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**School Suspension and Juvenile Justice Involvement***Groundbreaking Study Substantiates Calls for Reform***Introduction**

*Breaking Schools' Rules*, a groundbreaking study from the Council of State Governments Justice Center, examines the effects of classroom removal on students' academic performance as well as potential interaction with the juvenile justice system. With unprecedented access to school and juvenile justice records, researchers were able to study links between school discipline action, academic performance, and juvenile justice system involvement.

While this report followed Texas students for more than six years, from seventh grade through subsequent years,<sup>1</sup> the analysis and recommendations are relevant for Maryland. The findings illustrate the consequences of applying school discipline codes in arbitrary and inconsistent manners. Consequently, the report's findings can assist administrators, elected officials, parents, students, and advocates in constructing school discipline codes that are appropriate, fair, equitable, and consistent.

**Summary of *Breaking Schools' Rules***

Using school and juvenile court records for nearly one million students, researchers were able to consider more than 80 variables as they tracked the impact of school discipline on students' educational outcomes and involvement in the juvenile justice system.

The report makes six key findings:

1. Nearly six in ten public school students studied were suspended or expelled at least once between their seventh- and twelfth-grade school years:
  - i. 59.6% of students received at least one disciplinary action between 7th-12th grade;
  - ii. Of those 59.6% of students, 92.4% of them were discretionary school

code of conduct actions that did not require mandatory removal under state law.

- iii. Only 3% of the disciplinary actions were based on conduct where state law mandated suspension or expulsion;
  - iv. Almost 70% of the disciplinary actions resulted in in-school suspension; 20% resulted in out-of-school suspension.
2. African-American students were more likely than students of other races to be disciplined during their seventh- to twelfth-grade school years:
    - i. 75% of African-American students experienced involvement with the school disciplinary system compared to 64.8% of Hispanic and 46.9% of White students;
    - ii. 83% of African-American male students had at least one discretionary violation compared to 59% of White male students;
    - iii. 26.2% of African-American and 18% of Hispanic students were placed on out-of-school suspension for first time violations compared to 9.9% of White students.
  3. Nearly three out of four students who qualified for special education services during the study period were suspended or expelled at least once between their seventh- and twelfth grade school years. The level of disciplinary involvement by these students varied significantly according to the specific type of educational disability they had. Researchers found that:
    - i. 74.6% of students with any educational disability had at least one suspension or expulsion;
    - ii. 76.2 % of students with a learning disability, 90.2% of students

<sup>1</sup> Researchers examined records for every seventh grade student in Texas between 2000-2002. The records for this cohort were analyzed for six years. Researchers also matched-without identifiers- all records for those students who came in contact with the juvenile justice system.



- classified as having an emotional disturbance, and 62.9% of students presenting with a physical disability had at least one disciplinary action during this period;
- iii. 98.1% of suspensions or expulsions among students with disabilities resulted from discretionary decisions under the school code of conduct.
4. Students who were suspended and / or expelled, particularly those who were repeatedly disciplined, were more likely to be held back a grade or to drop out than were students not involved in the disciplinary system:
    - i. 55.6% of students with 11 or more discretionary suspensions were held back a grade; 15% of the students eventually dropped out;
    - ii. In contrast, only 5.3% of students with no discretionary actions were held back and only 2% dropped out;
    - iii. Students who experienced a discretionary disciplinary action were twice as likely to repeat a grade as comparable students who did not receive a disciplinary action.
  5. More than one in seven students were in involved in the juvenile justice system between seventh and twelfth grade. Students who were suspended or expelled had a greater likelihood of contact with the juvenile justice system in their middle or high school years, particularly when they were disciplined multiple times:
    - i. Nearly 15% of the students studied had contact with the juvenile justice system between the seventh and twelfth grade;
    - ii. 1 in 5 African-American students, 1 in 6 Hispanic students, and 1 in 10 White students were in contact with the juvenile justice system;
    - iii. 25.6% of African-American male students, 22% of Hispanic male students, and 13.9% of White male students had juvenile justice system involvement;
  - iv. 14.4% of African-American females, 12.7% of Hispanic females, and 7.9% of White females had juvenile justice system involvement;
  - v. 48% of students classified as emotionally disturbed had contact with the juvenile justice system.
6. Schools that had similar student populations and were alike in other key regards varied significantly in how often they suspended or expelled pupils. Three themes came from the study's sixth finding:
    - i. How and when students with very similar characteristics and risk factors were disciplined depended on the school they attended.
    - ii. Schools using suspension and expulsion often did not necessarily create settings that allowed the schools to achieve better academic outcomes.
    - iii. It was common for administrators employed by the same school district, but working at different schools, to vary in how they carried out disciplinary actions.

