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School Discipline in Arkansas

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Summary Points

- ◆ Reported disciplinary incidents have **increased** since Act 1329 was enacted in 2013.
- ◆ **82%** of reported infractions were minor and non-violent (insubordination and disorderly conduct).
- ◆ In-school suspension rates have risen, and out-of-school suspension rates have increased slightly since 2004-05.
- ◆ Corporal punishment is occurring less frequently, although is still used by over 80% of districts.
- ◆ Students who are Black are more likely to be cited for disciplinary infractions.
- ◆ Schools that enroll the highest percentage of Black students are the most likely to exclude students from school as a consequence for misbehavior.
- ◆ Disparities in disciplinary severity reflect differences in practices between schools, not within a school.

School Discipline in Arkansas

This brief examines school discipline practices and outcomes in Arkansas. Using data publicly available from the Arkansas Department of Education, we examine state-wide discipline trends, summarize the analysis on school-level data demonstrating disparities in student discipline, and make recommendations for utilizing this information.

Introduction

Discipline in schools involves a system of rules, which sets forth the behavior expectations of students, and punishments, which recognizes different types of misconduct and assigns consequences accordingly. The primary goals of school discipline are to ensure a safe environment and to promote an orderly setting that makes learning possible. It is the role of school teachers and staff to respond to student misconduct when it disrupts the educational process.

In the United States, consequences used to address inappropriate behavior often remove a student from the classroom environment. This type of discipline includes in-school suspension, out-of-school suspension, and expulsion and has been linked, although not causally, to negative student outcomes such as student disengagement, lower academic achievement, high school dropout, illegal substance use, exposure to the juvenile justice system, and incarceration.

While any disciplinary action should be applied fairly and consistently to all students, research shows that there is a difference in disciplinary actions among student groups, particularly among mar-

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ginalized and disadvantaged students. In the U.S., Black children are three times as likely as their White peers to receive some form of discipline that excludes them from their learning environment. In response to concerns about the negative impacts of such disciplinary practices, Chicago, Seattle, Miami-Dade, and California have made changes to their policies, to pull back from the use of exclusionary discipline.

Arkansas' School Discipline Law

In response to concerns about disparities in discipline outcomes and the impact school discipline has on student achievement, Arkansas passed Act 1329 in 2013. State policymakers recognized that lost instructional time contributes to poor student performance and that disciplinary measures that keep students engaged in the education process support student learning and academic achievement. The goal of the law is to evaluate and to track the progress of school districts in reducing disciplinary rates and disciplinary disparities. The law provides for annual district-level reporting of school disciplinary data.

The Office for Education Policy assists with the analyses required under ACT 1329, and posts the research on our website. The consistent collection of data permits evaluation of disciplinary practices and aids in the identification of state, district, and student-level disparities in Arkansas schools.

A disciplinary incident has two parts—the infraction and the consequence. We examine both sides of the incident statewide, by student characteristics and by school characteristics.

To facilitate interpretation across years and changes in student enrollment, we report discipline rates **per 100 students enrolled**. These rates count each incident independently, even if the same student was involved in multiple disciplinary incidents.

Arkansas Disciplinary Trends

Infractions

Infractions can be described as violations of school rules. In Arkansas, there are four primary types of infractions, making up more than 90% of all reported infractions: disorderly conduct, insubordination, truancy, and “other”. Disorderly conduct is any act that disrupts or poses a threat to the school learning environment. Insubordination occurs when a student refuses to comply with the directions of a teacher or school staff member. Truancy is when a student fails to attend school. Unspecified types of infractions are classified as “other”. “Other” infractions are any infraction that is not predefined in the state’s data system. In general, the consequences assigned to these infractions indicate they are minor and non-violent.

As can be seen in Table 1, 82% of infractions are minor and non-violent. The most common infraction is disorderly conduct which accounts for 32% of all disciplinary infractions. Insubordination comprises 26% of the total infractions, and the third largest classification, known as ‘other’, makes up 23% of total infractions.

