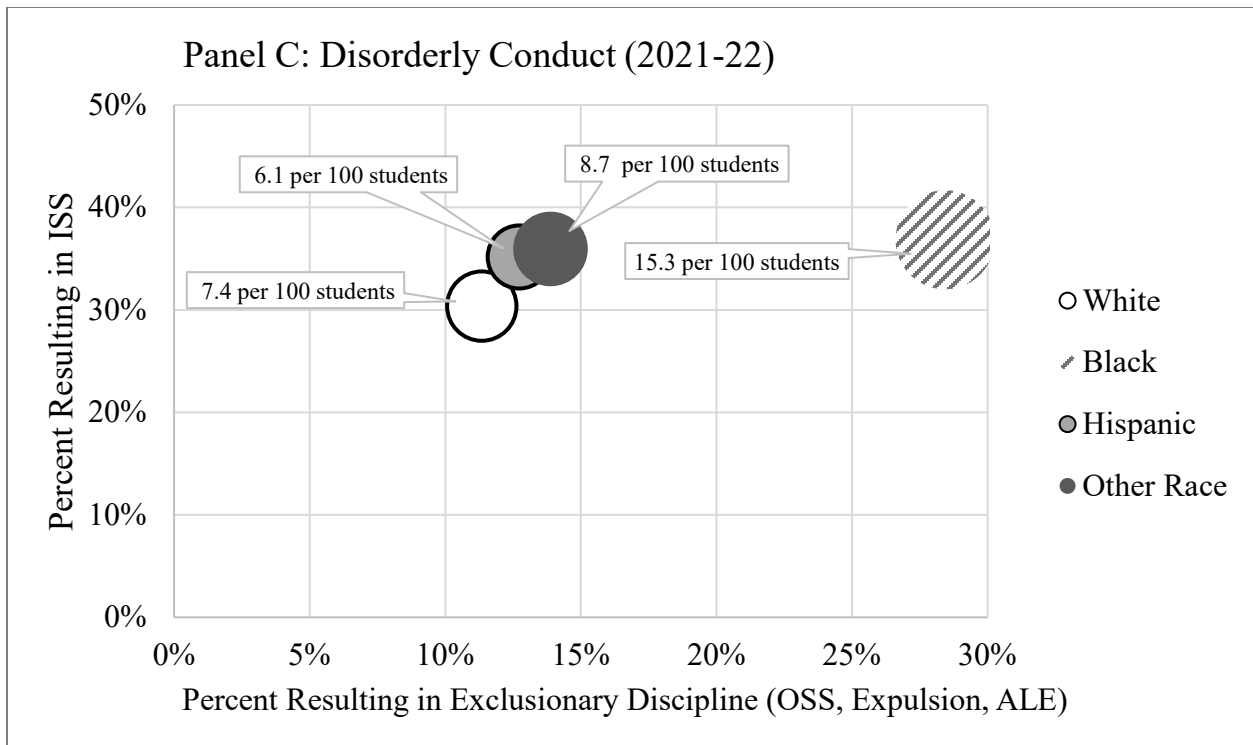
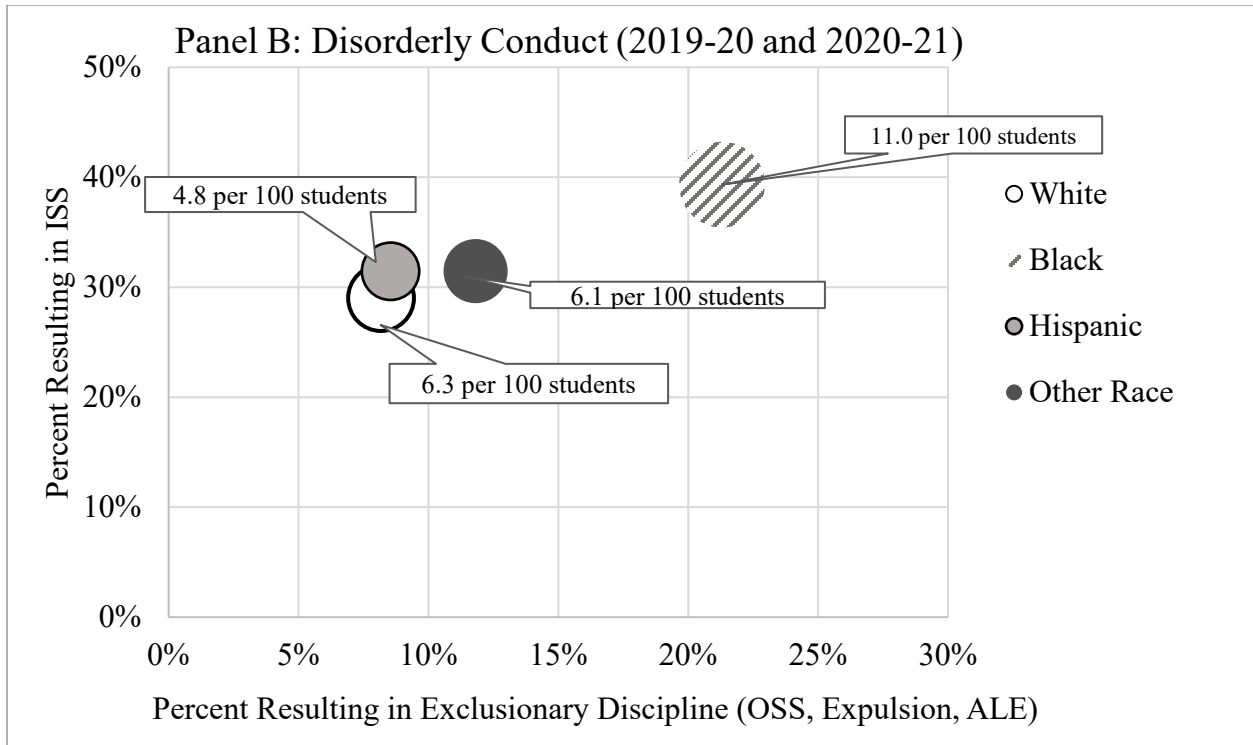




Note. Relative sizes of the bubbles (labeled) indicate the number of infractions per 100 students per year.

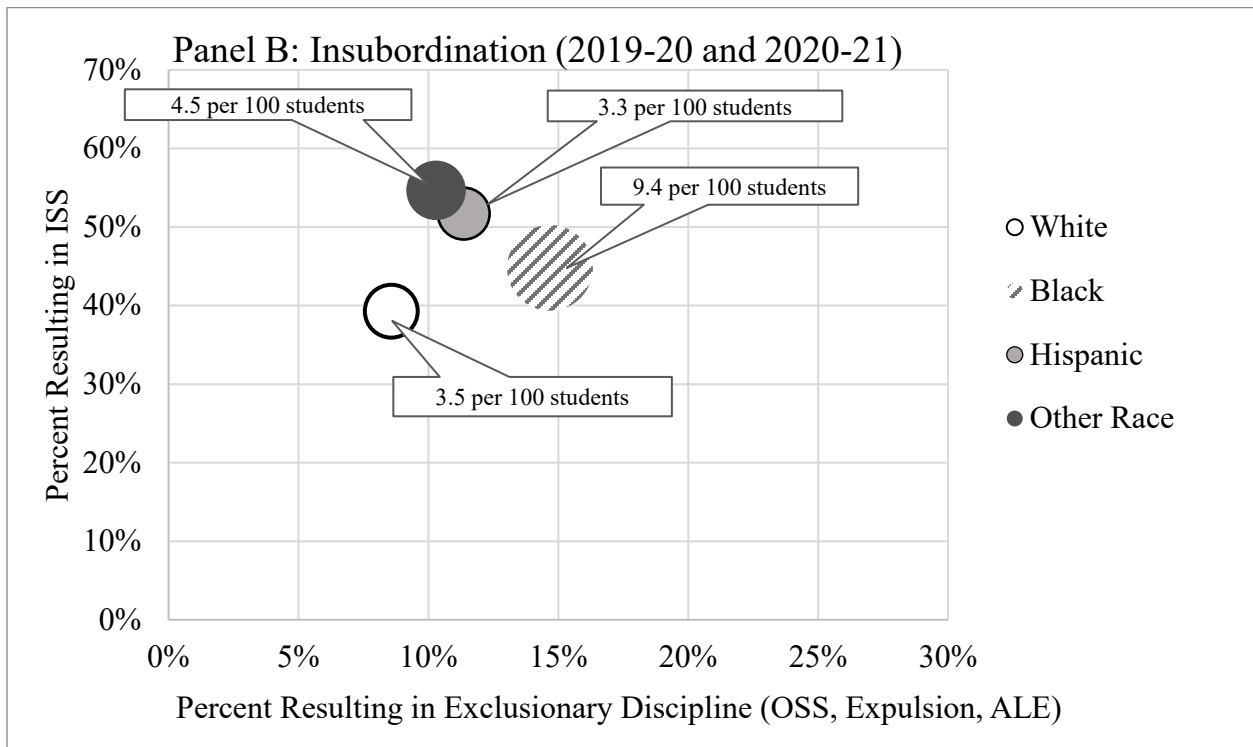
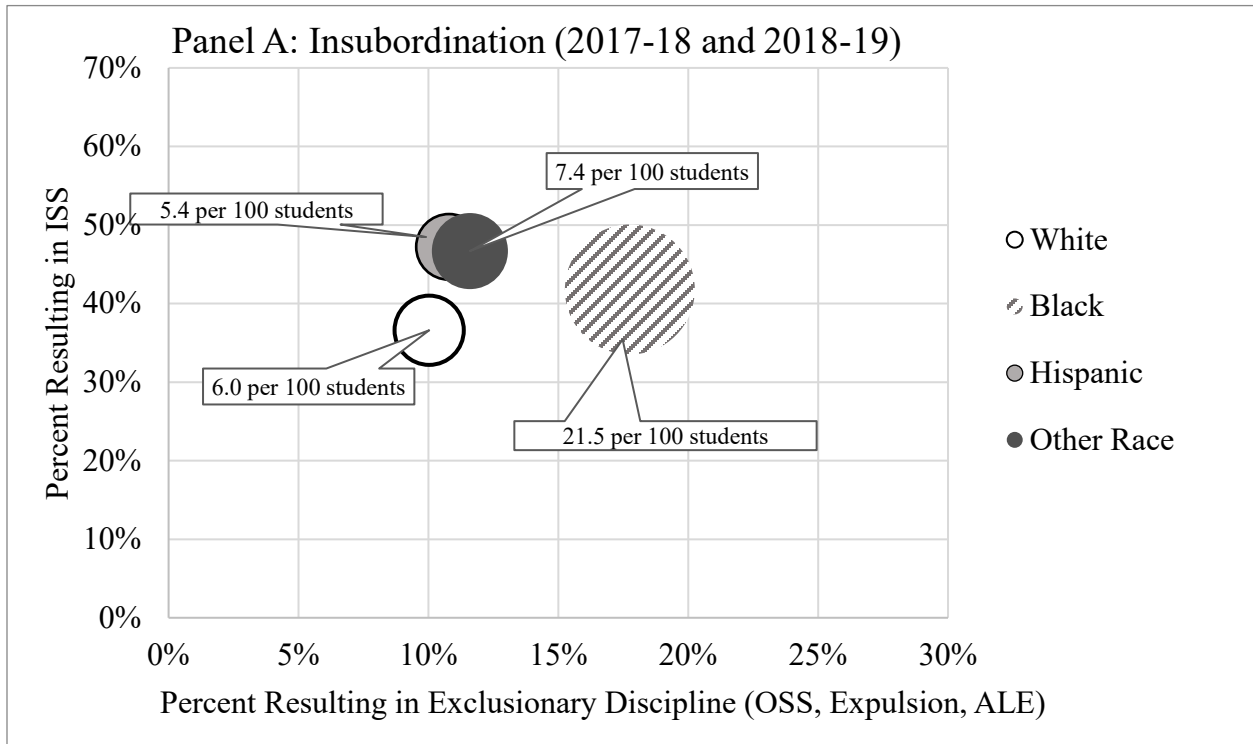
Figure 5: Racial disparities in disorderly conduct referrals and associated consequences