### What Do the Findings Mean for Maryland?

These findings are not surprising to local policymakers, parents, students, advocates, and other community members who are engaged with and monitor Maryland's education and juvenile justice systems. Comparably, Maryland data from the 2009-2010 school year shows that:<sup>2</sup>

- 57,207 or 7% of students in Maryland schools were at risk of academic failure, drop-out, and incarceration due to school suspensions;
- Out-of-school suspension rates varied widely among Maryland school districts ranging from 2.5% for Montgomery County

<sup>2</sup> See Open Society Institute-Baltimore, *Out-of-School Suspension: Maryland and Baltimore City, 2009-2010* (2011).

Public Schools to 14.5% for Dorchester County Public Schools;

- African-American students were suspended at higher rates in every county in Maryland, accounting for 61.2% of suspensions while making up only 37.9% of the statewide student population;
- Students with disabilities were suspended at higher rates despite federal legal protections. 22.1% of suspended students had disabilities while only 12% of the statewide student population had disabilities;
- Discretionary disciplinary actions account for the majority of Maryland's out-of-school suspensions. Disrespect, insubordination, and disruption accounted for 41.8% of out-of-school suspensions. Only 7.4% of suspensions were issued for dangerous substances, weapons, arson/fire/explosives, and sex offenses combined.

Yet *Breaking Schools' Rules* still adds depth to the local conversation about the relationship between school engagement, academic performance, and juvenile justice system involvement. It substantiates the call for local districts to evaluate their discipline policies and to implement policies that keep students engaged in school.

Additionally, the study shows the value of a multi-disciplinary commitment to research-driven policymaking and the critical role of collecting and tracking relevant data. Most importantly, the study shows that if you want to improve academic success, lower dropout rates, decrease the number of students referred from schools to the juvenile justice system, and reduce disparities, we must work collectively to address student behaviors in appropriate, fair, equitable, and consistent ways.

Stakeholders—parents, students, schools, courts, law enforcement, juvenile justice, social services, mental health, service providers, others—must engage in processes to develop collaborative agreements that detail how student misbehavior can be addressed in the school setting without unnecessarily suspending and arresting students. Clayton County, Georgia and Birmingham, Alabama have perfected this approach. Baltimore City and Baltimore County stakeholders are engaging in similar processes. Jurisdictions across the state should replicate this approach.

Additionally, at the urging of the American Civil Liberties Union, Open Society Institute-Baltimore, and others, the Maryland State Board of Education has already begun investigating the impact of disciplinary actions—suspensions and zero-tolerance policies—on students. Specifically, the ACLU and OSI have called on the State Board and the Maryland State Department of Education to:<sup>3</sup>

- Develop a department protocol for regularly monitoring available data to identify inequities and inapt disciplinary actions, including the use of police referrals for school incidents that would not be a crime outside of the school setting;
- Require school systems, particularly schools with above average rates of out-of-school suspension, to develop plans to reduce suspensions and to show plans to the Board and Department for review; and
- Develop sanctions for schools that hastily suspend students for non-violent, first-time infractions that could be addressed more effectively with a parent conference or counseling.

Lastly, the Maryland General Assembly has already begun laying the groundwork to train staff to interact effectively with youth in order to minimize the need to refer students to the juvenile justice system. A law passed in 2010 requires the Maryland Police Training Commission to develop a specialized training for school-based law enforcement that aids them in working with youth. It addresses student misbehavior with appropriate services and promotes arresting students only when necessary to protect school safety.<sup>4</sup>

When the curriculum is complete, districts should make completion of the training a requirement. Additionally, in 2011, legislators unanimously passed legislation mandating a task force to study the creation of a Maryland Center for School Safety.

These collective efforts should move Maryland forward in its efforts to keep students in school.

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<sup>3</sup> See American Civil Liberties Union of Maryland and Open Society Institute-Baltimore 'Letter to Maryland State Board and State Department of Education' (May 23, 2011).

<sup>4</sup> See Advocates for Children and Youth, *Police Can Reduce Student Misbehavior Without Arrest* (February 2010).