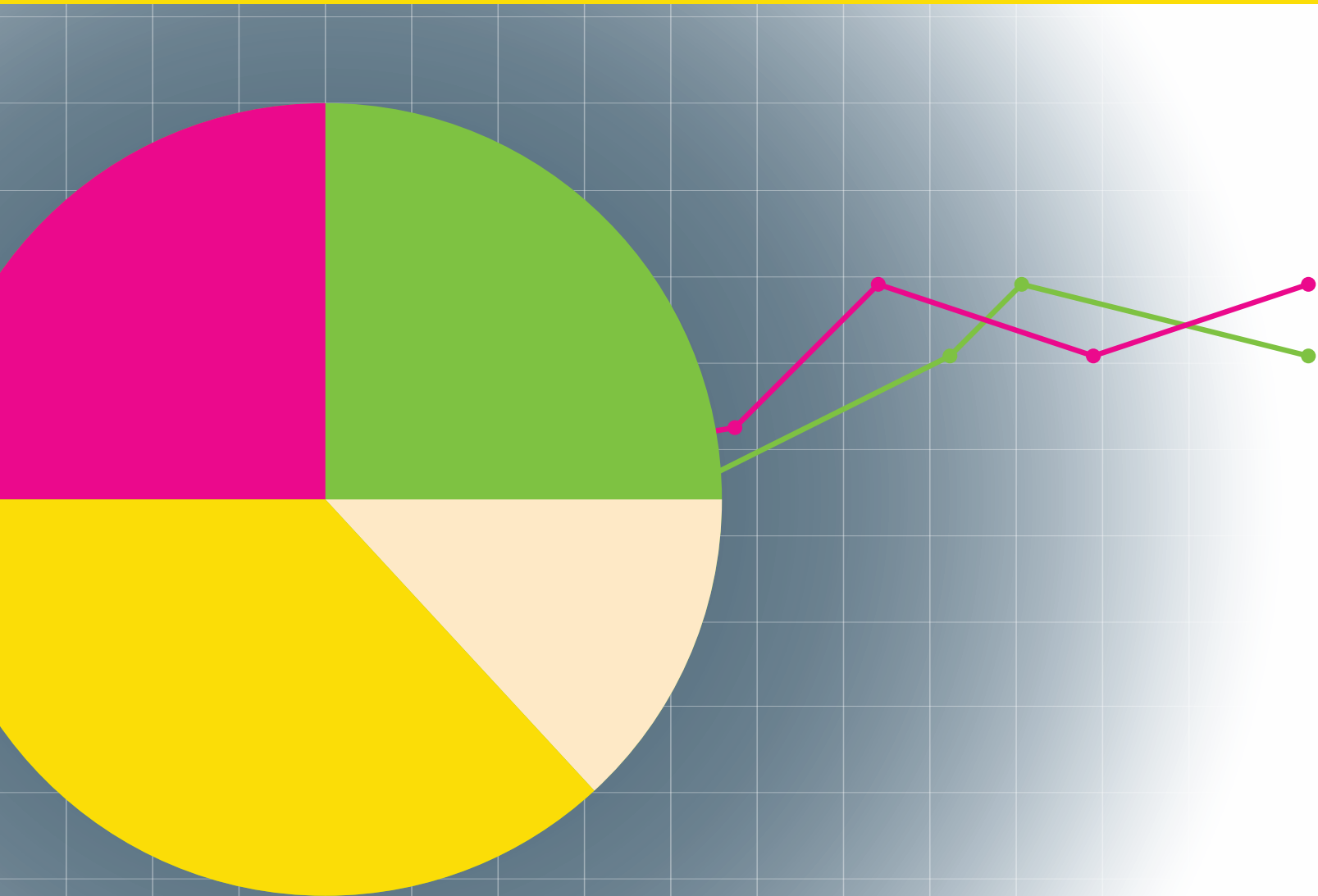


# Improving School Discipline Data Collection and Reporting

A Status Report for the 2013–2014 School Year





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# School Discipline Data Collection and Reporting

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A Status Report for the 2013–2014 School  
Year

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This research study was reviewed and approved by the West Virginia Department of Education Institutional Review Board (WVDE-IRB-024). Should you desire additional details about this study's approval status, you may contact the WVDE IRB chairperson, Patricia Cahape Hammer ([phammer@k12.wv.us](mailto:phammer@k12.wv.us)).

## Executive Summary

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.

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.

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 9<sup>th</sup> 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.

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

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.

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.

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## Introduction

Substantial and growing evidence indicates that a safe and supportive learning environment—in other words, a positive school climate—improves outcomes for students both academically and in their social and emotional development (Cohen & Geier, 2010). The West Virginia Board of Education, recognizing the need for safe and supportive educational environments, revised its policy regarding student conduct. The result, *Expected Behaviors in Safe and Supportive Schools* (WVBE Policy 4373), among other things, 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, which became effective July 1, 2012, additionally sought to bring consistency to the recording of discipline incidents at the district and school level around the state to correct a situation in which substantial variation had previously existed.

*Expected Behaviors in Safe and Supportive Schools* requires that inappropriate behaviors as described in the policy be reported via the West Virginia Education Information System (WVEIS) (WVBE Policy 4373, page 71). To accommodate the required reporting, the West Virginia Department of Education (WVDE) concurrently initiated a redesign of the WVEIS discipline module to enhance schools’ capacity to record discipline incidents and use data for discipline management purposes. This new module, referred to as a *discipline management system* (DMS), was piloted in a small number of schools during the final months of the 2011–2012 school year. The 2012–2013 school year served as a transition period during which districts and schools were provided professional development opportunities to increase their capacity to use the system effectively. The new discipline reporting system 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.

To provide context, the results reported herein will be compared to those from the 2012–2013 school year, which provided the basis for four recommendations: (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 three-tiered 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).

Several findings supported the recommendations. First, there were schools that reported no or very few discipline referrals for the entire school year, which relative to their enrollments appeared unlikely. With regard to the recommendation to implement positive discipline approaches and alternatives to suspension, there appeared to be disproportionality

in how schools used exclusionary disciplinary consequences. About 63% of all disciplinary interventions used by schools were exclusionary—detentions, in-school suspensions, or out-of-school suspensions—even though about two-thirds of student discipline referrals were for behaviors that were minimally disruptive in nature, defined in policy as disruptive to “...the educational process and the orderly operations of the school but do not pose direct danger...” (WVBE Policy 4373, p. 45). Furthermore, looking only at minimally disruptive behaviors, a third of the corresponding interventions or consequences were detentions, and about 26% were in-school or out-of-school suspensions. For behaviors across all levels of severity, other forms of intervention or consequence were minimally used (e.g., administrator/teacher and student conferences, warnings, loss of privileges, parental involvement, referrals for supportive services such as counseling, etc.).

During the 2012-2013 school year, 78% of public school students did not appear in the discipline data, indicating no discipline referrals were made for them for inappropriate behaviors. The remaining 22% had been referred for one or more inappropriate behaviors, and about 13%—about 36,000 students—were referred multiple times. Students with multiple referrals accounted for 88% of all reported school discipline behaviors. Nearly 14,000 of the students represented in discipline referral data were reported for five or more offenses, and more than 1,000 were reported for 20 or more offenses. The maximum number of referrals recorded for any single student was 71. In a separate study it was shown that these students also experience academic challenges—as a group, students with 1 or more discipline referrals experienced a forty percentage point proficiency gap compared to students with no referrals (Whisman and Hammer, 2014). Appropriate behavioral interventions in the context of a three-tiered framework potentially could benefit these students.

We also reported disproportionate subgroup representation in the discipline data, pointing to a need for increased capacity to minimize disparities in discipline practices. Black students were at increased risk of being referred for inappropriate behaviors, and for experiencing exclusionary disciplinary actions as a result of those referrals. Similarly, students with disabilities also were at increased risk compared to students with no disabilities.

## Method

The population of interest included all students enrolled in public school districts in West Virginia during the 2013–2014 school year, with some omissions, described below.

### Measures and Covariates

An important feature of WVEIS discipline management system (DMS) is that a distinction is made between an *incident* of inappropriate behavior and the individuals involved. An incident is defined as an occurrence of inappropriate behavior(s), involving one or more individuals, that disrupts the learning environment. For example, an incident may involve a single individual (i.e., one student cheating on a test) or two or more individuals (i.e., a fight among two or more students). Individuals are recorded in WVEIS in terms of their connection to incidents and by their specific behaviors, the latter referred to as a *discipline referral* (DR). Accordingly, in addition to conducting a brief descriptive analysis of discipline incidents, we pursued two analytic approaches. For the first approach, the unit of analysis was



the discipline referral. For the second approach, the unit of analysis was the *student*. The approaches are described in more detail below.

## Research Design

Using DRs as the unit of analysis, we examined the number, magnitude, seriousness, and types of behaviors engaged in for DRs entered into the DMS during the 2013–2014 school year. As school staff entered DRs, they identified and coded student behaviors as defined in Policy 4373. Overall, 214,889 DRs were entered for all types of inappropriate behavior. The DMS also allows for identification of students involved in incidents as *nonoffenders* or *targets*. This feature was included in the system to allow identification of students who were targeted by those engaged in inappropriate behaviors as an aid in the detection of bullying or harassment-type offenses. During 2013–2014 there were 4,848 DRs for which a nonoffending student was identified; these DRs were also omitted. Additionally, because it is unclear the extent to which Institutional Education Programs and the WV Schools for the Deaf and the Blind—identified in West Virginia as distinct school districts—use the WVEIS DMS for reporting discipline behavior, we omitted the few DRs entered by these districts, after which we were left with 209,602 DRs for analysis.

Our analysis of discipline referrals consisted of determining the frequency and prevalence rates (e.g., occurrences per 1,000 students) of discipline behaviors statewide and by district. We then summarized the results by levels of severity of behaviors as described in WVBE Policy 4373. These include, in ascending severity, *minimally disruptive behaviors*, *disruptive and potentially harmful behaviors*, *imminently dangerous*, *illegal and/or aggressive behaviors*, and *Safe Schools Act behaviors*. We also summarized results relative to seven predefined qualitative categories of behaviors, 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 for inappropriate behaviors.

Looking at students as the unit of analysis, we examined questions related to student demographic characteristics and subgroup representation in the discipline data. In this approach, we performed subgroup cross-tabulations to describe the demographic characteristics of students by level of severity and category of behaviors, and by interventions and consequences used by schools.

