

BLACKLISTED: AN UPDATE

Racial Bias in School Suspensions in Rhode Island
in the 2012-2013 School Year

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EXECUTIVE SUMMARY

Last June, the ACLU of Rhode Island issued a report, analyzing eight years of data, showing that in all school districts across Rhode Island, black and Hispanic students were suspended at rates substantially higher than their representation in the student population, while white students were suspended much less often than their representation predicted. Worse, the disproportionate suspensions were often for minor behavioral infractions and began in elementary school. The ACLU's examination of school discipline data collected by the Rhode Island Department of Education between 2004 and 2012 also concluded that suspensions were routinely overused as punishment against students statewide.

Although the report generated a robust conversation about the dangers of out-of-school suspensions and the disproportionate impact of suspensions on black and Hispanic youth, the latest statistics demonstrate that the inappropriate and discriminatory use of suspensions – even at the elementary school level – continues unabated across Rhode Island.

As this report documents, during the 2012-2013 school year:

- Black students were suspended from school with record high disparity, while white students were suspended at a record low disparity. Hispanic students remained severely over-suspended at some of the highest rates observed over nine years.
- A new law prohibiting suspensions for attendance issues resulted in a tremendous drop in the number of suspensions issued, but the number of suspensions for low-risk behavioral infractions increased by more than four hundred.

- The overuse of suspensions continued in the lowest grades. Nearly 1,400 elementary school students were suspended in the last school year; 147 of them were in the first grade.
- More than 60 percent of suspensions were served for low-risk behavioral infractions, with black and Hispanic students serving a majority of these suspensions.
- “Disorderly Conduct” and “Insubordination/Disrespect” alone accounted for one-third of all suspensions, and almost 60 percent of all suspensions at the high school level. At the elementary school level, Black and Hispanic students were suspended for these two offenses nearly three and a half times what is expected given their representation in the population.
- The vast majority of Rhode Island’s school districts and charter schools continued to disproportionately suspend black and Hispanic students at rates disproportionate to their representation on the student body. These disparities existed regardless of the demographic characteristics of the school district.

Nine years of data have clearly indicated that Rhode Island’s schools use out-of-school suspensions too often to punish even the most minor infractions, with particular impact on students of color. Despite ongoing discussions about how best to lessen these rates, school districts have been unable to accomplish meaningful change on their own.

In order to prevent a tenth documented year of over-suspension, the ACLU again offers a small list of modest recommendations:

- The General Assembly should approve legislation specifying that suspensions not be served out of school unless the student poses a demonstrable risk of

physical injury or serious disruption to students and cannot be controlled by other means.

- School districts should examine annually their discipline rates for any racial or ethnic disparities, make this information available to parents and the public, and identify ways to eliminate any disparities in the future, including through increased teacher and administrator training and supports.
- Schools should make their policies and procedures regarding discipline of students easily accessible, and ensure that punishments are clearly and evenly established for various offenses.
- The Department of Education should investigate and promote the use of alternative evidence-based disciplinary methods, including positive behavior interventions.

The failures of Rhode Island's school discipline policies have for too long funneled children – especially children of color – out of the classroom and toward the school-to-prison pipeline. With the truth about these suspensions out of the shadows, the ACLU of Rhode Island hopes the General Assembly and school officials statewide will take critical steps toward minimizing the use of out-of-school suspensions and implanting impartial discipline procedures that allow students to flourish, rather than flounder.

“BLACKLISTED”

In June 2013, the ACLU of Rhode Island released a report recording eight years of racial disparities in school suspension rates across Rhode Island. The results were startling: from the 2004-2005 school year until the 2011-2012 school year, more than twelve thousand students lost a combined 54,000 school days each year, often for low-risk behavioral infractions such as “Disorderly Conduct” or “Insubordination/Disrespect.” Nearly all of Rhode Island’s public school districts consistently suspended black students at rates disproportionate to their representation in the student body, and the vast majority did the same to Hispanic students. During this time, black students were suspended at rates twice what was expected given their representation in the student population, a disparity that rose when only certain vague “subjective” offenses were considered. Altogether, a black high school student was twice as likely as a white high school student to be suspended from school. In elementary school, the situation was astounding: a Hispanic elementary school student was three times as likely as a white elementary school student to be suspended from school, and a black elementary school student was an unbelievable six times more likely to be suspended than a white student.