Rates of disciplinary infractions have been increasing over the past decade. In 2015-16, there were 59 disciplinary incidents for every 100 students, an increase from 51 in 2004-05. Figure 1 presents the annual rates per 100 students for the four most prevalent types of infractions. Since 2004:

- Disorderly conduct infractions have decreased from 21 to 15 incidents per 100 students,
- Insubordination infractions have declined from 15 to 13 incidents per 100 students.
- Truancy infractions have increased from 3 to 4 incidents per 100 students.
- “Other” infractions are nearly three times what they were in 2004.
- Despite the overall decline, rates of disorderly conduct and insubordination have rebounded since 2013-14 to levels similar 2007-08,

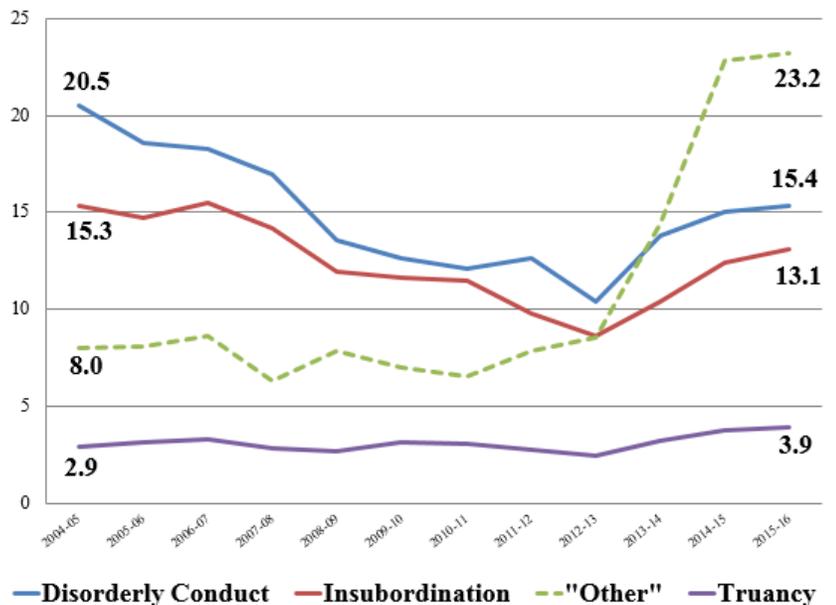
Note that disorderly conduct and insubordination infractions were generally declining from 2004-05 through 2012-13, and the recent increase may be in response to the increased focus on disciplinary reporting mandated by Act 1329.

Much of the increase in infractions has occurred in the “other” category. Anecdotally, this category represents infractions that are identified by schools and districts but that become ‘other’ at the state level because they do not ‘fit’ into the infraction categories identified by the state. The increase in ‘other’ is also likely in response to Act 1329 reporting requirements. Currently, the discipline data available does not provide a deeper level of transparency on what constitutes these infractions, but the Arkansas Department of Education is pursuing a change in reporting that will provide better insights for future analysis.

Table 1: Disciplinary Infractions: Percentage by Type, 2004-05 to 2015-16

Infraction	%
Minor Non-Violent	82%
<i>Disorderly Conduct</i>	32%
<i>Insubordination</i>	26%
“Other”	23%
Truancy	7%
Minor Violence/Weapons <i>(Gangs, Fighting, Student Assault, Explosives)</i>	6%
Major Non-Violent <i>(Tobacco, Vandalism, Bullying)</i>	4%
Drugs/ Alcohol	1%
Major Violence/Weapons <i>(Gun, Club, Knife, Staff Assault)</i>	0.6%

Figure 1: Number of Disciplinary Infractions per 100 Students by Year and Type, 2004-05 to 2015-16



Consequences

A consequence is a disciplinary action in response to an individual incident -- or infraction -- that violates the rules or policies of a school. Consequences should be pre-established and should be determined by the severity of the infraction. Nearly all infractions in Arkansas are responded to by means of one of four types of consequences: in-school suspension, out-of-school suspension, corporal punishment, or 'other action'.

As can be seen in Table 2, the majority of disciplinary consequences are suspensions. Suspensions can take two forms: in-school suspension (ISS), when a student spends time in a supervised area in school, or out-of-school suspension (OSS) when a student is barred from school for a specific period of time. ISS is the most frequently reported disciplinary consequence, accounting for 37% of consequences, while OSS is given 23% of the time.

Corporal punishment involves a teacher imposing pain, generally through a "paddling", on a child as a punishment. Arkansas and 18 other states allow the use of corporal punishment in schools, and in 2015-16, 80% of districts reported using corporal punishment at least once. The percentage has declined over the past decade, however, from 91% of districts using corporal punishment in 2004-05. Corporal punishment is administered as a consequence in 14% of disciplinary incidents.

