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## **K-12 Racial Disparities in School Discipline**

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Unmasking School Discipline Disparities in California: What the 2019-2020 Data Can Tell Us About Problems and Progress

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# Unmasking

## School Discipline Disparities in California:

What the 2019-2020 Data Can Tell Us about  
Problems and Progress

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July 2022



# The Center for Civil Rights Remedies

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at The Civil Rights Project | *Proyecto Derechos Civiles*

## Dedication

To Dr. Stuart M. Losen (1930-2022) who dedicated his life to helping others and improving public education.

## Acknowledgments

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This report is the independent product of the Center for Civil Rights Remedies at UCLA's Civil Rights Project. All opinions and policy recommendations expressed in this report are solely attributable to the authors and not to our funders, UCLA, or external reviewers.

## About the UCLA Civil Rights Project's Center for Civil Rights Remedies

The UCLA Civil Rights Project's Center for Civil Rights Remedies (CCRR) is dedicated to improving educational opportunities and outcomes for children who have been discriminated against historically due to their race or ethnicity, and/or based on disability status and who are frequently subjected to exclusionary practices, excessive policing, and the denial of an equitable opportunity to learn.

CCRR has issued numerous reports about the use of disciplinary exclusion in California's schools, including: "Closing the School Discipline Gap in California: Signs of Progress" in 2015, "Lost instruction: The disparate impact of the school discipline gap in California" in 2017, and "Is California Doing Enough to Close the School Discipline Gap?" in 2020.

CCRR produces descriptive reports to inform discussions of federal and state education policy, provides technical assistance to federal and state departments of education and attorneys general offices, and offers assistance in analyzing racial disparities in outcomes and inputs to school districts nationwide. CCRR also assists with civil rights monitoring and investigations, and with the implementation of resolution agreements and settlements.

CCRR is an initiative of the UCLA Civil Rights Project/Proyecto Derechos Civiles (CRP), which is codirected by Gary Orfield and [Patricia Gándara](#), both of whom are researcher-professors at UCLA. Founded at Harvard in 1996, CRP's mission is to create a new generation of social science and legal research on critical civil rights issues and on equal opportunity for racial and ethnic groups in the United States. CRP has monitored the success of U.S. schools in equalizing opportunity and has been an authoritative source of statistics on segregation. CRP has commissioned more than [400 studies](#), published more than [15 books](#), and issued numerous reports by authors from universities and research centers across the country.

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# Introduction

With the return to in-person schooling throughout the state of California in September 2021, educators began reporting that more students were struggling than they have witnessed in the past. The harsh reality is that students of color, low-income students, students with disabilities, and those the state considers “high needs”<sup>1</sup> have been disproportionately harmed by the COVID-19 pandemic, both directly and indirectly. Students have returned to school with what appear to be greater and more intense social/emotional needs (Jones, 2021; Klein, 2021), some of which is likely attributable to the disproportionate adversity COVID-19 brought down on these groups, such as the loss of a family member, loss of housing, and loss of employment.<sup>2</sup> Due to spending more time at home, many may have been exposed to increased child abuse and domestic violence. Moreover, according to *The Washington Post*, many school districts across the United States, including Oakland Unified in California, have experienced a steep rise in chronic absenteeism (Meckler, 2022). Unfortunately, students of color, those with disabilities, and those in high-needs groups could continue to lose more instruction time than their peers, particularly if school discipline practices continue as they have in the past, and if schools have insufficient resources to provide trauma-informed and/or restorative justice responses to behavioral problems.

Educators in many school districts frequently rely on disciplinary removal as a punishment for misconduct they hope to deter. However, research indicates that denying instruction in response to misconduct is often counter-productive (Darling-Hammond et al., 2021; Pearman et al., 2019) and it raises concerns that excessive use of disciplinary exclusion adds to racial inequity in the opportunity to learn. To the extent that non-punitive responses are equally or more effective at fostering productive learning environments and can replace punitive disciplinary removal, the frequent and persistent use of punitive suspensions is hard to justify.

Moreover, suspension rates are not only a strong indicator of the health of a school’s climate, they also correlate with achievement differences. Although the benefits of a healthy school climate are well established, the latest national research, and that on California schools, shows that a positive school climate correlates with consistently higher student achievement (see Darling-Hammond et al., 2021; Pearman et al., 2019). This underscores the importance of attending to the issue of suspension rates and, specifically, of not discounting the data on suspension rates from 2019-2020.<sup>1</sup>

To their credit, the California state board of education has acknowledged that suspensions are used too often in many schools and districts. Notably, before COVID-19, California was the only state to include high student suspension rates as a key indicator to be used in the statewide system of school and district accountability.<sup>3</sup> Moreover, the state legislature has taken action to reduce the use of suspensions, including amending the school code of conduct so that suspensions can no longer be used as a disciplinary response to minor forms of disruptive or disobedient conduct for students in grades K-8.<sup>4</sup>

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1 Readers should note that all the raw data on suspensions and enrollment for each year described in the report are from data that are publicly reported by the California Department of education (CDE). The raw discipline data come from the downloadable files available here: <https://www.cde.ca.gov/ds/ad/discipline.asp>. However for district level reporting, CRR uses census enrollment data, not cumulative enrollment data. The census enrollment data which CRR uses to produce all the suspension rates at the district level are located in CDE’s publicly available enrollment files. All the analyses contained in this report, including the rates of suspensions per 100, rates of days lost due suspension and projected rates of suspension were produced by the Center for Civil Rights Remedies at UCLA’s Civil Rights Project and are therefore replicable following the descriptions provided in our appendix. Our published rates of suspension per 100 differ in small ways from suspension rates published by CDE, primarily due to differences between the census and the cumulative enrollment. Because all the tables and figures in this report contain our unique analyses, yet are based on the publicly reported CDE data, we provide this blanket description of the data source rather than providing “source” information for each figure and table.

While some districts have invested in developing more educationally sound practices to both reduce instances of misconduct and respond with less punitive approaches, others have not dedicated sufficient resources to such efforts and some have even increased their use of suspensions. Relatedly, while some districts are cutting expenditures for school resource officers, or even eliminating school-employed police officers, others are increasing their budgets for school resource officers and school security guards.<sup>5</sup> This is despite the evidence indicating that an increased police presence is associated with higher rates of disciplinary removal and absenteeism, as well as greater racial disparities in school discipline (Sorensen et al., 2021).

Evidence suggests that, right before the start of the COVID-19 pandemic, the steady decline in suspension rates in California appeared to have reached a plateau.<sup>6</sup> Unfortunately, anecdotal evidence suggests that, upon restarting in-person instruction, school staffs experienced an increase in instances of challenging behavior (Meckler, 2022). This is an especially urgent issue for two reasons. First, students lost a great deal of instruction time after schools halted in-person instruction in March 2020 in response to COVID-19, and many students are already behind where they would normally be academically. The precise amount of in-person instruction lost by students across California varied greatly, due to differences in the quality of and access to remote instruction before the return to in-person instruction in September 2021. In one case, the U.S. Department of Education Office for Civil Rights (OCR, 2022) reached a settlement with the Los Angeles Unified School District that requires the district to provide compensatory education to students with disabilities, who OCR asserted had received inadequate instruction when the schools were shut down.

The second reason is that the loss of instruction time and the disparate impact of COVID-19 exacerbated pre-existing inequities in educational opportunity. These factors are predicted to produce even larger and longer lasting racial differences in educational outcomes, such as lower achievement and graduation rates. The groups of students who were disproportionately harmed by COVID-19 are the same students who tend to be suspended disproportionately. Thus, there is now an even greater need than before the pandemic to ensure that students miss as little instruction time as possible. With so much instruction time already lost, further removals from instruction as a response to misconduct could be even more harmful than before.

Concerns about the discipline inequities in California schools are complicated by several factors. One is that, due to the disruption in 2019-2020 of data collection related to in-person education, the raw data released for that academic year cover a shorter time period than previous years' data. This can easily lead policymakers and parents to believe that strong progress was made during that academic year in reducing the number of suspensions. This is not so. The projected statewide rates of suspension this report provides unmask the narrative of progress to reveal that suspension rates are more accurately described as stagnating than declining. They also suggest that some groups of high-needs students were already on a path toward slightly higher suspension rates even before in-person education was halted.

The potentially misleading dataset from 2019-2020 is further confounded by the fact that, due to the shift to virtual learning for the majority or entirety of the year, there were no in-school or out-of-school suspensions in most districts in 2020-2021.<sup>7</sup> The California Department of Education (CDE) warns against comparing the raw data from these academic years, such as the total number of students suspended each year, with prior years, but some districts have overlooked this warning. Furthermore, no schools were flagged for poor performance under the state accountability system for either year because CDE, with ample justification, put the statewide accountability system on hold. However, this decision means that evidence of rising discipline rates and widening disparities for

some districts in the 2019-2020 school year have been largely ignored.

The shutdown of the school accountability system means that, this report notwithstanding, there is little analysis or guidance available to policymakers regarding the level of disciplinary exclusion in California schools since 2019. Furthermore, the earliest data on school discipline since the return to in-person learning in the 2021-2022 school year will likely not be available until November of 2022, and perhaps later. Consequently, the education policymakers responsible for school budget allocations for the coming year have little recent information to help them assess what level of resources to earmark for discipline reform efforts in the state's public schools. These budget discussions are nonetheless taking place at the state level and at district school board meetings across California. With the reduced pressure that comes with a lack of troubling information, some districts may not recognize the need to invest in discipline reform measures.

## Purpose of the Report

The authors of this report aim to bring new information to state and local efforts to improve school climate and to encourage a deeper review of the available discipline data. As school boards outline their goals in local control of accountability plans (LCAPs) and decide how to spend any additional state or federal funding made available under the American Recovery Act, this new information will be critical. We also call attention to the problem that some districts apparently, and inappropriately, diverted funds intended to support high-needs students to increase their police forces and pad their school security budgets.<sup>8</sup>

We hope this report will help to renew attention to the problem of excessive discipline. In keeping with this aim, we compare the projected full-year suspension rate for 2019-2020 to rates from prior years. We provide these projected suspension rates for the overall student population in California, and for every racial/ethnic subgroup at the state and district levels.<sup>9</sup> We encourage education policymakers at the state and district levels to use the projections we provide in this report to distinguish districts that were on the path toward lower suspension rates from those on a path toward an increase or that showed no change.

If the evidence suggests that the resources dedicated to improving school climate and reducing the use of suspensions were insufficient to generate real progress pre-pandemic, then districts may need to consider alternate or supplemental approaches and policies. Without a sound analysis of the 2019-2020 data, these districts may miss opportunities to address underlying issues affecting school climate and make less than optimal use of the extensive resources provided under the federal American Recovery Act.

The analysis we present in this report is intended to unmask observable unhealthy school climate patterns and to renew the attention given specific districts that suspend students frequently and have large discipline disparities. We also look closely at districts that do not appear to be engaged effectively in reform efforts but were able to escape scrutiny when discipline accountability was put on hold.<sup>10</sup> Our analysis may also reveal that districts that were making strong progress pre-pandemic might overlook effective changes attributable to their reform efforts because of the uncertain outcome data.

Suspension rates are just one indicator of school climate in statewide accountability systems, and even though the official state accountability system was not in use for good reasons, it remains important for educators and community members at both the state and local level to understand whether the school climate was improving, declining, or staying about the same as in 2018-2019, when schools were last fully open for a full year. CCRR encouraged California to report the discipline data collected for 2019-2020 because, even if there was no formal state accountability, the data provide a great amount of useful information. For example, we found in a few school districts that the number of suspensions in just 70% of the 2019-2020 school year was already higher than for the entire prior year! While the main text of this report highlights the projected values for the state and for each district, we consistently show the rates both with and without our full-year projections.

In Part I, CCRR uses statewide data published on the CDE website to project values for California, including both rates of suspension and corresponding estimates of the days of lost instruction due to suspensions. We compare the statewide projected rates of suspension for each racial/ethnic group, and the corresponding estimates of rates of lost instruction from 2019-2020, to the observed rates in prior years. We argue that the latter metric, the rate of lost instruction, is important to consider because it shows the impact disparate discipline rates have on educational opportunity over time. Readers also will find the state and district suspensions rates calculated



through mid-March of 2019-2020, so they can see the difference between our projected rates and the rates based on the raw, non-prorated data. In Part I we also provide projected statewide suspension rates for foster youth, homeless youth, and socioeconomically disadvantaged youth for selected racial groups. We do this to raise awareness of the increasing disparities and the huge impact this has on students of color who also belong to these higher-needs categories.

In Part II, we examine the most recent disparities in rates of suspension at the district level, also disaggregated by race and ethnicity.<sup>11</sup> As in our prior reports, we feature districts that tend to have the highest suspension rates. However, along with this report we are providing a spreadsheet of all the disaggregated data on every California district. We begin Part II with a summary of how many districts showed decreasing rates of suspension, based on the projected values, and note stark differences in district-level progress for the selected racial groups. We also feature the trends found in large districts that had the highest suspension rates in 2019-2020. Unfortunately, providing district-level breakdowns by race/ethnicity for the higher need student groups—foster youth, homeless youth, and students with disabilities—is beyond the scope of the district-level section of this report.

In the discussion section, we explore recent research on the related concerns of school policing and higher suspension rates. We note that some districts may have inappropriately diverted their Local Control Funding Formula (LCFF) funds specifically earmarked to support high-needs students to increase the presence of school police on campus. Based on observations of projected discipline rates and the need to improve school climate, we conclude this report with our recommendations for revising the state’s accountability system and for improving the monitoring of and responses to racial disparities in the disciplinary removal of students from school. In our concluding recommendations for policymakers at the state and local levels, we include specific ideas on how to improve data collection and public reporting to ensure greater accountability and oversight.

# Part I: State-Level Trends and Disparities

The statewide numbers for both in- and out-of-school suspensions in 2019-2020 are quite a bit lower than they were the previous year, before COVID-19. Specifically, in 2018-2019, the state reported 354,516 total suspensions (combined in- and out-of-school). In 2019-2020, the raw data released by the state show that, at the end of March, the total suspension count was 233,753. Logically, although students were still counted as attending (online) from their homes during the school shutdown, there could not be any in-school or out-of-school suspensions. Consequently, when the CDE released the 2019-2020 data, it warned that “the 2019-2020 suspension and expulsion data are not comparable to similar data from other academic years.”<sup>12</sup>

While the data from the pre-COVID 2019-2020 academic year are indeed challenging to compare to those from prior years, we suggest that there are some reasonable ways to make comparisons, which are important for school boards to consider as they assess their future needs. As in our prior reports, CCRR uses the “census enrollment” in the denominator when we calculate a suspension rate based on the available suspension data.<sup>13</sup>

To create rates of suspension per 100 students, we divide the total number of reported suspensions by the *census* enrollment and then multiply the answer by 100.<sup>14</sup> In a typical year, this equation tells us how many suspensions were meted out per every 100 enrolled students, and we then can compare this to the rates from prior years. However, in light of the disruption caused by COVID-19, the central focus of this report is on what these rates would have been without interrupted in-person education.