In fall 2013, the Rhode Island Department of Education released the suspension data for the 2012-2013 school year. Unfortunately, the data continues to provide cause for great concern, as racial disparities in suspensions remain as bad as, if not worse than, ever. The new data not only gives us a clear picture of the use of suspensions in education at this moment, but also gives us the opportunity to see the immediate effect that General Assembly action can have on suspension rates. In 2012, the General Assembly approved legislation prohibiting out-of-school suspensions as punishment for truancy and attendance issues; the impact of that law is reflected within these numbers.

What follows is an analysis of the 2012-2013 school suspension data alone. For more information about suspensions, check out our original report “Blacklisted: Racial Bias in School Suspensions in Rhode Island,” available online at www.riaclu.org.

NEW FEDERAL EDUCATION GUIDANCE

In January 2014, the U.S. Department of Education and Department of Justice released new federal guidance recognizing the serious issue of racial disparity in school suspension rates and offering assistance to schools in administering discipline in a nondiscriminatory way.

In his video announcing the guidance, Secretary of Education Arne Duncan called “on state, district, and local school leaders to rethink school discipline” and reminded schools of their responsibility under federal law to provide a safe school environment without the kind of disproportionate over-suspension that has been occurring nationwide for so many years.¹ Secretary Duncan further acknowledged that “most exclusionary disciplinary actions are for non-violent student behaviors, many of which once meant a phone call home. Suspending and expelling students for nonviolent behaviors comes at a great cost to both students and their communities.”

This guidance comes too late for the thousands of Rhode Island students who were suspended during the 2012-2013 school year, and means little to the thousands more who face suspension in the coming years as schools continue with the policies and practices that have left students, and minority students in particular, vastly underserved.

During the 2012-2013 school year, thousands more suspensions occurred for “Disorderly Conduct” and “Insubordination/Disrespect” than for assault, bomb threats, breaking and entering, possession or use of controlled substances, fire regulation violations, fighting, gang activity, harassment, hate crimes, hazing, larceny, threats, trespassing, vandalism or weapons possession *combined*.² Too often, the students suspended from school were minority students excluded for minor infractions for which their white cohorts were not similarly penalized. Over the nine years studied, Rhode Island’s schools have been unable, or unwilling, to minimize suspensions and the resulting racial disparities on their own. Additional legislative action is essential to addressing this issue in a comprehensive way.

RACIAL DISPARITY OVERALL

During the 2012-2013 school year, black students comprised 8.19 percent of the Rhode Island student body. Based on these numbers, statistics tells us we should have expected between 7.37 and 9.01 percent of suspensions to involve a black student – a 10% deviation in either direction. Instead, black students comprised 17.93 percent of out-of-school suspensions. Not only does this represent a suspension rate 2.19 times what is expected given black students’ representation in the population, but it also has the distinction of being the highest disparity between black population and black suspension rates rate we have observed over nine years of data.³

	2012-2013		
	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body
White	62.87	40.27	0.64
Hispanic	22.34	34.93	1.56
Black	8.19	17.93	2.19
Asian	3.08	1.16	0.38
Native American	0.64	1.52	2.38
Multiracial	2.88	4.18	1.45

Table 1. Ratio of Race Group Suspension to Student Body Representation, 2012-2013

During the same school year, Hispanic students comprised 22.34 percent of the population; were suspensions occurring as predicted, we would expect that between 20.11 and 24.57 percent of the suspensions would involve Hispanic students. Instead, Hispanic students constituted 34.93 percent of the suspensions, a rate of 1.56 times what is expected. This is also among the highest disparity rates observed over nine years.

As was true for black and Hispanic students, 2012-2013 was a record year for white students – but, conversely, for the lowest rate of suspension relative to population over nine years. At 40.27 percent of the suspensions, but 62.87 percent of the student body, white students were excluded from class just 0.64 times what would be expected. Altogether, Rhode Island is facing some of the largest racial disparities in school discipline in the last decade, even as first impressions seem to indicate things are improving.

THE EFFECT OF NEW STATE LAW

On paper, Rhode Island experienced a laudable drop in the total number of suspensions doled out last year. Rhode Island schools issued 15,971 out-of school-suspensions in the 2012-2013 school year, representing a dramatic drop from the 21,848 suspensions that had been issued the year before. This is the lowest number of out-of-school suspensions and the greatest drop in suspensions since 2004. Yet this drop largely occurred not because Rhode Island's schools made a concerted effort to minimize the use of suspensions in school, but because the General Assembly passed a law making it illegal for any school to give an out-of-school suspension solely because of an attendance-related infraction.⁴ In the 2011-2012 school year, 5,691 suspensions were handed out because of these attendance-related issues; in 2012-2013, no child was suspended for an attendance issue.⁵

In large part because of this new law, nearly 1,700 fewer students were suspended during the 2012-2013 school year than in 2011-2012, a 56% drop in the number of students suspended since the beginning of our study.⁶ This school year demonstrates the largest one-year drop in our records, and the first time the number of students suspended has dropped below ten thousand.