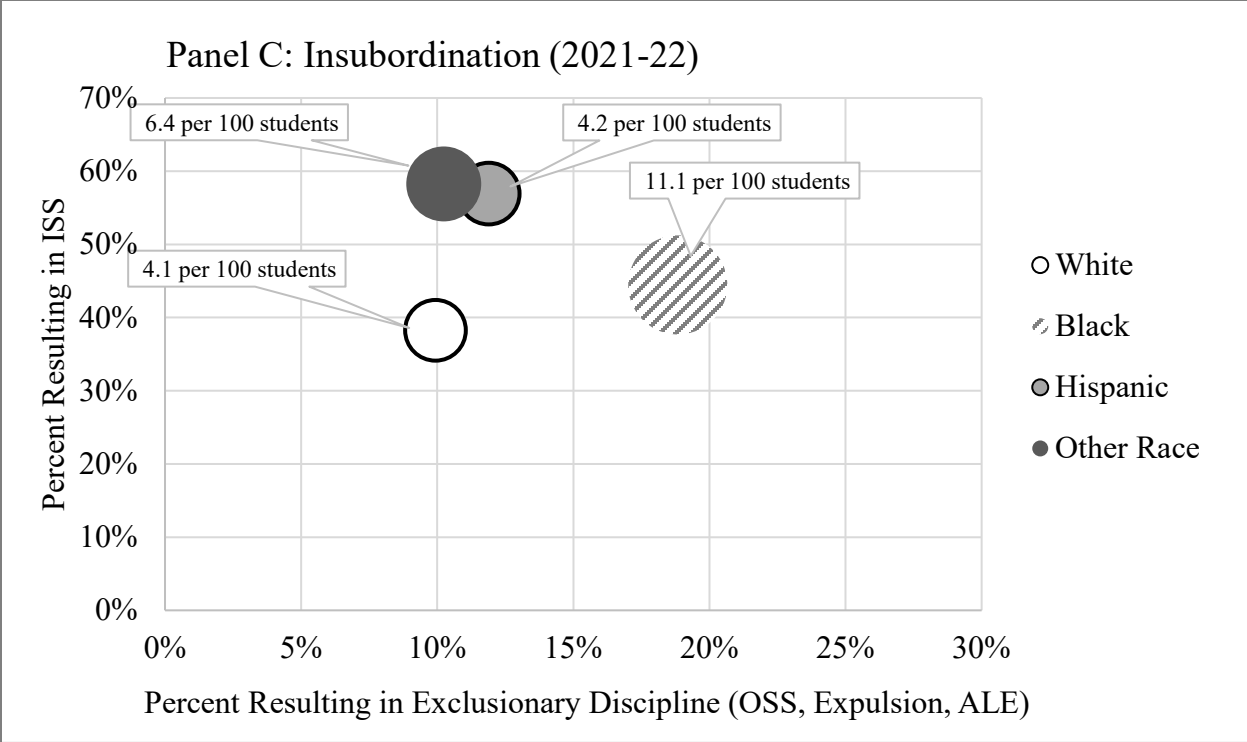




Note. Relative sizes of the bubbles (labeled) indicate the number of infractions per 100 students per year.

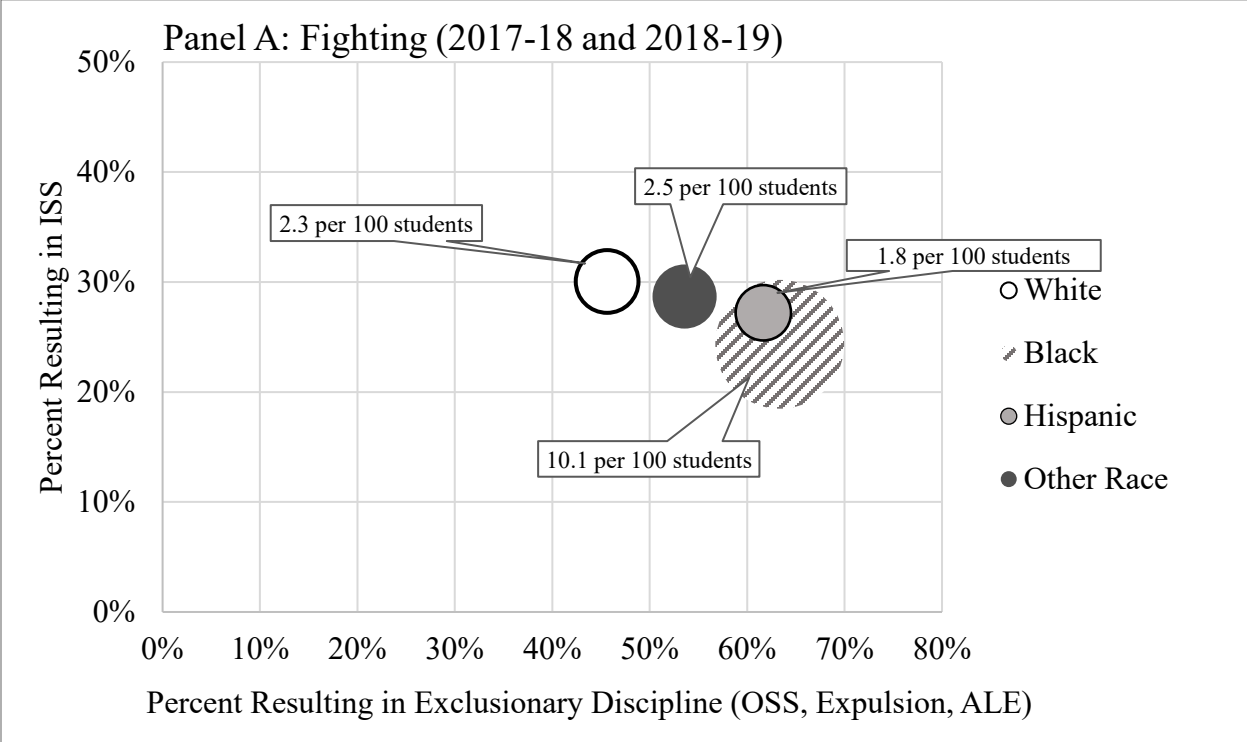
Figure 6: Racial disparities in insubordination referrals and associated consequences

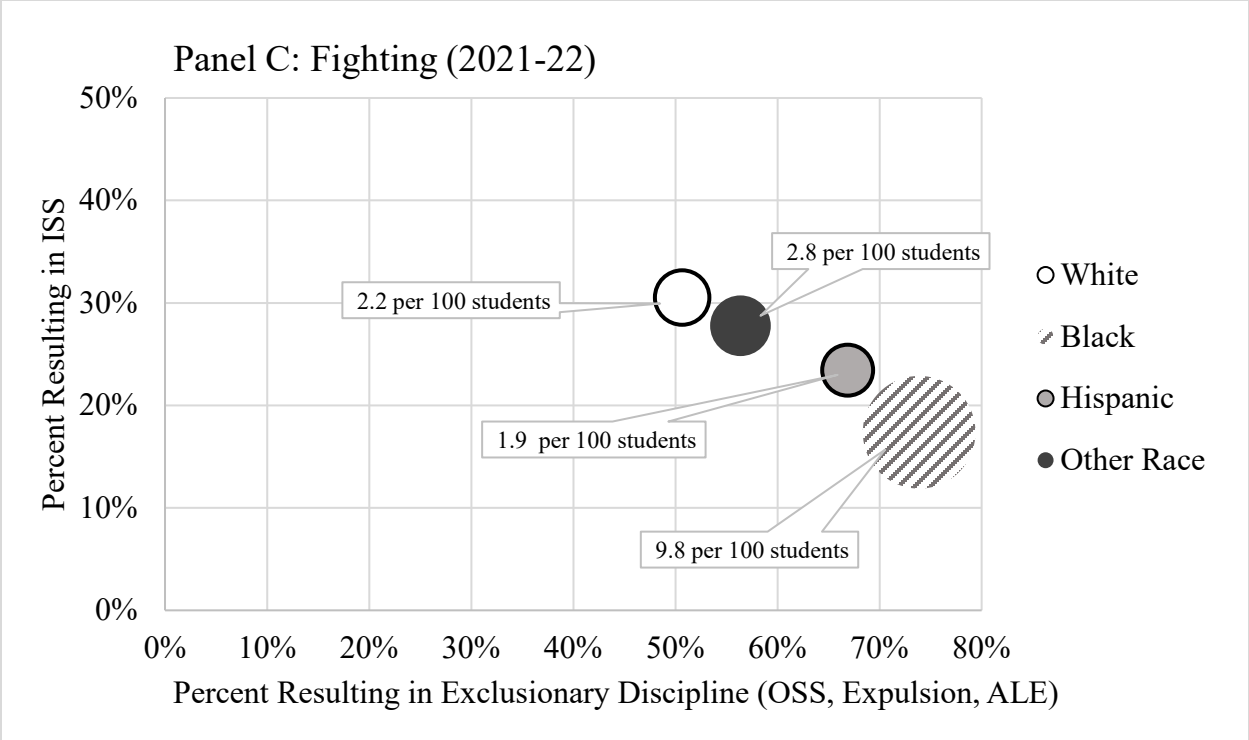
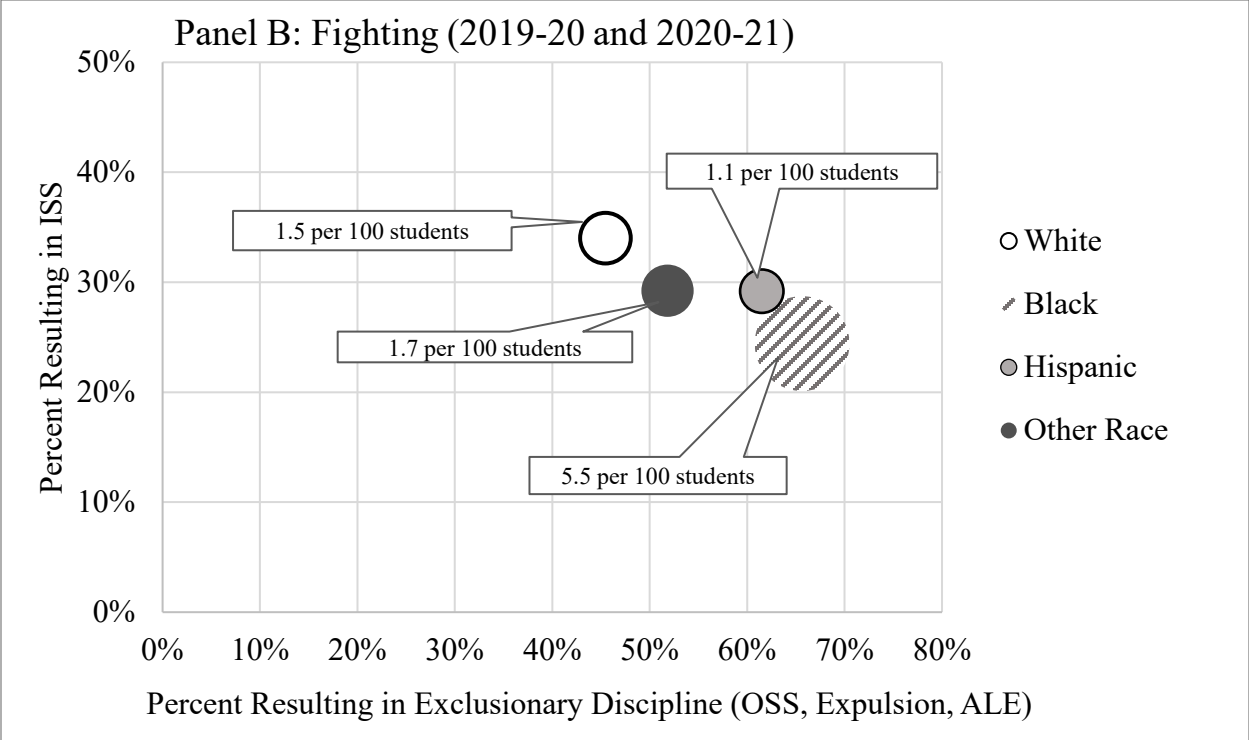




Note. Relative sizes of the bubbles (labeled) indicate the number of infractions per 100 students per year. The vertical axes for Insubordination graphs are scaled at 70% due to the number of ISS infractions.

