

EXECUTIVE SUMMARY

School Discipline Data Collection and Reporting

A Status Report for the 2013–2014 School Year

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Substantial evidence indicates that a safe and supportive learning environment improves outcomes for students both academically and in their social and emotional development. The West Virginia Board of Education, recognizing the need for safe and supportive schools, revised its policy regarding student conduct. The result, *Expected Behaviors in Safe and Supportive Schools* (WVBE Policy 4373, effective July 1, 2012), put forth the behaviors expected of West Virginia's students; the rights and responsibilities of students; a framework for policy implementation at the state, district, and school levels; and descriptions of and corresponding potential interventions and consequences for inappropriate behaviors. The policy additionally sought to bring consistency to the recording of discipline incidents around the state.

The policy requires the reporting of inappropriate behaviors via the West Virginia Education Information System (WVEIS). To accommodate the required reporting, the West Virginia Department of Education (WVDE) redesigned the WVEIS discipline module to enhance schools' capacity to record discipline incidents and use data for discipline management purposes. This new *discipline management system* (DMS) was piloted in a small number of schools during the final months of the 2011–2012 school year, with the 2012–2013 school year serving as a transition period during which districts and schools were provided professional development opportunities to increase their ability to use the system effectively. It was scaled to full statewide implementation during the 2013–2014 school year.

To monitor statewide progress toward improving conditions for learning and the effectiveness of school climate improvement efforts, the WVDE was charged with drawing upon data collected through the DMS to annually report the rates of occurrence of inappropriate behaviors defined in the revised policy. This report, which covers the 2013–2014 school year, represents the second of these annual reports.

Method

In *Expected Behaviors in Safe and Supportive Schools* an incident of misconduct is defined as an occurrence of inappropriate behavior(s), involving one or more individuals, that disrupts the learning environment. In addition to conducting a brief descriptive analysis of discipline incidents, we pursued two analytic approaches.

For one approach the unit of analysis was the *discipline referral* (DR). We examined the number, magnitude, seriousness, and types of behaviors engaged in during the 2013–2014 school year, as well as the frequency and prevalence rates (i.e., occurrences per 1,000 students) statewide and by district. We then summarized the results by levels of severity as described in WVBE Policy 4373. The levels include in ascending severity *minimally disruptive behaviors, disruptive and potentially harmful behaviors, imminently dangerous behaviors, illegal and/or aggressive behaviors, and Safe Schools Act behaviors*.

We also summarized results by seven qualitative categories, including *disrespectful/ inappropriate conduct, tardiness or truancy, failure to obey rules/authority, legal concerns, aggressive conduct, illegal drugs/substances, and weapons*. Further, we examined the types and distribution of interventions and consequences used by schools in response to inappropriate behaviors.

Our second approach looked at the *student* as the unit of analysis, describing the demographic characteristics of students using subgroup cross-tabulations. We also examined discipline referrals by level of severity and qualitative category, and by intervention and consequences dispensed by schools. Finally, we calculated risk ratios for various student subgroups relative to exclusionary discipline actions (i.e., suspensions and expulsions) to check for any subgroup disparities.

Results

Analysis of discipline incidents and referrals

The following are key findings from a descriptive analysis of discipline incident and discipline referral data reported during the 2013–2014 school year.

Of all students in West Virginia included in the analysis, most (79%) had no referrals for inappropriate behaviors.

A total of 193,765 distinct discipline incidents were reported, corresponding to a statewide rate of 689 incidents per 1,000 students. For an overwhelming majority of incidents (94%) only a single DR was recorded, indicating that a single student offender was involved. The number of incidents involving multiple students trailed off rapidly thereafter.

Overall there were 214,889 discipline referrals (DRs) associated with the incidents reported. Omitting DRs that (a) involved students as nonoffenders or targets of incidents, or (b) were submitted by Institutional Programs or the West Virginia Schools for the Deaf and the Blind, left 209,602 for analysis for this report.