A quarter of Arkansas's disciplinary actions are classified as "other action". Like with incidents, when reporting a consequence, a selection of "other action" is made when the consequence does not correspond with a predetermined description. Current reporting does not provide more detailed explanation when coding a conse-

quence as "other action", but the Arkansas Department of Education (ADE) is working toward the implementation of more descriptive reporting to improve future analysis of "other" consequences (and infractions).

While used infrequently -- less than 1% of the time in Arkansas -- expulsion is a disciplinary measure that removes a student from the school permanently. This punishment is for serious infractions of school rules or criminal behavior. Suspensions and expulsion are both forms of exclusionary discipline because they exclude a student from the learning environment.

Consistent with infractions, disciplinary consequences have risen 24% from 2004-05 to 2015-16. Figure 2 presents the annual rates per 100 students for the four most prevalent types of consequences.

- ISS and OSS consequences have increased.
- Corporal punishment rates have decreased.
- "Other action" consequences have increased sharply since 2012-13, and we have no clear understanding of this consequence.

The growing use of exclusionary discipline demonstrate that schools are turning more frequently to actions that remove students from the classroom, thus limiting their opportunity to learn.

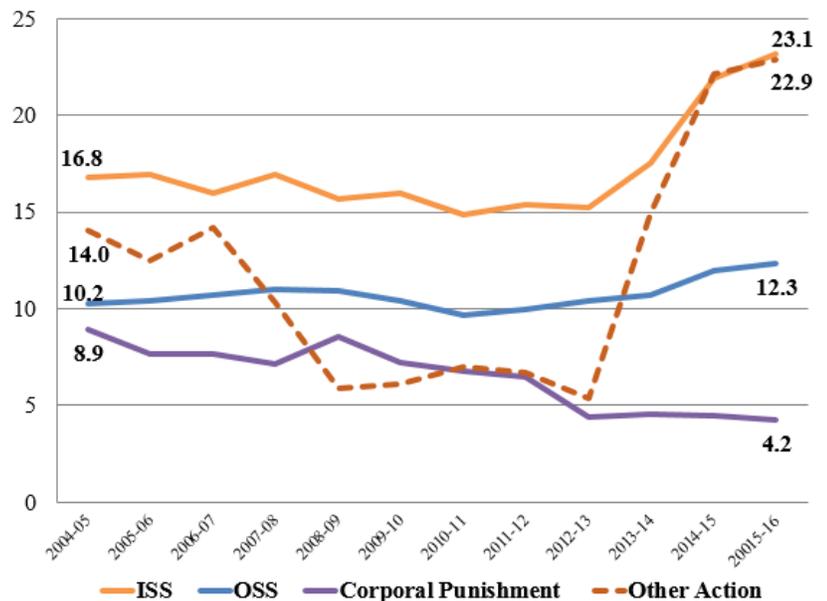
Statewide Summary

With the enactment of legislation that mandated new school discipline reporting practices, reported infractions and consequences and have been increasing since 2012-13. There were 59 infractions reported per 100 students in 2015-16. Disorderly conduct is cited most frequently, but the surge in "other" infractions has driven the overall increase in infraction rates. Suspensions account for half of all consequences, and the use of suspension as a means for discipline has escalated by 60%. The rise in exclusionary discipline is significant considering the goal of public education is to provide an equal opportunity for all students.

Table 2: Disciplinary Consequences: Percentage by Type, 2004-05 to 2015-16

Consequence	%
In-School Suspension	37%
Out- of -School Suspension	23%
Corporal Punishment	14%
'Other Action'	25%
No Action	0.9%
Alternative learning	0.6%
Expulsion	0.2%

Figure 2: Number of Disciplinary Consequences per 100 Students by Year and Type, 2004-05 to 2015-16



Disciplinary Trends by Student Characteristics

Evidence shows that racial disparities exist in disciplinary consequences across the United States, but in Arkansas, the gaps are larger than the national average. Black students are disproportionately represented in both infractions and consequences *and* are more likely than their peers to receive exclusionary punishment. (Anderson & Ritter, 2015; Losen & Gillespie, 2012). Our more detailed analyses of discipline trends in Arkansas that follow focus on the data available since Act 1329: 2012-13 to 2014-15.