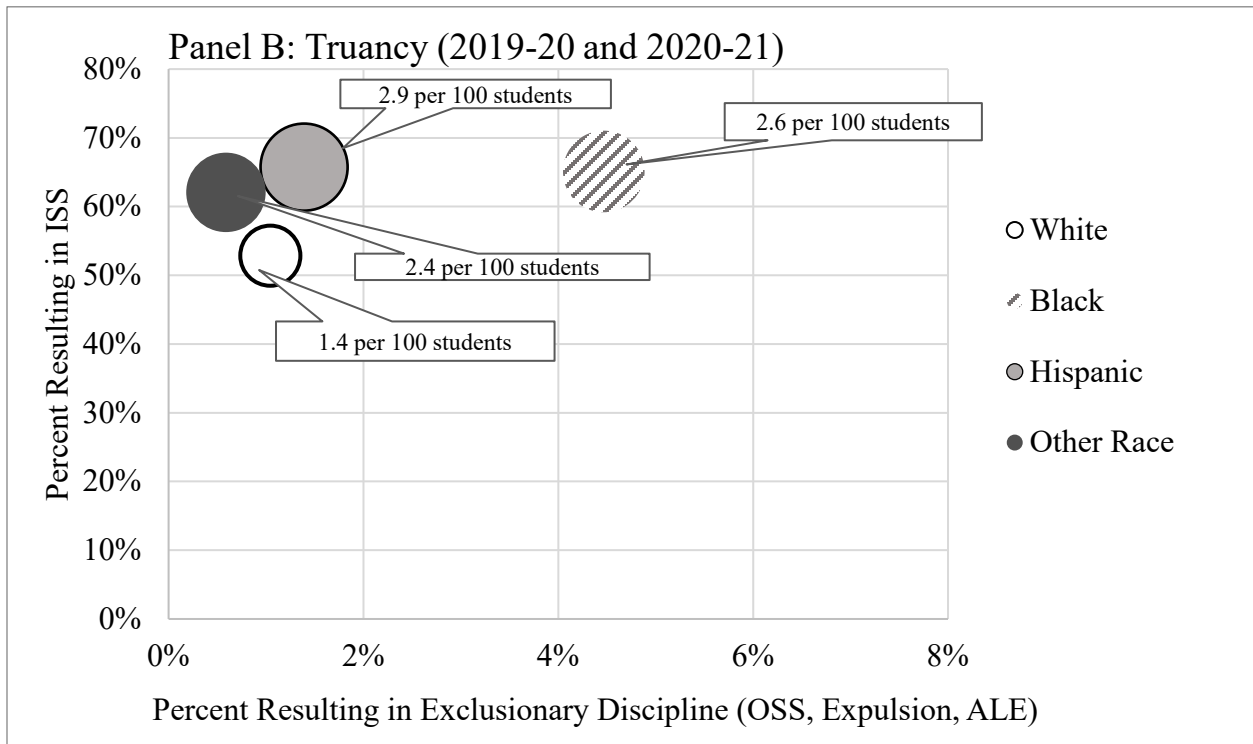
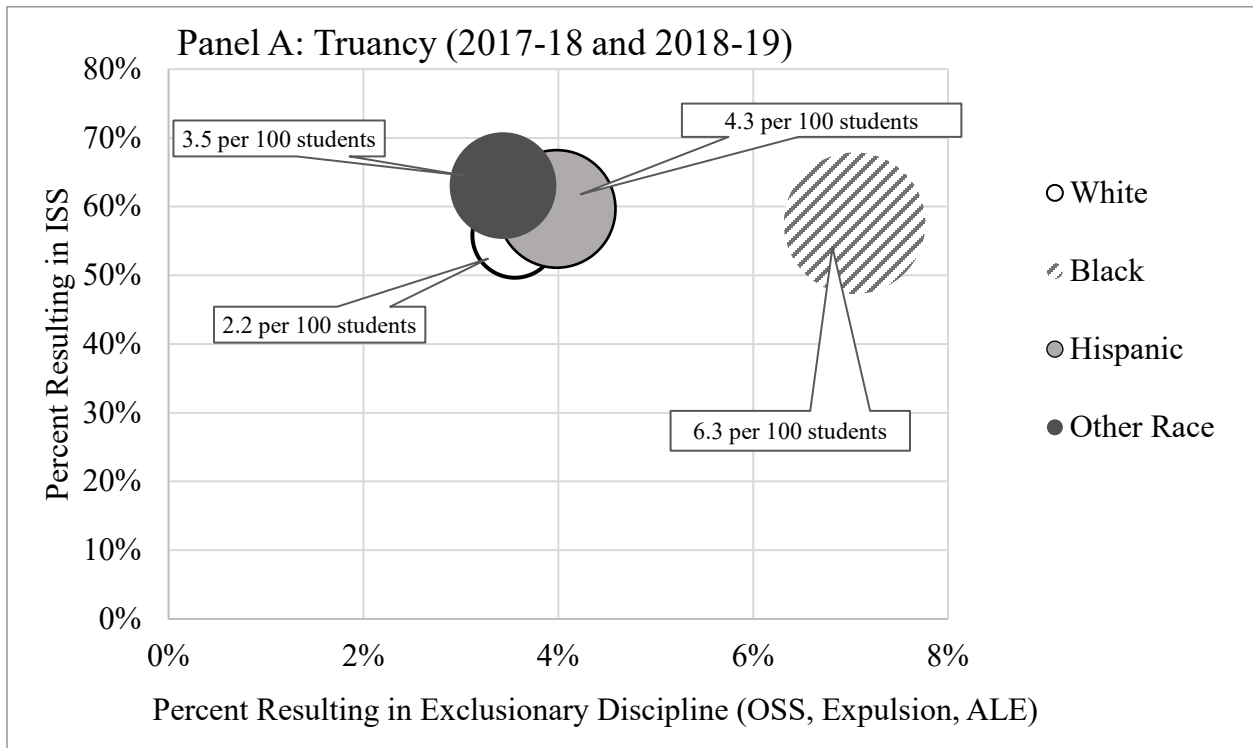
Figure 7: Racial disparities in fighting referrals and associated consequences

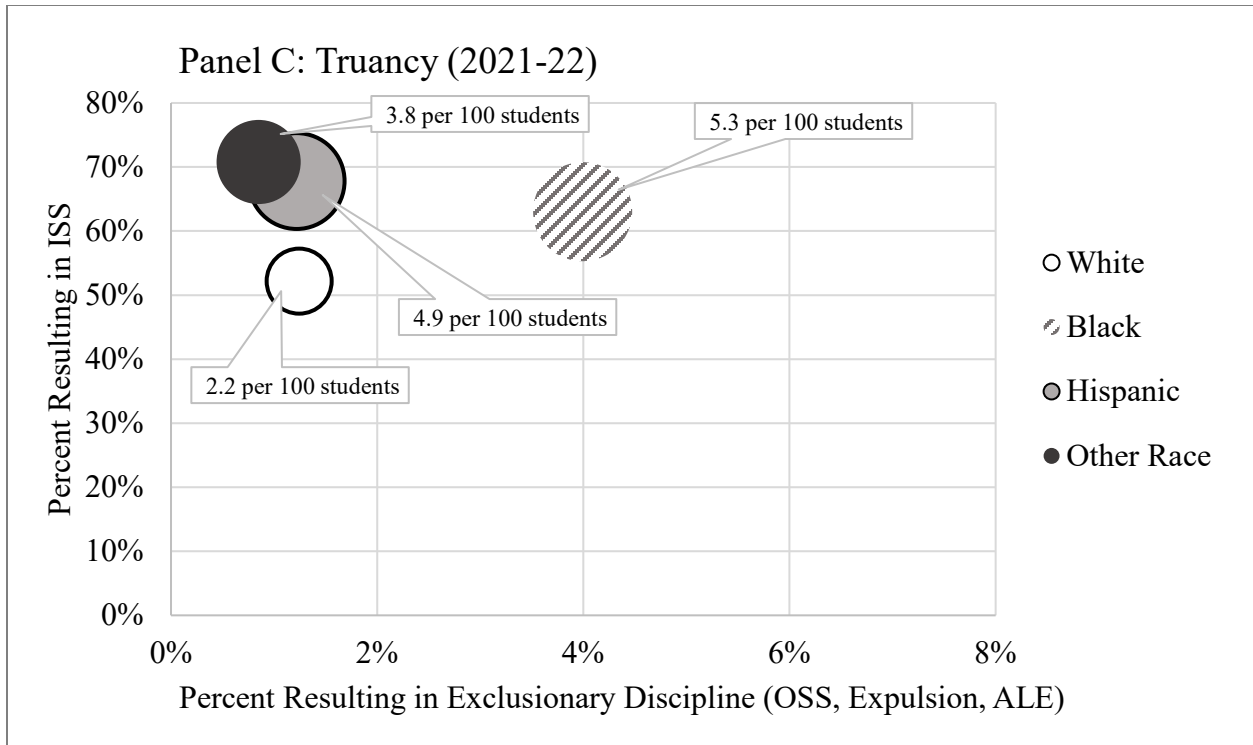




Note. Relative sizes of the bubbles (labeled) indicate the number of infractions per 100 students per year. The horizontal axes for Fighting graphs are scaled at 80% due to the number of exclusionary infractions.

Figure 8: Racial disparities in truancy referrals and associated consequences





Note. Relative sizes of the bubbles (labeled) indicate the number of infractions per 100 students per year. The vertical axes for Truancy graphs are scaled at 80% due to the number of ISS infractions and the horizontal axes are scaled at 8% due to the number of exclusionary infractions.

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

We present similar charts 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 9 shows these figures for all infractions, and Figures 10-14 represent the disparities for each of the five most common infraction types (“other” non-specified infractions, disorderly conduct, insubordination, fighting, and truancy).

Figure 9 shows that FRL students and students with disabilities are over-represented in referrals, as indicated by the relatively large bubble sizes. FRL students received about 77.1 discipline referrals per 100 students, per year, during the 2017-18 and 2018-19 school years, about 43.1 referrals per 100 students, per year, during the 2019-20 and 2020-21 schools years, and about 54.0 referrals per 100 students during the 2021-22 school year. Their referral rate is about 1.8-2.5 times higher than that of non-FRL-eligible students in all three time periods, with the lowest disparity (1.8) in the 2021-22 school year. Students with disabilities received about 93 infractions per 100 students per year in the first two years, about 52.1 infractions per 100 students per year in the pandemic years, and 67.9 infractions per 100 students in 2021-22. This referral rate is about 1.6-1.7 times higher than that of students without disabilities (SWOD) in all three time periods.