Compliance with the policy reporting requirements was questionable. We observed wide variation in the number of DRs reported by counties and schools, including 30 schools—some with enrollments of several hundred students—that reported no discipline incidents for the entire year.

Beyond flat out nonreporting, there were also indications of underreporting, such as low DR prevalence rates—that is, few discipline behaviors relative to school enrollment. Across the state, 178 schools (26%) had DR rates of 100 per 1,000 students or fewer, far below the overall statewide rate of 745.5 per 1,000 students.

The most serious offenses (Level 4) accounted for less than 1% of all discipline referrals.

Underreporting is also indicated when schools report disproportionate numbers of severe behaviors and suspensions, such as the 118 schools that reported out-of-school suspensions for 50% or more of all their discipline referrals. Of those schools, 26 reported out-of-school suspensions for 100% of their referrals. These rates, compared to the statewide rate of 16.5% for out-of-school suspensions, strongly suggest underreporting.

High schools accounted for about 44% of discipline referrals, followed by middle school (39%), and elementary school (18%). By specific grade levels, about 17% of referrals involved 9th graders, and about 12% to 14% involved students in each of Grades 6, 7, 8, and 10. Referrals for students in elementary grades accounted for fewer than 5% each.

Some 65% of discipline referrals were for Level 1 minimally disruptive behaviors, followed by 26% for Level 2 disruptive

and potentially dangerous behaviors. Level 3 imminently dangerous, illegal or aggressive behaviors accounted for 9% of DRs. Level 4 Safe School Act behaviors, as expected, were rare and accounted for less than 1% of all DRs.

Level 1 minimally disruptive behaviors made up 61% percent of referrals at the elementary and middle school levels, compared to 69% at the high school level. Level 2 behaviors were more prevalent in middle school (30%), with lower percentages in elementary (24%) and high (23%) schools. Level 3 behaviors accounted for only 7% of high school referrals compared to 14% at elementary school. Middle school Level 3 referrals tended to split the difference. At all program levels, Level 4 Safe Schools Act behaviors accounted for less than 5% of all DRs reported.

Shifting focus away from levels of severity to qualitative categories, *disrespectful/inappropriate conduct*—a somewhat catch-all category—accounted for about 40% of all DRs, followed by *failure to obey rules/authority* (26%), *tardiness or truancy* (20%), and *aggressive conduct* (11%). Referrals in the remaining categories accounted for less than 5% of the total.

There continues to be evidence of nonreporting and underreporting involving a substantial number of schools.

At the elementary level 96% of referrals fell into the *disrespectful/inappropriate conduct*, *aggressive conduct*, and *failure to obey rules/authority* categories (60%, 19%, and 17%, respectively). At the middle school level a similar distribution was observed in slightly different rates; *disrespectful/inappropriate conduct* (51%), *failure to obey rules/authority* (26%), and *aggressive conduct* (11%). At high school, referrals for aggressive conduct decreased, but were replaced by referrals for attendance-related behaviors; thus 90% of referrals were for *tardiness or truancy* (35%), *disrespectful/inappropriate conduct* (31%), and *failure to obey rules/authority* (24%).

Detentions, in-school suspensions, and out-of-school suspensions (39%, 18%, and 17%, respectively) accounted for about three quarters of all disciplinary actions taken by schools. Most other types of interventions or consequences occurred at relatively low rates.

For minimally disruptive Level 1 behaviors, about 48% of interventions or consequences were some type of detention. However, nearly 25% consisted of in-school suspensions or out-of-school suspensions (17% and 7%, respectively). There was at least one expulsion associated with Level 1 behaviors—a seemingly disproportion, albeit rare, response to this level of offense.

The severity of interventions or consequences increases with the severity of behaviors, such that 80% of Level 4 behaviors were met with out-of-school suspensions (71%) or expulsions (9%).

Detention and in-school suspensions tended to be used more frequently for behaviors in the *disrespectful/inappropriate*

conduct, tardiness or truancy, and failure to obey rules/ authority categories.

Out-of-school suspensions dominated for behaviors categorized under *legal concerns, aggressive conduct, illegal drugs/ substances, or weapons*. Expulsions tended to be higher for these behaviors as well.