## Findings

### Discipline Incidents

Since discipline incidents may involve more than one student, it stands to reason that they would be fewer in number than the discipline referrals (DRs) reported during a school year. For 2013–2014 that turned out to be the case, but the difference was small. The 209,602 DRs were associated with 193,765 distinct incidents, resulting in a 1.1 to 1 referral to incident ratio. The prevalence rate for incidents was about 689 incidents per 1,000 students statewide (Table 1). For an overwhelming majority of incidents (94%) only a single DR was recorded, indicating that a single student was involved as an offender. The number of incidents involving multiple DRs (i.e., students) trailed off rapidly thereafter.

Table 1. Number of Discipline Incidents and Discipline Referrals per Incident Reported During the 2013-2014 School Year.

Discipline referrals per incident	Number of discipline incidents <sup>1</sup>	Percent	Discipline incidents per 1,000 students
Total	193,765	100.0%	689.2
1	182,908	94.4%	650.6
2	8,272	4.3%	29.4
3	1,549	0.8%	5.5
4	556	0.3%	2.0
5 or More	480	0.1%	1.7

<sup>1</sup> Note that 3,523 of the incidents included in the analysis also had DRs for student indicated to be involved as nonoffenders.

## Discipline Referrals

The 209,602 DRs analyzed in the study corresponded to a discipline prevalence rate of about 746 DRs per 1,000 students statewide (Table 2). District level descriptive statistics indicate that on average there were about 3,811 referrals per county, and the average rate was 804 DRs per 1,000 students. However substantial variation was found among districts in their reporting of discipline behaviors as indicated by the wide range of values surrounding these averages. For example, the number of discipline referrals submitted by counties ranged from 534 to nearly 27,000, and prevalence rates ranged from 212 to 2,256 referrals per 1,000 students.

Table 2. Descriptive Statistics of Discipline Referral Counts and Rates Among County School Districts

	2012-2013		2013-2014	
	Number of discipline referrals*	Discipline referrals per 1,000 students	Number of discipline Referrals*	Discipline referrals per 1,000 students
Total	220,656	785.7	209,602	745.5
Average	4,011.9	783.9	3,811.0	804.3
Minimum	132	96.2	534	211.9
Maximum	26,399	1,760.0	26,933	2255.6

\* The total used in these analyses excludes DRs (a) with unauthorized codes, (b) for students identified as non-offenders or targets, and (c) entered by the two special districts (see Research Design section for an explanation of these exclusions).

These results vary somewhat from the previous year. First, a 5% decrease was observed in the number of discipline referrals reported statewide between the two years (220,656 vs. 209,602), which was accompanied by a decline in average number of referrals among the districts. At the same time an increase in average prevalence rates among districts was observed, as was an increase in the minimum and maximum numbers of DRs reported among districts. Examining variations on a district-by-district basis revealed that many districts reporting high numbers in 2012-2013 saw notable declines a year later, whereas some that likely underreported in 2012-2013 saw sharp increases. For example, 19 of 55 districts (35%) showed a high level of stability in the number of DRs between the two years (liberally defined as  $\pm 10\%$  change), but among the remaining 36 districts substantial differences were observed. Twenty of those districts saw a 77% average change in the number of discipline referrals reported.

The observed fluctuation in discipline referral rates from year to year and among districts raises concerns with regard to the diligence in and accountability for discipline reporting. Nonreporting and underreporting of school discipline has long been a troubling concern in West Virginia. If schools attend to the reporting requirements specified in *Expected Behaviors in Safe and Supportive Schools* (WVBE Policy 4373) and track incidents of student behavior accordingly, one would expect all schools in the state to experience reportable incidents at some point during a school year. In 2013-2014, 30 schools entered no incidents into the WVEIS DMS, nine of which also reported no incidents the previous school year. These were mostly elementary schools, and ranged from very small schools enrolling fewer than 50 students to moderate-sized schools with enrollments approaching 400 students. About a third of the schools had enrollments of more than 200 students. It is extremely unlikely that no reportable behaviors under Policy 4373 occurred over the course of the entire school year in schools of that size. Among the remaining schools reporting no DRs were six career and technical education (CTE) centers; however, discipline incidents originating in these centers may be reported by students' home schools.

While nonreporting is a significant concern, underreporting may have a greater effect on the reliability of statewide discipline data. Although no clear criteria have been specified for evaluating the level of thoroughness in discipline reporting, there are indicators that, individually or in combination, suggest the presence of underreporting. First, disproportionately low numbers of referrals relative to school size suggest that some reportable behaviors may not be recorded in WVEIS. As noted above, the statewide DR referral rate was 745.5 per 1,000 students, with a wide range among districts (Table 2). When examined at the school level the range was even more exaggerated—from a very low rate of 2 per 1,000 students to very high rates of more than 4,000 per 1,000. Of the schools that reported discipline behaviors in 2013-2014, 178 (26%) had DR rates of 100 per 1,000 students or less, far below the overall statewide rate.

Additional indicators that suggest underreporting include disproportionate numbers of severe behaviors and disproportionate numbers of suspensions, especially out-of-school suspensions. In some cases, districts and or schools may interpret the reporting requirements of WVBE Policy 4373 to apply only to more severe behaviors that require more severe and punitive consequences like suspensions. Under such an interpretation schools appear not only to be underreporting, but also to cultivate a culture that is prone to exclusionary disciplinary practices, which remove students from the regular educational environment. Overall during the 2013-2014 school year, out-of-school suspensions were used for 16.5% of all DRs reported (see Table 9 on page 11). However, 118 schools reported out-of-school suspensions for 50% or more of DRs. Of those schools, 26 reported out-of-school suspensions for 100% of their referrals. Furthermore, on a statewide basis severe behaviors—that is, imminently dangerous, illegal/aggressive behaviors, or federal Safe Schools Act behaviors—tend to account for about 9% of DRs reported by schools (see Table 4, page 8). Among the 118 schools with disproportionate out-of-school suspensions, these more severe behaviors account for 23%. Combined, these findings reinforce a suspicion of selective reporting of only severe behaviors.

Considering that some schools appear to be quite diligent in discipline reporting while others are not, caution is advised in drawing conclusions about the magnitude of discipline

problems among the districts and schools. Schools and districts face a dilemma: On the one hand, comparatively large numbers and high rates of DRs may reflect thoroughness in recording and reporting discipline behaviors—a practice encouraged by the WVBE and required under Policy 4373. On the other hand, relatively large numbers may reflect a large-scale discipline problem, and if that were the case there may be cause for concern and for further investigation and intervention.

### Discipline referrals by school program level and grade

Despite the variation from year to year in most districts, the programmatic and grade-level distribution of discipline referrals remained stable compared to the previous year (Table 3). Nearly 44% of discipline referrals were made for students at the high school level, followed by middle school (39%), and elementary school (18%). Looking at specific grade levels, about 17% of referrals were made for 9<sup>th</sup> grade students followed by about 12% to 14% for students at each of the 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, and 10<sup>th</sup> grade levels (Figure 1). Referrals made for elementary students accounted for less than 5% in each of the grade levels.

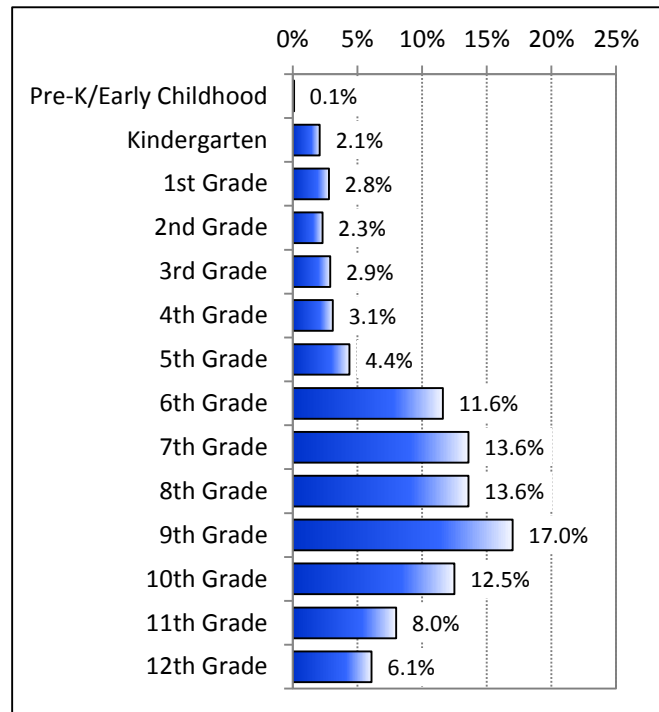


Figure 1. Discipline Referrals by Grade Level

Table 3. Discipline Referrals by School Program Level

Program level	2012-2013		2013-2014	
	Number of students	Percent*	Number of students	Percent*
Total	220,656	100.0	209,602	100.0
Pre-K/early childhood	388	0.2	278	0.1
Elementary school	37,259	16.9	36,790	17.6
Middle school	83,641	37.9	81,291	38.8
High school	98,979	44.9	91,242	43.5

Percentages add up to more than 100% due to rounding. Also, the 2012-2013 totals exclude 389 DRs for Post graduate/adult/unknown students reported during that year.

## Discipline referrals by level of severity

*Expected Behaviors in Safe and Supportive Schools* (WVBE Policy 4373), classifies behaviors into four progressively severe levels as follows:

1. *Minimally disruptive behaviors*—Disruptive to the educational process and the orderly operations of the school but do not pose direct danger to self or others. Examples include but are not limited to tardiness, inappropriate appearance, or vehicle parking violation.
2. *Disruptive and potentially harmful behaviors*—Disruptive to the educational process and/or pose potential harm or danger to self and/or others. The behavior is committed willfully but not in a manner that is intended maliciously to cause harm or danger to self and/or others. Examples include but are not limited to insubordination, technology misuse, or profane language/obscene gesture/indecent act.
3. *Imminently dangerous, illegal, and/or aggressive behaviors*—Willfully committed behaviors known to be illegal and/or harmful to people and/or property. Examples include but are not limited to harassment/bullying/intimidation, defacing school property/vandalism, or improper or negligent operation of a motor vehicle.
4. *Safe Schools Act violation behaviors*—Violent and/or criminal behaviors consistent with those addressed in West Virginia Code §18A-5-1a (a) and (b). Examples include but are not limited to weapons possession, use, or sale; possession of illegal drugs; or bomb threat.

Specific behaviors corresponding to each level are provided in Appendix A (page 27). We expected the proportion of DRs entered into WVEIS to fall as levels of severity increased. For example, Level 1 minimally disruptive behaviors would occur at a rate much higher than more severe behaviors, whereas more serious and dangerous behaviors would tend to be rare events by comparison. The distribution of DRs for 2013–2014 did, indeed, follow that pattern.