The reported data only reflect the first 127 days of the 180-day school year (the period of in-person instruction) in 2019-2020. Therefore, we take the additional step of multiplying this value by 180/127 to obtain the *projected* rate of suspensions per 100 students for the entire school year.<sup>15</sup> For the statewide comparison, we also estimate rates of lost instruction. As in all of our prior reports, we estimate the rate of lost instruction by simply doubling the projected rate of suspensions per 100 students.<sup>16</sup> Table 1 provides the projected suspension rates and projected rates of lost instruction for all students, and for each racial/ethnic group, for 2019-2020 school year.

**Table 1. Statewide Projected Rates of Suspension and Lost Instruction per 100 Students Enrolled in 2019-2020 (rounded to nearest hundredth)<sup>17</sup>**

Projected rate of suspensions per 100 students							
All Students	White	Black	Latinx	Asian	Filipino	Pacific Islander	Native American
5.25	4.24	16.70	5.28	1.28	1.53	6.43	12.25
Projected rate of lost instruction due to suspension per 100 students							
10.51	8.48	33.40	10.56	2.56	3.05	12.87	24.49

*Readers can find the detailed description of the methods, and the exact formula for the projected values, in the appendix.*

Figure 1 shows how 2019-2020 rates fit with the trend in rates of lost instruction established in our prior reports.

**Figure 1. Statewide Projected Rates of Lost Instruction for Students Enrolled in 2019-2020**

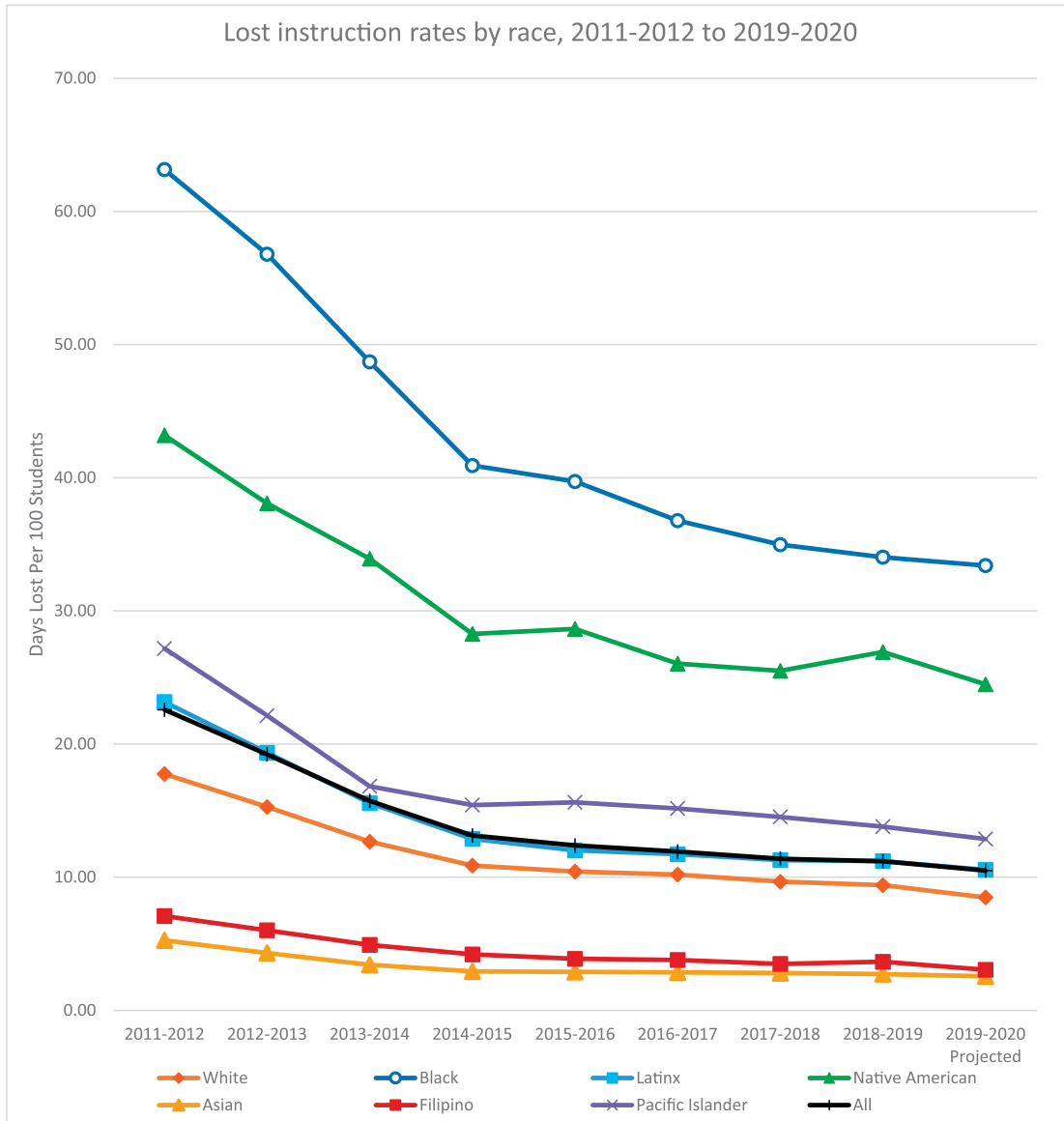


Figure 1 portrays trends in the rates of lost instruction due to suspensions per 100 students for each academic year from 2011-2012 through 2019-2020.<sup>18</sup> By their nature, the rates account for annual enrollment differences at the state level. As one can see, especially in the “All Students” trendline, most groups have experienced a very slight decline in rates of lost instruction per 100 students since 2016-2017. We assert that the trend for the most recent three years is best described as a plateau, which contrasts with the steeper rate of decline between 2011-2012 and 2016-2017. Our projections also indicate that, in 2019-2020, the difference in the amount of instruction lost due to suspensions between Black students and most other groups was barely changing. We caution against ignoring the projected trend, even though we cannot know for certain what the rates for the entire year would have been, had in-person education continued.

The projected suspension count, if schools had not been closed in March, is approximately 330,304 suspensions, which we estimate to represent a total of 660,608 days of lost instruction.<sup>19</sup> If one looks only at the raw number of suspensions, there were about 120,000 fewer combined suspensions in 2019-2020 than in the previous year.

However, suspension counts were lower for every racial group, which is why educators who look only at the raw data could easily mistake what looks like strong progress for actual progress. It is essential that observers of the unadjusted rates remember that there were 30% fewer days of in-school, in-person attendance during that school year.<sup>20</sup>

Before the pandemic, most educators agreed that the California education system was unprepared to meet the mental and behavioral health needs of traumatized youth, youth of color, and those with disabilities. In our previous descriptive report, which looked at suspension trends through the end of 2018-2019, we suggested that efforts to reduce the unnecessary and racially disparate use of suspensions had recently yielded little evidence of declining suspension rates. In this report, the projected data suggest that progress has continued to stagnate statewide, including for Black students, whose rate of lost instruction remains substantially higher than that of all others. Of course, the trajectory for each district is unique. Some districts likely did make strong progress, while students in other districts, especially Black students, experienced a declining school climate that, in a normal year, would have shown up on the state's dashboard as increased rates of suspension.<sup>21</sup> Even when considered in the most positive light, the projections indicate that far more effort is needed at both the state and local levels.

In the worst-case scenarios, the unadjusted data mask the suspension rates that describe the unhealthy school climate more accurately. In some schools and districts, even counterproductive policies and practices could be mistaken as being helpful. It is also important to note that the districts that are making meaningful progress and deserve some degree of recognition won't be credited. In some cases, evidence of improvement could be discounted as unreliable, due to the shorter period of in-person instruction. Due to this lack of clarity about the data, school districts might invest funds in counterproductive approaches or overlook their most effective investments and stop supporting them.

**Many high-needs students were on the path to higher suspension rates in 2019-2020:** Our projections for the statewide rate of suspensions per 100 for “high-needs” student groups, disaggregated by race/ethnicity, suggest that the students of color among these groups receive insufficient supports and services to enable them to succeed in school.<sup>22</sup> Figures 2-4 present the state-level rates of suspension per 100 enrolled students from high-needs groups. We highlighted different racial/ethnic groups for comparison on the different trend graphs as examples to illustrate our concern more clearly. For this report, we used White students as a reference category, since the historical data suggest that these students are the least likely to face racial discrimination in school discipline. The complete data for all racial and ethnic groups can be found in the spreadsheets published along with this report.

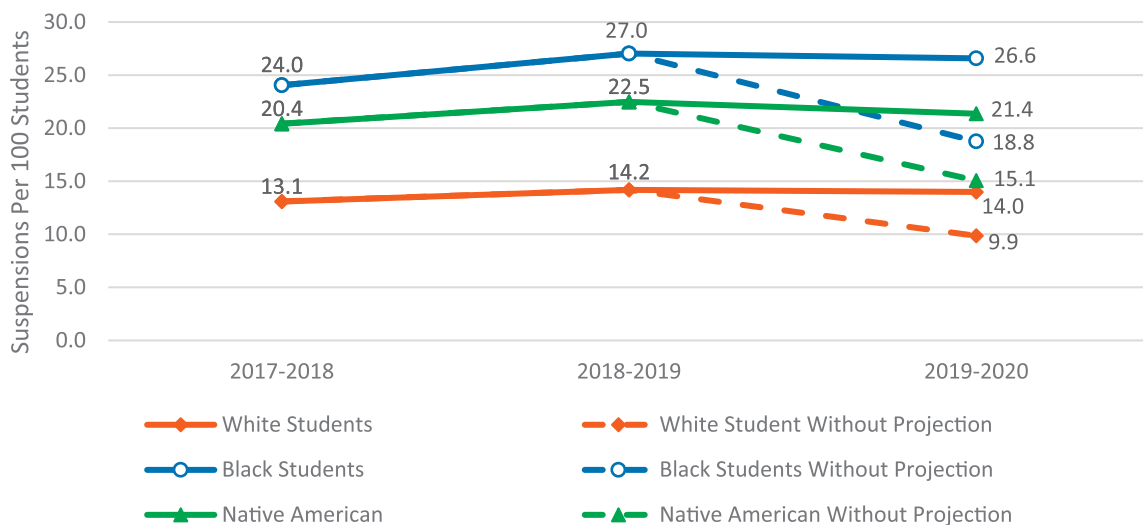
The dotted lines in Figures 2-4 (and the remaining figures) show the rates of suspension, which we calculated using raw numbers from the period of in-person instruction, which was 70% of a normal school year. The solid line indicates the projected rates for 2019-2020 if in-person instruction had not been disrupted by COVID-19 and suspensions had continued at the same rate as during the first 70% of the year.<sup>23</sup>

If we observe the available raw data on suspensions or use it to calculate the suspension rates (represented by the dotted line in Figures 2-4), one might believe that strong progress has been made in reducing suspension rates among students from high-needs groups, even while understanding that the final counts and rates would likely have ended up somewhat higher by the end of the year. This concern is bolstered when one considers the well-established phenomenon known as cognitive dissonance. This means that, when given a choice between two interpretations of the same data, we tend to choose the version that makes us feel most comfortable

and are skeptical of information that suggests that there is a problem with the status quo. In the context of making decisions on education policy changes and budgets, this tendency can lead us either to avoid available information, or to treat incomplete or misleading information as an accurate or fair representation if it supports maintaining the status quo, which will enable us to avoid having to make significant changes, such as additional expenditures (Samson, 2014).

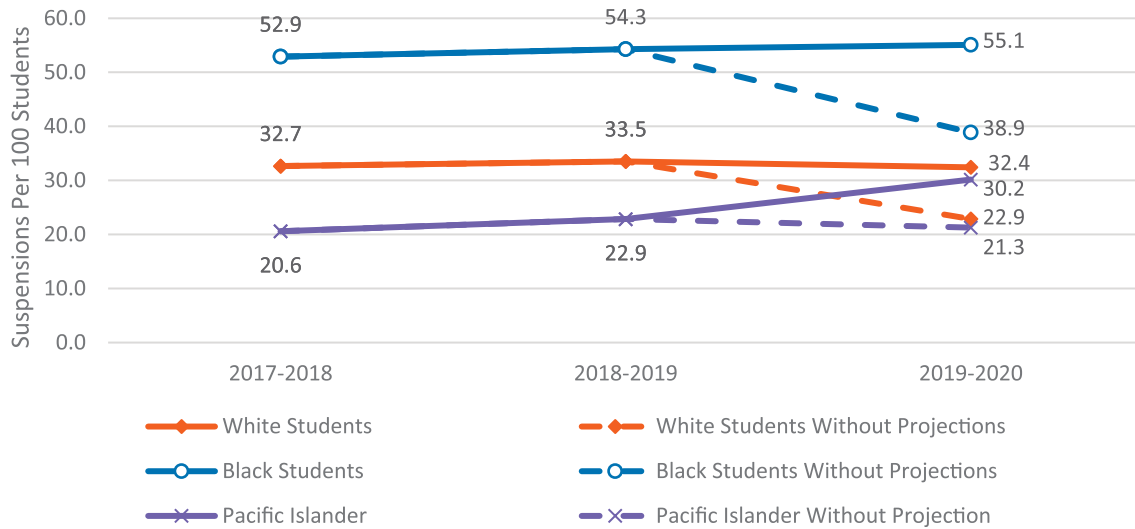
Figure 2 specifically shows the suspension rates for three academic years for White, Black, and Native American homeless youth. The rates based on the raw data indicate a noticeable decrease in suspension rates in 2019-2020 across all three groups and a slight narrowing of the racial gap between Black and White homeless youth. However, the projected rates for 2019-2020 (the solid lines) show almost no decline in suspension rates for White, Black, and Native American homeless youth and a similarly small change in the racial difference. Moreover, the suspension rates in 2019-2020 were on pace to be higher than they were in 2017-2018. The high suspension rates and racial disparities are especially disconcerting when one considers the higher risks that homeless youth likely face when school administrators prohibit them from attending school.