Analysis of characteristics of students

Although suspensions are viewed in Policy 4373 as temporary solutions, they were among the most frequently used interventions or consequences used by districts and schools, even for minimally disruptive behaviors.

Most students in West Virginia (79%), were absent from the discipline data indicating they had not been referred for inappropriate behaviors. There were 58,935 individual students represented in the discipline data. These students accounted for 21% of all public school students, but many were referred for only a single offense. About 66% of the referred students were male.

There were 33,467 students with multiple DRs, accounting for 12% of the statewide student population. Students with multiple DRs also accounted for 88% of all discipline behaviors entered into WVEIS.

The maximum number of DRs recorded for any single student was 76, and 12,966 (22% of the students represented in discipline referral data) were reported for five or more offenses. Also, nearly 1,000 students were reported for 20 or more offenses. Collectively, these students could benefit from more intensive behavioral supports beyond traditional and oft-used punitive disciplinary actions.

The West Virginia student population is relatively racially and ethnically homogenous. In the 2013–2014 school year about 91% of students self-identified as White, about 5% as Black, and fewer than 3% as multiple or other races. Slightly more than 1% self-identified as Hispanic.

Black students and students with disabilities are overrepresented in the discipline referral data, indicating the need to investigate subgroup representation in more detail, and to build capacity to address disparities in discipline practices.

In the 2013–2014 discipline data, however, White students were underrepresented at 88% of all students referred for discipline, Black students were overrepresented at 8%, while all other race and ethnic categories appeared at rates comparable to their representation in the student population.

When looking at racial or ethnic representation by severity and type of behavior, disproportionate representation of Black

students persisted. From both perspectives, Black students were represented at about twice their proportion in the student population. The same was true when looking at corresponding interventions and consequences.

During 2013–2014, 15% of the statewide population of students was identified as students with disabilities. Of students represented in the discipline data nearly 19% were students with disabilities—a slightly higher rate than the subgroup's representation in the statewide student population.

This overrepresentation of students with disabilities held when looking at the severity of behaviors, many categories of inappropriate behaviors, as well as interventions and consequences used in response to those behaviors.

To examine the magnitude of disproportionate representation in the discipline data, risk ratios were calculated for selected exclusionary consequences (single and multiple occurrences of in-school and out-of-school suspensions, and expulsions) following the method described by the National Clearinghouse on Supportive School Discipline (NCSSD, 2013). Risk ratios revealed Black students to be 2 times more likely to experience single suspensions, and 2.5 to 3 times more likely to experience multiple suspensions. Black students were at increased risk of experiencing expulsion. Risk ratios also indicated students with disabilities experienced a greater likelihood for multiple in-school suspensions, for single and multiple out-of-school suspensions, and expulsions..

Discussion and Recommendations

Due to similarities in our findings this year, our recommendations include four that also appeared in the 2012-2013 report: (a) encourage diligence among schools in accurately reporting discipline behaviors; (b) implement positive discipline approaches to minimize student disciplinary involvement, and use alternatives to suspension to minimize the use of exclusionary disciplinary consequences; (c) provide appropriate behavioral interventions in the context of a multitiered framework, especially among students with multiple discipline referrals; and (d) further investigate subgroup disparities in discipline practices and build capacity to minimize those disparities (Whisman & Chapman, 2013).

After looking more deeply into the issue of discipline reporting compliance, it appears nonreporting and underreporting continue to be practiced by substantial numbers of schools, suggesting that these schools are out of compliance with the reporting provisions of WVBE Policy 4373. It also suggests that some schools are failing to collect the data they need to create conditions for learning in which learners feel safe, both emotionally and physically; feel supported and connected to the learning setting; can manage emotions and relationships positively; and be actively engaged in learning. Furthermore, the WVDE relies on these data for federal reporting and accountability, and could be vulnerable to incomplete or inaccurate reporting on critical school safety issues.