Of the 209,602 DRs, about 65% were for Level 1 behaviors (Table 4). The most frequently occurring behaviors—those accounting for at least 10% of Level 1 DRs—were disruptive/disrespectful conduct, tardiness, and skipping class. DRs for Level 2 followed at a distance accounting for about 26% of all DRs. Primary among Level 2 behaviors were insubordination, habitual violation of school rules or policies, and physical fight without injury. Level 3 behaviors accounted for about 9% of DRs and most had to do with battery against a student, harassment/bullying/intimidation, threat of injury/assault against an employee or a student, and possession/use of substance containing tobacco and/or nicotine. Level 4 behaviors, as expected, were rare and accounted for less than 1% of all DRs entered into WVEIS. Most of those related to use/possession of illicit drugs, battery against a school employee, use/possession of alcohol, and possession and/or use of dangerous weapon. The most frequently occurring behaviors within each level of severity as listed above remained unchanged from those reported for 2012–2013.

This pattern of a descending number of DRs by an ascending level of severity generally held at the county level. Descriptive statistics for the frequency, percentage, and rate of DRs among counties are shown in Table 5. Although the averages are similar to what would be expected, there is substantial variability among the districts as indicated by the wide ranges in minimum and maximum values shown.

Table 4. Number of Discipline Referrals by the Level of Severity of Behaviors

Level	Description	2012-2013			2013-2014		
		Number of discipline referrals	Percent	Rate per 1,000 students	Number of discipline referrals	Percent	Rate per 1,000 students
	Total	220,656	100.0	785.68	209,602	100.0	745.5
1	Minimally disruptive behaviors	138,083	62.6	491.67	135,304	64.6	481.2
2	Disruptive and potentially harmful behaviors	58,619	26.6	208.72	53,960	25.7	191.9
3	Imminently dangerous, illegal or aggressive behaviors	22,044	10.0	78.49	18,347	8.8	65.3
4	Safe Schools Act behaviors	1,910	<1.0	6.80	1,991	<1.0	7.1

Table 5. Descriptive Statistics of Behaviors by the Level of Severity among County School Districts

Level	Number of discipline referrals			Percent of discipline referrals			Rate per 1,000 students		
	Average	Minimum	Maximum	Average	Minimum	Maximum	Average	Minimum	Maximum
1	2,460.1	256	16,493	63.3	40.4	81.4	530.4	116.5	1,766.3
2	981.1	95	7,240	26.4	11.6	48.8	200.3	59.5	477.2
3	333.6	21	2,853	9.2	3.5	17.9	66.3	17.1	139.6
4	36.2	4	347	1.1	0.2	3.9	7.1	2.5	16.6

One would think that the severity of behaviors would increase substantially by school program level, but the opposite tended to be true. About 61% of referrals at the elementary and middle school program level were for Level 1 minimally disruptive behaviors compared to 69% at the high school level (Table 6). Level 2 behaviors were more prevalent at the middle school level at about 30%, with a lower percentage at the elementary (24%) and high school (23%) program levels. Level 3 behaviors accounted for only 7% of high school referrals compared to 14% at elementary school. Middle school referrals tended to split the difference between the elementary and high school program levels. At all program levels, Level 4 behaviors accounted for less than 5% of all discipline referrals reported. For the most part the results for 2013–2014 were similar to the previous year.

### Discipline referrals by category of behavior

Discipline referrals were summarized relative to seven qualitative behavior categories of behaviors, including disrespectful/inappropriate conduct, tardiness or truancy, failure to obey rules/authority, legal concerns, aggressive conduct, illegal drugs/substances, and weapons. Specific behaviors corresponding to each category are provided in Appendix B (page 28). Generally, these categories tend to ascend in severity similar to the levels described above, but this is not always the case. For example failure to obey rules/authority includes a range of behaviors from minimally disruptive (Level 1) to imminently dangerous, illegal, and/or aggressive behaviors (Level 3).

Table 6. School Program Level by Severity of Behavior

Program level	Level of severity	Number of discipline referrals	Percent of discipline referrals
Elementary school	1 Minimally disruptive behaviors	22,283	60.6
	2 Disruptive and potentially harmful behaviors	8,889	24.2
	3 Imminently dangerous, illegal or aggressive behaviors	5,046	13.7
	4 Safe Schools Act behaviors	572	<5.0
Middle school	1 Minimally disruptive behaviors	49,620	61.0
	2 Disruptive and potentially harmful behaviors	24,166	29.7
	3 Imminently dangerous, illegal or aggressive behaviors	7,034	8.7
	4 Safe Schools Act behaviors	471	<5.0
High school	1 Minimally disruptive behaviors	63,235	69.3
	2 Disruptive and potentially harmful behaviors	20,873	22.9
	3 Imminently dangerous, illegal or aggressive behaviors	6,211	6.8
	4 Safe Schools Act behaviors	923	<5.0

The distribution of DRs among behavior categories in 2013–2014 remained fairly stable compared to the previous year (Table 7). About 44% of DRs entered in 2013–2014 were for disrespectful/inappropriate conduct. Frequently included in this category were general disruptive behaviors (which in practice has become somewhat of a catch-all behavior code), inappropriate language, or inappropriate displays of affection. The next most frequent category was failure to obey rules/authority (24%), primarily habitual disregard for school rules, insubordination, failure to serve detention, or possession of inappropriate personal property. About 19% of DRs related to tardiness or truancy, presumably violations of attendance or tardiness expectations. Aggressive conduct accounted for 10% of DRs and consisted primarily of physical fights without injury, battery against a student, harassment/bullying/intimidation, or threats of injury/assault against a school employee or another student. DRs in each of the remaining categories accounted for less than 5% of the total DRs entered into WVEIS.

Table 7. Number and Percent of Discipline Referrals by the Category of Behaviors

Description	2012-2013			2013–2014		
	Number of discipline referrals	Percent of discipline referrals	Rate per 1,000 students*	Number of discipline referrals	Percent of discipline referrals	Rate per 1,000 students*
Total	220,656	100.0	785.7	209,602	100.0	745.50
Disrespectful/inappropriate conduct	87,098	39.5	310.1	91,785	43.8	326.5
Tardiness or truancy	43,925	19.9	156.4	39,788	19.0	141.5
Failure to obey rules/authority	57,239	25.9	203.8	49,348	23.5	175.5
Legal concerns	2,893	<5.0	10.3	2,547	<5.0	9.1
Aggressive conduct	24,694	11.2	87.9	21,247	10.1	75.6
Illegal drugs/substances	4,089	<5.0	14.6	4,174	<5.0	14.9
Weapons	718	<5.0	2.6	713	<5.0	2.5

Descriptive statistics for the frequency, percentage, and rate of DRs by category of behavior among counties again show that averages are similar to what would be expected, and that again there is substantial variability among districts as indicated by the wide ranges in minimum and maximum values (Table 8).

Table 8. Descriptive Statistics for the Frequency, Percentage, and Rate of Discipline Referrals by the Category of Behaviors among Counties

Description	Number of discipline referrals			Percent of discipline referrals			Rate per 1,000 students		
	Average	Mini-mum	Maxi-mum	Average	Mini-mum	Maxi-mum	Average	Mini-mum	Maxi-mum
Disrespectful/inappropriate conduct	1,668.8	258	10,743	45.8	27.3	74.7	389	57.9	1,357.8
Tardiness or truancy	723.4	1	6,806	16.2	0.2	34.0	128.5	1.0	443.6
Failure to obey rules/authority	897.2	81	6,616	23.1	9.4	38.5	181.1	38.7	427.1
Legal concerns	46.3	3	329	1.3	0.4	2.5	10.0	1.4	25.8
Aggressive conduct	386.3	40	3,082	10.9	3.5	24.2	77.8	31.8	202.4
Illegal drugs/substances	75.9	6	657	2.3	0.7	9.5	15.1	3.9	30.9
Weapons	13.0	1	93	0.4	0.1	1.3	2.7	0.8	6.6

The number of discipline referrals tended to be concentrated in three categories when viewed by school program level. At the elementary level 96% of referrals fell in the disrespectful/inappropriate conduct, aggressive conduct, and failure to obey rules/authority categories (60%, 19%, and 17%, respectively). A similar distribution was observed in the same three categories at the middle school level but 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 diminished substantially compared to the lower program levels, but were replaced by referrals for attendance-related behaviors. At the high school level 90% of referrals again fell into three categories consisting of tardiness or truancy (35%), disrespectful/inappropriate conduct (31%), and failure to obey rules/authority (24%).

### Discipline referrals by type of intervention or consequence

Prior to current implementation of WVBE Policy 4373, only a small set of disciplinary interventions or consequences that could be dispensed by districts and schools were formally defined in policy. These included *exclusion from the classroom*, *placement in an alternative educational setting*, *suspension* (in-school and out-of-school), and *expulsion*. Districts were permitted to determine any other courses of action they wished to use. As such, historically it was not possible to identify the actions taken by schools for the vast majority of DRs entered into WVEIS. The revised policy and DMS substantially expanded the number and type of interventions or consequences districts and schools may assign to include more than 40 identifiable actions. These were grouped in 15 categories, ranging from *no action warranted*



to the most severe of consequences, *expulsion* from school.<sup>1</sup> Yet during the 2013–2014 school year there were 1,420 DRs (<1%) for which no action was identified, most likely as a result of the school failing to complete the data entry process within the DMS (Table 9). In comparison to the nearly 38,805 (18%) DRs the previous year for which the reported actions were either blank or not identifiable, this represents a considerable improvement in data quality.

Table 9. Discipline Referrals by Type of Intervention or Consequence

Category	2012-2013			2013-2014		
	Number of discipline referrals	Percent of discipline referrals	Rate per 1,000 students	Number of discipline referrals	Percent of discipline referrals	Rate per 1,000 students
Undetermined	38,805	17.6	138.2	1,420	0.7	5.1
Detention	57,440	26.0	204.5	81,121	38.7	288.5
In-school suspension	42,779	19.4	152.3	38,585	18.4	137.2
Out-of-school suspension	37,392	16.9	133.1	34,508	16.5	122.7
Administrator/teacher and student conference	15,185	6.9	54.1	16,524	7.9	58.8
Warning	8,328	3.8	29.7	9,889	4.7	35.2
Loss of privileges	6,696	3.0	23.8	8,435	4.0	30.0
Parent involvement	4,809	2.2	17.1	7,838	3.7	27.9
Exclusion from classroom	3,351	1.5	11.9	3,951	1.9	14.1
No action warranted	2,264	1.0	8.1	3,229	1.5	11.5
Referral for services	956	0.4	3.4	1,259	0.6	4.5
Alternative education placement	740	0.3	2.6	965	0.5	3.4
Supportive interventions	927	0.4	3.3	918	0.4	3.3
Academic sanctions	333	0.2	1.2	391	0.2	1.4
Law enforcement involvement	276	0.1	1.0	317	0.2	1.1
Expulsion	375	0.2	1.3	252	0.1	0.9

The sharp decline in unidentifiable disciplinary actions from 2012-2013 to 2013-2014 was accompanied by a nearly proportional surge in the use of detentions. This nearly 13 percentage point spike between the two school years suggests that most undetermined district-assigned codes the previous year were indeed some form of detention (Table 9). Rates for 2013–2014 in-school and out-of-school suspensions remained comparable to the previous year. However, detentions in combination with in-school and out-of-school suspensions accounted for about 74% of all interventions or consequences used by schools. Most other forms of intervention were used at relatively low rates. Summary statistics for the 15 categories of interventions and consequences across the 55 counties can be found in Table 10.