**Figure 2. State-Level Suspension Rate Trends among Homeless Youth**



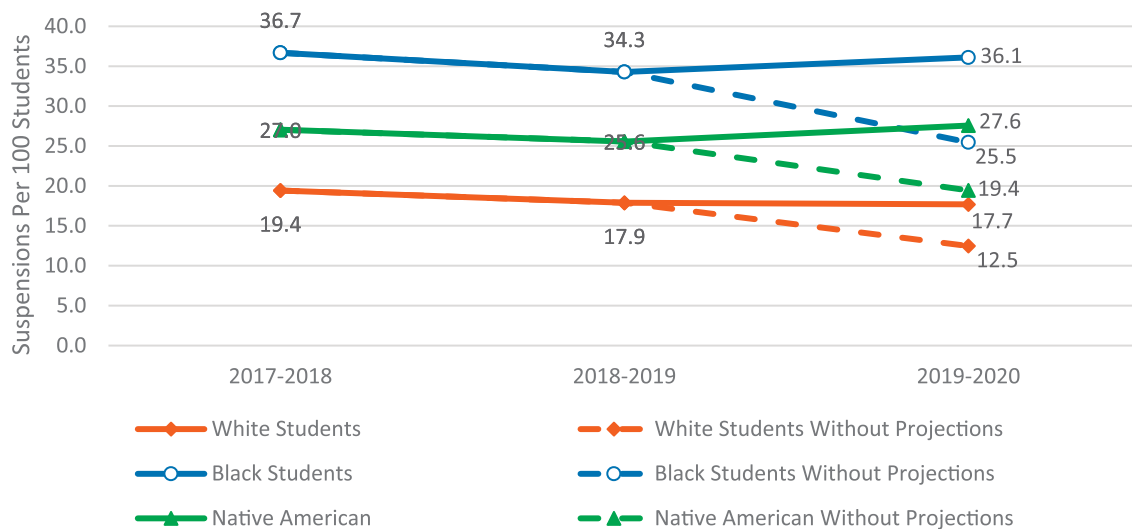
The potential for different interpretations is even clearer with the suspension data for foster youth, who often have the highest suspension rates. When considering only the CDE’s raw data, Figure 3 shows a pronounced downward trend in suspension rates in 2019-2020 for White, Black, and Pacific Islander foster youth. However, comparing the projected 2019-2020 rates to the observed 2017-2018 rates tells a very different story. The projected rates suggest that it is more likely that there was very little change in suspension rates for Black and White foster youth relative to the previous year and a noticeable increase among Pacific Islander foster youth. The disparate suspension rates for Black and White students are also projected to have widened slightly.

**Figure 3. State-Level Suspension Rate Trends among Foster Youth by Selected Racial/Ethnic Group**



The projected values shown in Figures 3 and 4 depict not only worsening rates for the Black youth in these groups but a very large and growing Black-White difference. There are large racial disparities seen between Blacks and Whites—approximately 23 more suspensions per 100 among for Black foster youth in Figure 3 and almost as large a racial difference among students who are both low-income and have a disability in Figure 4.

**Figure 4. State Level Trends among Disabled and Socioeconomically Disadvantaged Youth by Selected Racial/Ethnic Group**



That there are often large racial differences among students within each of these high-needs groups is also informative to those who might think that the racial differences can be explained away by other factors—for example, that Black students are more likely than Whites to be in foster care, to have a disability, or to be from a low-income household.

In Figure 4, we show suspension rate trends for Native American, Black, and White youth who are both socioeconomically disadvantaged *and* have disabilities. The raw data for each group indicate a substantial decline

in the use of suspensions in 2019-2020. However, when the actual projected rates are calculated, it becomes clear that Blacks and Native Americans were on track to have higher suspension rates.

**Problematic suspension rate trends should call attention to increasing needs:** In our previous report we summarized the inequities and costs associated with suspensions, as follows:

Policymakers should care about these rates and trends because research has shown that disciplinary exclusion contributes substantially to inequities in both test scores (Pearman et al., 2021; Morris & Perry, 2016; Noltemeyer, Ward, & Mcloughlin, 2015; Whisman & Hammer, 2014) and graduation rates. Johns Hopkins researcher Bob Balfanz found that, when controlling for other dropout predictors like course failure and poor attendance, being suspended independently predicted a 20% increase in the risk for dropping out (Balfanz, Byrnes, & Fox, 2015). In an economic analysis focused on California that builds on the Balfanz findings, Russell Rumberger calculated that suspensions contributed to an average lowering of graduation rates of 6.5 percentage points statewide. Rumberger estimated that, when the lifetime societal costs of not earning a high school diploma are calculated, the impact of suspension on graduation rates in California translates into a statewide economic burden of \$2.7 billion for just one graduating class (Rumberger & Losen, 2017; Losen & Martinez, 2020).

High suspensions rates are, of course, a product of more than ineffective discipline policy, and there are no quick fixes (Pearman et al., 2019). The high and disparate amount of lost instruction due to suspensions may also reflect deeper systemic issues, including bias that influences perceptions of and responses to behavior, the increasing involvement of police in responding to student misconduct, inadequately prepared and trained teachers, and school zoning boundaries influenced by the socioeconomic makeup of different areas.

As an example of this last point, we refer to the California Department of Justice investigation of Sausalito Marin City School District. Between 2013 and 2019, the district allegedly deliberately diverted staff and resources away from Bayside Martin Luther King, Jr. Academy, which served mostly non-White students, and to Willow Creek Academy in majority-White Sausalito (Brenner, 2019). The same investigation uncovered very high suspension rates at Bayside, in contrast to average rates at Willow Creek.<sup>24</sup> In a 2019 settlement resulting from the investigation, the district agreed to desegregate. That same year, the Black Parallel School Board filed a class action lawsuit against Sacramento City Unified School District, in which they asserted that the system was engaged in “modern-day segregation.”<sup>25</sup> Resolution of this lawsuit is still pending.

The state has attempted in various ways to address some of the disparities faced by students in high-needs groups. It is now required that California school districts receive additional funding for high-needs students, and that the funds are used to address the specific needs of those students. School climate is another priority area that must be addressed in LCAPs. In brief, any district that is flagged for having high suspension rates pursuant to the statewide accountability system and is also flagged on at least one other indicator must develop an action plan as part of their LCAP to describe how it will address these issues.<sup>26</sup> CDE has delegated approval of each district’s LCAP plans to the corresponding County Office of Education.

## Part II: District-Level Trends and Disparities and the Need to Improve Accountability

Suspension rates, especially for minor misconduct, are higher among students enrolled in districts where discipline policies or practices frequently call for punitive responses and administrators are not discouraged from using them. “No excuses” and other similar policies that suggest punishment-based rule enforcement often have a disparate impact on the educational opportunity of particular groups of students along the lines of race.<sup>27</sup> They also may have differential effects in accordance with whether the student is in foster care, homeless, is a student with a disability, and/or is from a low-income household. How educators respond to a student’s minor rule-breaking depends a great deal on the district and school that student attends. Behavior that might trigger a parent conference and/or counseling in one district might trigger a 3-day suspension from school in another. Research has shown that the school principal’s attitude toward the use of suspension is a leading predictor of the greater use of suspension and larger racial disparities (Skiba et al., 2015).

Statewide averages and racial differences in suspension rates can fail to capture the full extent of district-level variations in trends and racial gaps, or the persistently high suspension rates in some California districts. In our prior reports, we defined a uniform “high rate of lost instruction” benchmark as a rate equal to or greater than 25 days lost per 100 students enrolled (Losen & Martinez, 2020). In CRR’s 2015-2016 report, and in our report on the 2018-2019 data, we provided rates of lost instruction and the disaggregated rates by race/ethnicity.

Given our concern about the misleading use of data from 2019-2020, in this report we use the projected values and trend data to provide a clearer picture of the number of students from different racial/ethnic groups who attended a district that was on track for an increase in suspension rates for students from each group. We know from anecdotal evidence that, in many high-suspending districts, repeated minor offenses can beget increasingly harsh responses. In districts with escalating disciplinary consequences, as students accumulate a record of warnings and other non-suspension responses to their misconduct, one would expect to see an increase in suspensions toward the end of the school year. However, we cannot verify that the use of suspensions increases in the latter part of the school year because districts have not been required to report suspensions on a semester or quarterly basis. Furthermore, despite the research demonstrating that suspensions are an ineffective deterrent, it is conceivable that some high-suspending districts mete out suspensions with less frequency toward the end of the school year. Therefore, the projected values in this report treat the frequency of suspension use as a constant rate for the entire year.

**Overview of district-level findings:**<sup>28</sup> Despite the 2019-2020 academic year having no in-school instruction for the last 30% of the year, some districts reported an equal or higher number of suspensions in the first 70% of the year than in the prior full school year, 2018-2019. Our projections estimate that, had the 2019-2020 year been completed in person and enrollment levels remained stable, districts whose rate through March was already equal to that of the prior year were on a path toward much higher suspension rates than in 2018-2019. The exceptions are districts that had very low rates or had no suspensions during the prior year.<sup>29</sup> Although the state doesn’t provide data by semester or quarter, it does collect the data on absenteeism throughout the year, including absence due to suspension, and encourages districts to review their absenteeism data during the year. Some districts, such as Sacramento City, have demonstrated that they have the capacity to make partial-year comparisons of suspension rates to similar portions of prior years. Because these don’t require estimation, a comparison of rates to identical portions of the prior years is likely a more accurate indicator of whether a



district's use of suspensions is increasing or decreasing. There currently is no data source available that would enable members of the public to calculate and compare quarterly or semester discipline rates with similar periods from prior years. Fortunately, much can be estimated about suspension rates and their trends from the data released for the 70% of the 2019-2020 school year completed in person.

## Summary of Trend Data for 2019-2020

CCRR projected the data for each of the 1,024 school districts that were in the data base and publicly available on the CDE website. All of them can be found on the spreadsheet released with this report. In the appendix to this report, readers can find a detailed summary of our trend analyses for each racial/ethnic group across the 711 districts that enrolled at least 500 students in 2019-2020. Our district-level analysis was restricted by enrollment size because districts with very low enrollment are more likely to exhibit volatile changes in the rates from one year to the next.<sup>30</sup>

**Key findings about district trends:** Most districts' projected 2019-2020 suspension rates, both disaggregated by race and for all students, show little change from the observed rates in 2018-2019. In other words, few districts appeared to be making progress toward reducing suspension rates and discipline disparities. However, there were some signs of progress among the small subset of districts where projected suspension rates for 2019-2020 indicated a significant change from the previous year (a change of at least two percentage points), and more projected values at the district level indicated a decrease than indicated an increase. Yet, Black, Native American, and Pacific Islander students were more likely than those from other racial and ethnic groups to have projected district-level suspension rates of more than 10 suspensions per 100. Students from these groups were also the most likely to attend a district in 2019-2020 where their group's suspension rate was on pace for an increase of more than two suspensions per 100.

The suspension rates for Pacific Islander students are particularly troubling and do not fit the general trends observed for the other groups. Projected suspension rates for 2019-2020 among Pacific Islander students were on course to increase in 79% of the districts, and not one district that enrolled at least 50 Pacific Islander students was projected to have reduced the Pacific Islander students' suspension rates by more than two percentage points.

This summary of projected rates at the district level raises the important question of why the groups that have been suspended at the highest rates historically were the most likely to be on a path toward higher rates.

The remainder of the district-level analyses in this report highlights districts that suspended large numbers of students and had relatively high rates in prior years.<sup>31</sup> The balance of this report takes a closer look at districts with high suspension rates for Native American, Latinx, and Black students and points out that the projected rates for most of these districts suggest that their use of suspensions had increased for these groups and thus was contributing to a widening racial divide.

CCRR does not ascribe discriminatory intent to any district-level educators based on data alone, but the variance in the data does raise serious questions about whether some districts with persistently high rates and wide disparities might be resisting efforts to reduce suspensions rates and are failing to address the disparate impact of their use of suspensions.<sup>32</sup> Given that the projected suspension rates for the state show very little change in the size of the racial disparities, and considering that Blacks and Native Americans in most districts were on track to

experience a reduction far more often than an increase, it is plausible that a small number of large districts may be resisting change and continuing to implement harsh discipline policies, thereby stalling overall progress at the state level.

**Some high-suspending districts already demonstrated an increase in suspension rates by March 2020, prior to projections:** Several of the districts listed in Figures 2-4, reported a higher number of suspensions and higher suspension rates for the truncated in-person portion of the 2019-2020 academic year than for the entire prior year. Because accountability was put on hold, including the color-coded dashboard indicators, districts with both high and increasing suspension rates in 2019-2020 got little attention. These increases were further masked by the 2020-2021 discipline data, which publicly reported very low out-of-school suspension rates in 2022, for the obvious reason that there was little to no in-person schooling for the entire year.

Tables 2-4 present the highest-suspending districts for Native American, Latinx, and Black students based on the rate of suspensions per 100 students enrolled. For example, in Table 2 we compare the data on Native American students from 2019-2020 to the prior year in two ways. The first column shows the rate without a projection and the second column shows how the observed (unprojected) rate compared to 2018-2019. The third column provides the projected rate, and the last shows how the projected rate compares to the rate in 2018-2019.

**Table 2. Districts with Highest Suspension Rates for Native American Students in 2019-2020<sup>33</sup>**

District	2019-2020 Suspension rate without projection	Change from 2018-2019, based on 2019-2020 data (without projection)	2019-2020 Projected year suspension rate	Change from 2018-2019, based on 2019-2020 projections
Lakeport Unified	71.7	-16.6	101.6	+13.3
Coachella Valley Unified	40.2	+14.4	57.0	+31.2
Bishop Unified	29.3	+4.9	41.6	+17.2
Santa Rosa High	28.3	+1.8	40.1	+13.6
Konocti Unified	25.5	-15.7	36.2	-5.1
Enterprise Elementary	24.7	-2.9	35.0	+7.4
Oroville City Elementary	23.1	0.0	32.7	+9.6
Palm Springs Unified	21.2	-3.1	30.0	+5.7
Oroville Union High	20.8	-27.4	29.5	-18.8
Klamath-Trinity Joint Unified	20.0	-12.8	28.4	-5.5

From the data available on Lakeport Unified, when the unprojected rate is compared to the prior year, one could think the decrease in suspension rates represents progress. However, based on the projected full-year suspension rate, suspension rates would have increased over the prior year’s. Even the unprojected values for three of the highest suspending districts showed an increase. Furthermore, one can see from the projected data that seven out of the ten highest suspending districts for Native Americans were on a path toward sizeable increases.

**Table 3. Districts with Highest Observed and Projected Suspension Rates for Latinx Students in 2019-2020<sup>34</sup>**

District	2019-2020 Incomplete year suspension rate	Change from 2018-2019, based on incomplete 2019-2020 data	2019-2020 Projected year suspension rate	Change from 2018-2019, based on 2019-2020 projections
San Mateo County Office of Education	46.9	+19.6	66.5	+39.1
Los Angeles County Office of Education	29.2	-6.5	41.4	+2.7
Lassen Union High	28.3	+7.7	40.1	+19.5
California School for the Deaf–Fremont	28.1	-3.5	39.9	+8.3
Yolo County Office of Education	22.1	-22.3	31.3	-13.1
Sonora Union High	21.5	-7.9	30.5	+1.1
Lakeport Unified	17.4	-8.4	24.6	-1.2
El Dorado County Office of Education	17.0	-5.8	24.1	+1.3
Bret Harte Union High	15.6	-3.1	22.1	+3.5
Upper Lake Unified	15.6	+2.2	22.0	+8.8

We observe a similar pattern for the ten highest suspending districts for Latinx students. In three of the highest suspending districts, the suspension rates without projections were already higher by March 2020 than for the entire prior year. The projected values give a clearer sense of the magnitude of the increases and reveal increased rates in eight out of the ten districts.