Discipline referral reporting followed an expected trend—the majority of discipline referrals were for less severe, minimally

disruptive behaviors, typically classroom management issues. The most severe and dangerous behaviors—purported violations of Safe Schools Act—were by comparison rare events accounting for less than 1% of all discipline referrals reported. There were, however, areas that may require looking into, especially the possible overuse of detention, suspensions, and expulsions. Policy 4373 calls for schools to use these interventions sparingly, and in the case of suspensions and expulsions, to exhaust all other possibilities to keep students in school. Further, the policy states, “Out-of-school suspension is not a recommended optional consequence or intervention for Level 1 behaviors” (WVBE Policy 4373, p. 68), and that the purpose of suspension, whether in-school or out-of-school, is

... to protect the student body, school personnel and property, the educational environment, and the orderly process of the school. Suspension is considered a temporary solution to inappropriate behavior until the problem that caused the suspension is corrected (WVBE Policy 4373, p. 69).

Nonetheless our findings show detention, in-school suspension, and out-of-school suspension as the most frequently used interventions or consequences, even for minimally disruptive behaviors. Consequently, we repeat the recommendation *that the WVDE and regional education service agencies (RESAs) develop and deliver professional development and technical assistance specific to alternatives to suspension and to supporting schools in implementing a positive discipline approach.*

The rate of students (79%) for whom no discipline referrals were made aligns well with the WVDE Support for Personalized Learning (SPL) framework, Positive Behavior Intervention and Supports (PBIS), or other multitiered systems of support at the *universal or core level*. In a multitiered approach, approximately 80% of students tend to do well with universal academic and behavioral supports available to all students. Another 15% of students may need additional but intermittent targeted supports, and about 5% may need more ongoing intensive supports. In this context, the number of discipline referrals could be used as a criterion for behavioral support, wherein students with one or two discipline referrals may be identified for targeted supports, and those with more frequent or more severe behaviors may be identified for intensive supports. Examples of targeted and intensive behavior supports include

- Whole group interventions in the general education classroom,
- Small group interventions and instruction to address specific behaviors,
- Self-management support,
- Social skills instruction,
- Parent training and collaboration,
- Individual behavior plans or contracts,
- Referrals for mental health or other services,
- Convening an IEP or 504 team,
- Scheduling or classroom change, and
- Mentoring programs.

Accordingly, *we recommend that districts and schools build staff capacity to provide appropriate behavioral interventions in the context of the multitiered framework, and integrate such a framework with a school-wide approach to promote appropriate behavior.*

Finally, our findings show that subgroup representation in the discipline referral data are in some cases disproportionate to the student population as a whole. Risk ratio calculations echoed this finding, revealing that Black students were at increased risk to experience exclusionary discipline actions compared to White students, and students with disabilities were at increased risk compared to students with no disabilities. These findings are not unique to West Virginia. National data on racial/ethnic disparity in discipline practices in 2009-2010 showed that all states experience disparities, and in fact the magnitude of disparities in West Virginia tended to be fairly modest by comparison—typically the state ranked in the lower half of states for which risk ratios were provided. Other recent research suggests that subgroup disparity in discipline practices—the discipline gap—is related to subgroup achievement gap and is a topic in need of more attention. Furthermore, a compelling body of evidence linking exclusionary discipline practices to school dropout and diminished academic outcomes suggests a need to address subgroup disparities in discipline practices. Consequently, we recommend that the WVBE and WVDE investigate this issue in more detail, and that the WVDE and RESAs develop and deliver professional development and technical assistance specific to minimizing subgroup disparity in discipline practices.

Limitations

The validity of findings in this report depend on the completeness and accuracy of data submitted by schools and certified as accurate by districts. Evidence of nonreporting and underreporting was present involving a substantial number of schools. Furthermore, discipline referrals are reported into WVEIS at the discretion of local school staff, and discipline codes are subject to variation in interpretation and usage among the nearly 700 schools in the 55 districts around the state.

The full report is available on the
WVDE Office of Research website:

<http://wvde.state.wv.us/research/reports2015.html>