SUBJECTIVE AND CONCRETE OFFENSES

The incredible drop in suspension rates, however, exposes a truth about school suspensions that we can no longer afford to deny; suspensions are predominately used as punishment for subjective offenses where the student poses little to no risk of violence or serious disruption to their peers.

In our previous report, we looked separately at the suspension rates – and racial disparities – for “subjective” and “concrete” offenses. Subjective offenses, we noted, “are the less clear-cut infractions; whether a given incident qualifies as such an offense depends at least in part on the interpretation of the people involved.” We identified four vaguely defined offenses as subjective: disorderly conduct, harassment (verbal or physical), insubordination/disrespect, and obscene or abusive language toward a teacher or student. These were examined separately from the “concrete” offenses, or “violations of school rules (or the law), where the nature of the violation is indisputable, clear-cut and less likely to be ignored.” There are 35 potential concrete offenses, including possession of alcohol or drugs, vandalism, threats, and weapons offenses.

From the 2004-2005 school year through the 2011-2012 school year, subjective offenses made up, on average, 41 percent of suspensions.⁷ With attendance issues now excluded from the data on out-of-school suspensions, the four subjective offenses alone make up 60.55 percent of out-of-school suspensions for this most recent school year. Of the 15,971 suspensions that occurred during the 2012-2013 school year, 9,671 were for subjective offenses. Of those subjective offense suspensions, 5,226 – or one-third of all suspensions – were for the woefully amorphous “offense” of “Insubordination/Disrespect.”

While the new state law meant that the 3,191 students suspended for attendance issues in 2011-2012 remained in the classroom, the 5,361 students suspended last year for subjective offenses remain at risk of the school-to-prison pipeline for behavior that placed other students at no risk of harm and only some risk of distraction.⁸ In fact, while the total number of suspensions plummeted and the number of suspensions for concrete offenses

fell by more than half, the number of suspensions for subjective offenses rose by more than four hundred.

	Suspensions for "Subjective" Offenses	Suspensions for "Concrete" Offenses
2004-2005	11,981	17,964
2005-2006	12,355	17,349
2006-2007	11,520	16,583
2007-2008	10,185	14,402
2008-2009	9,789	15,122
2009-2010	10,185	14,402
2010-2011	9,249	15,211
2011-2012	9,133	12,715
2012-2013	9,671	6,300

Table 2. Number of Suspensions Per Year

Unfortunately, the racial disparity across suspension rates for subjective offenses continues. During the 2012-2013 school year, black students were suspended for subjective offenses 2.14 times as often as their representation in the population would predict. Hispanic students were suspended 1.62 times as often as expected. White students were suspended just 63 percent as often as their numbers predict.⁹

In total, more than 52 percent of the students suspended during the 2012-2013 school year for subjective offenses were black or Hispanic, despite making up less than a third of the student body population.

ELEMENTARY SCHOOL VS. HIGH SCHOOL

The ACLU's previous report also documented the disturbingly high – and racially disparate – use of suspensions on elementary school students. The latest statistics, unfortunately, provide no cause for relief. During the 2012-2013 school year, 1,384 elementary school students were suspended from school.¹⁰ One hundred forty seven students were in the first grade alone.

More than a quarter of elementary school suspensions (25.32 percent) involved a black student. With black students comprising just over eight percent of the elementary school student body population, this remains more than three times the number of suspensions expected.¹¹ This also ends what was a promising decrease in the disparate suspension rate for black elementary school students. During the 2010-2011 and 2011-2012 school years, the rate of suspensions for black students dropped below three times their student body representation for the first time in our study – down from a record high suspension rate of 3.53 times their representation in the student body during the 2006-2007 school year. The 2012-2013 school year reversed course and once again left black students suspended more than three times what would be expected.

	2012-2013		
	Percent of K-5 Student Body	Percent of K-5 Suspensions	Ratio of Suspensions to Student Body
White	60.71	25.71	0.42
Hispanic	23.93	38.98	1.63
Black	8.07	25.32	3.14
Asian	3.18	0.96	0.30
Native American	0.64	1.93	3.02
Multiracial	3.46	7.10	2.05

Table 3. Ratio of Race Group Suspensions to Student Body Population, Grades K-5

White students also comprised just over a quarter of elementary school suspensions (25.71 percent) during the 2012-2013 school year. In contrast to the black students' experience, however, white students comprised 60.71 percent of the student body population. As a result, white students were suspended just 40 percent as often as would be expected – their lowest race-to-suspension rate yet.