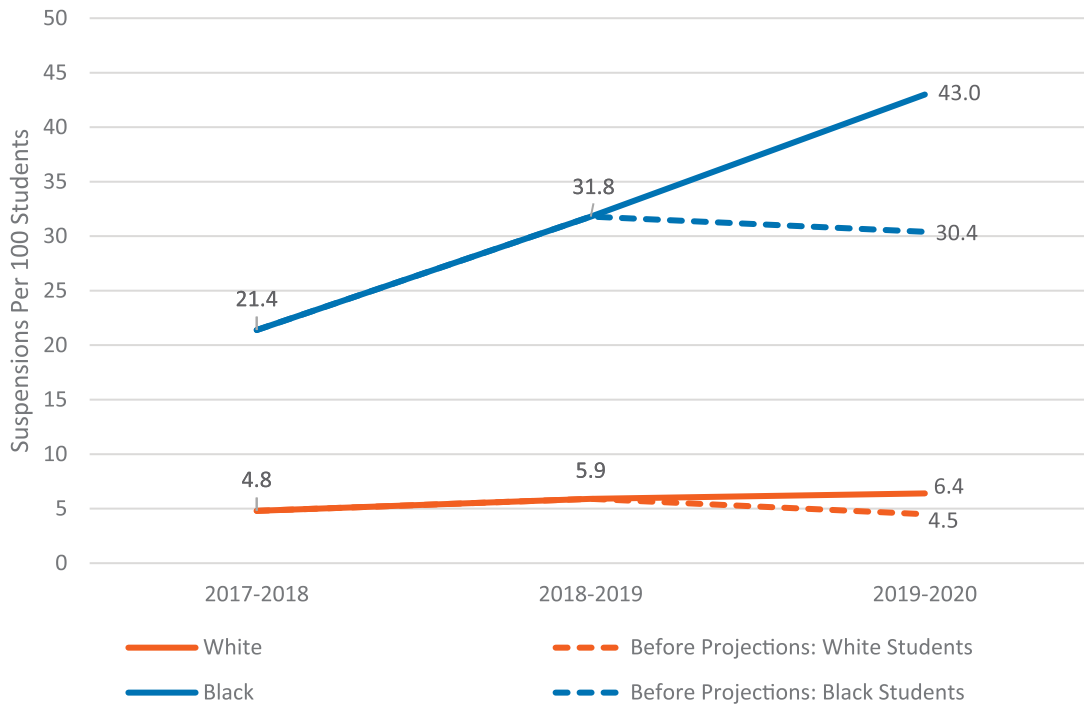
**Table 4. Districts with the Highest Observed and Projected Suspension Rates for Black Students in 2019-2020<sup>35</sup>**

District	2019-2020 Incomplete year suspension rate	Change from 2018-2019, based on incomplete 2019-2020 data	2019-2020 Projected year suspension rate	Change from 2018-2019, based on 2019-2020 projections
Los Angeles County Office of Education	103.8	-36.1	147.1	+7.3
Kern County Office of Education	44.1	-13.1	62.5	+5.3
San Bernardino County Office of Education	37.2	-9.9	52.7	+5.6
Antioch Unified	33.4	-9.0	47.3	+4.9
Barstow Unified	32.5	-36.3	46.1	-22.7
Tulare Joint Union High	32.4	+9.2	46.0	+22.7
San Joaquin County Office of Education	31.3	-10.8	44.4	+2.3
Madera Unified	30.6	-6.5	43.4	+6.3
Elk Grove Unified	30.4	-1.5	43.0	+11.2
Kern High	29.5	-7.4	41.8	+4.9

In the ten districts with the highest suspension rates for Black students, the projected values indicate that all except one (Barstow Unified) were on a path toward higher suspension rates. The suspension rates for Black students were already very high for these districts in 2018-2019, and using the observed suspension numbers rather than the projected values for 2019-2020 could lead to a mistaken conclusion of progress. Unfortunately, administrators in Elk Grove and in several other districts have used their unprojected data from 2019-2020 to suggest that the district has made some improvement in the school climate.

**Elk Grove:** Elk Grove Unified School District is an important example of how district officials may use 2019-2020 data to create a misleading impression of progress in the school climate, even as they acknowledge that the 2019-2020 data should not be compared to prior years (Elk Grove USD, 2021).

**Figure 5. Suspension Rate Trends in Elk Grove Unified (per 100 students enrolled)**



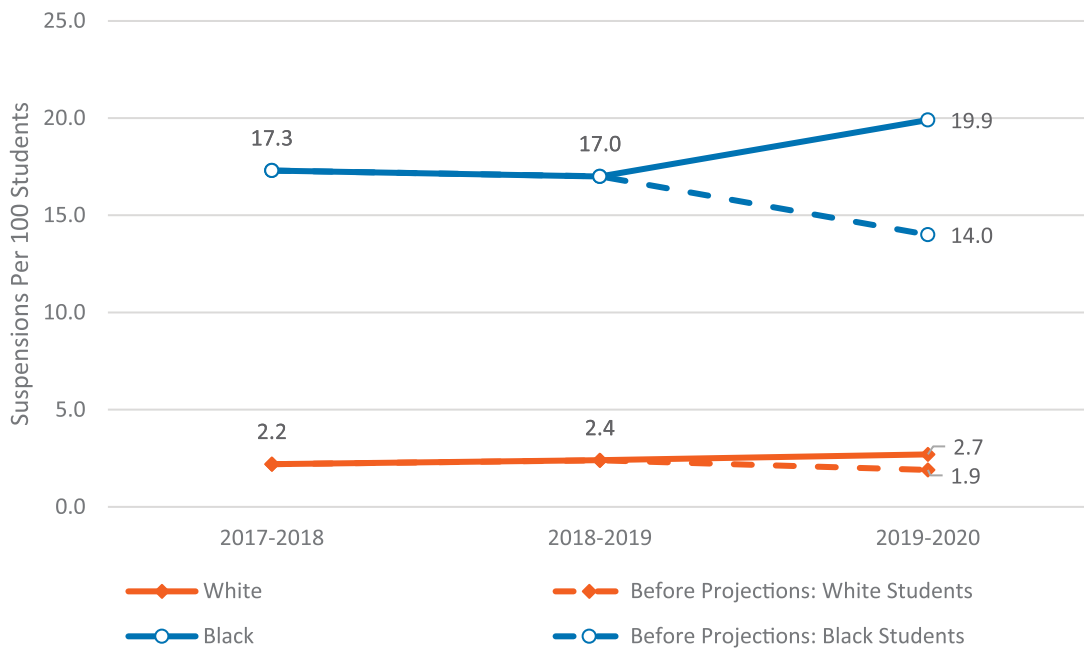
Not only are Black students suspended at much higher rates than White students in Elk Grove, but the disparity in suspension rates appears to have been increasing prior to the COVID-19 pandemic. We show the suspension rates of Black and White students in Elk Grove in Figure 5.<sup>36</sup> The observed suspension rates for both Black and White students for the incomplete 2019-2020 year would suggest that Elk Grove succeeded in reducing suspension rates that year. However, the projected values show that suspension rates were on track to increase by the end of the 2019-2020 school year, with the projected increase for Black students being particularly steep. While Elk Grove clearly acknowledged in its 2020-2021 LCAP that the observed 2019-2020 data should not be compared to previous years, it also attempted to use the same data to claim that it reduced suspension rates in 2020 and met its LCAP target (Elk Gove USD, 2021). In fact, there is no clear evidence to suggest that Elk Grove did or did not meet its target. A more accurate statement by the district would have acknowledged that, while the shutdown created the appearance of progress, if suspension rates had been adjusted to reflect the shorter in-person year, it is unlikely that the district would have met its goals.

Although districts were not required to project 2019-2020 rates, those that were on track for increased suspension rates, especially those whose March rates already exceeded rates from the entire prior year, ideally would have stated as much. To Elk Grove’s credit, in its 2020-2021 LCAP, the district continued to discuss future goals for reducing suspension rates and meeting certain benchmarks to help reduce discipline disparities. However, our preliminary review of LCAP statements about school climate found that several other districts made unreliable claims in their LCAP plans about meeting targets while using data from the shortened in-person year; they did note that data collection was disrupted by the COVID-19 pandemic. More specifically, CCRR found that three unified school districts—Clovis (Clovis USD, 2021), Fresno (Fresno County Superintendent of Schools, 2021), and Mt. Diablo (Mt. Diablo Unified, 2021)—stated in their LCAPs that they had met a suspension reduction goal, using data from the shorter in-person year. While most, like Elk Grove, did also note that there was a problem with comparing the data on suspensions to prior years, one of the districts reviewed, Garden Grove (Garden Grove

USD, 2021), asserted that the district met its discipline goals without mentioning that the data were skewed.

In contrast, the Corona-Norco USD (2021), Lodi UAS (2021), Oroville City Elementary (2021), San Bernadino City USD (2021), San Diego USD (2021), and Santa Ana USD (2021) noted that the pandemic had affected the data collection and that, as a result, they could not accurately report whether they met their suspension reduction goals. Sacramento City alone presented a valid comparison by looking at the suspension rates from prior years for the identical periods of time.<sup>37</sup>

**Figure 6. Suspension Rate Trends in Oakland Unified (per 100 students enrolled)**



Unlike Elk Grove and other of the state’s highest-suspending school districts, Oakland Unified had been making progress in reducing suspension rates prior to the COVID-19 pandemic. The observed 2019-2020 data would suggest that the district was continuing to make progress in both reducing suspension rates and narrowing racial disparities. However, the projected data indicate that, after decreasing the previous year, suspension rates for both Black and White students in Oakland were on track to increase, as was the racial disparity between the two groups. The suspension trend lines for Oakland Unified are of great interest, in part because they recently eliminated what had been a very large school police force.

**School climate, suspensions, and policing:** Based on our prior California research and many studies across the country, there is a positive correlation between school suspension rates and the ratio of on-campus police officers to students. Unfortunately, it is hard to know definitively how suspension rates changed in the districts that increased the police presence, although our projections provide some insight. Although most reform efforts focus on the role of the classroom teacher in determining disciplinary procedures, CCRR’s deeper reviews of district data have shown that more than half of the suspensions were in response to incidents outside the classroom. Referrals to the office from incidents that arise outside the classroom may be more likely reflect involvement of school police, especially where the patrolling officer initiates the encounter. We thus suggest that

efforts to reform disciplinary procedures should track the location of incidents and, where a large number of suspensions stem from incidents outside the classroom, include a focus on school personnel who aren't classroom teachers.

**Funding to improve school climate:** Oakland is also of special interest because it has instituted considerable reform efforts in recent years, beyond eliminating the school police force. Other districts, including Los Angeles Unified, have recently made significant cuts to their school policing budget. However, others are increasing the number of police officers on the school campuses and, as briefly described herein, some appear to be using LCFE funds earmarked for high-needs student groups to expand the police presence. For example, in our previous report, we described a complaint filed against Fresno Unified in 2016 for similar reasons.<sup>38</sup> In response to that claim, CDE made it clear that districts need to explain how spending of the supplemental and concentration grant funds would focus on meeting the academic interests of high-needs students.<sup>39</sup>

Specifically, in our review of district LCAPs thus far, Elk Grove, Moreno Valley, and several others indicated that, like Fresno, they spent some share of their supplemental and concentration grant funds on school security and custodial services.<sup>40</sup> Our preliminary findings suggest that several districts asserted in their LCAP plans that the funds expended for added police and security were in fact meeting the LCAP requirement that such funds be used to support high-needs students. District assertions that adding police is particularly serving the interests of high-needs students or is improving school climate lacks a research basis and raises serious questions about the legitimacy of those expenditures.

## Discussion

In preparing this report, CCRR looked at several types of school discipline data, including the unduplicated counts of students suspended at least once. We chose rates of suspension and the corresponding estimated rates of lost instruction, as those measures enabled us to conduct the trend analyses more easily, and especially because they are among the most effective measures for capturing the frequency with which suspensions are used and their negative impact on instructional time. However, before we discuss the implications of our findings and make recommendations for policy changes in California, it is important to review some of our preliminary findings in related areas that are in equal or greater need of attention in terms of school discipline, school climate, and the inequitable learning conditions in California's schools.

**A more comprehensive review of discipline and climate data is needed:** A greater understanding of the impact school climate has on students' civil rights could be gained by reviewing several other quantifiable metrics not featured in this report.<sup>41</sup> CCRR has begun to explore two important information sources that are challenging to find but that nevertheless deserve more attention. Our preliminary findings indicate the need for a more comprehensive review of the data in least two areas:<sup>42</sup>

1. The aforementioned LCAP data on district budget expenditures, especially the concentration and supplemental funds that districts receive pursuant to the LCFF to serve the interests of high-needs students, which are expended to meet the goal of improving school climate
2. Outcome data that detail incidents of school policing, including complete information on student stops, referrals to law enforcement, and school-based arrests

Both of these areas may be incomplete or are reported in a manner that makes them hard to comprehend, and in some districts the educators or local police have likely failed to report any data, despite being required to do so. While it is obvious that data on LCAP expenditures might raise concerns about the adequacy of education resources and justifications proffered for spending scarce resources on policing, the data on school policing also could reveal hidden expenses, or areas of need that are especially important in light of the inadequate funding in many other areas, including to improve school climate.

Districts with high suspension rates, large disparities in disciplinary actions by race and/or disability status, or high rates of referral to law enforcement need to consider adding staff members who are well trained to respond to students' mental health needs, such as counselors, nurses, and special educators. These staff members could help deescalate conflicts by working with students on social emotional learning and restorative justice. Alternatively, schools could devote more resources to improving student engagement and classroom management. The preliminary results we present here further inform this discussion. CCRR has meanwhile expanded the scope of its descriptive research and within the year will issue a report that examines these two related areas in California.

**Inappropriate budget expenditures and school climate:** As part of our state-focused research efforts, CCRR noticed that many high-suspending districts claimed they were taking steps to improve policies and practices, including those whose suspensions rates and disparities were in fact increasing. Fortunately, school climate is a priority area for school improvement across California, and all districts need to describe their efforts and the budget expenditures targeted to meet their goals in this area as part of their annual LCAP reports to the CDE, and to the public. One way to measure these efforts is to look at whether a district is committing sizeable resources to meet the requirement that they take action. Relatedly, as we described in detail in our previous report, complaints



such as the one CDE resolved against Fresno USD revealed that LCFF supplemental and concentration grant funds intended for high-needs students were instead spent on police and custodial services.<sup>43</sup>

Our preliminary examination of more 70 LCAP plans has found, thus far, that several districts made blanket assertions in their LCAP plans that the earmarked funds were spent to add a school resource officer or to promote the “smooth operation” of security measures, and that these expenditures were intended to support high-needs students.<sup>44</sup> The budgets presented in many other districts’ LCAPs raised the possibility of inappropriate expenditures, but the line items were vague and called for a much closer examination of the budgets. For example, in a report called *Annual Update for Developing the 2021-22 Local Control and Accountability Plan*, Morongo USD’s LCAP budget describes over \$4 million in expenditures to improve school climate in the 2019-2020 school year. However, Morongo included Resource officers under “staff development” grouped together under one line item funds for “community and family outreach and support *Probation officer*” with “Reduce out of school suspension rates (support personnel) and Additional staff training on suspension reduction.”<sup>45</sup> In an identically titled document for the Garden Grove district, in a line item that was more than \$3 million, the district lumped together training for PBIS, restorative practices, and mindfulness, with funding designated to “maintain a strong partnership with GGPD and law enforcement agencies of neighboring cities, including the staffing and support of GGPD School Resource Officers.”<sup>46</sup>

It should be noted that, based on our prior research and on many studies across the country, a positive correlation has been found between school suspensions and the number of police on campus (Losen & Martinez, 2021). Our California study also found the inverse correlation between the suspension rates of Black high school students and the number of student support staff members (Losen & Martinez, 2021). Unfortunately, without using projected suspension values, it is hard to know whether the districts that increased their police presence in 2019-2020 also increased their use of suspensions. Although most reform efforts focus on the role of the classroom teacher, it is noteworthy that CCRR’s direct work with districts revealed several instances where more than half of the suspensions in a school or district were the response to student misconduct that occurred *outside* the classroom.<sup>47</sup>

**What we don’t know about school policing could be masking over serious harms:** Of course, direct analysis of data describing the involvement of police officers in school discipline is essential to gaining a comprehensive understanding of the impact a police presence has on school climate, on suspension rates, and on rates of arrests, citations, and other responses unique to law enforcement.