Similar disparities can be seen for each of the five most common types of infractions in Figures 10-14. For all these types of consequences, FRL students and SWDs are more likely to be referred than their non-FRL and SWOD peers in the state, respectively. FRL students are at

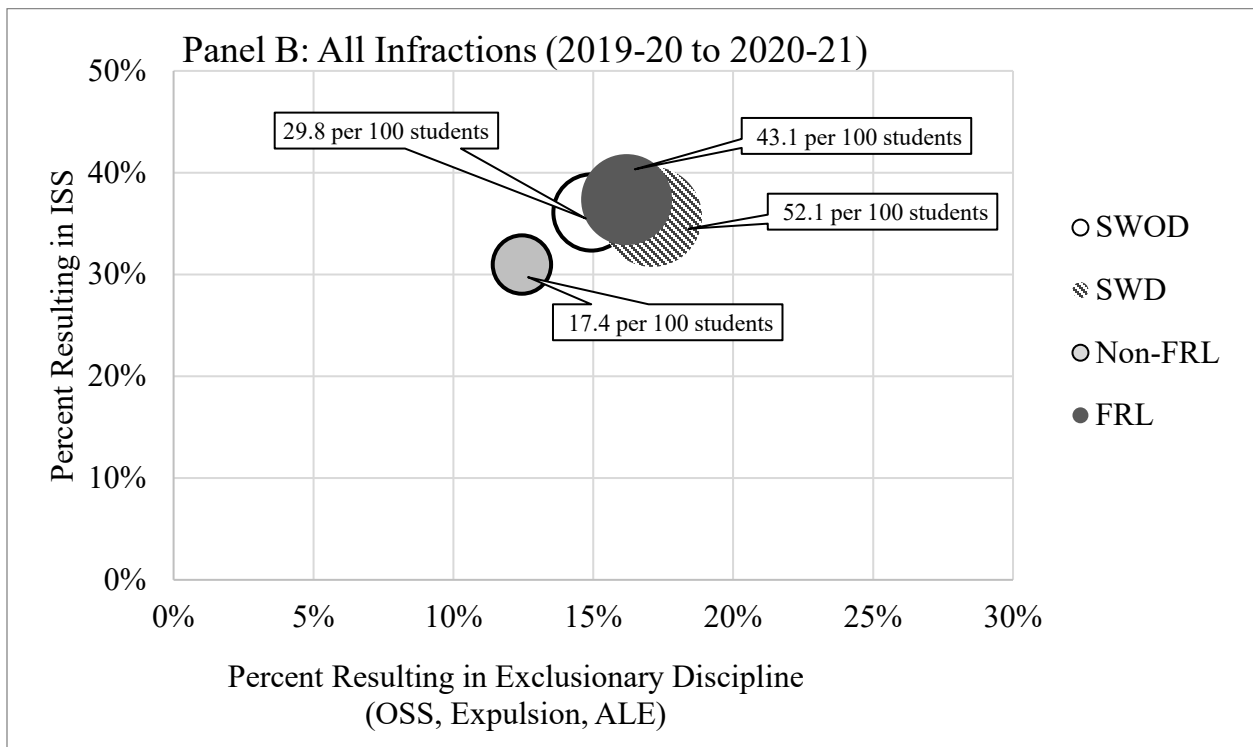
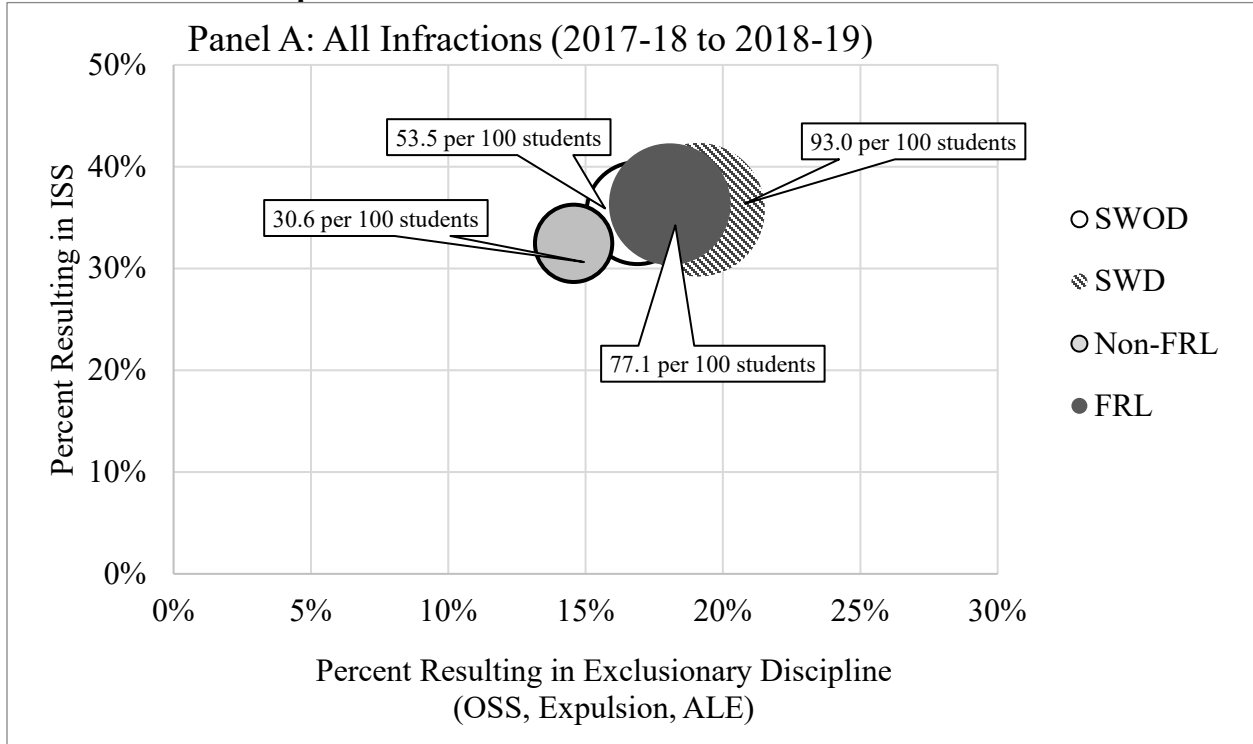
particularly high risk ($RRR > 2.8$, relative to non-FRL students) for fighting. It is important to note that these disparities in referrals do not necessarily indicate that these students are simply misbehaving at greater rates, as interpretations of behavior, responses to behavior, and reporting of behavior by adults are also important steps in the process. In particular, high RRRs for subjective types of referrals like insubordination and disorderly conduct likely capture much more than differences in student behavior.

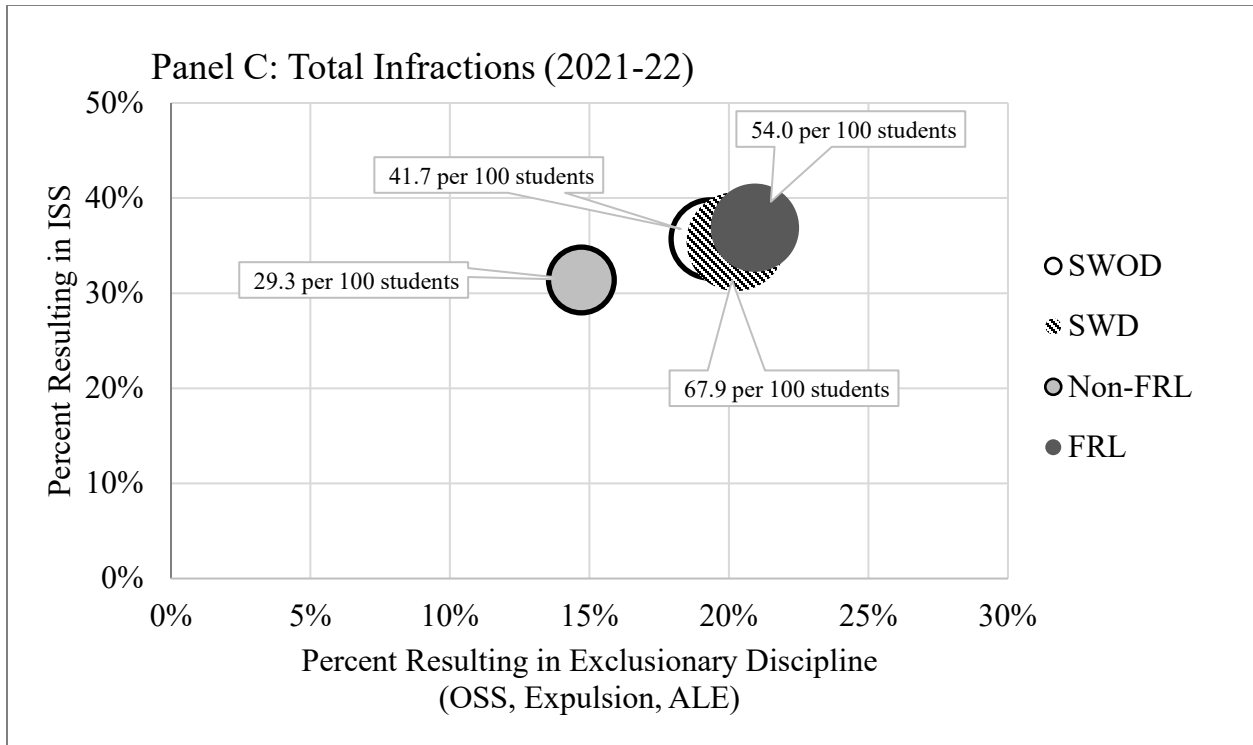
With respect to the type of disciplinary consequence used in response to these infractions, SWDs, and FRL-eligible students are more likely to receive an exclusionary consequence than their SWOD and non-FRL-eligible peers, particularly for subjective infractions like disorderly conduct and insubordination. This is indicated by the bubbles for SWDs and FRL-eligible students generally being placed farther to the right along the horizontal axis. These disproportionalities, however, are not as sizable as the Black-White disproportionalities shown previously.

Although Act 1329 of 2013 made the use of OSS illegal as disciplinary response to truancy, 2% of truancy infractions during the past two years resulted in exclusionary discipline (OSS, expulsion, or referral to an ALE). FRL-eligible students are particularly at higher risk for exclusionary discipline as a consequence of truancy. In 2021-22, FRL-eligible students were 2.5 times as likely to receive exclusionary discipline as a consequence of truancy than their peers who are not eligible for FRL. In the same year, Students with disabilities were slightly more likely (1.1x) to experience exclusionary discipline after truancy than their peers without disabilities.⁵ In other words, despite declines in the use of exclusion in response to truancy, and in addition to the persistent disparities for Black students in this state, there are also disparities for SWDs and FRL-eligible students. Non-FRL students are the least likely to receive exclusionary discipline or ISS for truancy.

⁵ The Relative Risk Ratio (RRR) is the percentage of students in one group with at least one OSS or expulsion, minus the percentage of students in another group with at least one OSS or expulsion. RRRs of 1 indicate equal representation, and values greater than 1 indicate overrepresentation.