At 38.98 percent of the suspensions and 23.93 percent of the population, Hispanic elementary school students were suspended 1.63 times as often as expected.

Elementary school students remained affected by the subjective offense disparity. In 2012-2013, 595 suspensions, or just over 26 percent of elementary school suspensions, were for “disorderly conduct” alone. In fact, “Insubordination/Disrespect” remains among the most common elementary school suspensions, comprising 11.72 percent of the total.

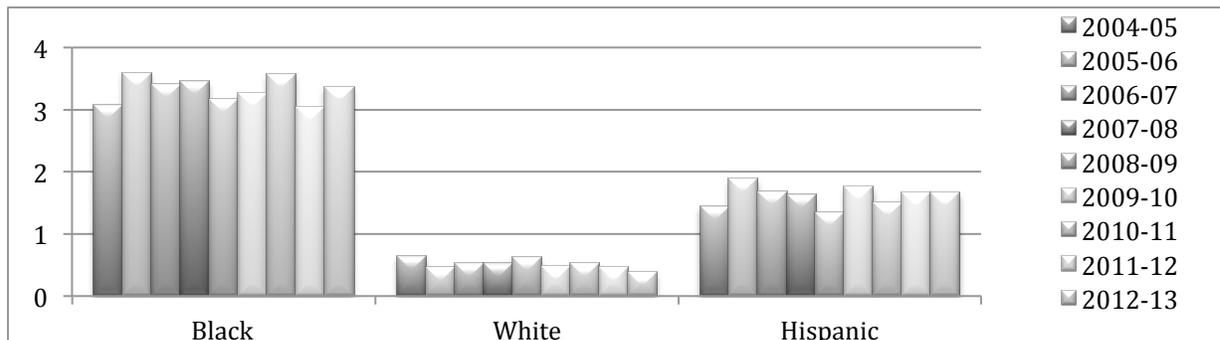


Figure 1. Suspension Disparity in Subjective Offenses, Grades K-5

Black elementary school students remained punished for “Disorderly Conduct” and “Insubordination/Disrespect” at a rate nearly three and a half times their representation in the population, comprising 27.64 percent of suspensions for these two offenses. Hispanic students comprised a remaining 39.02 percent of suspensions for these two offenses. Combined, black and Hispanic students comprised two-thirds of all elementary school suspensions for these two offenses – the highest percentage to date – despite making up just one third of the student body population.¹² White students, who previously comprised a third of suspensions for these offenses, dropped to 21.89 percent of the total. Thus, relative to their population, white elementary school students were suspended for these two offenses just a third as often as expected (0.36 times).

Nearly 650 black and Hispanic elementary school students were suspended in 2012-2013 for subjective offenses, including “Insubordination/Disrespect.” Distressingly, they account for more than two-thirds of elementary school students suspended for subjective offenses.

	Number of Suspensions							Ratio of Suspensions to Population Rate					
	White	Hispanic	Black	Asian	Native American	Multiracial	Total	White	Hispanic	Black	Asian	Native American	Multiracial
2004-2005	295	176	187	8	11	--	677	0.63	1.44	3.26	0.37	2.58	--
2005-2006	230	243	223	3	12	--	711	0.47	2.06	3.65	0.13	0.29	--
2006-2007	203	203	194	8	4	--	612	0.49	1.73	3.60	0.42	0.88	--
2007-2008	243	215	197	9	10	--	674	0.54	1.63	3.32	0.39	1.88	--
2008-2009	292	188	197	7	8	--	692	0.63	1.16	3.17	0.30	1.50	--
2009-2010	226	267	199	20	18	--	730	0.46	1.90	3.03	0.77	2.50	--
2010-2011	252	276	186	6	10	43	773	0.52	1.59	3.09	0.25	2.29	1.93
2011-2012	248	267	218	7	10	46	796	0.51	1.44	3.43	0.28	2.17	1.76
2012-2103	206	336	238	8	16	57	861	0.39	1.63	3.43	0.29	2.91	1.91

Table 4. Suspensions for "Disorderly Conduct" and "Insubordination/Disrespect" by Race, K-5

Having seen that the plight of elementary school students remains as problematic as ever, the next question is whether there is anything more positive to report at the high school level. At first glance, the situation in high school might appear to have improved dramatically. More than 12,000 suspensions occurred in Rhode Island high schools in 2011-2012; in 2012-2013, that number dropped to 7,897.¹³ But, as mentioned before, much of the drop can be credited not to the actions of students, teachers, or administrators, but to the General Assembly. Nearly five thousand of the suspensions that occurred in 2011-2012 were for attendance-related issues; state law barred those suspensions from occurring this year.