As part of CCRR’s effort to provide a detailed description of the involvement of law enforcement in California public schools, we analyzed data from multiple sources. Districts across California spend hundreds of millions of dollars each year to pay for school police officers and security, so the lack of clear reporting of police involvement with students, and the outcomes, is unsettling, especially given the concerns raised about inappropriate policing, and racial profiling by the police in general.

Based on CCRR’s preliminary analysis of the data collected by the California attorney general’s office that are publicly reported down to the school level, we found that Black students, when compared to their share of school enrollment, are seriously overrepresented among the students stopped by the police and among those arrested. Relatedly, White students are under-represented among those stopped and among those arrested, relative to their share of school enrollment. Moreover, our preliminary results describe a slightly higher disproportion of Black “stops” being initiated by the police than is observed in the data on stops prompted by calls to the police.

Our preliminary analysis used two datasets. The first was formed relatively recently in response to California’s 2015 Racial and Identity Profiling Act (RIPA) and is available online. RIPA data, which are collected by the state’s law enforcement agencies and reported to and published by the district attorney’s office, includes information on stops made by police officers. We looked at all the years in which data were collected thus far, and at the data for each year. We relied on a subset of the data that was restricted to stops identified as “student stops” that took place at a K-12 school. The available RIPA data are reported from the fall of 2018 through end of 2020.<sup>48</sup>

Based on the RIPA reported data alone, among the most important finding thus far is that the data we see raises serious concerns that the RIPA collection is incomplete and likely inaccurate. For example, in many instances, no school discipline code is listed for student stops, and the reason given for the majority of both officer-initiated stops and stops made in response to service calls is simply “reasonable suspicion,” with no further elaboration.<sup>49</sup>

Our comparison with the second dataset revealed additional issues and suggests that the RIPA data are likely under-reported. The second dataset was reported by school officials and published as part of the Civil Rights Data Collection (CRDC) under the federal Office of Civil Rights. The CRDC database provides information about the *unduplicated* count of students referred to law enforcement (at least once) from each school. The most recent CRDC data are from the 2017-2018 school year, the year prior to the RIPA data. Because the time period is not identical, we cannot draw any firm conclusions from this comparison. The RIPA data used for the comparison are based on the count of all student stops (incidents) in 2018-2019 and indicate whether each reported stop was initiated by the police or made in response to a service call.

The CRDC data count any student whose school-based misconduct was reported to the police as “referred to law enforcement.” The definition states that all students who were arrested should be counted as having been referred. Because they are unduplicated counts of students, and not incidents, they would not necessarily capture all police stops and might not include all the interventions that were initiated by police. Moreover, OCR guidance on the CRDC further states that police interventions in response to calls made by parents rather than school officials do not have to be reported if school officials were not involved, even if the student is subsequently arrested. The RIPA data would, however, cover *all* service calls regardless of the identity of the caller, which is kept private.

In the future, the two datasets will cover identical time periods, which means they could be used to cross-check the reported numbers from the two sources. Although some differences in counts will result because of the differences described, if the CRDC referrals are substantially higher than the reported stops, that would suggest that the RIPA data might be under-reported. However, differences might still arise if, when schools report student misconduct to police, the police do not engage in a “student stop.” To the extent that staff are calling the police about student conduct that does not warrant police intervention, this raises concerns about the school staff’s possible excessive reliance on police. Of particular interest is ensuring that all students who are referred and subsequently stopped by police for school-based misconduct are counted in the RIPA database as a student stop made in response to a service call. Ideally, all police involvement with students for school-based misconduct would be captured in CRDC’s referral data.<sup>50</sup>

The other major concern is that, when school districts reported their counts of students with disabilities that they referred to law enforcement in 2017-2018, students with disabilities were twice as likely to be referred than were non-disabled students. Yet, in the RIPA data reported from the identical districts, but where the student’s disability status was based on officers’ impression, students *without disabilities* appear to be more than three times as likely to be stopped as their peers that police identified as having disabilities.<sup>51</sup> This stark contrast between RIPA and

CRDC data in the selected sample runs contrary to the pattern of over-representation of students with disabilities observed throughout California, and nationally in the CRDC data reported by schools (Losen, Martinez & Shin, 2021).

**Table 5. Comparison of School Reported and Police Reported Data**

CRDC data reported by schools for 2017-2018	Percentage of enrolled students referred to law enforcement (unduplicated)	RIPA data reported by law enforcement for 2018-2019	Incident rate of student stops
All Students	1.3%	All Students	0.65%
Students with Disabilities (IDEA)	2.05%	Students with Disabilities	0.24%
Students without Disabilities (IDEA)	1.2%	Students without Disabilities	0.71%

It should be noted that the CRDC data are reported by school staff who know the actual disability status of students when they report it. This comparison shows that, for students with disabilities, police reported much lower stop rates—just one-tenth the number of referral rates by school staff. Considering that many students have problematic behaviors that are caused by their disability, our side-by-side review of these two datasets also raises the possibility that, without knowing it, police are stopping students because of disability-caused behaviors. This important knowledge gap could contribute to inappropriate police engagement in the moment, and the likely inaccurate stop data might later misinform policy debates about the impact school policing has on students with disabilities.

Despite their preliminary nature, our observations are sufficient to raise concerns regarding the completeness and accuracy of the data and reporting, and the possible negative impact on students with disabilities of the knowledge gap that appears to exist among officers that report their student stops. These new concerns come on the heels of our prior findings, which documented that numerous large school districts appear to have failed to report the CRDC data, and many have been blatantly out of compliance with the CRDC collection requirements for consecutive collections (Losen, Martinez & Shin, 2021)

**Other areas of concern beyond the scope of this report:** Disciplinary removals are sometimes not reported, and there also may be technical loopholes that confound our understanding of the data we can observe. For example, if a parent calls the police about a school incident and the police respond, according to OCR, that contact with police would not necessarily be reported to the CRDC. A similar problem has been raised regarding instances that are difficult to document, such as parents being asked to keep their child at home in response to student misconduct or to pick their child up early for behavioral reasons, with no suspensions reported for either, even though the reporting rules do not appear to allow such exceptions. As recent findings from Oregon indicated, whereby students with behavioral disabilities, because of their behavior, frequently faced reductions in educational instruction, this could be a widespread problem in California as well.<sup>52</sup>

To be sure that real progress is being made, it is necessary to conduct a broader review of the data covering all forms of disciplinary removal. This will help to ensure that a reduction of both in and out-of-school suspensions, for example, is not replaced by an increase in disciplinary transfers, police responses, or “off the books”

suspensions. Therefore, a comprehensive accountability system should include the policing data, where it is available, and consider other indicators such as disciplinary transfers and rates of chronic absenteeism.

Furthermore, we encourage the CDE and the attorney general's office to review the most recent suspension rates in context. Worsening rates or persistently high rates could trigger further exploration; in some cases, increasing rates and disparities by race and/or disability status may prompt a civil rights investigation. Accurate trend data can and should be used to evaluate progress during the school year in monitoring resolution agreements, assessing policies and practices, and tracking the progress of discipline reform efforts. Districts ideally will review their discipline data publicly on a quarterly basis, and more frequent public reviews may be necessary for schools and districts with high suspension rates and large discipline disparities.

### **Statewide Accountability to Address Stagnation and Obfuscation**

The stagnated rate of lost instruction and the underlying suspension rates we observed suggest that additional statewide policy changes are needed to generate more effective responses, and especially to ensure that such districts are not implementing unjust or unlawful policies or practices. Unfortunately, all districts, including those whose 2019-2020 data suggest serious problems, have received a pass for two consecutive years. But, even under normal conditions, many districts have avoided being held accountable because of issues with the accountability rules and the fact that discipline rates are one of a bundle of factors. This means that, under the statewide accountability system, excessive and/or disparate rates cannot trigger any accountability actions by themselves, even if districts increase suspension rates dramatically. Even while putting formal accountability on hold, the California data dashboard could have continued to use “red coding” to alert users to the rates from 2019-2020 that were far above the state average. Had the dashboard continued to alert the public about districts with rates well above the state average for that year, CDE would have maintained some attention to the concerns of excessive discipline. Yet along with the accountability system, due to the COVID-19 pandemic, state law also suspended all reporting of state and local indicators on the dashboard for the 2019-2020 and 2020-2021 academic years.<sup>53</sup>

### **A comprehensive review can help thwart the potential “whack-a-mole” problem:**

When a large decrease in the number of suspensions corresponds with increases in other discipline categories, rates of referral to law enforcement or arrests, or rates of chronic absenteeism, reviewers looking for progress should be mindful that such countervailing patterns might be related and that the other forms of removal may be offsetting those that are under close scrutiny or are attached to accountability measures. Moreover, the current system can allow attention to be diverted from the districts with persistently high suspension rates by giving them far too much credit for marginal improvement, which is especially problematic if there are increases in other removal rates.

Therefore, the accountability system intended to help improve school climate should consider multiple indicators; districts that appear to be making progress by one isolated measure, such as lower suspension rates, should not get undue credit for this if the rates of other types of removal increased by a similar or greater amount. Moreover, a revised system might consider a trend review that covers more than just the previous year. The ease with which credit is given in the current system arguably weakens accountability and may even undermine the incentive to make substantial progress.

The statewide accountability system was put on hold for the 2019-2020 school year because the elimination of in-

person education changed the calculation of chronic absenteeism; it also coincided with changes in achievement testing and a relaxation of the rules for graduation.

CCRR applauds the relaxation of accountability measures, including adherence to the discipline rubric. However, from a civil rights perspective, we believe that the discipline data collected and reported for 2019-2020 could still be put to good use, such as flagging possible civil rights concerns, and they could still help inform local decision-makers. At the same time, we also were concerned that, once those 2019-2020 data were made public, they'd be open to misinterpretation. After adjusting for changes in enrollment, the number of suspensions in most districts in 2019-2020 was lower than the year before, but the lower number is largely because all schools stopped suspending students after March. If one attempted to compare suspension rates in 2019-2020, which are based on just 70% of a school year, to the rates over the entirety of previous years, one should expect the 2019-2020 rates to be substantially lower than those for the previous year. Furthermore, considering that in-person education was shut down for nearly all the following year and that the data for the current year won't be ready for at least another four months, the most useful information district policymakers have is arguably the 2019-2020 data.

This report has sought to provide an accurate description of the rates of suspension and lost instruction in 2019-2020. The district-level analysis calls attention to the many districts for which what appears to be a decline in suspension rates was often not the case, once the shortened year was accounted for in calculating the rates. While it is important that policymakers and community advocates at the district and state levels use the 2019-2020 data, they should not rely on the unadjusted rates to influence their evaluation of ongoing efforts or their choices about policy, practice, or resources.

As this report demonstrates, the documented reduction in suspension rates for 2019-2020 at the state and district levels are more accurately described as stagnation. Once adjusted, the data reveal serious problems, including that some districts are dedicating insufficient resources toward the improvement of school climate. As we pointed out in our last California report:

The frequent assumption that kicking out the “bad or disruptive” students so those who are “good and well-behaved” can learn is based on the false dichotomy that students are either disruptive or well-behaved, and that the former have some immutable deficit within that justifies throwing them out of school . . . The hard data on who gets suspended at some point during their schooling indicates that the majority of secondary students have, at one point or another, been counted among the “bad” or “disruptive.” Most important, . . . school factors, not student characteristics, explained most of the differences in suspension rates among schools (Fabelo et al., 2011).

Nonpunitive frameworks for addressing behavior, like positive behavioral interventions and supports (PBIS), and restorative practices, are built on a well-established understanding of child psychology. [One example is that] praise is a more powerful motivator than punishment, and that it's more effective to give positive reinforcement for desired behavior than to rely on punishment to deter problem behavior (see Gregory & Evans, 2020). A good deal of restorative practice is rooted in common sense—for example, that experiencing fair consequences, such as a restorative act, and understanding how misbehavior hurts others should help children improve their behavior over time. Experts suggest that these interventions show promise for reducing racial disparities (Gregory & Evans, 2020).

More recent data on efforts to improve outcomes in California suggest that, where districts have fully implemented restorative practices, students have had positive outcomes (Darling Hammond, 2021). Evidence illustrates that replacing a punitive approach with a more community-based one can produce positive and sustainable outcomes. This research, which used data from the California Healthy Kids Survey, found that students with the most exposure to restorative practices experienced just one-fifth as many Black-White discipline disparities as the students with the least exposure to restorative practices (Darling-Hammond et al., 2021). They also found that greater exposure to restorative practices predicted lower rates of exposure to discipline for American Indian, Asian, and Latinx students. While the models in this study were not designed to estimate any direct causal effect restorative practices would have had on student outcomes, they did reveal that students who had more exposure to restorative practices are associated with having more positive outcomes. While additional research is needed to understand the extent to which this alternative to frequent suspensions affects student outcomes, it is evident that increased exposure to restorative practices is highly correlated with students having more positive outcomes. Moreover, advocates for restorative justice practices (e.g., Tyler, 2006; Zehr, 2015) make the case that, whereas exclusionary practices can lead to student disengagement and further exacerbate their misbehavior, restorative practices can enhance community bonds and reduce misbehavior while increasing academic motivation.

PBIS also shows great potential and is associated with the lower use of suspensions. PBIS is not a curriculum or a specific policy but an evidence-based framework that relies on foundational and systems-based changes to implement sustainable practices (McIntosh, Mercer et al., 2018). The framework relies on a three-tiered model that integrates data, systems, and practices into schools. Darling-Hammond and colleagues (2020) emphasize that there is no one way to utilize PBIS, and practitioners have used the framework for a variety of practices, including community-building circles or suspension-diversion programs. PBIS has been successful largely because its focus is on teaching expectations and using logical consequences when necessary. The PBIS perspective is that a child's behavior is a way they communicate their needs and that the school should focus on how best to address those needs.