Infractions

Minor non-violent infractions, including insubordination, disorderly conduct, and ‘other’, account for 80% of infractions in Arkansas from 2012-13 to 2014-15, with 34 minor non-violent disciplinary infractions per 100 students per academic year. As shown in Figure 3, when we examine infractions by student race, Black students are more likely to be cited than Hispanic or White students. On average, 76 minor non-violent infractions are reported for every 100 Black students, while only 23 infractions are reported for every 100 Hispanic or White students. These infractions are more subjective than some other infractions, and Black students are more than three times as likely to be cited. It is important to examine the consequences assigned to students for these behaviors.

Consequences

Arkansas schools reported an average of 44 disciplinary consequences per 100 students from 2012-13 to 2014-15. Black students are more likely to be assigned a consequence than Hispanic or White students. For every 100 Black students, an average of 72 disciplinary consequences were reported annually, while Hispanic and White students had 31 and 35 disciplinary consequences assigned, respectively, per 100 students. Over 80% of reported infractions are minor and non-violent, but there is greater variation in the type of consequences reported.

Figure 4 illustrates disciplinary consequences by student race, and demonstrates that Black students are more likely to experience all main types of disciplinary consequences.

- Black students are two times more likely to be assigned in-school suspension than Hispanic and White students.
- Black students are two times more likely to be assigned out-of-school suspension than Hispanic and White students.
- Black students are two times more likely to receive consequences identified as “other action” than Hispanic and White students.
- Black students are two times more likely to receive corporal punishment than Hispanic students.

These racial discrepancies may lead one to conclude that students in Arkansas are being cited for infractions and receiving more disciplinary consequences because of their race. When we pull back from student-level demographics and examine differences in discipline rates from by school characteristics, however, we get a better understanding of the disciplinary trends in Arkansas.

Disciplinary Trends by School Characteristics

Discipline is typically a school-level decision. While districts may have policies outlining expectations for students and the consequences of breaking the rules, how the rules are enforced typically depends on school leadership.

To determine how schools may be contributing to the racial disparity in disciplinary consequences, we examine discipline data by geographic region, student demographics, district size, and school type.

Figure 3: Number of Disciplinary Infractions per 100 Students by Race , 2012-13 to 2014-15

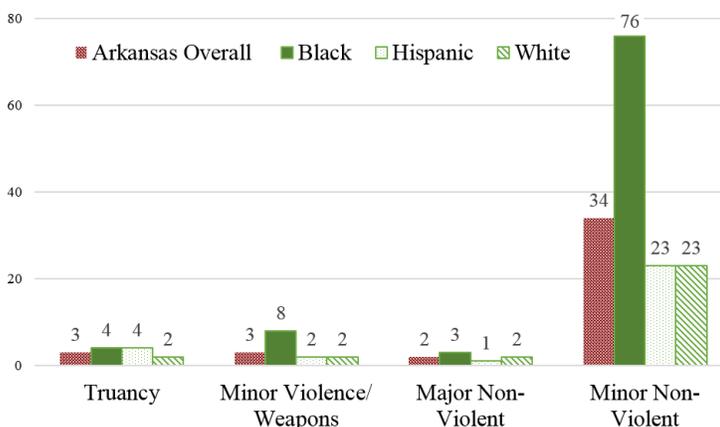
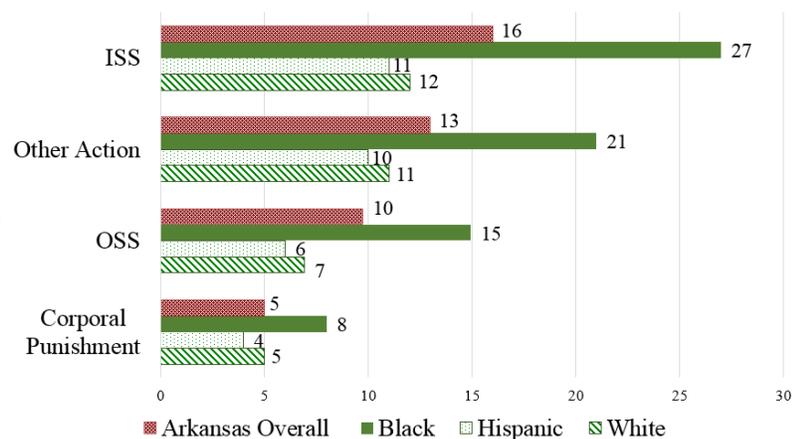