<sup>1</sup> A vetting process is in place to accommodate additional interventions or consequences suggested by districts or schools.

Table 10. Descriptive Statistics of Discipline Referrals by Type of Interventions or Consequences Used among County School Districts

Description	Number of discipline referrals			Percent of discipline referrals			Rate per 1,000 students		
	Average	Mini- mum	Maxi- mum	Average	Mini- mum	Maxi- mum	Average	Mini- mum	Maxi- mum
Undetermined	27.3	1	190	0.8	0.0	3.9	18.4	0.2	268.6
Detention	1,474.9	6	8,265	39.9	1.1	66.6	10.5	0.1	94.1
In-school suspension	701.5	19	3,751	18.4	1.6	61.5	4.1	0.3	14.4
Out-of-school suspension	627.4	4	6,456	16.5	0.4	53.0	4.5	0.1	45.9
Administrator/teacher and student conference	300.4	10	2,509	7.7	0.4	30.3	3.8	0.4	25.8
Warning	179.8	1	1,411	4.7	0.2	35.3	2.3	0.1	23.2
Loss of privileges	153.4	4	1,426	4.1	0.6	14.1	1.8	0.1	10.3
Parent involvement	142.5	1	1,619	3.2	0.1	23.8	2	0.1	8.4
Exclusion from classroom	73.2	1	872	1.9	0.1	30.2	0.0	0.0	0.0
No action warranted	68.7	1	1,327	1.1	0.0	9.0	18.4	0.2	268.6
Referral for services	24.2	1	189	0.6	0.1	6.8	10.5	0.1	94.1
Alternative education placement	21.0	1	440	0.6	0.0	6.4	4.1	0.3	14.4
Supportive interventions	20.0	1	272	0.5	0.1	2.0	4.5	0.1	45.9
Academic sanctions	10.3	1	47	0.2	0.0	1.0	3.8	0.4	25.8
Law enforcement involvement	7.7	1	44	0.3	0.0	1.9	2.3	0.1	23.2
Expulsion	6.6	1	29	0.3	0.0	0.9	1.8	0.1	10.3

The distribution of interventions and consequences when viewed by school program level was similar to the overall distribution described above and shown in Table 9. Surprisingly, however, the use of out-of-school suspensions across the three levels was similar (17% at elementary, 18% at middle, and 15% at high school levels). At the elementary level there were fewer in-school suspensions, which were offset by increased use of administrator/teacher and student conferences and loss of privileges.

We performed cross-tabulations of interventions or consequences by the levels of severity (Appendix D, page 30) and category of behaviors (Appendix E, page 32). In terms of severity of behaviors, about 48% of interventions or consequences for minimally disruptive Level 1 behaviors were some type of detention (Table 11). However, nearly 25% consisted of in-school suspensions or out-of-school suspensions (18% and 7%, respectively). Notably there was at least one expulsion listed in the discipline data associated with Level 1 behaviors. Although expulsions accounted for a very small percentage of all intervention for behaviors at this level, an expulsion may be disproportionate for minimally disruptive behaviors. As would be expected, the severity of interventions or consequences increases with the severity of behaviors, such that about 80% of Level 4 behaviors were met with out-of-school suspensions (71%) or expulsions (9%).

Table 11. Level of Behavior by Detentions, In-School Suspensions, Out-of-School Suspensions, and Expulsions

Level	Category	Number of discipline referrals	Percent
1	Detention	64,719	47.8
	In-school suspension	23,709	17.5
	Out-of-school suspension	9,419	7.0
	Expulsion	<10	<5.0
2	Detention	14,211	26.3
	In-school suspension	11,596	21.5
	Out-of-school suspension	15,301	28.4
	Expulsion	22	<5.0
3	Detention	2,171	11.8
	In-school suspension	3,224	17.6
	Out-of-school suspension	8,367	45.6
	Expulsion	54	<5.0
4	Detention	20	<5.0
	In-school suspension	56	<5.0
	Out-of-school suspension	1,421	71.4
	Expulsion	175	8.8

Similarly, when looking at interventions and consequences by category of behavior, detention and in-school suspensions appeared to be more heavily favored for behaviors in the *disrespectful/inappropriate conduct*, *tardiness or truancy*, and *failure to obey rules/authority* categories (Table 12). However, out-of-school suspensions dominated the interventions or consequences chosen for behaviors categorized under *legal concerns*, *aggressive conduct*, *illegal drugs/substances*, or *weapons*. Expulsions tended to increase for these behaviors as well.

To increase our understanding about the use of suspensions for all types of inappropriate behavior, we further analyzed in-school and out-of-school suspensions by specific behaviors (see Appendix F, page 35). Over 60% of in-school suspensions were recorded for minimally disruptive Level 1 behaviors, mostly general disruptive conduct, skipping class, and tardiness (Table 25, page 35). Disruptive and potentially harmful behaviors (Level 2) accounted for 30% of in-school suspensions. Chief among those behaviors were insubordination, habitual violation of school rules or policies, and profane language/obscene gesture/ indecent acts. Level 3 and 4 behaviors accounted for slightly less than 9% of in-school suspensions. Related behaviors consisted mostly of harassment/ bullying/intimidation, battery against a student, possession/use of a substance containing tobacco and/or nicotine, and threat of injury/assault against an employee or a student.

Twenty-seven percent of out-of-school suspensions also were for Level 1 behaviors (Appendix F, Table 26, page 36). Most frequently, the behaviors included general disruptive conduct, followed by inappropriate language, failure to serve detention, and, ironically, for skipping class. The largest proportion of out-of-school suspensions was for Level 2 disruptive and potentially harmful behaviors (44%). Most abundant among them were physical fight

without injury, insubordination, profane language/obscene gesture/indecent acts, and habitual violation of school rules or policies.

Table 12. Type of Behavior by Detentions, In-School Suspensions, Out-of-School Suspensions, and Expulsions

Type of behavior	Category	Number of discipline referrals	Percent
Disrespectful/inappropriate conduct	Detention	40,084	43.7
	In-school suspension	14,730	16.1
	Out-of-school suspension	9,667	10.5
	Expulsion	<10	<5.0
Tardiness or truancy	Detention	21,572	54.2
	In-school suspension	8,718	21.9
	Out-of-school suspension	1,492	3.8
	Expulsion	0	0.0
Failure to obey rules/authority	Detention	16,740	33.9
	In-school suspension	10,986	22.3
	Out-of-school suspension	7,594	15.4
	Expulsion	11	<5.0
Legal concerns	Detention	497	19.5
	In-school suspension	537	21.1
	Out-of-school suspension	809	31.8
	Expulsion	25	<5.0
Aggressive conduct	Detention	1,803	8.5
	In-school suspension	2,784	13.1
	Out-of-school suspension	12,381	58.3
	Expulsion	55	<5.0
Illegal drugs/substances	Detention	407	9.8
	In-school suspension	775	18.6
	Out-of-school suspension	2,078	49.8
	Expulsion	113	<5.0
Weapons	Detention	18	<5.0
	In-school suspension	55	<5.0
	Out-of-school suspension	487	68.3
	Expulsion	45	6.3

The remaining 28% of out-of-school suspensions were attributable to more severe Level 3 and 4 behaviors, accounting for about 24% and 4%, respectively. Primary among the Level 3 behaviors were battery against a student, threat of injury/assault against an employee or a student, possession/use of a substance containing tobacco and/or nicotine, and harassment/bullying/intimidation. Behaviors connected to possession or use of illegal substances accounted for about 55% of out-of-school suspensions for Level 4 behaviors. Aggressive behaviors (battery against a school employee) and weapons accounted for the largest part of the remaining out-of-school suspensions.

## Student Demographic Characteristics and Subgroup Analysis

Of students enrolled in West Virginia school districts included in this analysis, most (79%) were absent from the discipline data, indicating no referrals were made for inappropriate behaviors (Table 13). The 21% of students represented in the data included 58,935 individual students; however, many were referred for only a single offense. About 66% of the students present in the discipline data were male.

Students with trend data indicating repeated inappropriate behaviors, or referrals for more severe discipline behaviors, may be identified for more targeted or intensive behavioral supports. In this study, there were 33,467 individual students identified in the discipline 2013–2014 data for which two or more discipline referrals had been reported. These students accounted for 12% of the statewide student population, but also accounted for 88% of all discipline behaviors entered into WVEIS during the 2013–2014 school year. It is notable that the maximum number of entries recorded for any single student was 76 DRs, that over 12,966 (22% of the students represented in discipline referral data) were reported for five or more offenses, and nearly 1,000 students were reported for 20 or more offenses. These rates suggest a need among this subset of students for more intensive behavioral supports beyond traditional and oft-used punitive disciplinary actions.

Table 13. Discipline Referrals per Student

Number of discipline referrals	Number of students	Percent of students with DRs	Percent of enrollment
0	222,220	N/A	79.0
1	25,468	43.2	9.1
2	10,609	18.0	3.8
3	5,964	10.1	2.1
4	3,928	6.6	1.4
5 or More	12,966	22.0	4.6

### Discipline referrals by race/ethnicity

The West Virginia student population is relatively homogenous with regard to racial and ethnic diversity. 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 (Table 14). Only about 1.4% self-identified as Hispanic. Of the 58,935 students represented in the 2013–2014 discipline data about 88% were White, which is slightly less than the subgroup's representation in the statewide student population (Table 14). Of the remaining students, about 8% were Black, indicating they were represented in the discipline data at a rate higher than their representation in the student population as a whole. All other race categories and Hispanic students appeared at rates comparable to their representation in the student population.

Table 14. Race/Ethnicity of Students Represented in the 2012–2013 Discipline Data

Race/ethnicity	Number of students with discipline referrals	Percent of students with discipline referrals	Percent of overall WV student population
White	52,101	88.4	91.1
Black	4,673	7.9	4.7
Multiple race	1,145	1.9	2.0
Other race	294	0.5	0.8
Hispanic	721	1.2	1.4
Not reported	<10	<5.0	--

When looking at racial or ethnic representation in the discipline data by severity and type of behavior (see Appendix G on pages 37 and 38) the disproportionate representation of Black students persisted. From both perspectives, Black students were represented at nearly twice their proportion in the student population.