A recent study on equity-based PBIS interventions followed 95 schools that ranked in the bottom fifth percentile in student achievement for three consecutive years (Girvan et al., 2021). The study was used to examine the effects of a one-year intervention to reduce school staff members' and educators' disproportionate use of exclusionary discipline. The study participants received direct equity-focused professional development and coaching to help them assess their school discipline disparities, and to implement methods to counteract implicit bias and culturally relevant instructional practices within a PBIS framework. After one full year, researchers found that schools receiving the intervention had improved outcomes, including reduced use of punitive discipline and improved school climate ratings, as well as statistically significant and clinically meaningful improvement in racial equity in school discipline (Girvan et al., 2021).

Another intervention that has shown positive outcomes for school climate and student outcomes is social and emotional learning (SEL). Thousands of schools across the nation have implemented SEL programs (Humphrey, 2013; Weissberg & Cascarino, 2013), and the results have motivated local policymakers to direct funds to support them. SEL, which has been conceptualized in many ways, is generally defined as the processes through which individuals attain and effectively apply the knowledge, attitudes, and skills that are necessary to maintain and understand their emotions, set and achieve goals, feel and show empathy for others, and maintain healthy relationships (Weissberg & Cascarino, 2013). Roger Weissberg and colleagues (2015) focused on five

core principles of social and emotional competencies for SEL learning: self-awareness, self-management, social awareness, relationship skills, and responsible decision-making. A study of more than 270,000 students from kindergarten through high school age found that students who participated in SEL programming improved their academic achievement 11 percentage points more than students who did not participate (Durlak et al., 2011). Advocates for SEL programming believe that this approach to learning will provide both immediate and long-term benefits for students, in both academics and the complex problems they will face later in life.

Our concern is that, despite these promising alternatives, there may not be sufficient resources dedicated to improving school climate, a problem that was not adequately addressed before the pandemic and has likely increased. Black, Latinx, Native American, and students with disabilities, and others who are suspended most often, will likely bear the brunt of any insufficient resources.

## Conclusion

In conclusion, we note that the incomplete data for 2019-2020 can create a false impression—that is, that the school climate in California’s schools was improving before COVID hit. The projected suspension rates presented in this report can give state and local educators a clearer sense of whether they were in fact on track to make progress in addressing excesses and disparities in discipline during that school year. In addition, to understand whether meaningful improvements have been in school climate, other data sources must be considered, including school policing data. However, to ensure that an accurate understanding of the current school climate is achieved, a greater effort must be made to collect and report these other data sources. With clearer information about whether the school climate is improving or declining, policymakers can make more effective decisions about the use of available resources, can determine which approaches should be replicated, and can decide whether civil rights enforcement agencies should be called on to intervene.<sup>54</sup>

**Recommendations for improving California’s discipline accountability:** That the state includes discipline in the statewide system of school and district accountability is a critically important aspect of the state’s current system and a clear step in the right direction toward reducing inequity in educational opportunity. It is also helpful that the state’s dashboard system highlights in red those districts with high suspension rates for certain racial groups, students with disabilities, and other high-needs groups, and for students overall. However, the accountability metrics used to assign color codes and to measure progress could be substantially improved. While there is merit in looking at the unduplicated count of students suspended just once, that metric does not adequately reflect the excessive and repeated use of suspension, nor do unduplicated counts fully capture the disparate impact on different groups of students’ opportunity to learn. Notably, relying on the unduplicated count of students suspended means that neither the problem of multiple suspensions nor the higher amounts of lost instruction are fully revealed or addressed. Discipline metrics ideally would allow educators to identify and address the counter-productive and punitive nature of suspensions more accurately, as well as their differential impact on instruction time. When the impact on instruction time is part of the discussion, the connection between harsh discipline practices and inequity in the opportunity to learn becomes clear.

The Individuals with Disabilities Education Act requires districts to report data on the suspension of students with disabilities to the state of California, and the state in turn is obligated to report this information to the public, both the incidence and duration of suspensions. Although the state does publish the data on the incidence of suspension to make it accessible to the public, and although the percentage of absences due to out-of-school suspensions are published in the absenteeism report, the data on days of lost instruction are only found in the downloadable files on absenteeism; they are not even mentioned in state reports of discipline data, such as the number of suspensions. Therefore, the data on the number of lost instruction days resulting from discipline are not accessible to the average member of the public.<sup>55</sup>

Another shortcoming of the statewide discipline accountability system is that it heavily weights small improvements in student suspension rates over prior years while paying too little attention to the actual high suspension rates some groups face, along with the longer-term trends showing an overall increase in rates. Our previous report criticized the statewide school discipline accountability system for allowing too much leeway and for allowing districts to avoid being coded red, even when the group with the most suspensions experienced an increase in rates. We specifically point out that even a small amount of progress over the previous year, such as 3/10ths of one percentage point, could reduce the level of concern by one color, including changing a code from



red to orange. In other words, if their most recent rate shows a decline of just 3/10ths of 1 percentage point, even districts with the highest suspension rates in California or those whose two-year trend reflects a steep increase could be coded orange. Of course, when the accountability coding is calculated for the 2021-2022 academic year, it's unlikely that any districts will be eligible for credit, given that few schools used out-of-school suspensions in 2020-2021. Most will likely show an increase over the previous year. We argue, therefore, that the 2018-2019 school year should be the baseline comparison moving forward.

The other problem with CDE's discipline coding system is that it gives too little weight to groups of students who have very high suspension rates. For example, even if a district's data show an increase in the most recent year for the groups that had the most suspensions in prior years, the district can still be eligible for the full range of codes, including blue and green, if its overall suspension rates remain low.

Ultimately, if policy incentives and technical assistance fail to yield results, the reasons for the persistent failure need to be investigated, including the possibility that a district is engaged in unlawful discrimination. Therefore, CDE should exercise its authority to refer problematic districts to the Children's Justice Bureau for investigation and possible civil rights enforcement remedies.

**California has the authority increase accountability to prevent the harm caused by disparate disciplinary removals:** It is important to keep in mind that the need for greater civil rights protections, as outlined by the federal government in the joint guidance issued by OCR and the U.S. Department of Justice and endorsed by the California attorney general's office, does encourage paying particular attention to the harmful disparate impact of the excessive use of suspensions.<sup>56</sup> It is also true that the California constitution has what is essentially a disparate impact clause, which the state has the obligation to enforce. Moreover, the federal Every Student Succeeds Act includes a specific requirement to ensure that recipients of federal funds are taking steps to identify and remedy excessive disciplinary removal. There are several authorities through which the state could initiate policy changes and district reviews in order to fulfill their statutory and constitutional obligations to protect children from discriminatory discipline.

One important lesson from this report's presentation of discipline rates at the district level, and the trends over time, is that, before in-person education ended in March 2020, many districts were on a path toward higher suspension rates in 2019-2020 or had made almost no progress in reducing the disciplinary removal rates of the students who historically have experienced the greatest amount of lost instruction due to the excessive use of suspensions. Besides some disturbing evidence that the current year's data will show additional regression in school climate, we have reason to believe that our concerns about the lack of progress and persistent disparities would be further bolstered if there were accurate and comprehensive public reporting of all forms of disciplinary removal, including the number of teacher suspensions, days of lost instruction, and removals initiated by police officers on school campuses.

Based on the data presented in this report, along with CCRR's other research, we recommend adding a more comprehensive and rigorous stand-alone system of accountability and oversight to help remedy the excessive and disparate suspension rates in California's public schools.

A more effective accountability system in California should embody the following components:

Employ a threshold based on average state rates of lost instruction. These rates of lost instruction should be further calibrated by the elementary, middle, and high school levels so that each grade configuration would have

its own average rate. These rates of lost instruction could be used as an additional indicator, similar to how the state currently uses the unduplicated student suspension rate.

1. Give credit for progress, but only to districts demonstrating substantial and sustained progress over two or more years.
2. Have clear, constructive consequences that will help districts make changes to policies and practices, and to use their resources more efficiently to improve school climate and conditions for learning.
3. Provide safeguards against “whack-a-mole” problems, such as out-of-school suspensions being offset by involuntary transfers, teacher suspensions, and other forms of removal.
4. Address important areas of discipline that have often been overlooked, including a review of school policing data on all “student stops” and their outcomes, with additional indications to determine whether the stop was a response to a request or referral from school staff, or if the police, on their own or at the request of a parent, initiated the stop.
5. Include closer scrutiny of LCAP details on improving school climate and the use of the concentration and supplemental grant funds designated for high-needs students.
6. Encourage districts to engage in more frequent and timely reviews of discipline data and disparities so that the assessment of the current year’s practices can inform the development of the next year’s budget.
7. Involve community members, including those most impacted by excessive disciplinary removals, in the review of data and design of remedial action plans, where needed.
8. Include students with 504 plans in the reporting of school discipline.

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## Appendix

For the 2019-2020 school year, the state of California suspended the use of other statewide accountability system. Students attended school in person for more than 70% of that school year. Despite limitations on the scope and utility of the publicly reported discipline data for 2019-2020, a large amount of discipline data were collected and publicly reported.

**Table A1. Rates of Lost Instruction Over Time in California by Race/Ethnicity**

	2011–2012	2012–2013	2013–2014	2014–2015	2015–2016	2016–2017	2017–2018	2018–2019	2019–2020 Projected
Black	64	59	51	43	42	39	37	36	35
Native American	42	42	35	29	30	27	26	27	25
Asian	5	4	3	3	3	3	3	3	3
Filipino	7	6	5	4	4	4	4	4	3
Latinx	24	20	16	13	12	12	12	11	11
Pacific Islander	27	23	17	16	16	15	15	14	13
White	17	15	13	11	11	10	10	10	9
All	23	20	16	13	12	12	12	11	11

Most people understand that if we base our understanding on the count of suspensions from a shortened school year, and if we ignore the differences in the length of the in-person year, what we observe in the shorter time period could make it seem like rates are declining. In the main text of this report, we began with a comparison of the cumulative number of suspensions from school year 2019-2020, which lasted just over 120 days, to the cumulative number of suspensions from a full in-person year, 2017-2018, which lasted the normal 180 days. CCRR has traditionally tracked rate of suspensions per 100 students and combined the in- and out-of-school suspensions because together they indicate the impact of suspending students, broken down by each distinct offense category. Each year, we divide the cumulative count of suspensions by the reported enrollment for the district found in the state's enrollment count (based on a specified date in October or November), and then multiply the result by 100 to produce the rate of suspensions per 100 students. The enrollment data we rely on is officially reported by the CDE and is known as the census enrollment.

The rate of suspensions can be calculated distinctly for each code of conduct, which enables us to see how much each code contributes to racial and disability disparities. The student suspension rate cannot provide this added detail because it is based on unduplicated counts of suspended students. For example, if a student is suspended 10 times, each time for a different reason, they only count once when calculating the student suspension rate.

In all our prior reports, we divided the total cumulative number of suspensions meted out for the entire year by the census enrollment to produce the rate of suspensions per 100 students. However, the fact that schools shut down in-person suspension in March 2020 means that no suspensions were issued or reported for the remainder of that school year.

To compare the rates for the shortened 2019-2020 school year to prior years, which is necessary to determine whether rates were rising or falling, this report made an adjustment to calculate projected rates that would better represent a full year for comparison purposes. Specifically, the projected values assume that the rate at which

suspensions were given out during the first two-thirds of the school year (for which we have the data) would remain constant for the last third of the year. These projected rates estimate what the suspension rates might have been, had educators continued to mete out suspensions. Therefore, in the spreadsheets, we also provide the raw data on the number of suspensions that were meted out and calculate the rates for each district thru the end of in-person instruction.

## Methodology in General

This report looks at all the data the CDE reported on district-level suspensions for the 2019-2020 school year. We highlight the districts whose rates as of March 2020 were already significantly higher than they were for the entire 2018-2019 school year. Districts whose rates in 2019-2020 that were greater than or equal to their rates from the longer 2018-2019 school year represent a likely increase in the use of exclusionary discipline for that district.

This report uses the disciplinary removals that did occur in the first 70% of the 2019-2020 school year to project what the rate of suspensions per 100 would look like if suspensions had been meted out at the same rate in the final 30% of the year. These projected rates are estimates; we present all the rates in the spreadsheets without making any adjustments. Without projected estimates and based on the data that were provided, all but a handful of districts had suspension rates thru March 2020 that looked like they had made substantial improvement over prior complete academic years.

Ideally, districts with strong data teams should be able to pull their discipline data at approximately the 120-day mark for the 2019-2020 school year and for prior years as well, so that the comparison to prior years is basically an apples-to-apples comparison. CCRR does not have access to such data or the capacity to seek it from every district in the state. Instead, we applied a uniform formula to project the rates for the 2019-2020 year as if it had been a complete year. Naturally, if all other things had remained the same, the rates from the truncated in-person year would be about 30% lower than they were during the prior full year.

We first calculated the suspension rates for the truncated in-person school year and we provide those data and rates. Unfortunately, accurately comparing the rates to prior years would require us to count only the suspensions issued up through March from the past years. Naturally, the cumulative number of suspensions meted out by March in most districts is far smaller than the cumulative total by the end of the year. Making the comparison to complete prior years means that even districts that were on the path to having much higher rates could appear to have declining rates. This lack of complete year data for 2019-2020 means there was a risk of mistaking worsening school climates for improving school climates.

The projected rate represents a more accurate portrayal of school discipline if the cumulative number of suspensions that were reported through March 2020 were treated as a constant rate. In many high-suspending districts, penalties for minor offenses that are repeated are increasingly harsh. This suggests that the estimates produced for this report may be low.

Although the projected rates are not precise, they are a better indicator of long-term trends in districts than the unadjusted rates.

The typical school year is 180 days long. In-person instruction ended for a majority of California schools on March 19, 2020, with 53 days remaining in the school year. To determine the proportion of the remainder of the school year, we divided 53 by 180, which left 29.444%. The purpose of the following formula was to estimate what the rate

for 100% of the school year would have been, given that the rate we can observe represented 70.566%:

$$((53/180)/(1-(53/180))*\text{existing suspension rate})+\text{existing suspension rate.}$$

In layman's terms, if we assume that the current rate represents 70% of the final rate, we can deduce the missing 30% and add that amount to the 70% we know to produce 100%. Although we applied the formula to the rate through March, we could have applied the formula to the count of suspensions. For example, if 14 suspensions=70% of the total, then 2 suspensions=10% of the total. If every two suspensions represent 10% of the total, then it must also be true that six represent 30% of the total. This means we can add the 14 known suspensions to the 6 projected suspensions to arrive at the estimate that 20 suspensions eventually would have been meted out, which is equal to 100%. In this example, the formula would work as follows:

$$0.29444/0.70566(x14) +14. \text{ This turns out to be roughly } 0.4172547 \times 14 (+14) = 19.841565.$$

With rounding, this comes to 20 projected total suspensions. To get the projected rate of suspensions per 100 students, we can divide this projected total number of suspensions by the enrollment and multiply the result by 100.