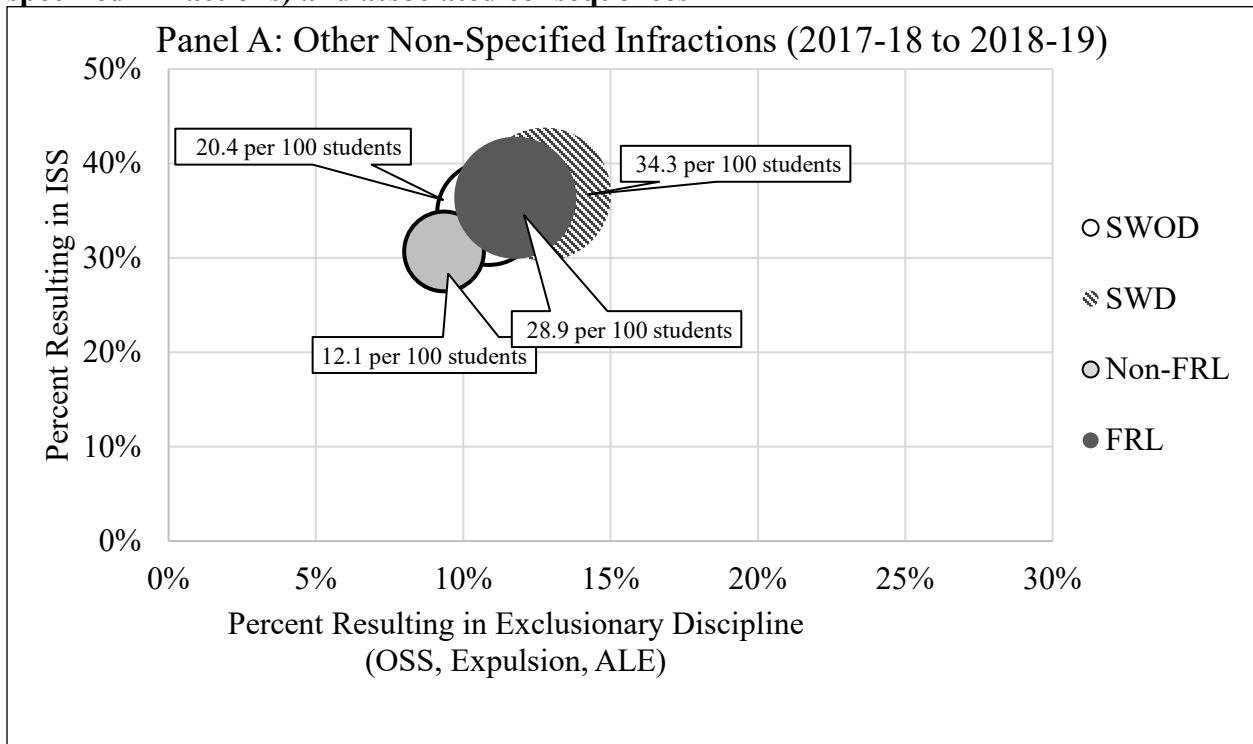
Figure 9: Special education and income disparities in disciplinary referrals (all infractions) and associated consequences

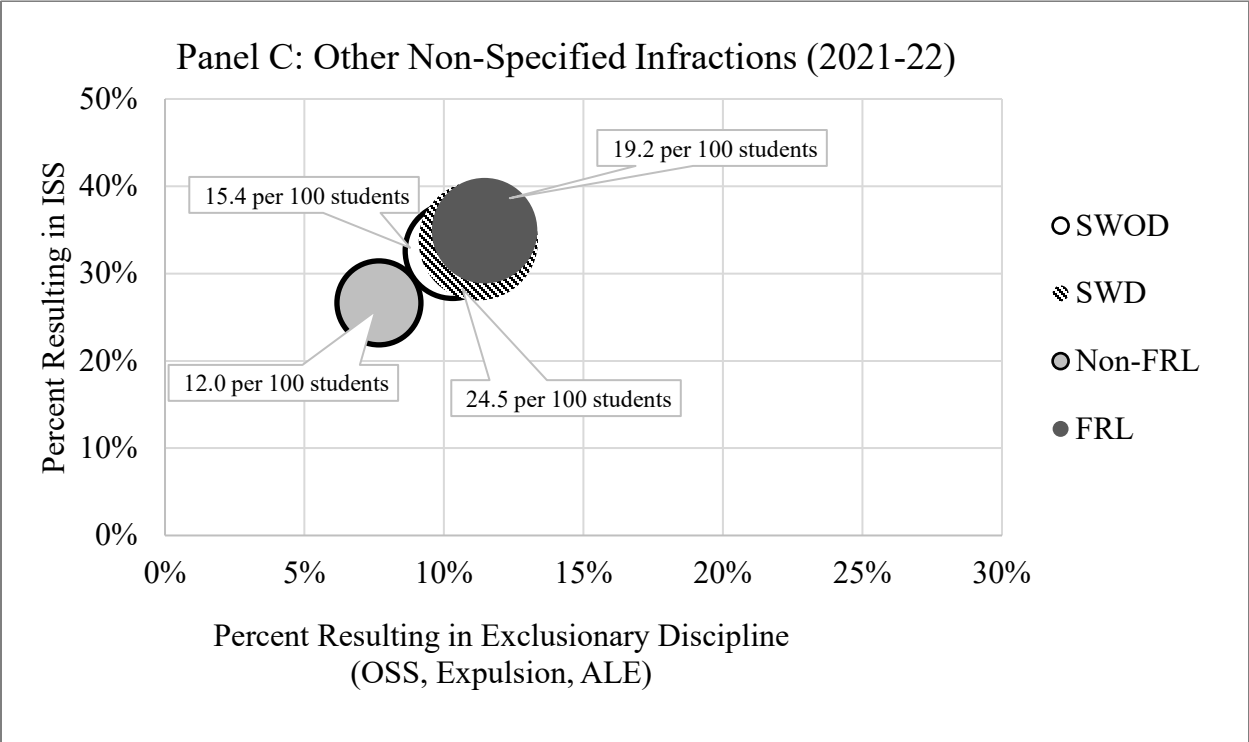
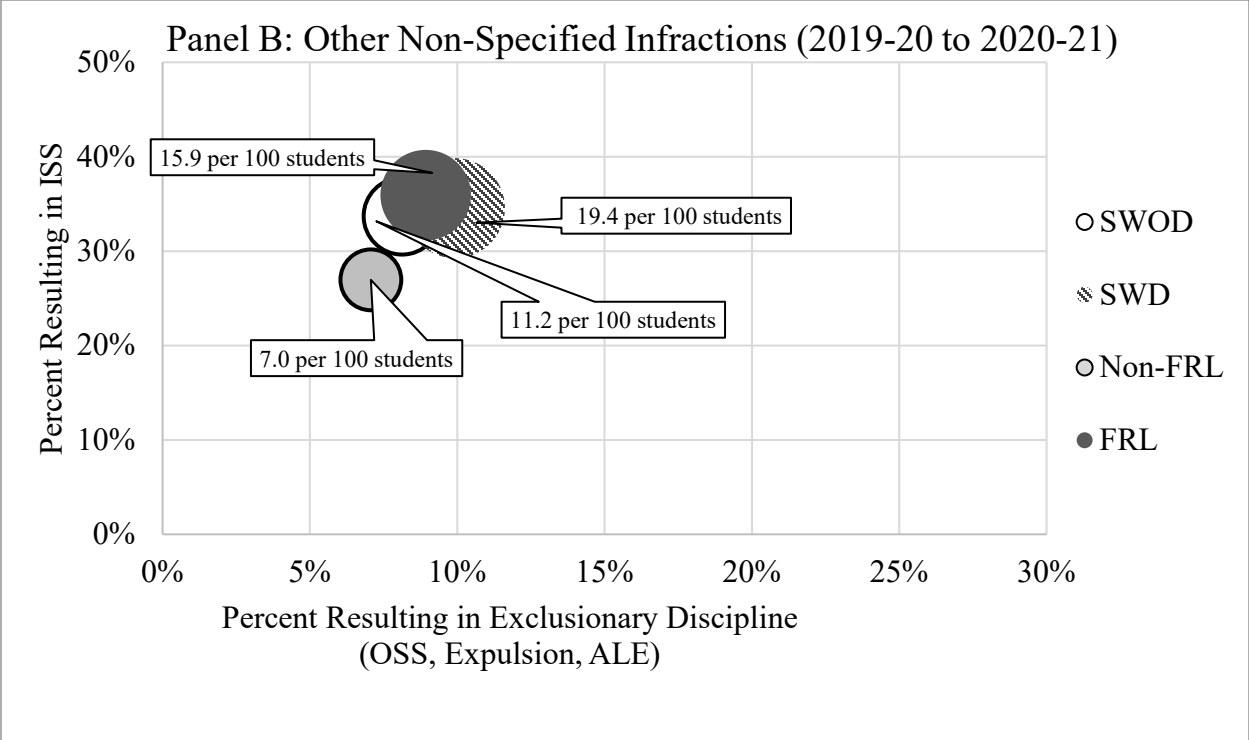




Note. Relative sizes of the bubbles (labeled) indicate the number of infractions per 100 students.

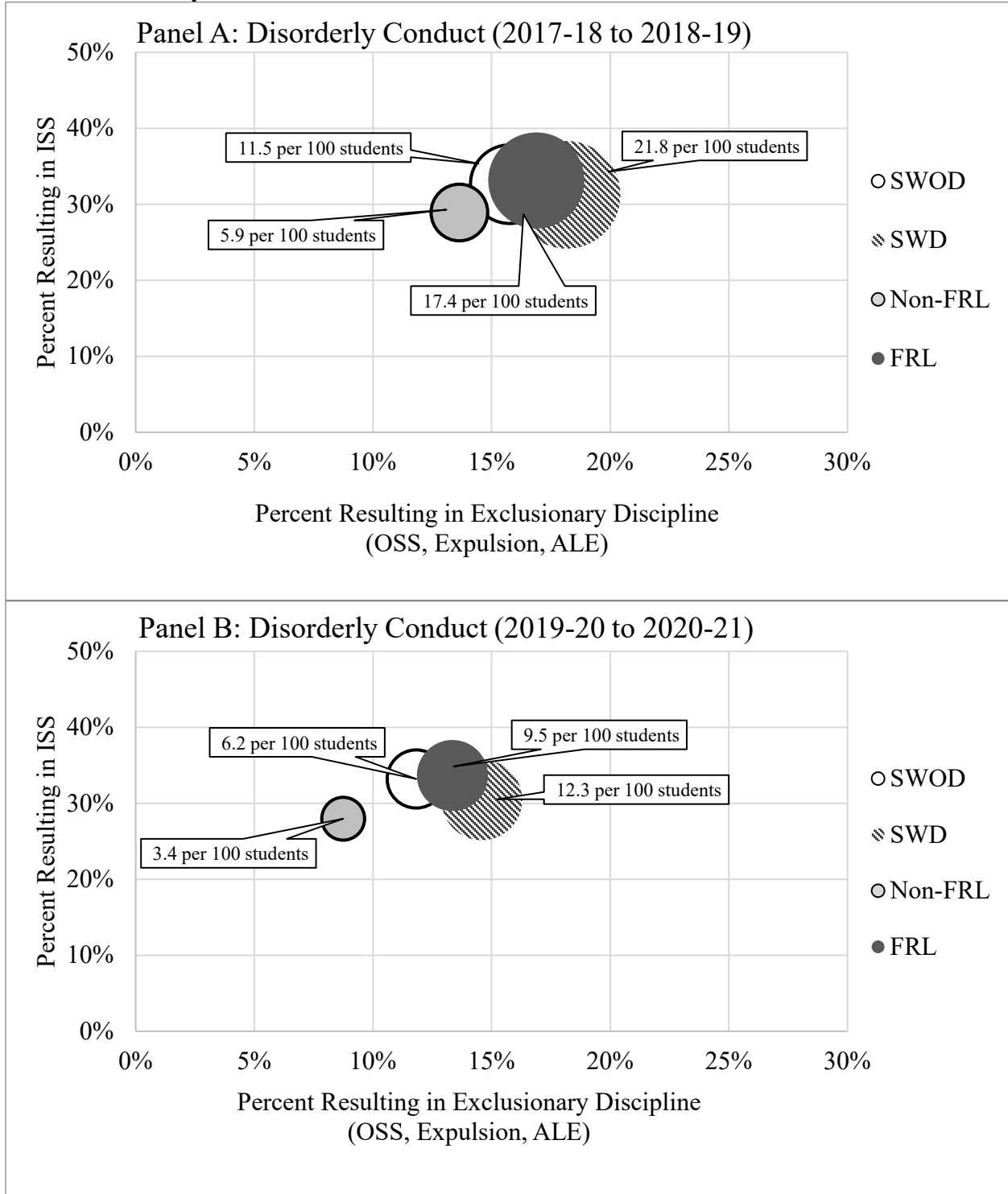
Figure 10: Special education and income disparities in disciplinary referrals (other non-specified infractions) and associated consequences