The same was true when looking at corresponding interventions and consequences (Appendix G, page 39). Intervention or consequence categories where the representation of Black students was particularly high (10% or more) include administrator/teacher and student conference (10%), parent involvement (13%), supportive interventions (10%), exclusion from the classroom (11%), academic sanctions (10%), out-of-school suspension (10%), and alternative education placement (14%). To some extent these rates vary from the previous year. For example, there was a six percentage point reduction in the proportion Black student experiencing alternative education placement. Also, in 2012–2013 about 12% of students experiencing expulsion were Black, which was reduced to about 7% in 2013–2014.

It is worth noting that not all interventions or consequences are necessarily punitive. For example under the category of supportive interventions are such actions as change in the student's class schedule, daily/weekly progress reports, or behavioral contracts intended to provide guidance and to support appropriate behaviors.

### Discipline referrals among students with disabilities

During the 2013–2014 school year, about 15% of the statewide student population was identified as students with disabilities. Of the 58,935 students represented in the 2013–2014 discipline data, nearly 19% were among those identified with a disability. This was a slightly greater rate than the subgroup's representation in the statewide student population. Overrepresentation of this subgroup of students appeared to remain when looking at the level of severity of behaviors (Table 15), many categories of inappropriate behaviors (Table 16), as well as the interventions and consequences used in response to those behaviors (Table 17). With some minor fluctuations, disciplinary involvement among students with disabilities and in the use of various interventions or consequences remained stable compared to the previous year.

Table 15. Discipline Referrals by Level of Severity and Students with Disabilities

Level	2012-2013		2013-2014	
	Number of students with disabilities	Percent	Number of students with disabilities	Percent
1 Minimally disruptive behaviors	8,209	17.1	8,221	18.0
2 Disruptive and potentially harmful behaviors	5,691	19.8	5,647	21.4
3 Imminently dangerous, illegal, or aggressive behaviors	3,664	24.3	3,362	26.3
4 Safe schools act behaviors	455	27.5	531	32.0

Table 16. Discipline Referrals by Category of Behavior and Students with Disabilities

Level	2012-2013		2013-2014	
	Number of students with disabilities	Percent	Number of students with disabilities	Percent
Disrespectful/inappropriate conduct	7,068	19.6	7,095	20.3
Tardiness or truancy	2,607	13.4	2,777	15.6
Failure to obey rules/authority	4,883	18.3	4,530	19.2
Legal concerns	605	23.5	612	26.4
Aggressive conduct	4,078	24.3	3,740	25.7
Illegal drugs/substances	677	21.0	800	24.3
Weapons	182	26.8	206	30.0

Table 17. Interventions and Consequences for Inappropriate Behavior by Students with Disabilities

Level	2012-2013		2013-2014	
	Number of students with disabilities	Percent	Number of students with disabilities	Percent
No action warranted	221	14.6	385	13.1
Administrator/teacher and student conference	1,628	18.1	2,163	17.6
Parent involvement	776	22.1	1,282	20.4
Supportive interventions	192	24.9	215	22.9
Referral for services	246	31.3	301	26.9
Warning	953	15.8	1,329	32.9
Loss of privileges	1,073	22.9	1,332	17.7
Exclusion from classroom	475	24.5	517	21.7
Detention	3,963	17.1	5,234	24.8
Academic sanctions	46	15.4	45	17.1
In-school suspension	3,671	18.8	3,869	13.7
Out-of-school suspension	4,715	22.6	4,823	21.2
Law enforcement involvement	59	25.2	83	25.3
Alternative education placement	92	19.3	158	28.4
Expulsion	81	22.4	59	27.5

### Subgroup risk for selected interventions and consequences

The findings reported above indicate that students from selected subgroups were found in the discipline data in proportions inconsistent with their representation in the student population as a whole, and suggest possible disparity in discipline practices. To understand the magnitude of potential disparities, risk ratios were calculated for selected consequences (single and multiple occurrences of in-school and out-of-school suspensions, and expulsions) following the methodology described by the National Clearinghouse on Supportive School Discipline (NCSSD, 2013). Risk ratios indicate the likelihood members of a subgroup are subjected to a specific discipline action compared to members of another group. In our analysis we calculated risk ratios of students representing racial/ethnic minority groups relative to White students. We also calculated risk ratios for students with disabilities relative to students with no disabilities. Ratios were rounded to the nearest 0.5 to accommodate comparison to similar findings nationally.

Risk ratios for the referent group, in our case White students and students with no disability, are by default equal to 1.0. Subgroup ratios at or below 1.0 indicate risk equal to or less than that of the referent group. Values exceeding 1.0 indicate greater risk. During the 2013–2014 school year in West Virginia, students of multiple or “other” race, and Hispanic students, were generally at less or equal risk for single or multiple occurrences of in-school and out-of-school suspensions and expulsions compared to White students (Table 18). Black students were two times more likely to experience single occurrences of in-school and out-of-school suspension. They also were at 2.5 times higher risk for multiple in-school suspensions, and at 3.0 greater risk for multiple out-of-school suspensions. Additionally, these students were 1.5 times more likely to experience expulsion-related consequences (Table 18).

Table 18. Risk Ratios by Race/Ethnicity of Students

Race/ethnicity	In-school suspension (single)	In-school suspension (multiple)	Out-of-school suspension (single)	Out-of-school suspension (multiple)	Expulsion
White	1.0	1.0	1.0	1.0	1.0
Black	2.0	2.5	2.0	3.0	1.5
Multiple race	1.0	1.0	1.0	1.0	1.0
Other race	0.5	0.5	0.5	0.5	0.5
Hispanic	1.0	1.0	1.0	1.0	0.5

Similarly, students with disabilities appeared to experience a greater risk for in-school and out-of-school suspensions compared to students with no disabilities (Table 19). They also were 1.5 times more likely to experience expulsions.

Table 19. Risk Ratios by Disability Status

Disability status	In-school suspension (single)	In-school suspension (multiple)	Out-of-school suspension (single)	Out-of-school suspension (multiple)	Expulsion
Students with no disabilities	1.0	1.0	1.0	1.0	1.0
Students with disabilities	1.5	1.5	2.5	1.5	1.5



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## Summary of Findings

We observed wide variation in the number and prevalence rates of discipline referrals (DRs) among counties and schools in the 2013-2014 school year, some of which can be attributed to nonreporting and underreporting during this, the first full year of statewide reporting under the new discipline management system (DMS). For example 30 schools, some with enrollments of several hundred students, reported no DRs at all. Other schools reported few discipline behaviors relative to school enrollment, including 178 schools (26% of all schools in the state) that had prevalence rates of 100 DRs per 1,000 students or less, far below the overall statewide rate of 746 per 1,000 students. Other schools showed evidence of underreporting by having disproportionate numbers of severe behaviors and suspensions, especially out-of-school suspensions. In those cases, schools may have opted not to report less severe behaviors, thereby skewing their rates. Schools in this category included 118 that reported out-of-school suspensions for 50% or more of their discipline referrals; of those, 26 reported out-of-school suspensions for 100% of their referrals. The statewide rate is 16.5%.

With these cautions in mind, we summarize our findings as follows:

### Discipline incidents and referrals

- *Number of incidents.* In the DMS, an incident of inappropriate is defined as an occurrence of inappropriate behavior(s), involving one or more individuals, that disrupts the learning environment. In 2013–2014, 193,765 distinct incidents were reported, corresponding to a prevalence rate of about 689 incidents per 1,000 students statewide. For an overwhelming majority of incidents (94%) only a single discipline referral (DR) was recorded, indicating that a single student was involved as an offender.
- *Number of discipline referrals.* Overall, schools submitted 214,889 DRs entered into WVEIS DMS for inappropriate student behaviors. Omitting DRs that (a) specified unidentifiable behaviors, (b) were submitted by Institutional Programs and the West Virginia Schools for the Deaf and Blind, and (c) involved students as nonoffenders or targets of incidents left 209,602 for analysis for this report.
- *Discipline referrals by program/grade level.* About 44% of discipline referrals were made for students at the high school level, followed by middle school (39%), and elementary school (18%). By specific grade levels, about 17% of referrals were made for 9<sup>th</sup> graders, and about 12% to 14% for students at each of the 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, and 10<sup>th</sup> grades. Referrals for students in each of the elementary grades accounted for fewer than 5%, respectively.
- *Discipline referrals by level of severity.* About 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, while Level 4 Safe School Act behaviors, as expected, were rare and accounted for less than 1% of all DRs.

- *Level of severity by program level.* About 61% of referrals at the elementary and middle school program levels were for Level 1 minimally disruptive behaviors compared to 69% at the high school level. Level 2 behaviors were more prevalent at the middle school level at about 30%, with a lower percentage at the elementary (24%) and high school (23%) program levels. Level 3 behaviors accounted for only 7% of high school referrals compared to 14% at elementary school. Middle school referrals tended to split the difference. At all program levels Level 4 Safe School Act behaviors accounted for less than 5% of all discipline referrals reported.
- *Discipline referrals by behavior category.* About 40% of DRs were for disrespectful/inappropriate conduct, followed by failure to obey rules/authority (26%), tardiness or truancy (20%), and aggressive conduct (11%). DRs in remaining categories accounted for less than 5% of the total.
- *Behavior category by program level.* Referrals tended to be concentrated in three categories by school program level. At the elementary level 96% fell in the disrespectful/inappropriate conduct, aggressive conduct, and failure to obey rules/authority categories (60%, 19%, and 17%, respectively). At the middle school level about 89% fell into these categories, but at slightly different rates: disrespectful/inappropriate conduct (51%), failure to obey rules/authority (26%), and aggressive conduct (11%). At high school referrals for aggressive conduct diminished, but were replaced by referrals for attendance-related behaviors. At the high school level 90% of referrals consisted of disrespectful/inappropriate conduct (31%), tardiness or truancy (35%), and failure to obey rules/authority (24%).
- *Rates of various interventions/consequences.* About 74% of actions taken by schools were detentions, in-school suspensions, or out-of-school suspensions (39%, 18%, and 17%, respectively). Most other types of interventions or consequences reported occurred at relatively low rates.
- *Intervention/consequences by program level.* The distribution of interventions and consequences by school program level were similar to the overall distribution. Out-of-school suspensions across the three program levels were very similar (17% at elementary, 18% at middle, and 15% at high school levels). At the elementary level there were fewer in-school suspensions, offset by administrator/teacher and student conferences and loss of privileges.
- *Intervention/consequences by severity level of behavior.* About 48% of interventions or consequences for minimally disruptive Level 1 behaviors 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. Although these accounted for a very small proportion of all interventions at this level, an expulsion may be disproportionate to the behavior. The severity of interventions or consequences increases with the severity of behaviors, such that more than 80% of Level 4 behaviors were met with out-of-school suspensions (71%) or expulsions (9%).