In another example, the Latinx rate through March 2020 prior to the shutdowns was 2.0 suspensions per 100 enrolled Latinos. We apply the formula to obtain the projection statistic as follows:

$$((53/180)/(1-(53/180))*2.0)+2.0.$$

The projected rate would equal 2.83 suspensions per 100 students. The shorthand is that the formula requires that we multiply the current rate or number by 0.4172547 and then add it to the current rate or number to arrive at the projected value.

For a district to be included in our analysis of rates for a particular racial/ethnic group highlighted in the text of the report, we required that it enroll at least 50 students from that group. Of the 711 districts with at least 500 students enrolled, column A of Table A2 describes the number of districts that met the total enrollment criteria and also had at least 50 students from the given racial/ethnic group.

Column B in Table A2 shows what percentage of the districts that met our inclusion criteria had projected rates equal to or greater than 10 suspensions per 100 students for the specified racial or ethnic group in 2019-2020. For example, 373 districts that enrolled at least 500 students also enrolled at least 50 Black students. In 56% of those districts, the projected suspension rate among Black students reached at least 10 per 100 students. Native American and Pacific Islander students also experienced high suspension rates in a large percentage of districts, 50% and 48%, respectively. In contrast, of among the 674 districts meeting our criteria for White students, only about 15% showed a projected suspension rate for White students of at least 10 per 100 students enrolled.



**Table A2. Summary of 2019-2020 Projected Suspension Rates by Race/Ethnicity among Districts Enrolling at Least 50 Students in That Group**

Group	A. Number of Districts with at least 50 students in racial/ethnic group	Percentage of Districts in Column with Projected Rates Showing Increase or Decrease by Race/Ethnicity			
		B. Districts with >=10 suspensions projected per 100 students (as % of A)	C. Rates increased from prior year by >=2	D. Rates decreased from previous year >=2	E. Remained within 2 suspensions per 100 of prior year's suspension rate
All Students	711	16	7	16	76
Black	373	56	28	36	36
White	674	15	13	20	67
Latinx	711	15	11	19	70
Asian	424	1.4	7	8	85
Filipino	315	<0.5	6	12	75
Native American	147	50	33	46	21
Pacific Islander	134	48	79	<0.5	20

As one can see in Column B, in approximately half the total number of districts they attended (column A), Black, Native American, and Pacific Islander students were the groups whose projected suspensions rates were equal to or greater than 10 suspensions per 100 students. One can see in column B that the racial/ethnic groups experienced rates that high in no more than 15% of the districts they attended. Columns C-E show the percentage of districts (out of the total in column A) where suspension rates were on course for an increase (column C), a decrease (column D), or a rate that was very similar to the previous year (column E), according to the projected rates.

Notably, despite efforts to improve school climate and eliminate suspensions for disruption and defiance, only 16% of the 711 districts in California showed a sizeable decrease (at least 2 percentage points) from the previous year; more substantial decreases were even rarer.

Further, 7% of the 711 districts were projected to have an overall increase in suspension rates for 2019-2020 over the previous year. The fact that most districts showed projected rates with very little change from the prior year (76%; column E) is consistent with statewide averages, and with our general concern that progress had stagnated at the time the pandemic forced schools to close.

To understand the civil rights implications of this analysis, it is important to break the changes down by racial/ethnic group. In the next table we expand our analysis of the highest suspending districts for Black students to see whether other groups of students also showed increases in their projected values.

**Table A3. Projected Rate of Suspensions per 100 Enrolled Students by Race/Ethnicity in Large Districts with Highest Suspension Rates for Black Students, with Difference Compared to Prior Year (2018-2019)**

	All	All-Difference	Black	Black-Difference	Latinx	Latinx-Difference	White	White-Difference
Antioch Unified	22.13	1.38	47.32	4.89	14.40	-0.48	11.23	-1.02
Barstow Unified	18.79	-7.19	46.10	-22.74	11.71	-3.68	12.78	1.31
Tulare Joint Union High	12.99	1.42	45.94	22.71	12.93	0.66	8.79	1.03
Madera Unified	9.63	-1.85	43.40	6.28	9.16	-1.86	9.35	<b>-4.68</b>
Elk Grove Unified	12.32	2.87	43.04	11.22	14.07	4.46	6.42	0.56
Kern High	17.87	2.93	41.82	4.88	16.85	2.77	16.69	3.15
Sierra Sands Unified	14.24	0.70	41.47	14.30	14.19	1.27	12.37	-0.68
Eastside Union Elementary	18.48	3.88	39.51	1.38	11.04	4.18	14.11	4.60
Victor Valley Union High	16.54	1.85	39.00	5.28	11.49	1.21	10.37	-1.05
Snowline Joint Unified	10.10	1.20	38.16	8.76	8.85	0.91	8.56	0.22
Folsom-Cordova Unified	7.93	0.60	37.95	3.03	10.35	1.47	4.77	-0.30
Pittsburg Unified	16.28	-5.63	37.84	-13.45	10.79	-4.83	21.12	0.11
Antelope Valley Union High	12.07	-1.39	37.19	2.41	7.01	-2.19	4.75	-2.30
Morongo Unified	19.47	-5.32	36.67	-11.59	16.00	<b>-4.71</b>	19.94	-4.91
Central Unified	13.19	-0.22	36.52	2.45	13.30	0.04	9.47	-2.45
Lodi Unified	10.46	1.63	36.08	7.22	9.87	1.79	7.44	-0.84
Patterson Joint Unified	12.68	-0.20	35.10	3.56	11.46	-0.57	12.70	1.33
Stockton Unified	13.30	1.70	34.47	2.58	10.87	1.18	19.22	6.66
Victor Elementary	13.93	4.34	34.39	9.59	8.86	3.29	11.41	3.62
Yuba City Unified	13.10	0.35	33.52	-10.20	15.22	1.45	13.84	0.36

Table A3 shows suspension rates for different racial groups in the 20 districts with the highest suspension rates among Black students. As in previous analysis, we only included districts that had at least 3,000 students enrolled in total and at least 100 students identifying as Black. Our analysis revealed that, in 16 of these districts, suspension rates actually increased for Black students relative to the previous year.

Of the 20 districts that had the highest suspension rates in 2019-2020, as shown in Table A3, 9 had managed to reduce their suspension rate from the previous year. However, despite the overall decline in suspension use in these 9 districts, 6 of them still showed increased suspension rates for Black students. In other words, the districts with the highest suspension rates for Black students in 2018-2019 tended to show an increase in suspension rates among Black students in 2019-2020 but a decrease in suspension rates for White students.

# Gap Analysis and Rates of Lost Instruction

The following example of the 10 districts (excluding County Office of Education districts) with the largest Black-White difference in days lost due to discipline illustrates why we believe it is vitally important to consider the educational impact in these terms. Our estimates indicate that nine of the ten districts with the largest Black-White differences were also on a track to increase the racial divide. More specifically, because the rates of suspension drive the estimates of lost instruction, wherever the Black students’ suspension rates rose, so did their rates of lost instruction. Therefore, if the rates increased more for Blacks than for Whites, or if White rates declined while Black rates rose, the racial divide expanded.

**Table A4. Largest Districts Where Racial Divide Was On Track to Expand**

District	Projected Black-White Gap in Days of Lost Instruction	Was the Racial Gap (Black-White) on Track to Widen?
Tulare Joint Union High	73	Yes
Elk Grove Unified	72	Yes
Antioch Unified	68	Yes
Madera Unified	67	Yes
Barstow Unified	66	No
Folsom-Cordova Unified	65	Yes
Antelope Valley Union High	63	Yes
Snowline Joint Unified	58	Yes
Sierra Sands Unified	57	Yes
Lodi Unified	74	Yes

It is not surprising that, among the 20 large districts with the highest suspension rates for Blacks, we also found the largest racial differences. However, this serves the purpose of raising awareness that in California’s largest districts with highest rates for Blacks in 19-20, those racial differences were likely expanding.

It is also worth mentioning that progress was likely being made in one of these districts and deserves mention. In Barstow Unified, both the Black and White suspension rates were higher than state averages, and the racial gap in terms of rates of lost instruction was among the state’s largest. Despite the clear indication that severe racial disparities still exist in Barstow, both the Black suspension rate and corresponding rate of lost instruction were on track for a large decline in 2019-2020. It is noteworthy that White students experienced a relatively very small increase in their rates of suspension and lost instruction, which argues against fully crediting the district’s efforts, at least not where the narrowing gap resulted from worsening conditions for White students.

## The Harm Principle and Measuring Racial Progress

CCRR has applauded the CDE for making discipline one of the statewide accountability indicators for measuring progress pursuant to the federal Every Student Succeeds Act. However, as we have argued in the past, more attention needs to be given to how we evaluate progress. In the context of making progress on discipline rates, we encourage all educators and researchers to incorporate the harm principle into their evaluation. For example, when analyzing exposure to something that is harmful to children, one should never attribute racial progress to a

mere elimination of racial differences, not if equalizing the harm exposure is accomplished by increasing the harm to the lessor exposed. The denial of instruction resulting from a suspension is harmful to all children's educational opportunity. Therefore, in districts with excessively high and racially disparate rates of discipline, we should not regard a narrowing of the gap to represent racial progress if it resulted primarily from increasing the suspension rates of the groups with low rates while the racial groups with the highest rates experienced no reduction or even an increase, albeit a smaller increase.

## Endnotes

1 For the purposes of this report, “high needs” refers to students in categories whose unduplicated counts are used by the state of California as part of the Local Control Funding Formula: students in the foster care system, students who are English learners, and low-income students. We also include homeless youth in our definition. The California Department of Education has used the term “high needs” to describe different categories of students at different times (see, e.g., “Expanded Learning in California: Fostering Success among High Needs Students,” <https://www.cde.ca.gov/ls/ex/documents/fostersuccessrpt.pdf>; “California School Dashboard Technical Guide,” <https://www.cde.ca.gov/ta/ac/cm/documents/dashboardguide19.pdf>).

2 From Klein (2021): “According to sources cited, ‘Mental health emergency visits among children are on the rise. Between March and October of 2020, they increased 24 percent for children ages 5 to 11, and 31 percent for kids ages 12-17. There was also a more than 50 percent spike in visits for suspected suicide attempts among girls ages 12 to 17 in early 2021, compared to the same period in 2019.’”

3 The state of California created a set of thresholds, one for each grade configuration (elementary school, middle school, and high school) for what is considered a problematic suspension rate that produces a red flag, along with consideration of trend criteria for each level available here: see California Department of Education, “Public release of data file for schools that meet the criteria for support and improvement in 2019-2020,” <https://www.cde.ca.gov/sp/sw/t1/essacsilr19.asp>.

The suspension indicator is just one of several non-academic indicators bundled with four academic indicators that the state used to identify the “lowest performing” 5% of schools and districts. A few other states include suspensions in their accountability system as a subset of their chronic absenteeism indicator. This report comments further on the statewide accountability system and its impact on suspension rates and racial disparity in the discussion section.

4 One can find the state’s code of conduct for school discipline at Cal. S. B. 419 (2019-2020), Ch. 279 (Cal. Stat. 2019). [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=EDC&sectionNum=48900](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=48900).

5 A full summary of this is beyond the scope of this report.

6 In this report, we use the available data and project what the suspension rate would have been during the 2019-2020 academic year, if COVID-19 had not disrupted in-person instruction. The projections assume that the observed rate of suspensions for the first 70% of the year continued for the remaining 30%.

7 Unfortunately, in the 2020-2021 academic year, some students were denied access to instruction on behavioral grounds, but those exclusionary actions do not easily fit the definition of in- or out-of-school suspension, as most learning in that period was virtual. On information and belief, CDE made no concerted effort to collect data on the denial of access to virtual instruction.

8 In the discussion section of this report, we refer to examples of online LCAP reports from several districts.

9 Although we would have preferred to compare the first six months of 2019-2020 to similar periods in prior years (as a few districts have done), it is not possible to do this for the state or for every district, as no public data source provides mid-year data.

10 This report makes use of publicly available information from the CDE to present reasonable estimates of what suspension rates might have been in the 2019-2020 academic year, had COVID-19 not led to the closing of schools. The raw data are available on the state’s website and replicated in the spreadsheets published with this report. Discipline data from 2020-2021 are also posted on the state’s website, but most viewers understand that in-person education was shut down for the entire year and, therefore, that the extremely low rates of in- and out-of-school suspensions in 2020-2021 were due primarily to the fact that students were not physically present.

11 In Part II we chose to present only the rate of suspension metric at the more detailed district level because the projected rates for this measure for 2019-2020 are already estimations. One can reasonably estimate the rate of lost instruction, as we have in prior reports, simply by doubling the rate of suspensions. In our prior reports we have focused our presentation on our estimate of days of lost instruction and the racial differences in educational opportunity that results from differences in the use of suspension. Because this report is already projecting the number of suspensions for the full year based on the numbers reported for the first two-thirds of the year, for this report we decided not to feature an additional estimate of days lost on top of our projected numbers of suspensions for every district.

On the other hand, it is still important to understand the impact of disciplinary removal on instruction time. Therefore, in our spreadsheet we did include the estimated days lost, based on the projected rates of suspension, and then calculated the racial gaps in lost instruction between Black and White and between Latinx and White students for every district. In the spreadsheet we also included an analysis for the offense of “Disruption or Defiance.”

12 See the California Department of Education, Suspension Data, available at <https://www.cde.ca.gov/ds/ad/filesdsd.asp>. The state also recommends that readers visit their COVID-19 and data reporting webpage. They explain that the data are valid and reliable for the period covered, but that they are not comparable to prior years. In this introduction, we spell out exactly why, without making adjustments, the data in their current form are not comparable to prior years. We further explain how we have added estimates to help readers get a better sense of the data from 2019-2020. To give readers a sense of whether suspension rates were on the path toward being higher or lower than the prior year, we take the data reported by CDE for the 2019-2020 school year and prorate it. This is similar to projecting what one’s annual electricity bill would be for the entire year if one has only lived in a house for eight months in order to understand the annual costs.

13 All schools and districts report census enrollment as of a specified date in October. This enrollment number is reported by CDE and used to calculate other rates, including the rate of chronic absenteeism. According to the state of California, “Students are considered chronically absent if they are absent at least 10 percent of the instructional days that they were enrolled to attend in a school” (<https://www.cde.ca.gov/ta/ac/cm/chronabscal.asp>). It’s important to note that the absenteeism rates are used for accountability and that

the state recently also began reporting the actual days of lost instruction due to out-of-school suspension in the downloadable file on absenteeism. However, CDE did not provide any absenteeism file for the 2019-2020 school year.

14 The census enrollment number is reported on a specific day in November. This number requires no adjustment as it is a pre-pandemic count of students, and CRRR finds the census enrollment data to be more stable and therefore more useful than cumulative enrollments. We call this estimate a projected suspension rate because it represents approximately what would have been. Because schools closed and there were no more in- or out-of-school suspensions, the estimate we present in this report should not be treated like a substitute for an actual but unknown number. In this case, there were no additional in- or out-of-school suspensions. Without having the actual number of suspensions for 70% of the year for prior years, the only fair way to compare years and to generate a reasonable full-year estimate is to use the data available and assume that suspensions would have been meted out at the same rate for the last 30% of the year as for the first 70%. We believe that the projected values presented here provide a reasonably fair comparison to prior years and should be used as part of resource and budget discussions for the current and future years.