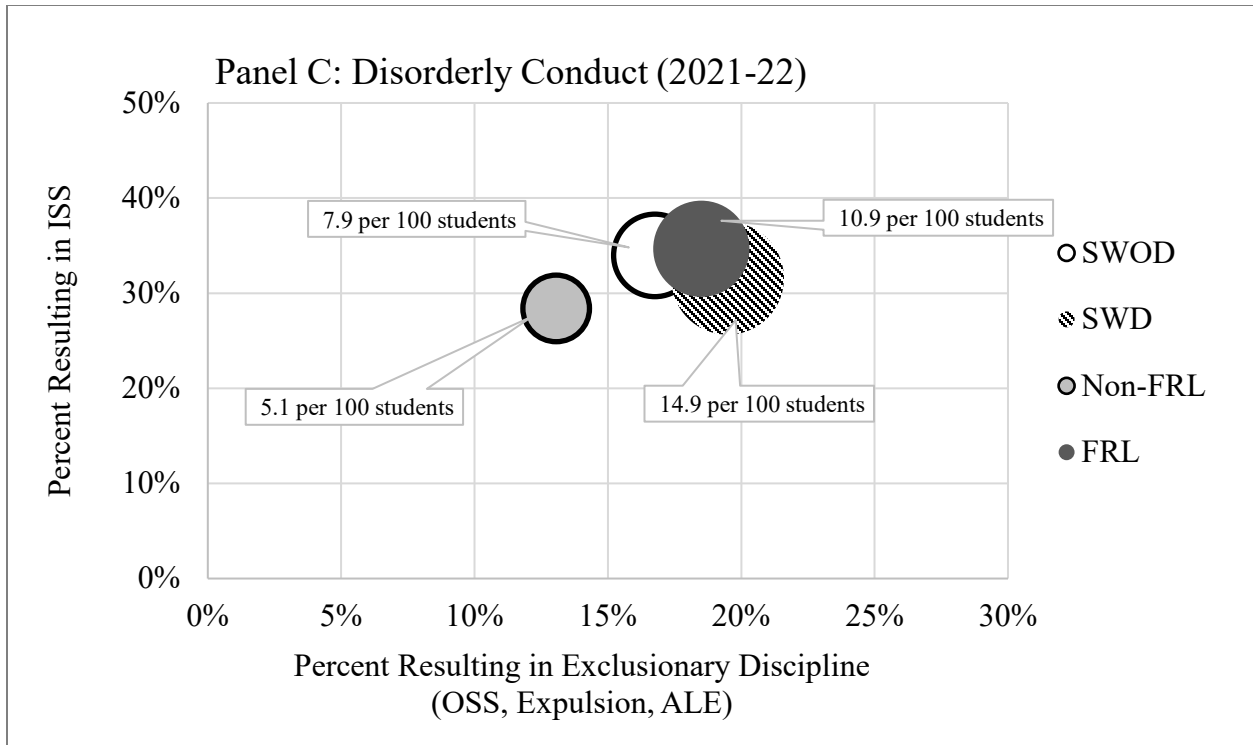




Note. Relative sizes of the bubbles (labeled) indicate the number of infractions per 100 students.

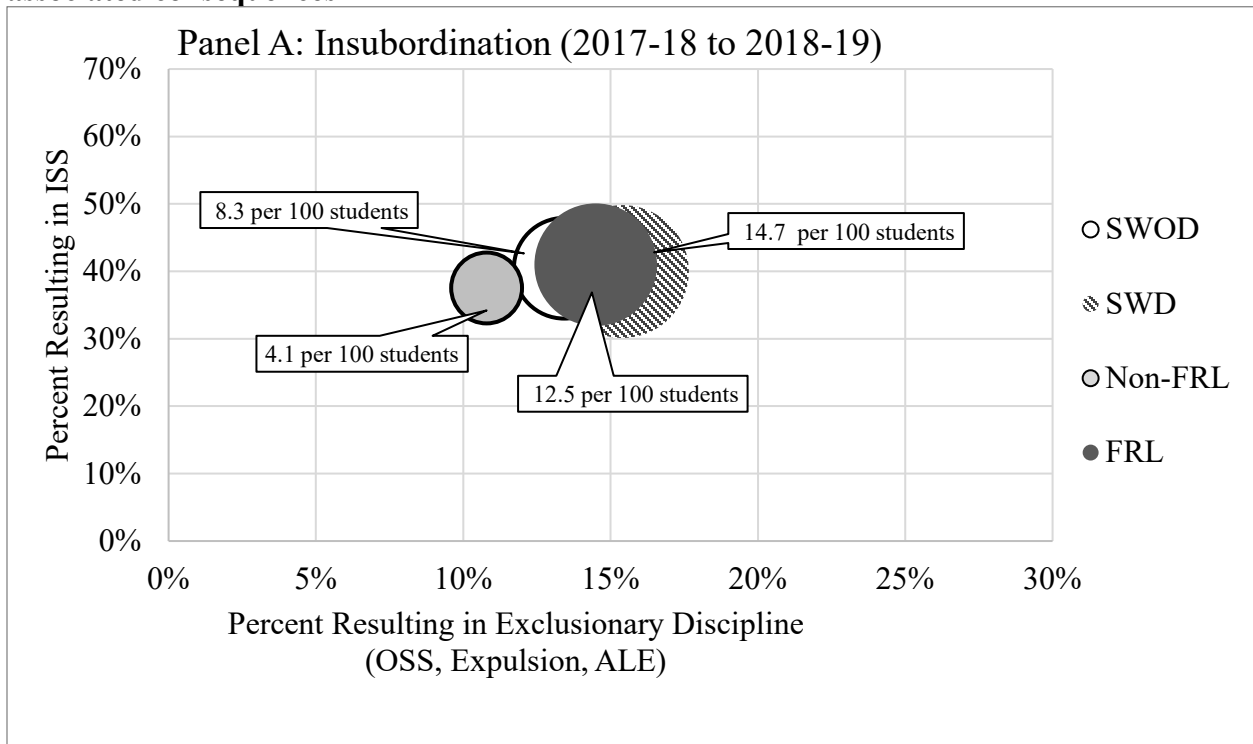
Figure 11: Special education and income disparities in disorderly conduct referrals and associated consequences

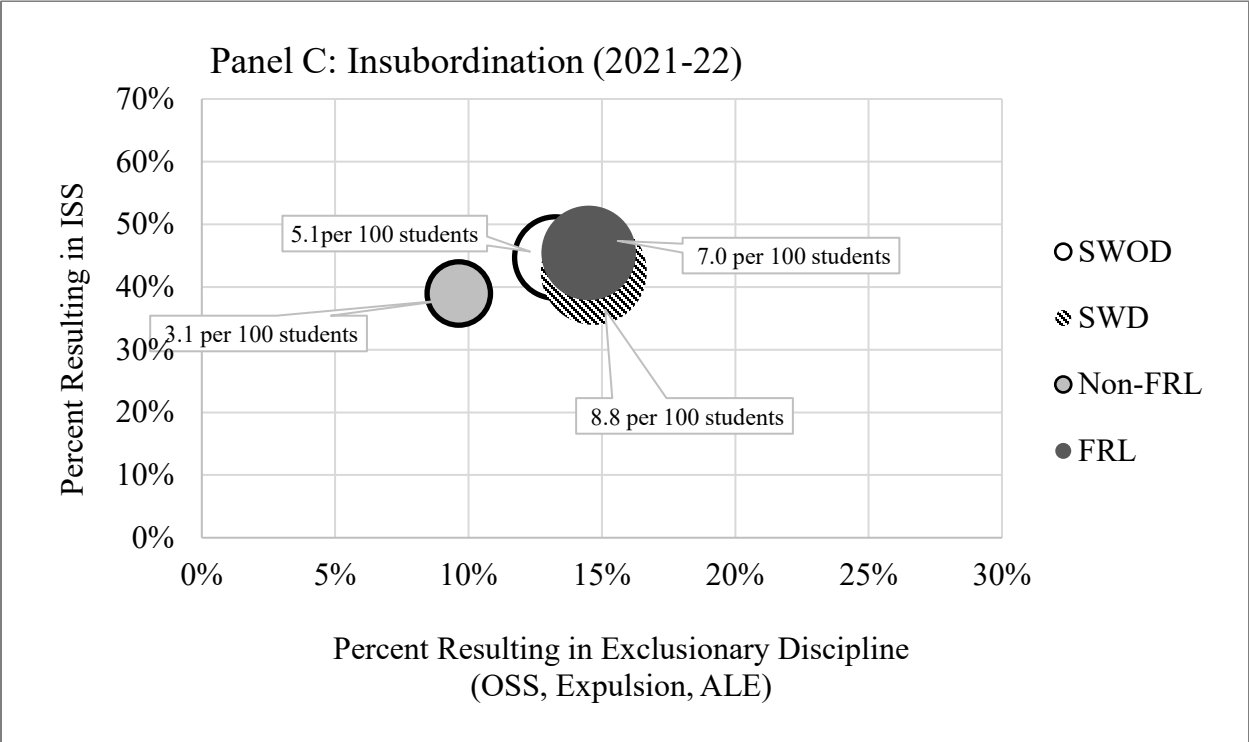
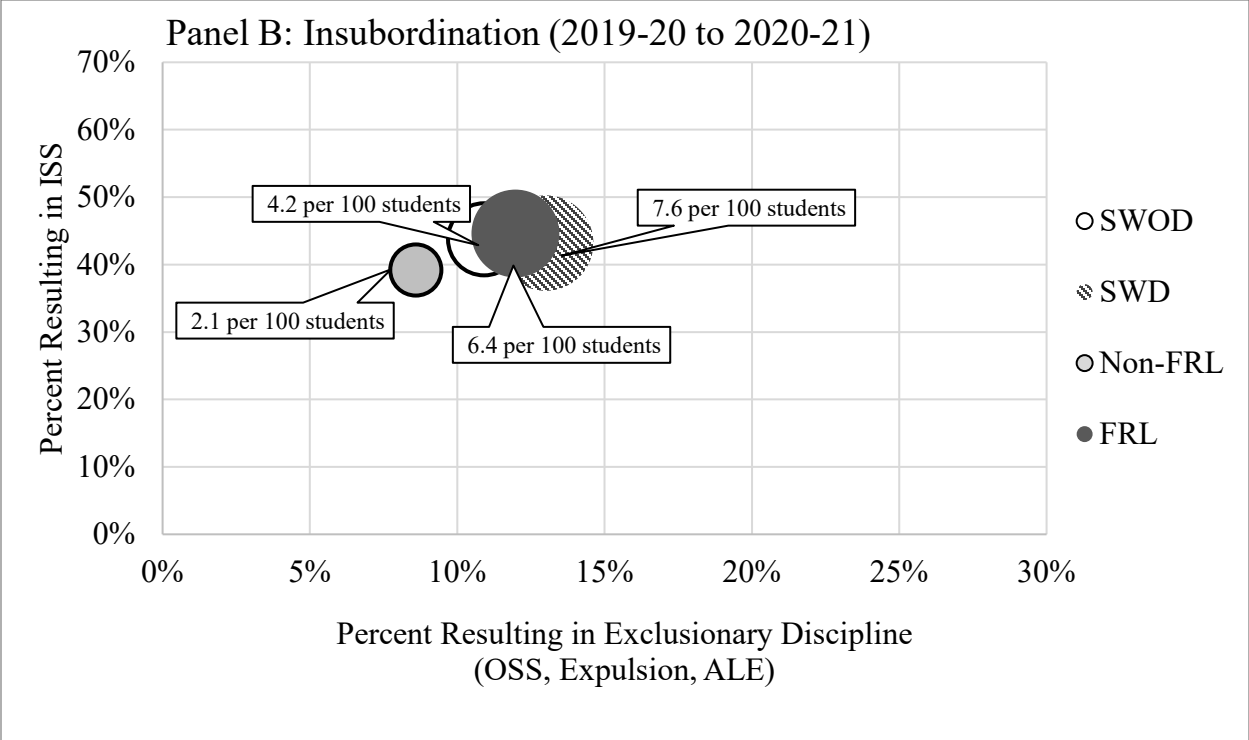




Note. Relative sizes of the bubbles (labeled) indicate the number of infractions per 100 students.