- *Intervention/consequences by behavior category.* Detention and in-school suspensions tended to be more heavily favored 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 increase for these behaviors as well.

### Analysis of student characteristics

The following are key findings from a descriptive analysis of the characteristics of students for which discipline referrals were reported during the 2013–2014 school year:

- *Referrals overall.* Of all students included in the analysis, most (79%) were absent from the discipline data indicating no referrals were made for inappropriate behaviors. The 21% of students represented in the data included 58,935 individual students; however, many were referred for only a single offense. About 66% of the students present in the discipline data were male.
- *Students with multiple DRs.* 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 more than 12,966 (22%) of the students represented in discipline referral data were reported for five or more offenses. Also, more than 1,000 students were reported for 20 or more offenses. This subset of students potentially could benefit from more intensive behavioral supports beyond traditional and oft-used punitive disciplinary actions.
- *Representation of students by race/ethnicity.* Of students represented in the 2013–2014 discipline data 88% were White, slightly lower than the subgroup’s representation in the statewide student population. Of the remaining students about 8% were Black, indicating representation in the discipline data at a rate higher than their representation in the student population as a whole. All other race categories and Hispanic students appeared at rates comparable to their representation in the student population. When looking at racial or ethnic representation by severity and type of behavior the 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. Risk ratio calculations indicate Black students to be two times more likely to experience single suspensions, and 2.5 to 3 times more likely to experience multiple suspensions, and 1.5 times more likely to experience expulsions.
- *Representation of students with disabilities.* 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 among those identified with a disability—a slightly greater rate than the subgroup’s representation in the statewide student population. Overrepresentation of students with disabilities appeared to remain when looking at the severity of behaviors, among many categories of inappropriate behaviors, as well as among the interventions and consequences used in

response to those behaviors. Risk ratios indicate students with disabilities experience a greater likelihood for multiple in-school suspensions, for single and multiple out-of-school suspensions, and expulsion related actions.

## Discussion and Recommendations

In accordance with the West Virginia Board of Education (WVBE) Policy 4373 *Expected Behaviors in Safe and Supportive Schools*, the West Virginia Department of Education (WVDE) must review the status of policy implementation at least biannually and, with appropriate stakeholders, advise the WVBE of needed revisions based on emerging federal and state law, as well as research and best practice related to school climate/culture and student behavior. Furthermore, the WVDE must provide training and technical assistance to support implementation of evidence-based, effective models for developing and supporting positive school climate/culture, collection and reporting of behavior incident data via the West Virginia Education Information System (WVEIS), and development of interventions to assure school success for all students. The findings of this report are intended to provide a basis for a data-driven approach to policy review and the provision of relevant training and technical assistance.

As noted in the introduction, we made four recommendations based on the findings from a similar analysis of 2012-2013 behavior incident data. Those recommendations included, (a) encourage diligence among schools in accurately reporting discipline behaviors; (b) implement positive discipline approaches to minimize student disciplinary involvement and alternatives to suspension to minimize the use of exclusionary disciplinary consequences; (c) provide appropriate behavioral interventions in the context of a three-tiered 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). Our findings for 2013-2014 were similar to those in the 2012-2013; consequently, those recommendations remain relevant.

In this study, we were able to undertake a more complete assessment of nonreporting and underreporting of discipline incidents and found evidence of reporting deficiencies among a substantial number of schools. This finding is problematic for at least three reasons. First, it suggests schools are out of compliance with the reporting provisions of *Expected Behaviors in Safe and Supportive Schools* (WVBE Policy 4373). Second, it indicates some schools' failure to collect the data they need to support efforts to create positive conditions for learning. Research has shown achievement increases when learners feel safe, both emotionally and physically; feel supported and connected to the learning setting; can manage emotions and relationships positively; and are actively engaged in learning (National Clearinghouse on Supportive School Discipline, n.d.). Lastly, the WVDE relies on these data for federal reporting and accountability; consequently, inaccurate reporting makes us vulnerable on critical school safety issues.

As with the previous year, discipline referrals reported in 2013-2014 followed an expected trend—the majority of discipline referrals were for less severe, minimally disruptive behaviors, primarily considered to be classroom management issues. The most severe and dangerous behaviors—purported violations of Safe Schools Act behaviors—were by

comparison rare events accounting for less than 1% of all discipline referrals. Yet, exclusionary interventions/consequences, such as out-of-school suspensions continued to have widespread use in response to many infractions that fell within the lower levels of behavior severity. As noted in Policy 4373, suspensions, especially out-of-school suspensions should be a solution, used only when all other interventions have failed:

...It is the intent of the WVBE for schools to be pro-active and preventive in their approach to student behavior. It is also the Board's intent that inappropriate behavior be addressed with meaningful interventions and consequences that strive to improve future behavior. Therefore, it is the Board's belief that school administrators and staff shall exhaust all available school and community resources to provide appropriate school-based intervention strategies designed to keep students in school and engaged in instruction. Out-of-school suspension strategies should be used sparingly and shall never deny a student access to instructional material and information necessary to maintain academic progress. Out-of-school suspension is not a recommended optional consequence or intervention for Level 1 behaviors; however, the determination of interventions and consequences is at the discretion of the school administrator for Level 1, Level 2, and Level 3. West Virginia Code requires that the principal shall suspend a student who commits a behavior classified as Level 4 in this policy (WVBE Policy 4373, p. 68).

Furthermore, 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).

That suspensions are viewed in policy as temporary solutions until underlying causes are remedied suggests such actions are a means to an end, not the ends in themselves. With in-school suspensions, students remain under the supervision of school personnel and have opportunities to receive appropriate interventions and supports. With out-of-school suspensions, students may have no such opportunities for intervention so that the causes for suspension may go unresolved. Nonetheless, since detention, in-school suspension, and out-of-school suspension continue to be the most frequently used interventions or consequences used by districts and schools, even for minimally disruptive behaviors, *it is recommended 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.*

Seventy-nine percent of students were absent from the discipline data indicating no referrals were made for inappropriate behaviors. This shows consistent alignment with West Virginia's Support for Personalized Learning (SPL),<sup>2</sup> Positive Behavior Intervention and Supports (PBIS), or other multi-tiered systems of support at the universal or core level. In the context of a multi-tiered 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.

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<sup>2</sup> For a compendium of resources related to SPL, see [wvde.state.wv.us/spl](http://wvde.state.wv.us/spl).

The number of discipline referrals could be used as a criterion for behavioral support. Students with one or two discipline referrals could be identified for targeted supports, and those with more frequent or more severe behaviors could be identified for intensive supports. Examples of targeted and intensive behavior supports could include, but are not limited to

- 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,
- Schedule or classroom change, and
- Mentoring programs.

In practice, substantial discretion, taking into consideration the particular circumstances surrounding a discipline incident, would be needed to make a determination to intervene under a multi-tiered framework. Nonetheless, repeat offenders as identified in this study could potentially benefit from more intensive behavioral intervention, especially those students present in the data numerous times. As such *it is recommended that districts and schools build staff capacity to provide appropriate behavioral interventions in the context of the multi-tiered framework, and integrate such a framework as part of a school-wide approach to promote appropriate behavior.*

Finally, our findings showed subgroup representation in the discipline referral data at levels disproportionate to respective subgroup representation in the student population as a whole. Risk ratio calculations echoed this finding with students in some minority subgroups at increased risk for some exclusionary discipline actions compared to White students, and students with disabilities at increased risk compared to students with no disability. These findings, however, are not unique to West Virginia. National data on racial/ethnic disparity in discipline practices from 2009-2010 show that all states experience disparities and, in fact, the magnitude of disparities in West Virginia tended to be fairly modest by comparison; typically West Virginia ranked in the lower half of states for which risk ratios were calculated (NCSSD 2013). Gregory, Skiba, and Noguera (2010) suggest that subgroup disparity in discipline practices—the discipline gap—is related to the 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 disparities in discipline practices. Consequently, *it is recommended 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 of the Study**

The validity of our findings depends on the completeness and accuracy of data submitted by schools and certified by districts. Yet, we detected evidence of nonreporting and

underreporting of discipline data among a substantial number of schools. Further, although Policy 4373 prescribes a coding scheme with corresponding behavior descriptions, ultimately, discipline referrals are reported by local school staff and codes are subject to variation in interpretation and usage among the nearly 700 schools in 55 districts around the state.

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# Appendixes

## Appendix A. Inappropriate Behaviors by Level of Severity

Table 20. Behaviors by Level of Severity (WVBE Policy 4373)

Level	Behavior
1	Cheating Deceit Disruptive/disrespectful conduct Failure to serve detention Falsifying identity Inappropriate appearance Inappropriate display of affection Inappropriate language Possession of inappropriate personal property Skipping class Tardiness Vehicle parking violation
2	Gang related activity Habitual violation of school rules or policies Insubordination Leaving school without permission Physical fight without injury Possession of imitation weapon Possession of knife not meeting dangerous weapon definition (WV §61-7-2) Profane language/obscene gesture/indecent act toward an employee or a student Technology misuse
3	Battery against a student Defacing school property/vandalism False fire alarm Fraud/forgery Gambling Hazing Improper or negligent operation of a motor vehicle Larceny Sexual misconduct Threat of injury/assault against an employee or a student Trespassing Harassment/bullying/intimidation Imitation drugs: possession, use, distribution or sale Inhalant abuse Possession/use of substance containing tobacco and/or nicotine
4	Battery against a school employee Felony Illegal substance related behaviors: use/possession of illicit drugs Possession and/or use of dangerous weapon Illegal substance related behaviors: use/possession of alcohol Illegal substance related behaviors: sale of narcotic

## Appendix B. Inappropriate Behaviors by Category of Behavior

Table 21. Behaviors by Category

Disrespectful/inappropriate conduct	Legal concerns (continued)
Deceit	Larceny
Disruptive/disrespectful conduct	Felony
Inappropriate display of affection	<b>Aggressive conduct</b>
Inappropriate language	Physical fight without injury
Profane language/obscene gesture/indecent act toward an employee or a student	Battery against a student
<b>Tardiness or truancy</b>	Hazing
Skippping class	Sexual misconduct
Tardiness	<b>Threat of injury/assault against an employee or a student</b>
Leaving school without permission	Harassment/bullying/intimidation
<b>Failure to obey rules/authority</b>	Battery against a school employee
Cheating	Verbal assault against a student
Failure to serve detention	Verbal assault against a school employee
Falsifying identity	<b>Illegal drugs/substances</b>
Inappropriate appearance	Imitation drugs: possession, use, distribution or sale
Possession of inappropriate personal property	Inhalant abuse
Vehicle parking violation	Possession/use of substance containing tobacco and/or nicotine
Habitual violation of school rules or policies	Illegal substance related behaviors: use/possession of illicit drugs
Insubordination	Illegal substance related behaviors: use/possession of alcohol
Technology misuse	Illegal substance related behaviors: sale of narcotic
False fire alarm	<b>Weapons</b>
Improper or negligent operation of a motor vehicle	Possession of imitation weapon
Trespassing	Possession of knife not meeting dangerous weapon definition
<b>Legal concerns</b>	Possession and/or use of dangerous weapon
Gang related activity	
Defacing school property/vandalism	
Fraud/forgery	
Gambling	