Figure 4: Number of Disciplinary Consequences per 100 Students by Race and Type, 2012-13 to 2014-15



To examine how school-level characteristics are related to disciplinary trends, we placed schools into quintiles based on geographic region, student demographics, district size, and school type. Table 3 presents the key information about infractions and consequences by school characteristics. Infractions are presented as the annual average of reported infractions (2012-13 to 2014-15) per 100 students, as well as the annual average of minor-non violent infractions reported per 100 students. These types of infractions represent 80% of infractions that are reported. Consequences are represented as the annual average number of consequences reported per 100 students (2012-13 to 2014-15). Values are presented for the four most commonly reported consequences: in-school suspension (ISS), out-of-school suspension (OSS), ‘other action’, and corporal punishment. In addition to the number of consequences per 100 students, we present a Usage Rate for each consequence. The Usage Rate represents what percentage of infractions receive a particular type of consequence. Examining the number of infractions, the number of conse-

For example, Table 3 shows that schools in the Southeast region report the highest number of infractions with an annual average of 79 infractions per 100 students. Since schools in the Northwest region report only 35 infractions per 100 students, this means that students attending school in Southeast Arkansas are more than twice as likely to get cited for misbehavior than their peers in the opposite corner of the state. With an annual average of 28 ISS consequences per 100 students, students in schools in the Southeast are twice as likely to be assigned to ISS as are students in the Northwest, which has an ISS rate of only 14 per 100 students. Both the Southwest and Southeast regions reported 28 in-school suspensions consequences per 100 students, but examining the Usage Rate identifies differences in how likely the schools are to use ISS as a consequence. The Usage Rate is calculated by dividing the number of ISS consequences (28) by the annual average of infractions. The annual rates of infractions are 57 per 100 students in the Southwest and 79 per 100 students in the Southeast. In this example, examining the Usage Rate shows that schools in the Southwest region are more likely to use ISS as a consequence. These schools use ISS for 49% of infractions, while the Southeast region uses ISS as a consequence in only 35% of disciplinary incidents.

quences, and the consequence Usage Rate can provide different perspectives on disciplinary disparities.

Observations from Table 3 are presented below by school characteristic.

Disciplinary Trends By Geographic Region:

Infractions:

- Northwest region reported the lowest rate of infractions at 35 per 100 students.
- Southeast region reported the highest rate of infractions at 79 per 100 students.

Consequences:

- Northwest region has the lowest rate of ISS, OSS, and corporal punishment per 100 students.
- Southeast region has the highest rate of ISS (tied w/ Southeast), OSS (tied with Central), ‘other action’, and corporal punishment per 100 students.

Usage Rate:

- Southwest region used ISS as a consequence in nearly half of reported disciplinary incidents (49%).
- Central region is most likely to assign OSS, with 33% of infractions receiving this consequence.
- Northwest region is most likely to assign ‘other action’ as a consequence for student infractions (43%).
- Northeast, Southwest, and Southwest regions used corporal punishment as a consequence in more than 10% of incidents.

Disciplinary Trends By % Free/ Reduced Lunch Enrollment:

Infractions:

- Schools enrolling a lower percentage of students eligible for FRL report the lowest number of infractions at 30 per 100 students.
- Schools enrolling the highest percentage of FRL-eligible students report the highest rate of infractions at 70 per 100 students.

Consequences:

- Schools serving fewer FRL students report lower rates of students in ISS, OSS, and corporal punishment per 100 students.
- Northwest Arkansas has the lowest rate of ISS, OSS, and Corporal punishment per 100 students.
- Schools serving the greatest percentage of FRL students report the highest rate of ISS, OSS, and ‘other action’.

Usage Rate:

- Lower poverty schools are more likely to use in-school suspension as a consequence for infractions (40-43%).
- Schools with the highest percentage of FRL students are most likely to use OSS as a consequence for an infraction (29%).
- Higher poverty schools use Corporal Punishment as a consequence in more than 10% of incidents.

Disciplinary Trends By % Black Enrollment:

Infractions:

- Schools enrolling lower percentages of Black students report fewer than 30 infractions per 100 students.
- Schools enrolling the highest percentage of Black students report the highest rate of infractions at 89 per 100 students.

Consequences:

- Schools enrolling lower percentages of Black students have lower rates of ISS, OSS, and ‘other action’ per 100 students.
- Schools enrolling the highest percentage of Black students have the highest rate of OSS, at 33 per 100 students as a consequence for an infraction, and do so in 37% of incidents.