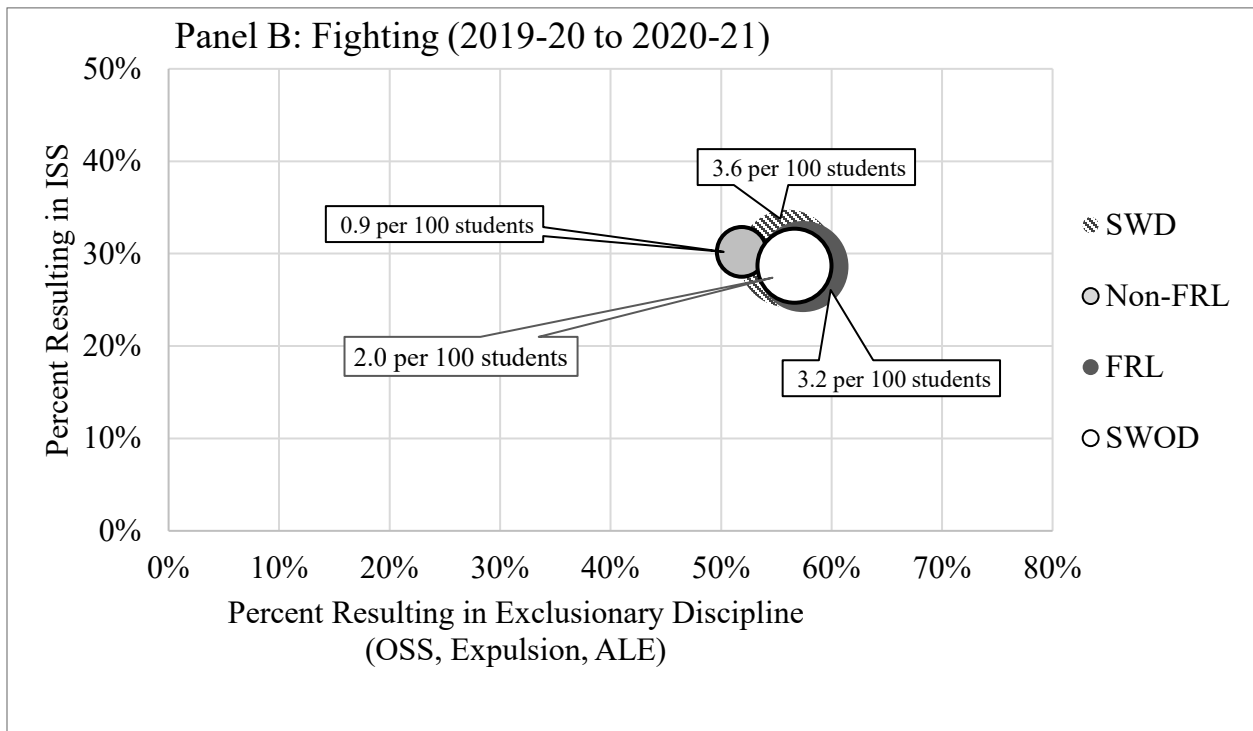
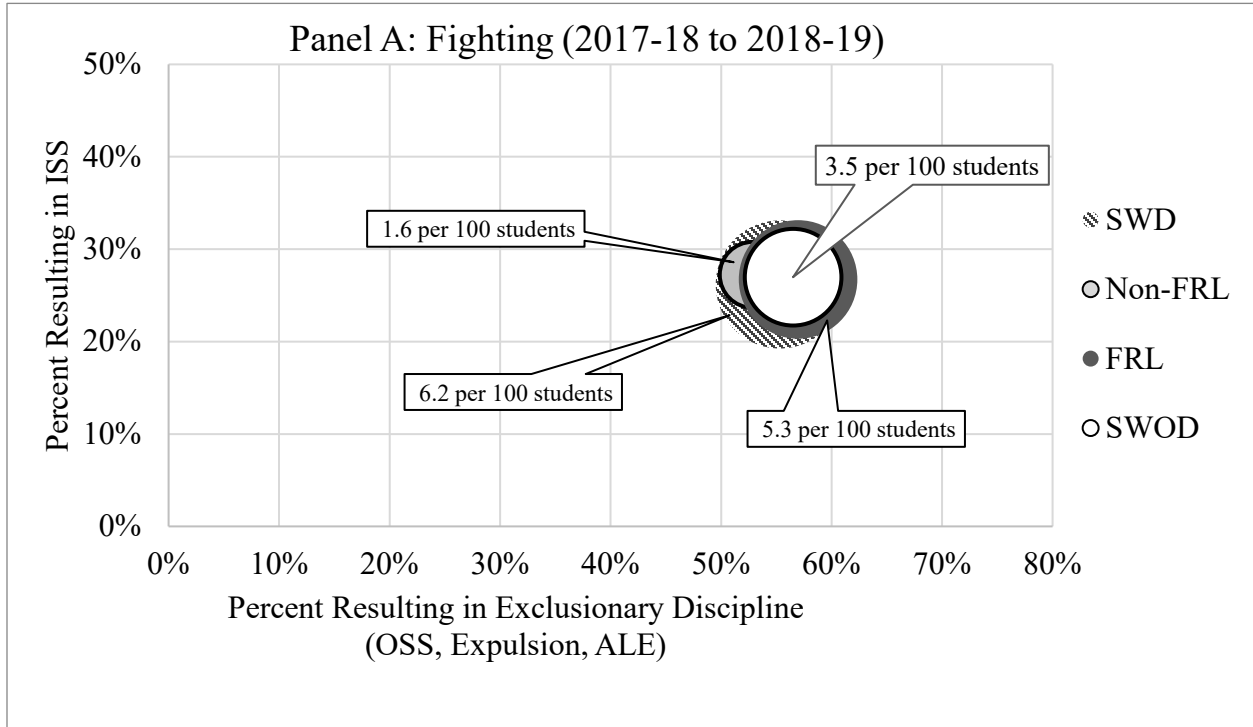
Figure 12: Special education and income disparities insubordination referrals and associated consequences

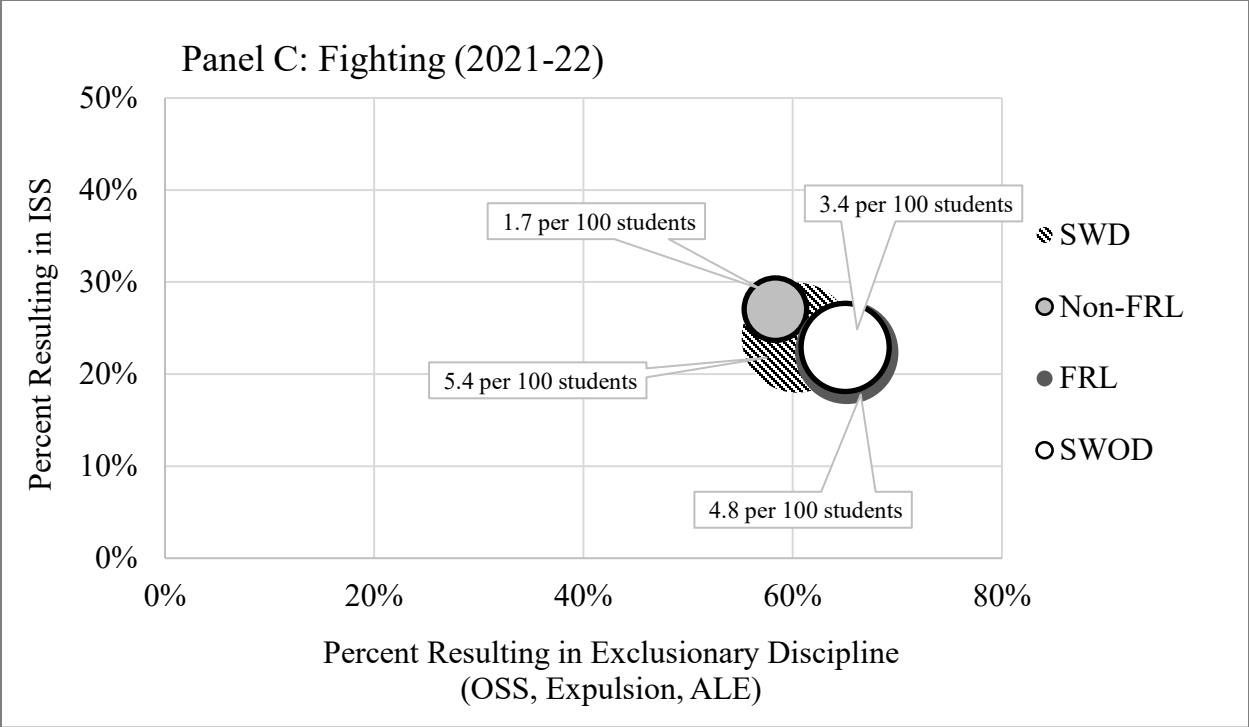




Note. Relative sizes of the bubbles (labeled) indicate the number of infractions per 100 students. The vertical axes for Insubordination graphs are scaled at 70% due to the number of ISS infractions.