## Appendix C. Interventions and Consequences

Table 22. Policy 4373 Recognized Interventions or Consequences for Inappropriate Behaviors

Category	Description
No action	No action warranted
Administrator/teacher and student conference	Administrator-student conference or reprimand Teacher-student conference or reprimand
Parent involvement	Administrator and teacher-parent/guardian conference Teacher-parent contact Administrator-parent contact
Supportive interventions	Change in the student's class schedule School service assignment Restitution/restoration Peer mediation Conflict resolution Daily/weekly progress reports Behavioral contracts
Referral for services	Referral to medical or mental health services Counseling referrals and conference to support staff or agencies Referral to IEP team Referral to staff or agencies for counseling or other therapeutic services Referral to a tobacco cessation program
Warning	Warning
Loss of privileges	Confiscation of inappropriate item Revocation of privileges Denial of participation in class and/or school activities Loss of bus privileges
Exclusion from classroom	Immediate exclusion by teacher from the classroom
Detention	Detention Detention - lunch Detention - before school Detention - after school Detention - lunch (2nd sitting) Detention - lunch (3rd sitting) Detention - lunch (4th sitting) Voluntary weekend detention
Academic sanctions	Academic sanctions
In-school suspension	In-school suspension
Out-of-school suspension	Out-of-school suspension
Law enforcement involvement	Law enforcement notification if warranted
Alternative education placement	Removal of a student to an alternative education placement Removal of a student with a disability to an Interim Alternative Educational Setting by school personnel Removal of a student with a disability to Interim Alternative Educational Setting (IAES) by a WVDE Due Process Hearing Officer
Expulsion	Recommended expulsion Expulsion Expulsion without services

## Appendix D. Discipline Referrals by Level of Severity and Category of Intervention or Consequence

Table 23. Discipline Referrals by Level of Severity and Category of Intervention or Consequence

Level	Category	Number of discipline referrals	Percent
1	Undetermined	746	0.6
	No action warranted	2,711	2.0
	Administrator/teacher and student conference	11,468	8.5
	Parent involvement	4,889	3.6
	Supportive interventions	468	0.4
	Referral for services	592	0.4
	Warning	7,694	5.7
	Loss of privileges	5,375	4.0
	Exclusion from classroom	2,710	2.0
	Detention	64,719	47.8
	Academic sanctions	300	0.2
	In-school suspension	23,709	17.5
	Out-of-school suspension	9,419	7.0
	Law enforcement involvement	34	0.0
	Alternative education placement	469	0.4
Expulsion	<10	<1.0	
2	Undetermined	466	0.9
	No action warranted	398	0.7
	Administrator/teacher and student conference	3,881	7.2
	Parent involvement	2,152	4.0
	Supportive interventions	273	0.5
	Referral for services	283	0.5
	Warning	1,721	3.2
	Loss of privileges	2,208	4.1
	Exclusion from classroom	1,064	2.0
	Detention	14,211	26.3
	Academic sanctions	83	0.2
	In-school suspension	11,596	21.5
	Out-of-school suspension	15,301	28.4
	Law enforcement involvement	33	0.1
	Alternative education placement	268	0.5
Expulsion	22	0.0	
3	Undetermined	187	1.0
	No action warranted	116	0.6
	Administrator/teacher and student conference	1,139	6.2
	Parent involvement	730	4.0
	Supportive interventions	170	0.9
	Referral for services	356	1.9
	Warning	467	2.6
	Loss of privileges	811	4.4
	Exclusion from classroom	155	0.8

*Table 23 continues on next page*

Table 23. Discipline Referrals by Level of Severity and Category of Intervention or Consequence

Level	Category	Number of discipline referrals	Percent
3	Detention	2,171	11.8
	Academic sanctions	<10	<1.0
	In-school suspension	3,224	17.6
	Out-of-school suspension	8,367	45.6
	Law enforcement involvement	233	1.3
	Alternative education placement	159	0.9
	Expulsion	54	0.3
4	Undetermined	21	1.1
	No action warranted	<10	0.2
	Administrator/teacher and student conference	36	1.8
	Parent involvement	67	3.4
	Supportive interventions	<10	<1.0
	Referral for services	28	1.4
	Warning	<10	0.4
	Loss of privileges	41	2.1
	Exclusion from classroom	22	1.1
	Detention	20	1.0
	Academic sanctions	0	0.0
	In-school suspension	56	2.8
	Out-of-school suspension	1,421	71.4
	Law enforcement involvement	17	0.9
	Alternative education placement	69	3.5
	Expulsion	175	8.8

## Appendix E. Discipline Referrals by Type of Behavior and Category of Intervention or Consequence

Table 24. Discipline Referrals by Type of Behavior and Category of Intervention or Consequence

Category	Number of discipline referrals	Percent
<b>Disrespectful/inappropriate conduct</b>		
Undetermined	575	0.6
No action warranted	625	0.7
Administrator/teacher and student conference	8,872	9.7
Parent involvement	3,694	4.0
Supportive interventions	324	0.4
Referral for services	408	0.4
Warning	5,137	5.6
Loss of privileges	4,396	4.8
Exclusion from classroom	2,666	2.9
Detention	40,084	43.7
Academic sanctions	129	0.1
In-school suspension	14,730	16.1
Out-of-school suspension	9,667	10.5
Law enforcement involvement	20	0.0
Alternative education placement	455	0.5
Expulsion	<10	0.0
<b>Tardiness or truancy</b>		
Undetermined	188	0.5
No action warranted	2,007	5.0
Administrator/teacher and student conference	2,139	5.4
Parent involvement	1,052	2.6
Supportive interventions	213	0.5
Referral for services	209	0.5
Warning	1,916	4.8
Loss of privileges	136	0.3
Exclusion from classroom	64	0.2
Detention	21,572	54.2
Academic sanctions	18	0.1
In-school suspension	8,718	21.9
Out-of-school suspension	1,492	3.8
Law enforcement involvement	22	0.1
Alternative education placement	42	0.1
Expulsion	0	0.0
<b>Failure to obey rules/authority</b>		
Undetermined	352	0.7
No action warranted	439	0.9
Administrator/teacher and student conference	4,122	8.4
Parent involvement	2,147	4.4

*Table 24 continues on next page*

Table 24. Discipline Referrals by Type of Behavior and Category of Intervention or Consequence

Category	Number of discipline referrals	Percent
Supportive interventions	197	0.4
Referral for services	236	0.5
Warning	2,336	4.7
Loss of privileges	2,724	5.5
Exclusion from classroom	1,018	2.1
Detention	16,740	33.9
Academic sanctions	236	0.5
In-school suspension	10,986	22.3
Out-of-school suspension	7,594	15.4
Law enforcement involvement	23	0.1
Alternative education placement	187	0.4
Expulsion	11	0.0
<b>Legal concerns</b>		
Undetermined	27	1.1
No action warranted	23	0.9
Administrator/teacher and student conference	181	7.1
Parent involvement	94	3.7
Supportive interventions	110	4.3
Referral for services	26	1.0
Warning	40	1.6
Loss of privileges	143	5.6
Exclusion from classroom	10	0.4
Detention	497	19.5
Academic sanctions	<10	<0.1
In-school suspension	537	21.1
Out-of-school suspension	809	31.8
Law enforcement involvement	<10	<0.5
Alternative education placement	15	0.6
Expulsion	25	1.0
<b>Aggressive conduct</b>		
Undetermined	262	1.2
No action warranted	125	0.6
Administrator/teacher and student conference	1,120	5.3
Parent involvement	732	3.5
Supportive interventions	65	0.3
Referral for services	184	0.9
Warning	401	1.9
Loss of privileges	909	4.3
Exclusion from classroom	192	0.9
Detention	1,803	8.5
Academic sanctions	<10	<0.1
In-school suspension	2,784	13.1
Out-of-school suspension	12,381	58.3

*Table 24 continues on next page*

Table 24. Discipline Referrals by Type of Behavior and Category of Intervention or Consequence

Category	Number of discipline referrals	Percent
Law enforcement involvement	32	0.2
Alternative education placement	196	0.9
Expulsion	55	0.3
<b>Illegal drugs/substances</b>		
Undetermined	<10	<0.5
No action warranted	10	0.2
Administrator/teacher and student conference	73	1.8
Parent involvement	91	2.2
Supportive interventions	<10	<0.5
Referral for services	188	4.5
Warning	57	1.4
Loss of privileges	99	2.4
Exclusion from classroom	0	0.0
Detention	407	9.8
Academic sanctions	0	0.0
In-school suspension	775	18.6
Out-of-school suspension	2,078	49.8
Law enforcement involvement	212	5.1
Alternative education placement	56	1.3
Expulsion	113	2.7
<b>Weapons</b>		
Undetermined	<10	<5.0
No action warranted	0	0.0
Administrator/teacher and student conference	17	2.4
Parent involvement	28	3.9
Supportive interventions	<10	<5.0
Referral for services	<10	<5.0
Warning	<10	<5.0
Loss of privileges	28	3.9
Exclusion from classroom	<10	<5.0
Detention	18	2.5
Academic sanctions	0	0.0
In-school suspension	55	7.7
Out-of-school suspension	487	68.3
Law enforcement involvement	0	0.0
Alternative education placement	14	2.0
Expulsion	45	6.3