	Percent of 9-12 Student Body	Percent of 9-12 Suspensions	Ratio of Suspensions to Student Body
White	71.49	51.34	0.72
Hispanic	16.91	28.33	1.68
Black	6.88	14.20	2.06
Asian	2.53	1.30	0.51
Native American	0.49	1.25	2.55
Multiracial	1.70	3.58	2.11

Table 5. Race Disparity in High School Suspensions, 2012-2013

The decline in suspensions is not uniform across infractions. Suspensions for “Insubordination/Disrespect” – already the number one reason high school students were suspended across eight years – skyrocketed, going from 2,092 suspensions in 2011-2012 to 3,726 in 2012-2013, or 47 percent of suspensions.¹⁴ At 930, suspensions for “Disorderly Conduct” experienced a small drop, but became the second most prevalent reason for high

school suspension. Combined, “Insubordination/Disrespect” and “Disorderly Conduct” accounted for 58.96 percent of all high school suspensions last year.¹⁵

For black students, the situation in high school has not improved. Black and Hispanic students comprised 42.52 percent of high school student suspensions, even as they made up just 23.79 percent of the student body. Black students were suspended for subjective offenses at a rate twice what should be expected; Hispanic students, 1.75 times the expected rate – the highest disparity recorded for Hispanic students.¹⁶ White students were suspended for subjective offenses 0.70 times the expected rate – once again, their lowest rate on record.¹⁷

DISTRICT DEMOGRAPHICS

Of the 34 school districts and charter schools for which there was sufficient information, 25 school districts and two charter schools disproportionately over-suspended black students in the 2012-2013 school year.¹⁸ Twenty-six school districts and one charter school also disproportionately over-suspended Hispanic students.¹⁹ Only Beacon Charter School in Woonsocket and the Central Falls School District over-suspended white students.

Surprisingly, four school districts and two charter schools under-suspended black students last year,²⁰ while two charter schools under-suspended Hispanic students.²¹ Twenty-two school districts and four charter schools under-suspended white students last year.²²

As the chart on the following page indicates, racial disparities in school suspensions remain a statewide problem. The disparities appear in both urban and rural districts, and in homogenous and diverse communities.