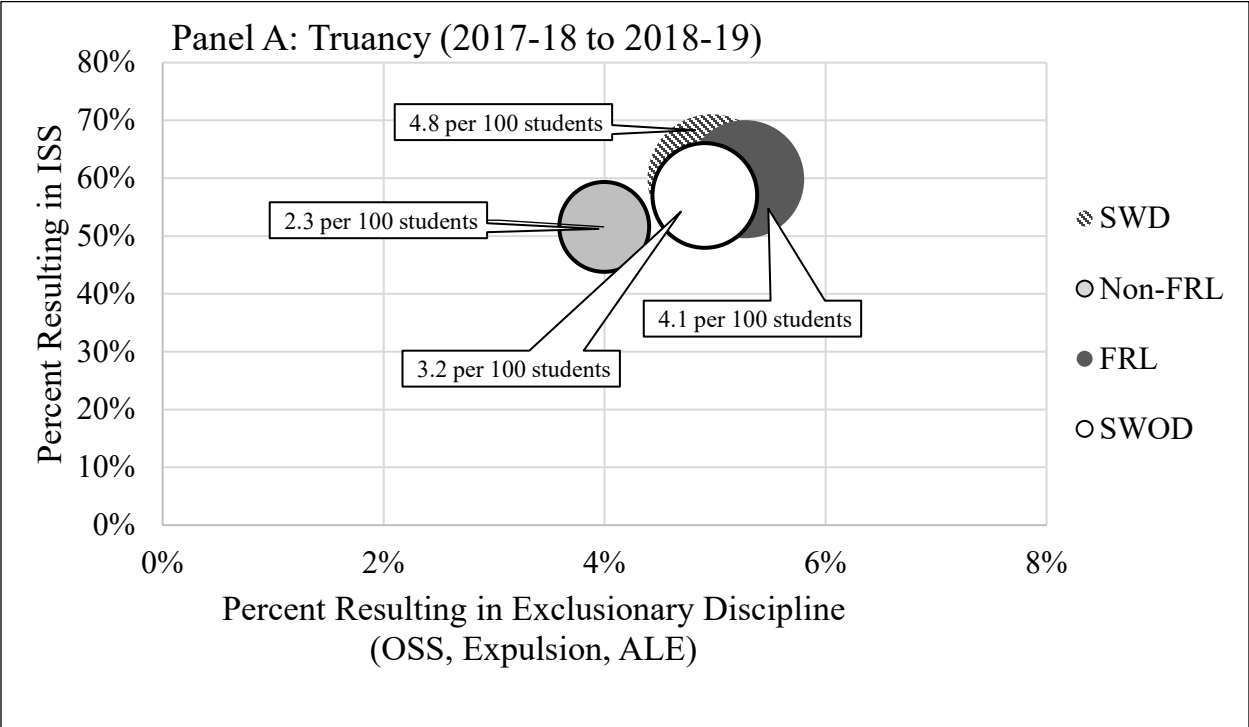
Figure 13: Special education and income disparities in fighting referrals and associated consequences

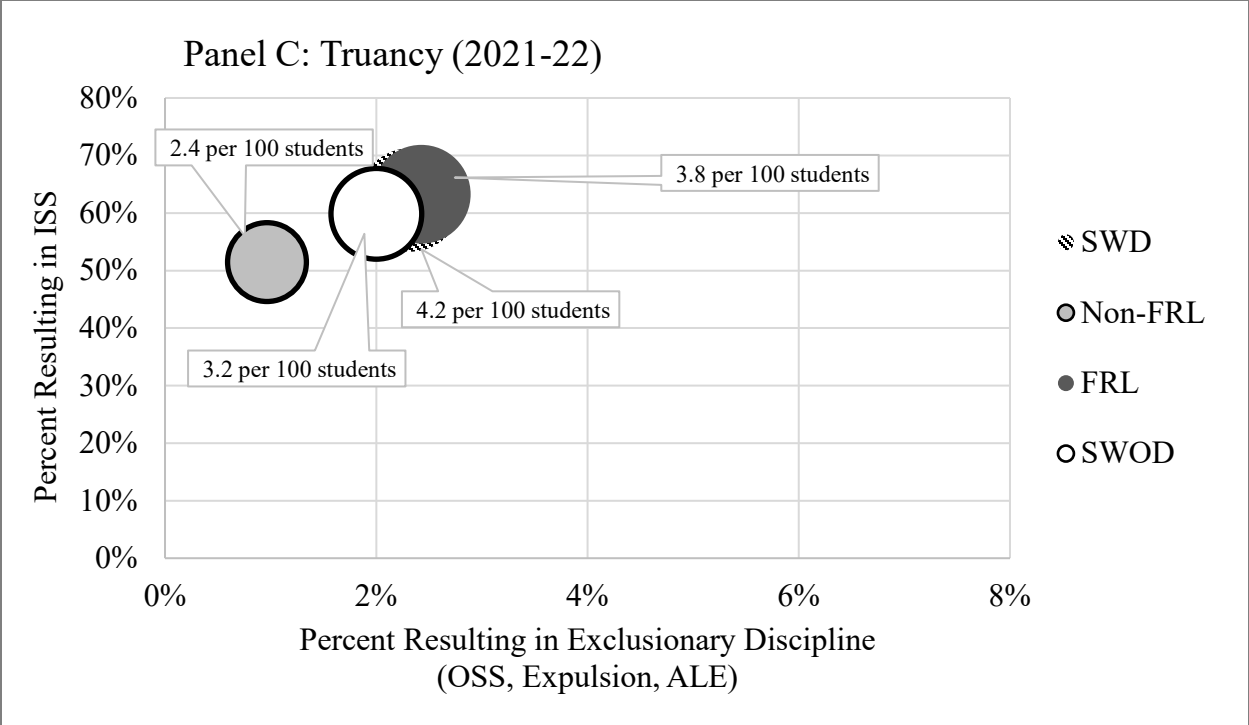
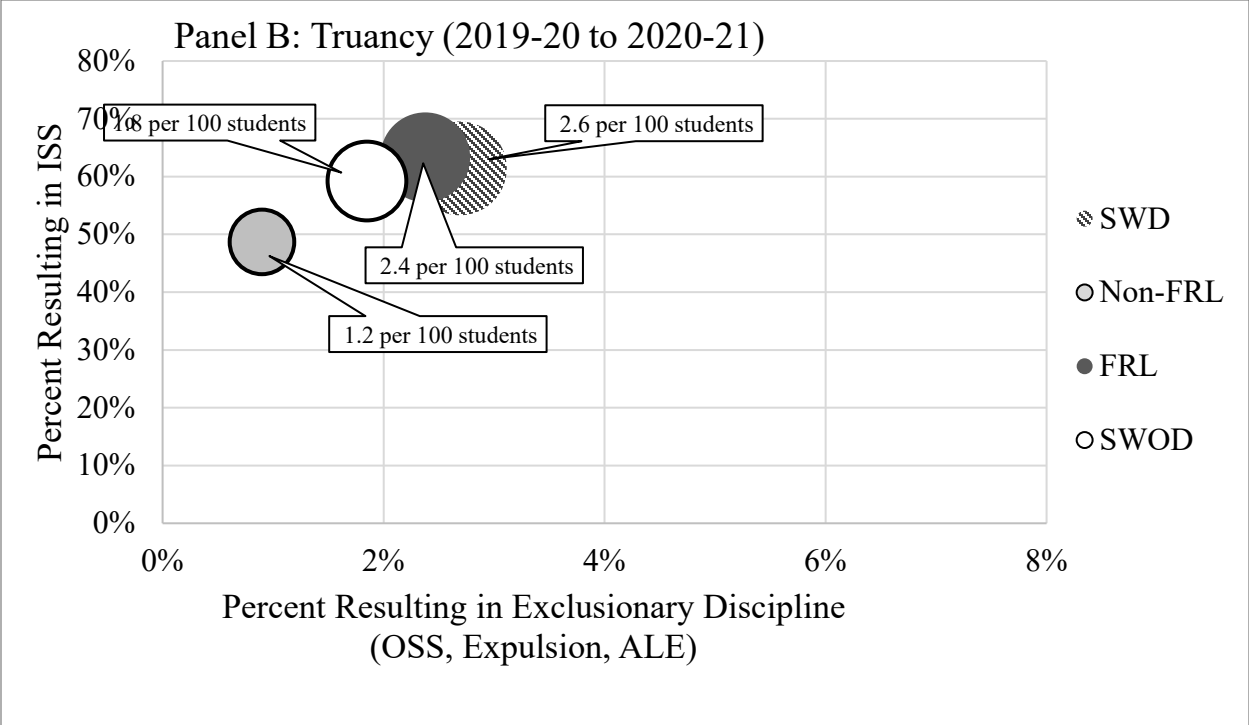




Note. Relative sizes of the bubbles (labeled) indicate the number of infractions per 100 students. The horizontal axes for Fighting graphs are scaled at 80% due to the number of exclusionary infractions.

Figure 14: Special education and income disparities in truancy referrals and associated consequences





Note. Relative sizes of the bubbles (labeled) indicate the number of infractions per 100 students. The vertical axes for Truancy graphs are scaled at 80% due to the number of ISS infractions and the horizontal axes are scaled at 8% due to the number of exclusionary infractions.

VI. Discussion and Key Takeaways

This report analyzed a number of key student outcomes related to student discipline in Arkansas public schools. 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 the following key takeaways and recommendations:

- 1) **The use of OSS increased in the 2021-22 school year.** Consequences of OSS in years 2012-13 to 2018-19 decreased from 28% to 17%, then further to around 15% in the school years most impacted by COVID (2019-20 and 2020-21). In 2021-22, 19% of all consequences for disciplinary infractions were OSS. This suggests that schools in Arkansas have started to rely again on exclusionary approaches such as out-of-school suspensions despite progress during the early part of the past decade.
- 2) **Reporting of “other” infractions and “other” consequences is increasing over time.** In 2016-17, additional reporting categories were included, but “other” non-specified infractions still represented about 37% of all infractions in recent years, and “other” consequences still represented about 15% of all consequences in recent years. We recommend that the state should assess whether the reporting categories reflect the current needs of the state.
- 3) **Over 80% of discipline referrals reported over the past ten years are for relatively subjective infractions.** These include insubordination, disorderly conduct, or “other” infractions. Racial disproportionalities are wide for these relatively subjective categories. Given the frequency and subjectivity of these reports, targeted interventions at the school level are indicated.
- 4) **The most common consequences for disciplinary referrals are in-school suspension (ISS, 36.1%), “other” (38.5%), and out-of-school suspension (OSS, 18.5%).** The incidence of OSS generally decreased before rising in 2021-22. Reports of corporal punishment have steadily declined, while “other” consequences have steadily increased.
- 5) **Suspensions in grades K-5 have declined significantly, in line with the expectations of Act 1059 of 2017.** 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 where there is a physical risk, or which cannot be addressed through other means.
- 6) While the number of suspensions and expulsions decreased significantly over time in grades K-5, **Black students in grades K-5 were still about 4.0 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. This indicates a continued need to further address racial disproportionalities, despite the overall reduction in exclusionary discipline in Arkansas’ elementary schools.
- 7) The state of Arkansas has made excellent 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 2021-22.** There are a small set of 21 schools that continue to use OSS as a consequence for truancy to some extent.
- 8) **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 various types of infractions, and in the likelihood of receiving exclusionary discipline conditional on referral for a particular type of infraction. Notably, these disproportionalities are largely driven by subjective infractions such as disorderly conduct, insubordination, and “other.”
 - 9) **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 disruptions to ‘typical’ school in the 2020-21 school year. The data from 2021-22 reflect increased infractions and increased reliance on OSS, which could reflect the growing recognition that students are facing a host of mental health, social, and behavioral challenges while transitioning back into the classroom (Nugent, 2021; St. George, 2022). In particular, administrative data may not fully reflect what is happening on the ground. We recommend the state consider a larger investigation into how schools are addressing behavioral issues, mental health issues, and school climate issues more broadly.

References

- Arkansas Act 1059. (2017). An Act to Amend Provisions of Title 6 of the Arkansas Code Concerning Discipline of Students in Public Schools; And for Other Purposes. Retrieved from <http://www.arkleg.state.ar.us/assembly/2017/2017R/Acts/ACT1059.pdf>
- Arkansas Act 1329. §6-18-507 (2013). An Act to Evaluate the Impact of Schools Discipline on Student Achievement; And for Other Purposes. Retrieved from <https://trackbill.com/bill/arkansas-senate-bill-1147-to-evaluate-the-impact-of-school-discipline-on-student-achievement/575541/>
- Nugent, D. (March 10, 2021). Arkansas school district reflects on 'roller coaster' year amid COVID-19 pandemic. *KATV*. Retrieved from <https://katv.com/news/local/arkansas-school-district-reflects-on-the-challenges-of-covid-19-in-the-last-year>
- St. George, D. (July 10, 2022). Behavioral issues, school absenteeism on rise, data shows. *Arkansas Democrat Gazette*. Retrieved from <https://www.arkansasonline.com/news/2022/jul/10/behavioral-issues-school-absenteeism-on-rise-data/>