## Appendix F. In-School and Out-of-School Suspensions by Behavior

Table 25. In-School Suspensions by Specific Behaviors

Level	Behavior	Number of suspensions	Percent w/in level	Percent by level
Level 1	Disruptive/disrespectful conduct	11,601	48.9	61.5
Minimally disruptive behaviors	Skipping class	5,172	21.8	
	Tardiness	2,556	10.8	
	Failure to serve detention	1,433	6.0	
	Inappropriate language	1,433	6.0	
	Possession of inappropriate personal property	730	3.1	
	Deceit	326	1.4	
	Inappropriate display of affection	198	0.8	
	Cheating	113	0.5	
	Inappropriate appearance	110	0.5	
	Falsifying identity	30	0.1	
	Vehicle parking violation	<10	<0.1	
Level 2	Insubordination	4,549	39.2	30.1
Disruptive and potentially harmful behaviors	Habitual violation of school rules or policies	2,870	24.8	
	Profane language/obscene gesture/indecent act toward an employee or a student	1,172	10.1	
	Technology misuse	1,113	9.6	
	Leaving school without permission	990	8.5	
	Physical fight without injury	844	7.3	
	Possession of knife not meeting dangerous weapon definition (West Virginia Code §61-7-2)	33	0.3	
	Possession of imitation weapon	18	0.2	
	Gang related activity	<10	<0.1	
Level 3	Possession/use of substance containing tobacco and/or nicotine	746	23.1	8.4
Imminently dangerous, illegal or aggressive behaviors	Harassment/bullying/intimidation	698	21.7	
	Battery against a student	631	19.6	
	Threat of injury/assault against an employee or a student	351	10.9	
	Defacing school property/vandalism	314	9.7	
	Larceny	155	4.8	
	Verbal assault against a student	108	3.4	
	Sexual misconduct	75	2.3	
	Fraud/forgery	59	1.8	
	Verbal assault against a school employee	38	1.2	
	Trespassing	17	0.5	
	Imitation drugs: possession, use, distribution or sale	10	0.3	
	False fire alarm	<10	0.3	
	Hazing	<10	0.2	
	Improper or negligent operation of a motor vehicle	<10	0.2	
	Inhalant abuse	<10	<0.1	
Gambling	<10	<0.1		
Level 4	Battery against a school employee	34	60.7	0.2
Safe Schools Act behaviors	Illegal substance related behaviors: use/possession of illicit drugs	<10	16.1	
	Illegal substance related behaviors: use/possession of alcohol	<10	14.3	
	Possession and/or use of dangerous weapon	<10	7.1	
	Felony	<10	1.8	

Table 26. Out-of-School Suspensions by Specific Behaviors

Level	Behavior	Number of suspensions	Percent w/in level	Percent by level
Level 1 Minimally disruptive behaviors	Disruptive/disrespectful conduct	6324	67.1	27.3
	Inappropriate language	942	10.0	
	Skipping class	721	7.7	
	Failure to serve detention	610	6.5	
	Possession of inappropriate personal property	444	4.7	
	Tardiness	119	1.3	
	Deceit	119	1.3	
	Inappropriate display of affection	69	0.7	
	Inappropriate appearance	27	0.3	
	Cheating	25	0.3	
	Falsifying identity	12	0.1	
	Vehicle parking violation	7	0.1	
Level 2 Disruptive and potentially harmful behaviors	Physical fight without injury	5706	37.3	44.3
	Insubordination	3861	25.2	
	Profane language/obscene gesture/indecent act toward an employee or a student	2213	14.5	
	Habitual violation of school rules or policies	2085	13.6	
	Leaving school without permission	652	4.3	
	Technology misuse	441	2.9	
	Possession of knife not meeting dangerous weapon definition	259	1.7	
	Possession of imitation weapon	79	0.5	
Level 3 Imminently dangerous, illegal or aggressive behaviors	Gang related activity	5	0.0	
	Battery against a student	2917	34.9	24.3
	Threat of injury/assault against an employee or a student	1428	17.1	
	Possession/use of substance containing tobacco/nicotine	1179	14.1	
	Harassment/bullying/intimidation	1155	13.8	
	Defacing school property/vandalism	418	5.0	
	Sexual misconduct	370	4.4	
	Larceny	319	3.8	
	Verbal assault against a student	179	2.1	
	Verbal assault against a school employee	157	1.9	
	Imitation drugs: possession, use, distribution or sale	100	1.2	
	Trespassing	46	0.6	
	Fraud/forgery	38	0.5	
	False fire alarm	30	0.4	
	Hazing	12	0.1	
	Inhalant abuse	11	0.1	
	Improper or negligent operation of a motor vehicle	6	0.1	
Level 4 Safe Schools Act behaviors	Gambling	2	0.0	
	Use/possession of illicit drugs	556	39.1	4.1
	Battery against a school employee	457	32.2	
	Use/possession of alcohol	214	15.1	
	Possession and/or use of dangerous weapon	149	10.5	
	Felony	27	1.9	
Sale of narcotic	18	1.3		

## Appendix G. Discipline Referrals by Student Race/Ethnicity

Table 27. Discipline Referrals by Level of Severity and Student Race/Ethnicity

Level		Race/ethnicity	Number of students	Percent
1	Minimally disruptive behaviors	Not reported	<10	<5.0
		White	40,060	87.9
		Black	3,788	8.3
		Multiple race	889	<5.0
		Other race	237	<5.0
		Hispanic	586	<5.0
2	Disruptive and potentially harmful behaviors	Not reported	<10	<5.0
		White	23,045	87.2
		Black	2,489	9.4
		Multiple race	504	<5.0
		Other race	99	<5.0
		Hispanic	302	<5.0
3	Imminently dangerous, illegal or aggressive behaviors	Not reported	0	0.0
		White	11,260	88.2
		Black	1,072	8.4
		Multiple race	263	<5.0
		Other race	40	<5.0
		Hispanic	139	<5.0
4	Safe Schools Act behaviors	Not reported	0	0.0
		White	1,447	87.3
		Black	143	8.6
		Multiple race	45	<5.0
		Other race	<10	<5.0
		Hispanic	18	<5.0

Table 28. Discipline Referrals by Category of Behavior and Student Race/Ethnicity

Category	Race/ethnicity	Number of students	Percent
Disrespectful/inappropriate conduct	Not reported	<10	<5.0
	White	30,606	87.5
	Black	3,064	8.8
	Multiple race	751	<5.0
	Other race	153	<5.0
Tardiness or truancy	Hispanic	412	<5.0
	Not reported	<10	<5.0
	White	15,528	87.0
	Black	1,708	9.6
	Multiple race	270	<5.0
	Other race	105	<5.0
Failure to obey rules/authority	Hispanic	231	<5.0
	Not reported	<10	<5.0
	White	20,535	87.0
	Black	2,235	9.5
	Multiple race	429	<5.0
	Other race	112	<5.0
Legal concerns	Hispanic	303	<5.0
	Not reported	<10	<5.0
	White	2,057	88.6
	Black	193	8.3
	Multiple race	42	<5.0
	Other race	12	<5.0
Aggressive conduct	Hispanic	18	<5.0
	Not reported	<10	<5.0
	White	12,667	87.0
	Black	1,346	9.2
	Multiple race	332	<5.0
	Other race	45	<5.0
Illegal drugs/substances	Hispanic	178	<5.0
	Not reported	<10	<5.0
	White	3,082	93.8
	Black	146	<5.0
	Multiple race	36	<5.0
	Other race	<10	<5.0
Weapons	Hispanic	16	<5.0
	Not reported	<10	<5.0
	White	607	88.5
	Black	53	7.7
	Multiple race	16	<5.0
	Other race	<10	<5.0

Table 29. Interventions and Consequences for Inappropriate Behavior by Student Race/Ethnicity

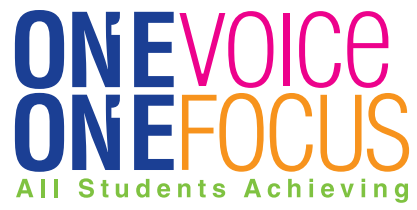
Intervention or consequence	Race/ethnicity	Number of students	Percent
No action warranted	Not reported	<10	<5.0
	White	1,885	86.0
	Black	211	9.6
	Multiple race	45	<5.0
	Other race	28	<5.0
	Hispanic	22	<5.0
Administrator/teacher and student conference	Not reported	<10	<5.0
	White	9,132	85.9
	Black	1,090	10.3
	Multiple race	242	<5.0
	Other race	52	<5.0
	Hispanic	111	<5.0
Parent involvement	Not reported	<10	<5.0
	White	4,618	82.5
	Black	736	13.2
	Multiple race	147	<5.0
	Other race	26	<5.0
	Hispanic	69	<5.0
Supportive interventions	Not reported	<10	<5.0
	White	692	86.5
	Black	79	9.9
	Multiple race	17	<5.0
	Other race	<10	<5.0
	Hispanic	10	<5.0
Referral for services	Not reported	<10	<5.0
	White	796	87.0
	Black	82	9.0
	Multiple race	24	<5.0
	Other race	<10	<5.0
	Hispanic	<10	<5.0
Warning	Not reported	<10	<5.0
	White	6,619	88.2
	Black	614	8.2
	Multiple race	163	<5.0
	Other race	30	<5.0
	Hispanic	79	<5.0
Loss of privileges	Not reported	<10	<5.0
	White	5,345	87.2
	Black	555	9.1
	Multiple race	131	<5.0
	Other race	27	<5.0
	Hispanic	69	<5.0
Exclusion from classroom	Not reported	<10	<5.0
	White	1,785	85.5
	Black	227	10.9
	Multiple race	43	<5.0

*Table 29 continued on next page*

Table 29. Interventions and Consequences for Inappropriate Behavior by Student Race/Ethnicity

Intervention or consequence	Race/ethnicity	Number of students	Percent
	Other race	13	<5.0
	Hispanic	20	<5.0
Detention	Not reported	<10	<5.0
	White	27,008	88.3
	Black	2,505	8.2
	Multiple race	523	<5.0
	Other race	161	<5.0
	Hispanic	396	<5.0
Academic sanctions	Not reported	<10	<5.0
	White	283	86.3
	Black	34	10.4
	Multiple race	<10	<5.0
	Other race	<10	<5.0
	Hispanic	<10	<5.0
In-school suspension	Not reported	<10	<5.0
	White	15,845	86.8
	Black	1,721	9.4
	Multiple race	356	<5.0
	Other race	77	<5.0
	Hispanic	260	<5.0
Out-of-school suspension	Not reported	<10	<5.0
	White	16,449	86.2
	Black	1,973	10.3
	Multiple race	387	<5.0
	Other race	49	<5.0
	Hispanic	216	<5.0
Law enforcement involvement	Not reported	<10	<5.0
	White	274	93.8
	Black	<10	<5.0
	Multiple race	<10	<5.0
	Other race	<10	<5.0
	Hispanic	<10	<5.0
Alternative education placement	Not reported	<10	<5.0
	White	470	81.9
	Black	81	14.1
	Multiple race	22	<5.0
	Other race	<10	<5.0
	Hispanic	<10	<5.0
Expulsion	Not reported	<10	<5.0
	White	226	90.4
	Black	18	7.2
	Multiple race	<10	<5.0
	Other race	<10	<5.0
	Hispanic	<10	<5.0





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