Usage Rate:

- There is no clear pattern regarding ISS usage by percentage of Black students.
- Schools enrolling the highest percentage of Black students are most likely to use OSS as a consequence, and do so in 37% of incidents.
- Schools enrolling the lowest percentage of Black students are most likely to use corporal punishment as a consequence for an infraction (17%).

Disciplinary Trends By District Size:

Infractions:

- Schools in districts of all sizes have similar rates of infractions per 100 students, although mid-sized districts are somewhat higher at 55 per 100 students.

Consequences:

- Schools in districts of all sizes have similar rates of ISS per 100 students, although mid-sized districts are somewhat higher at 23 per 100 students.
- Schools in the largest districts have the highest rates of OSS, at 13 per 100 students.

Usage Rate:

- Schools in district of all sizes use ISS at similar rates, although mid-sized districts are somewhat higher at 42%.
- Schools in the largest districts are most likely to use OSS as a consequence, and do so 30% of the time.
- Schools in smaller districts are much more likely to use Corporal punishment, and do so for 20% of infractions. The largest districts report using corporal punishment only 0.3% of the time.

Disciplinary Trends By School Type:

Infractions:

- Elementary schools report the lowest rate of infractions at 27 infractions per 100 students.
- Junior High schools report the greatest number of infractions with 74 infractions per 100 students.

Consequences:

- Elementary schools report the lowest rates of ISS, OSS, and ‘other action’ at 8 or fewer per 100 students.
- Middle, Junior High, and High schools report similar rates of ISS, OSS, ‘other action’ and corporal punishment.

Usage Rate:

- Elementary schools are least likely to use ISS, and use it for 30% of infractions.
- Middle schools are most likely to use OSS, assigning it as a consequence in 29% of disciplinary incidents.
- Elementary schools are much more likely than other schools to use Corporal punishment, and do so for 22% of infractions.

The school characteristics presented here are related to the number of infractions, the number of consequences, and how often different types of consequences are used. It is important to note that while many of these school characteristics are related, such a school’s region and poverty rates, the largest discrepancies in the number of infractions, consequences and usage rate of consequences that exclude students from the classroom are related to race.

Table 3: Number of Disciplinary Infractions and Consequences per 100 Students by School Characteristics, 2012-13 to 2014-15

Group	Average % FRL	Average % White	Infractions: Per 100 Students		Consequences: (Usage Rate)* Per 100 Students			
			Annual Average	Minor Non-Violent	ISS	OSS	Other Actions	Corporal Punishment
Arkansas Overall	60%	64%	45	36	17 (38%)	10 (22%)	13 (29%)	4 (9%)
Northwest	57%	71%	35	28	14 (40%)	5 (14%)	15 (43%)	2 (6%)
Northeast	63%	71%	49	41	19 (39%)	10 (20%)	14 (29%)	7 (14%)
Central	57%	56%	43	34	15 (35%)	14 (33%)	11 (26%)	3 (7%)
Southwest	67%	56%	57	48	28 (49%)	11 (18%)	10 (18%)	7 (12%)
Southeast	72%	48%	79	66	28 (35%)	14 (18%)	24 (30%)	13 (16%)
School Poverty (as measured by % of students eligible for Free/Reduced Lunch)								
Q1– Low Poverty	38%	77%	30	22	13 (43%)	6 (20%)	10 (33%)	2 (7%)
Q2 <i>Quintile 2</i>	55%	74%	40	33	16 (40%)	7 (18%)	13 (33%)	3 (8%)
Q3 <i>Quintile 3</i>	64%	69%	38	31	16 (42%)	8 (21%)	10 (26%)	4 (11%)
Q4 <i>Quintile 4</i>	74%	61%	61	51	22 (36%)	11 (18%)	18 (30%)	8 (13%)
Q5– High Poverty	87%	27%	70	57	23 (33%)	20 (29%)	19 (27%)	7 (10%)
School Demographics (as measured by % of students identified as Black)								
Q1-Low % Black	58%	86%	29	23	10 (34%)	4 (14%)	10 (34%)	5 (17%)
Q2 <i>Quintile 2</i>	51%	76%	26	20	11 (42%)	4 (15%)	9 (35%)	2 (8%)
Q3 <i>Quintile 3</i>	58%	64%	52	43	19 (37%)	7 (13%)	20 (38%)	5 (10%)
Q4 <i>Quintile 4</i>	64%	45%	64	52	28 (44%)	15 (23%)	16 (25%)	5 (8%)
Q5– High % Black	84%	12%	89	73	28 (31%)	33 (37%)	20 (22%)	7 (8%)
District Size								
Q1– Small	67%	78%	41	33	15 (37%)	7 (17%)	10 (24%)	8 (20%)
Q2 <i>Quintile 2</i>	66%	77%	41	33	15 (37%)	6 (15%)	11 (27%)	9 (22%)
Q3 <i>Quintile 3</i>	62%	67%	55	46	23 (42%)	9 (16%)	16 (29%)	6 (11%)
Q4 <i>Quintile 4</i>	58%	64%	45	38	17 (38%)	10 (22%)	14 (31%)	3 (7%)
Q5– Large	56%	50%	43	32	16 (37%)	13 (30%)	14 (33%)	0 (0%)
School Type								
Elementary	66%	63%	27	22	8 (30%)	5 (19%)	7 (26%)	6 (22%)
Middle	55%	65%	55	44	22 (40%)	16 (29%)	11 (20%)	3 (5%)
Junior High	57%	61%	74	62	29 (39%)	13 (18%)	20 (27%)	5 (7%)
High School	57%	65%	59	46	25 (42%)	12 (20%)	14 (24%)	3 (5%)