School District or Charter School	Black % of Student Body	Black % of Suspended Students	Ratio of Black Suspensions to Population	Hispanic % of Student Body	Hispanic % of Suspended Students	Ratio of Hispanic Suspensions to Population	White % of Student Body	White % of Suspended Students	Ratio of White Suspensions to Population
Barrington	0.80%	1.64%	2.05	1.25%	1.79%	1.43	90.89%	85.25%	0.94
Beacon Charter	6.09%	5.88%	0.97	9.57%	0.00%	0.00	80.00%	88.24%	1.10
Blackstone Academy	21.21%	13.33%	0.63	56.97%	50.00%	0.88	14.55%	13.33%	0.92
Bristol Warren	2.30%	3.83%	1.67	4.19%	5.63%	1.34	88.89%	62.02%	0.70
Burrillville	1.37%	3.11%	2.27	2.70%	5.69%	2.11	93.69%	47.56%	0.51
Central Falls	13.14%	5.13%	0.39	73.90%	84.44%	1.14	10.47%	12.82%	1.22
Chariho	0.94%	1.72%	1.83	2.29%	4.84%	2.11	92.10%	61.49%	0.67
Coventry	1.39%	3.17%	2.28	2.78%	3.93%	1.41	93.96%	72.85%	0.78
Cranston	4.33%	5.36%	1.24	21.35%	33.06%	1.55	63.22%	38.14%	0.60
Cumberland	2.52%	1.66%	0.66	8.43%	15.69%	1.86	84.21%	32.78%	0.39
East Greenwich	0.88%	3.85%	4.38	4.48%	13.64%	3.05	86.99%	65.38%	0.75
East Providence	11.73%	15.18%	1.29	8.05%	11.11%	1.38	73.38%	50.00%	0.68
Exeter-West Greenwich	0.70%	1.28%	1.83	3.97%	6.58%	1.66	93.93%	88.46%	0.94
Johnston	4.26%	2.55%	0.60	12.58%	15.97%	1.27	79.73%	47.96%	0.60
Lincoln	2.32%	6.59%	2.84	5.06%	8.95%	1.77	90.15%	96.41%	1.07
MET Career & Tech	14.52%	19.44%	1.34	42.05%	40.91%	0.97	34.91%	8.33%	0.24
Middletown	5.37%	15.46%	2.88	9.82%	10.59%	1.08	74.99%	53.61%	0.71
Narragansett	1.38%	3.39%	2.46	2.69%	4.62%	1.72	90.50%	93.22%	1.03
Newport	19.93%	27.51%	1.38	20.60%	22.87%	1.11	47.38%	23.14%	0.49
North Kingstown	1.59%	10.11%	6.34	3.24%	4.08%	1.26	90.82%	89.89%	0.99
North Providence	8.58%	10.54%	1.23	16.26%	17.00%	1.05	69.51%	48.80%	0.70
North Smithfield	0.69%	4.65%	6.78	5.71%	15.56%	2.72	89.94%	79.07%	0.88
Paul Cuffee Charter	23.55%	38.24%	1.62	59.01%	53.95%	0.91	10.32%	7.35%	0.71
Pawtucket	25.76%	28.84%	1.12	31.74%	35.16%	1.11	34.15%	21.81%	0.64
Portsmouth	2.37%	13.19%	5.56	3.35%	11.40%	3.41	90.71%	95.60%	1.05
Providence	18.16%	21.98%	1.21	63.82%	59.33%	0.93	8.82%	5.51%	0.62
Smithfield	1.33%	3.23%	2.43	4.02%	8.64%	2.15	91.16%	74.19%	0.81
South Kingstown	1.88%	5.38%	2.87	3.63%	9.09%	2.50	86.99%	74.19%	0.85
Tiverton	0.95%	2.56%	2.70	0.47%	0.93%	1.95	97.47%	87.18%	0.89
Urban Collaborative	14.48%	7.41%	0.51	73.79%	85.71%	1.16	7.59%	0.00%	0.00
Warwick	2.37%	2.75%	1.16	6.05%	7.04%	1.16	86.35%	72.17%	0.84
West Warwick	4.27%	1.61%	0.38	10.84%	12.29%	1.13	80.21%	58.87%	0.73
Westerly	1.40%	2.03%	1.45	6.23%	10.53%	1.69	83.86%	51.27%	0.61
Woonsocket	10.21%	10.77%	1.06	29.32%	36.51%	1.25	49.34%	28.78%	0.58
Ratio of < 0.90 = <i>Undersuspension</i>									
Ratio between .90 and 1.10 = Normal range									
Ratio > 1.10 = Oversuspension									

Table 6. School District and Charter School Suspension Rates 2012-2013

Black students in North Smithfield made up 6.78 times the suspensions expected based on their representation in the student body. Comparing this to the experience of white students in North Smithfield, where they made up 0.88 times as many suspensions as expected, we find that a black student in North Smithfield was 7.70 times as likely as a white student to be suspended from school. Other school districts with similarly small black student populations experienced much lesser disparities, although few school districts or charter schools should see in their suspension rates a cause for celebration.

In Pawtucket, a quarter of the student body is black, and a black student was 1.75 times as likely as a white student to be suspended, while in Newport, where one in five students is black, a black student was 2.83 times as likely as a white student to be suspended from school. The immense disparity among school districts with similar demographic characteristics reiterates that it is not the size of the minority population that affects the disparate suspension rates, but the decisions made by the individuals responsible for suspensions.

CONCLUSION AND RECOMMENDATIONS

While the conversation nationwide turns to reducing out-of-school suspensions and minimizing the disparate impact on minority students, Rhode Island's schools are facing a larger problem than ever before. With the majority of suspensions unquestionably being served for low-risk behavioral infractions and the disparities between white students and students of color only increasing, we can no longer afford to continue with the status quo and lose another cohort of children and teenagers to school suspensions. Too many students across Rhode Island have been too harshly penalized for their behavior and removed from the classroom, encouraged to fail rather than taught to succeed.

The ACLU of Rhode Island believes that the safety and decorum of schools can be protected without the unduly harsh repercussions that out-of-school suspensions carry, and hope that educators and legislators will this year address head-on the institutional biases that have created and maintained the school-to-prison pipeline for too many years.

To that end, the ACLU of Rhode Island recommends the following actions be taken immediately to address these discipline disparities:

- The General Assembly should approve legislation clarifying that suspensions are not to be served out of school unless the student poses a demonstrable risk of physical injury or serious disruption to students and cannot be controlled by other means.
- School districts should examine annually their discipline rates for any racial or ethnic disparities, make this information available to parents and the public, and identify ways to eliminate any disparities in the future, including through increased teacher and administrator training and supports.