15 Because the census enrollment is taken from a set date in October, no adjustments to the enrollment were needed.

16 The assignment of two days per suspension was based on more detailed duration data from several districts in California as well as more recent statewide data as described in our 2021 report.

17 Due to rounding, the projected rates of lost instruction in this table may not be exactly twice the projected rates of suspension in this table.

18 The trends presented in Figure 1, as in all our prior reports on California, are based on the combined number of suspensions, both in-school and out-of-school, as reported by the state of California. We double the projected rate of suspensions to estimate what the rate of lost instruction per 100 students would have been in 2019-2020 if in-person instruction had continued. Also see Losen and Whitaker (2017). In our first report on days of lost instruction, published in 2017, we estimated a conservative two days of lost instruction per suspension, based on analyses of actual counts from several large districts; that estimate has remained constant for each year.

19 Another way to look at these numbers is to first calculate the rate by dividing each count of suspensions by the census enrollment for the given year. Next, one can divide the unadjusted 2019-2020 rate by the rate from the prior year. If the result is 70%, that suggests that suspensions were “on pace” to produce the same rate as the prior year. If the result is over 70%, then the district was headed toward an increase over the prior year, and vice versa if the result is below 70%. If we take 70% of the count for 2018-2019 would be 248,161 combined suspensions, which would be a decline of less than 15,000 suspensions statewide. However, to compare these numbers to prior years, and to compare the use of suspension between school districts, it is necessary that we rely not just on the suspension numbers, but also that we produce projected suspension rates that reflect changes in the state’s enrollment.

20 The projected values presented in this report are based on a more precise formula, but readers can use a ballpark method by adding the missing third. The missing third comes to an additional 116,877 for a total of more than 350,000 suspensions.

21 The days of missed instruction due to absences caused by out-of-school suspensions are now reported by CDE in a downloadable file that corresponds to the absenteeism report, but no data are provided for the 2019-2020 school year.

22 Additional distortions in statewide rates are due to reliance on cumulative enrollment. Cumulative enrollment by nature increases during a given year. Census enrollment is collected in October and remains static. We prefer to use census data as our denominator. However, for some groups (e.g., racially disaggregated categories of homeless, foster, disabled, and socioeconomically disadvantaged students) only cumulative enrollment numbers were available. While out-of-school suspensions ended along with in-person instruction in March 2020, new students continued to enroll in school and to be added to the cumulative enrollment until the end of that academic year. This means that both the observed rates for the academic year through March and the projected full-year rates are lower than they would be if the state had provided the disaggregated census enrollment data for these same groups.

23 Readers should keep in mind that these projected values are estimates of what the end-of-year rate would have been had in-person education continued. They provide more accurate comparisons to prior years. There were no reported in- or out-of-school suspensions after March 2020 because students were no longer “in school.” Even without formal consequences, educators and policymakers should make use of the data from 2019-2020 to evaluate whether a district was on the path toward progress or if conditions were likely getting worse, and should pay careful attention to any apparent decline in the school climate that was evident before COVID. Given the unusual nature of the truncated year, the state of California made it clear that there would be no accountability for discipline rates.

24 For example, the 2017-18 Sausalito Marin City Report (21-65474) Disaggregated by School on Data Quest shows that the rate at Bayside of 12.3% was more than five times higher than the rate at Willow Creek Academy.

25 (2020, Aug. 26) Black Parallel School Board et al. v. Sacramento City Unified School District. *Disability Rights California* <https://www.disabilityrightscs.org/cases/black-parallel-school-board-et-al-v-sacramento-city-unified-school-district>.

26 A comprehensive description of how LCAP plans must reflect issues in accord with red and orange coding as part of the statewide accountability system is beyond the scope of this report. Essentially, every plan provides several core indicators and standards associated with each priority area. For a district to be coded red and required to take additional accountability steps, at least two indicators must be coded red, but all the color codes are reported to the public on a data dashboard. For example, the discipline indicator sets standard thresholds for schools and districts that differ by grade configuration. At the elementary level, a district would be coded red if the student suspension rate was over 6%. The thresholds are highest at the middle school level; see <https://www.cde.ca.gov/ta/ac/cm/documents/dashboardguide19.pdf>, and state ESSA plan approved January 2022.

27 Guidance from the Obama administration, which addressed the possibility that school policies could have an unlawful disparate impact, can be found here: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>. Although it was rescinded

by the Trump administration, the U.S. Department of Education is formally engaged in reviewing the rescinded guidance and a revised version is expected to be reissued.

28 Because discipline data from the last 30% of the 2019-2020 school year don't exist, it is also possible that our estimated projected suspension rates may be less than what the suspension rate in 2019-2020 would have been if in-person instruction had continued. Therefore, readers are reminded that the projected values are only estimates and are meant to provide one possible way to compare rates from the available partial-year data to rates from prior complete years.

29 If there had been quarterly or semester data available from every district, this report would have compared the discipline data through March 13 of the 2019-2020 school year to same time period from prior years.

30 We first looked at the 922 districts that enrolled at least 100 students in 2019-2020. The projected suspension rates showed that the change from the previous year ranged from an increase of 32 suspensions per 100 to a decrease of 63 suspensions per 100. In other words, the change in suspension rates from 2018-2019 to 2019-2020 varied considerably by district.

31 For example, if a district's suspension rates increased from 1% to 2%, the increase of 1% could be fairly characterized as either an increase of one percentage point, or a 100% increase over the prior year.

32 Readers should note that CCRR describes all changes in rates of disciplinary exclusion over time in terms of percentage points, for several reasons. Suspensions deny instructional opportunity and therefore are harmful. It important for the public to understand the level of harm, and changes to that level in absolute terms, which are easy to compare across racial groups within districts and between districts. A 25% increase can represent a dramatically different level of increase in harm to children, depending on the starting value. If the starting value is very low—for example, if the starting value is just 1 suspension per 100—a 25% increase could represent an increase of 1/4th of 1 suspension per 100. In comparison, an increase of 25 suspensions per 100 is a very large increase in terms of how the use of suspensions impacts students, regardless of the starting value.

33 Each district enrolled at least 75 Native American students.

34 Each district enrolled at least 100 Latinx students.

35 Each districts enrolled at least 100 Black students.

36 We conducted similar analysis for several other districts. Due to space constraints, we only present a few examples here, but a plot of suspension rate trends in Antioch Unified and brief discussion can be found in the appendix.

37 Sacramento City Unified School District. (2021) 2021-22 to 2023-24 Local Control and Accountability Plan (LCAP).Page 34. available at <https://drive.google.com/file/d/1bltV0cFybLIBB34OJoDbeEAHL51n9XQA/view>

38 See Losen and Martinez (2020b, p. 31), in which we summarized the resolution as follows: "In response to a 2016 complaint against the Fresno USD, which had spent tens of millions of dollars from the supplemental budget on what it claimed were additional police and custodial services needed to improve the school climate, the California Department of Education (CDE) made it clear that, absent a distinct demonstration of how additional police and custodians would benefit high-need youth in particular, the expenditures violated the LCAP regulations/guidelines. In May 2017, the CDE directed Fresno to improve the transparency of its LCAP budget and redirect some of these funds earmarked for high-needs students away from expenses such as janitorial staffing, increased policing, and surveillance." See May 2017 California Department of Education Fresno Decision. See also, *Our Right to Resources*, [https://www.aclusocal.org/sites/default/files/aclu\\_socal\\_right-to-resources.pdf](https://www.aclusocal.org/sites/default/files/aclu_socal_right-to-resources.pdf).

39 This issue is not limited to the inappropriate expenditure of LCFF supplemental and concentration grant funds on policing and custodial services. According to the State of California's November, 2019, report called *K-12 Local Control Funding: The State's Approach Has Not Ensured That Significant Funding Is Benefiting Students as Intended to Close the Achievement Gap*, the larger problem is that the oversight of the LCAP expenditures is not administered well and there is no accountability for districts that fail to justify their spending practices (p. 27).

40 Elk Grove's LCAP budget also raised a concern that we found in other districts. Namely, the Elk Grove LCAP plan indicates that, in addition to allocating more than \$32 million of their base LCFF funding on custodial services, they intended to spend an additional \$400,000 dollars on custodial services out of the supplemental and concentration funds that are supposed to be restricted to helping high-need students meet academic goals. On page 8 of Moreno Valley's LCAP for the 2022-2023 school year, it states: "Concentration grant provides additional funding for Campus Support Aides (CSAs) and Campus Security Officers (CSO)s to ensure a positive learning environment and ensure student safety. It also provides additional custodians to ensure schools are cleaned appropriately to minimize the impact of COVID and additional staff to provide supports at school sites." <https://4.files.edl.io/c3db/06/14/22/175442-24311982-cb0f-4d6e-b139-c35d9d012094.pdf>.

41 Other important metrics that are beyond the scope of this report include data on the suspensions from class by teachers; on disciplinary transfers to alternative schools and settings; on expulsions, restraint, and seclusion; on the location of incidents leading to suspensions; and on informal disciplinary removals that are not recorded as suspensions but likely show up in attendance records.

42 Like the raw data from 2019-2020, some of these data have accuracy issues that, if left unresolved, could be misleading and/or mask serious disciplinary excesses and disparities.

43 Elk Grove's LCAP budget also raised a concern that we found in other districts. Namely, the Elk Grove LCAP plan indicates that, in addition to allocating more than \$32 million of their base LCFF funding on custodial services, they intended to spend an additional \$400,000 on custodial services out of the supplemental and concentration funds that are supposed to be restricted to helping high-needs students meet academic goals. See Elk Grove Unified School District (2021).

44 Moreno Valley Unified School District (2021). LCFE Budget Overview for Parents, pp. 37. <https://4.files.edl.io/18a1/06/30/21/213638-c23e9703-5ede-43c8-b6c9-2474a5130d17.pdf>

45 See *Morongo Unified School District, Annual Update for Developing the 2021-22 Local Control and Accountability Plan*, at page 14, available at [https://www.morongousd.com/Downloads/2021BOP\\_AnnualUpdate\\_LCAP.pdf](https://www.morongousd.com/Downloads/2021BOP_AnnualUpdate_LCAP.pdf).

46 See, *Garden Grove Unified School District, Annual Update for Developing the 2021-22 Local Control and Accountability Plan* [https://drive.google.com/file/d/1dyPjnOKK3dZcQQoWk3Rd\\_WpRXRPMWJT/view](https://drive.google.com/file/d/1dyPjnOKK3dZcQQoWk3Rd_WpRXRPMWJT/view)

47 Several of these are not publicly available; however, CCRR issued a report that was publicly available as part of our role in monitoring the Vancouver School District in Washington State. Although beyond the scope of this study, it is quite possible that a close review of the location of incidents leading to suspensions would suggest that response to misconduct by non-teaching staff outside the classroom, including interventions initiated by school resource officers, are contributing to the high and disparate rates of disciplinary removal, and possibly even more so than responses to student conduct in the classroom.

48 The RIPA data are presented by fiscal year; however, because the date of each stop is reported, we were able to organize the student stop data into fall and spring semesters, as well as by academic year.

49 As of May 2022, only law enforcement agencies with more than 334 employees have been required to report stop data for the RIPA database. Agencies with fewer employees are not required to issue RIPA reports until April 2023. Consequently, the RIPA database is currently incomplete, and the student stops in the database are not representative of the full population of law enforcement stops that take place in California. Finally, the RIPA database includes information on the reason for each stop, and in some cases on the school discipline code the student is suspected of violating. But most of the stops reported lack a conduct code. The RIPA database currently appears incomplete, and we question whether the student stops in the database are representative of the full population of law enforcement stops that take place in California. However, the reasons for the stops often have vague or overlapping definitions, which could make it difficult to select a specific code.

50 We would expect that the number of student stops reported at a specific school in the RIPA dataset to be higher than and correlated with the unduplicated number of students referred to law enforcement in the CRDC data. However, several factors complicate the direct comparison of CRDC and RIPA data. Some of the most important differences include that the CRDC data are of counts students referred at each school that are provided by the district to the U.S. Department of Education; the count of students arrested is a subset of the referrals. In contrast, under RIPA, the police officers report every student stop to the office of the attorney general, along with the outcome of each stop, including stops that result in no actions. If a student is stopped several times, each incident would be reported under RIPA, but they would be counted just once in the CRDC report. The RIPA data cover both police initiated stops and those in response to “service calls.” However, it’s possible that not every referral leads to an actual student stop. Furthermore, the RIPA data reports of the students race and disability status are based on the officers understanding at the time of the incident and not currently confirmed by the school.

51 To calculate the rates in Table 5, we used the IDEA enrollment data from a subset of 123 schools. Each school in this sample reported at least one referral to the CRDC in 2017-2018 and had at least one student stop reported in 2018-2019.

52 See, David Batemen et al., in J.N. et al. v. Oregon Department of Education et al. United States District Court for the District of Oregon, Case No. 6:19-cv-00096-AA, Report of the Neutral Fact Finder.

The findings of the neutral expert stated that, “When a student has difficulty reading, the response should not be “Let’s reduce the amount of instructional time they are receiving—they will figure it out at home.” However, for students with significant behavior issues that is exactly what has been happening in many school districts across Oregon. Students eligible for special education and related services, whose behaviors are difficult to manage and need to be taught replacement behaviors, are being placed on shortened school days usually with little or no instruction provided outside of their shortened school day. Some of these students only receive a total of 1-2 hours each day, and some receive less.” at p. 5, available at <https://static1.squarespace.com/static/5d645da3cf8e4c000158e55a/t/62be33ae7fd6b84676d37a8d/1656632242039/Neutral+Expert+Report.pdf>

53 CDE provides this statement online, and it pops up when a user looks up the data for a given entity; see <https://www.caschooldashboard.org/reports/>.

54 Although beyond the scope of this report, it is worth mentioning that important questions remain regarding whether resource funds made available to help recovery from the pandemic will be spent equitably, and whether the new spending will address the serious need to improve school climate, considering that the need has likely increased rather than decreased as a result of the pandemic. CCRR intends to explore these questions further in the coming year.

55 Even though days of lost instruction are now collected and reviewed by the federal OCR, their capacity for reviewing data and intervening is limited.

56 In July of 2021, the U.S. Department of Education’s Office for Civil Rights stated that the initial guidance, which was issued in 2014 was under review along with the Trump administration’s statement that rescinded that guidance on December 21, 2018. <https://www2.ed.gov/about/offices/list/ocr/newsroom.html>. The original guidance from the Obama administration can be found here: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>. Note that on July 20, 2022 the Biden administration’s Office for Civil Rights of the U.S. Department of Education issued a new set of guidance materials addressing school discipline and discrimination against students with disabilities. The main legal guidance in this package is called, “Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973,” and is available here: <https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf>.