* Usage Rate represents Consequence/Annual Average Infractions. It is a measure of how likely schools are to use that type of consequence. Values may not sum to 100% as consequences used very infrequently are not presented.

For more information about this policy brief and other education issues in Arkansas, contact us:

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Summary

This descriptive review of trends in Arkansas school discipline data has shown that reported incidents have increased since ACT 1329 was enacted, and that ‘other’ infractions and consequences are contributing to increased disciplinary incidents. Over 80% of the reported infractions are minor and non-violent, including insubordination and disorderly conduct. In-school suspension is used more frequently than in 2004-05, and out-of-school suspension rates have risen slightly as well. Corporal punishment is occurring less frequently than in 2004-05, although is still used by over 80% of districts. Data that clarify ‘other’ infractions and consequences is needed to more fully understand the trends in discipline in Arkansas schools.

Implications

Unlike academic performance data, where higher scores are better, interpretation of discipline data is unclear. Is more discipline reporting the sign of a school where behavior is out of control or of a school where behavior expectations for students are high and enforced consistently? If we aim for lowering discipline rates, how do we avoid the unintended consequence that only the *reporting* of disciplinary incidents will decrease? Although we may not yet know the answers to these questions, meaningful conversations can only begin when the data are available and transparent. By raising awareness of potential discrepancies, school leaders may seek solutions to address such issues.

The primary implication of the analysis of disciplinary data trends is that these data are available and should be discussed.

What we do know is that there are real disparities in school discipline for certain types of students and schools. Students who are Black are more likely to be cited for infractions, and schools that enroll the highest percentage of Black students are the most likely to exclude students from school as a consequence for misbehavior. Research into Arkansas discipline data, however, has determined that these differences in the frequency and severity of consequences are due to differences between school practices. This means that within a school, students receive similar consequences for infractions regardless of race, but that there are significant differences in practices between schools. We find that Black students are more likely to attend schools that adhere to stricter disciplinary policies, so they are disproportionately missing school. Being excluded from school leads to lost instructional time and has been associated with disengagement in school and negative life outcomes. Policymakers and school leaders may want to focus on these schools to identify possibilities for ensuring students are not being excessively excluded from the learning environment.

Policymakers and educators alike should be concerned with the long-term consequences of denying children access to the educational process. Arkansas took a necessary first step by adopting AR 1329 which aims to reduce disciplinary rates and disparities. To that end, decreasing suspensions overall will require a transformation in disciplinary practices, and particularly in schools that administer more severe consequences for minor non-violent infractions.

School-level discipline data, current discipline reports and future research can be found on the OEP’s website at officeforeducationpolicy.org

SOURCES

Raw data on Arkansas school discipline can be found on the ADE website: [ade.arkansas.gov \(https://adedata.arkansas.gov/statewide/State/DisciplinaryActions.aspx\)](http://ade.arkansas.gov/adedata/arkansas.gov/statewide/State/DisciplinaryActions.aspx).

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