- Schools should make their policies and procedures regarding discipline of students easily accessible, and ensure that punishments are clearly and evenly established for various offenses.
- The Department of Education should investigate and promote the use of alternative evidence-based disciplinary methods, including positive behavior interventions.

Rhode Island's students deserve an education system that seeks to promote rather than punish them, and efforts by educators and the legislature in 2014 can make that possible. Swift action by Rhode Island's leaders can ensure that another cohort of children does not find themselves the subject of increasingly grim statistics, and instead finds them granted all the educational opportunities we have to offer them.²³

APPENDIX

	2004-2005			2005-2006		
	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body
White	70.87	53.70	0.76	70.38	53.18	0.76
Hispanic	16.76	25.16	1.50	17.31	26.06	1.51
Black	8.58	17.53	2.04	8.58	17.53	2.04
Asian	3.19	2.25	0.71	3.09	1.85	0.60
Native American	0.59	1.36	2.31	0.65	1.38	2.12
	2006-2007			2007-2008		
	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body
White	69.41	52.17	0.75	68.88	51.18	0.74
Hispanic	18.00	26.99	1.50	18.39	27.57	1.50
Black	8.82	17.71	2.01	8.92	18.19	2.04
Asian	3.09	1.99	0.64	3.13	2.02	0.65
Native American	0.68	1.14	1.68	0.69	1.05	1.52
	2008-2009			2009-2010		
	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body
White	68.48	49.36	0.72	67.92	49.43	0.73
Hispanic	18.56	27.95	1.51	18.60	27.65	1.49
Black	9.05	19.09	2.11	9.26	19.18	2.07
Asian	3.19	2.30	0.72	3.37	2.08	0.62
Native American	0.73	1.30	1.78	0.85	1.29	1.52
	2010-2011			2011-2012		
	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body
White	65.02	43.93	0.68	63.89	43.06	0.67
Hispanic	20.90	32.40	1.55	21.62	34.16	1.58
Black	8.00	17.32	2.17	8.16	16.48	2.02
Asian	3.05	1.34	0.44	3.06	1.42	0.46
Native American	0.66	1.27	1.92	0.64	1.35	2.11
Multiracial	2.37	3.74	1.58	2.64	3.53	1.34
	2012-2013					
	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body			
White	62.87	40.27	0.64			
Hispanic	22.34	34.93	1.56			
Black	8.19	17.93	2.19			
Asian	3.08	1.16	0.38			
Native American	0.64	1.52	2.38			
Multiracial	2.88	4.18	1.45			

Table 1-A. Ratio of Race Group Suspension Rate to Student Body Representation for All Offenses, 2004-2013

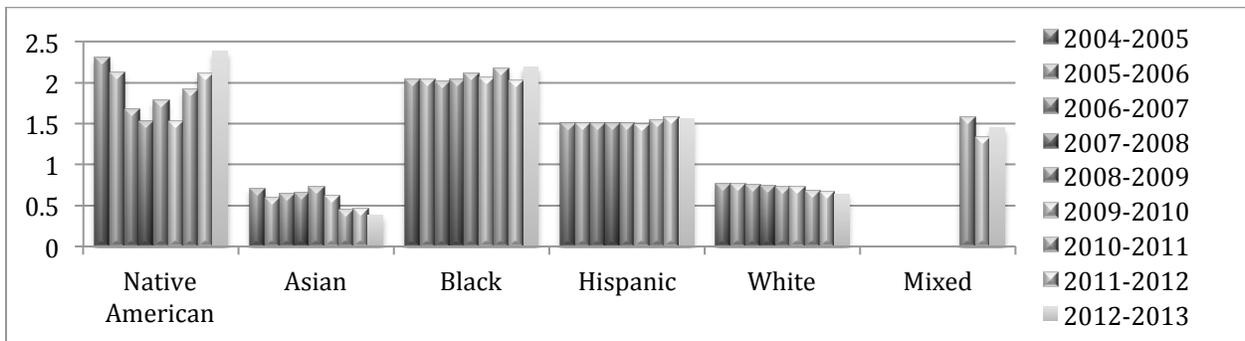


Figure 1-A. Ratio of Race Group Percentage of Suspensions to Group Percentage of the Student Body, 2004-2013

ENDNOTES

¹ <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>

² In 2012-2013 there were 8,458 suspensions for “Disorderly Conduct” and “Insubordination/Disrespect.” In contrast, there were 5,720 suspensions for these other offenses.

³ A chart of these disparities over the past nine years is available in the Appendix.

⁴ R.I.G.L. §16-19-1(d).

⁵ Prior to this new law, an average 6,745 suspensions were handed out each year for attendance issues, hitting a record high in the 2010-2011 school year with 7,700 suspensions.

⁶ In the 2004-2005 school year, 15,135 students were suspended from school. The raw number of students suspended has been on the decline since 2004, as has the size of the student body. On average between 2004 and 2012, 12,084 students were suspended from school every year. In 2012-2013, 8,611 students were suspended from school.

⁷ The 2011-2012 school year previously saw the largest percentage of suspensions served for subjective offenses, at 41.80 percent.

⁸ On average, 7,154 students were suspended annually for subjective offenses between the 2004-2005 and 2011-2012 school years.

⁹ This represents the lowest disparity in total subjective offense suspensions for black students over the length of this study, but is no cause for celebration. This disparity varies greatly from year to year, and just two years before, black students saw their highest subjective offense disparity on record. At the same time, black elementary school students faced their highest subjective offense disparity this year, indicating things have not improved for black students. During the 2012-2013 school year, black students also saw a spike in their disparity related to concrete offense suspensions, with their highest disparity on record; this is possibly related to the end of suspensions for (largely white) students for attendance issues, and additional data is necessary before a conclusion can be drawn.

¹⁰ Altogether, there were 2,270 suspensions involving elementary school students in the 2012-2013 school year, second only to 2011-2012’s 2,297 suspensions involving elementary school students. On average, 2,142 suspensions involved elementary school students between 2004-2005 and 2011-2012.

¹¹ This also ends what was a promising decrease in disparity.

¹² Between the 2004-2005 and 2011-2012 school years, black and Hispanic students comprised an average 60.65 percent of elementary school students suspended for these two offenses.

¹³ Between the 2004-2005 and 2011-2012 school years, an average 14,836 suspensions occurred annually in Rhode Island high schools.

¹⁴ Previously, “Insubordination/Disrespect” resulted in an average 2,487 high school suspensions each year, or 16.76 percent of high school suspensions, on average.

¹⁵ Previously, “Insubordination/Disrespect,” “Disorderly Conduct” and “Other” suspensions made up one-third of all suspensions. There were no “Other” suspensions in the 2012-2013 school year.

¹⁶ Over the years studied, Hispanic high school students were on average suspended at a rate 1.40 times their representation in the population, reaching a prior historical high of 1.54 in the 2004-2005 and 2005-2006 school years.

¹⁷ White high school students were suspended on average 0.79 times as often as expected, with the prior historical low being 0.74 times in both 2005-2006 and 2010-2011.

¹⁸ Barrington, Bristol Warren, Burrillville, Chariho, Coventry, Cranston, East Greenwich, East Providence, Exeter-West Greenwich, Lincoln, the MET School, Middletown, Narragansett, Newport, North Kingstown, North Providence, North Smithfield, Paul Cuffee Charter, Pawtucket, Portsmouth, Providence, Smithfield, South Kingstown, Tiverton, Warwick, Westerly, Woonsocket.

¹⁹ Barrington, Bristol Warren, Burrillville, Central Falls, Chariho, Coventry, Cranston, Cumberland, East Greenwich, East Providence, Exeter-West Greenwich, Johnston, Lincoln, Narragansett, Newport, North Kingstown, North Smithfield, Pawtucket, Portsmouth, Smithfield, South Kingstown, Tiverton, Urban Collaborative, Warwick, West Warwick, Westerly, Woonsocket.

²⁰ Blackstone Academy, Central Falls, Cumberland, Johnston, Urban Collaborative, West Warwick.

²¹ Beacon Charter, Blackstone Academy.

²² Beacon Charter, Bristol Warren, Burrillville, Chariho, Coventry, Cranston, Cumberland, East Greenwich, East Providence, Johnston, the MET School, Middletown, Newport, North Providence, North Smithfield, Paul Cuffee Charter, Pawtucket, Providence, Smithfield, South Kingstown, Tiverton, Urban Collaborative, Warwick, West Warwick, Westerly, Woonsocket.

²³ This report was prepared by ACLU of Rhode Island Policy Associate, Hillary Davis.



This report was prepared by the American Civil Liberties Union of Rhode Island. The ACLU of Rhode Island is a private, non-profit organization dedicated to preserving and protecting the civil liberties guarantees found in the Bill of Rights.
