

# Improving School Discipline Data Collection and Reporting

A Status Report for the 2012-2013 School Year





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# Improving School Discipline Data Collection and Reporting

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A Status Report for the 2012–2013 School Year

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**December 2013**

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**Keywords**  
School discipline, discipline referral, intervention, consequences.

**Suggested Citation**

Whisman, A., & Chapman, D. (2013). *Improving school discipline data collection and reporting: A status report for the 2012–2013 school year*. Charleston, WV: West Virginia Department of Education, Division of Teaching and Learning, Office of Research.

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## Executive Summary

West Virginia was one of three states selected to participate in a project funded by the National Association of State Boards of Education, Center for Safe and Healthy Schools, which focused on examining and reforming state disciplinary policies from a state-level perspective. As its project, and as part of an ongoing effort initiated in 2011 with the revision of Policy 4373 (*Expected Behaviors in Safe and Supportive Schools*), the West Virginia Board of Education (WVBE) tasked the West Virginia Department of Education (WVDE) with conducting a statewide analysis of disciplinary incidents that had been reported during the 2012-2013 school year—the first full academic year following the effective date of the revised policy. Prior to this time, a comprehensive report of disciplinary incidents had not been produced that would help the WVBE determine the kinds of support districts and schools may need for school climate improvement, including more positive approaches to student discipline.

This project provides such a statewide analysis of disciplinary incidents submitted to the West Virginia Education Information System (WVEIS). Additionally, no comprehensive reports had previously been provided to counties showing rates for specific behaviors in comparison to the rest of the state. Such county-level reports are being prepared separately to be delivered directly to school districts. With such information, it is expected that county staff will be better prepared to chart their successes and make more informed judgments about the kinds of additional interventions and supports that may be most beneficial to their respective schools and students.

## Method

For one set of analyses in our study, the unit of analysis was the *discipline referral* (DR). We examined the number, magnitude, seriousness, and types of behaviors engaged in for DRs entered into the WVEIS during the 2012-2013 school year. Analysis consisted of determining the frequency and prevalence rates (i.e., 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 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 used by schools in response to inappropriate behaviors.

For questions related to student demographic characteristics and subgroup representation the *student* was the unit of analysis. We performed subgroup crosstabulations to describe the demographic characteristics of students present in the discipline data. Analyses by severity and category of behaviors, and by intervention and consequences used by schools also were performed. Finally, risk ratios were calculated for student subgroups for selected ex-

clusionary discipline actions to assess the magnitude of potential subgroup disparities.

## Results

### Analysis of discipline referrals

The following are key findings from a descriptive analysis of discipline referral data reported during the 2012–2013 school year.

The 2012–2013 school year served as a year of transition as districts and schools gradually moved from a former reporting system to a newly designed discipline management system. During the transition both the former and newly designed systems were in use. The effect of the transition on the completeness or accuracy of data summarized in this report is not clear.

Overall, there were 225,320 discipline referrals entered into the WVEIS 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 220,656 DRs for analysis in this report.

The meaning of raw number counts of DRs and prevalence rates is difficult to discern. They may reflect the magnitude of discipline problems, or they may reflect diligence on the part of districts and schools in recording and reporting discipline behaviors. The latter practice is encouraged by the WVBE and WVDE, and is required under Policy 4373.

About 45% of discipline referrals were made for students at the high school program level, followed by middle school (39%), and elementary school (17%). By specific grade levels, about 15% of referrals were made for 9<sup>th</sup> grade students followed

by about 12% to 14% for students at each of the 7<sup>th</sup>, 8<sup>th</sup>, and 10<sup>th</sup> grades. Referrals made for students in each of the elementary grades accounted for fewer than 5% per grade.

About 63% of discipline referrals were for Level 1 minimally disruptive behaviors, followed by Level 2 disruptive and potentially dangerous behaviors at 27%. Level 3 imminently dangerous, illegal or aggressive behaviors accounted for about 10% of DRs. Level 4 Safe School Act behaviors, as expected, were rare and accounted for less than 1% of all DRs.

Despite an expectation that the severity of behaviors would increase by school program level, the opposite tended to be true. About 54% of referrals at the elementary level were for Level 1 minimally disruptive behaviors compared to 68% at the high school level. About 23% to 30% of referrals were for Level 2 behaviors, with a lower percentage at the high school program level. Level 3 behaviors accounted for only 7% of high school referrals compared to 17% at elementary school. Middle school referrals tended to split the difference between elementary and high school levels.

About 40% of DRs were for *disrespectful/inappropriate conduct*, in practice somewhat of a catch-all category, followed by *failure to obey rules/authority* (26%), *tardiness or truancy* (19%), and *aggressive conduct* (11%). DRs in remaining categories accounted for less than 5% of the total.

At the elementary level 95% of referrals fell into the *disrespectful/inappropriate conduct*, *failure to obey rules/authority*, and *aggressive conduct* categories (52%, 22%, and 21%, respectively). At the middle school level a similar distribution was observed in slightly different rates; *disrespectful/inappropriate conduct* (47%), *failure to*

*obey rules/authority* (27%) and *aggressive conduct* (13%). 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 again fell into *disrespectful/inappropriate conduct* (28%), *tardiness or truancy* (35%), and *failure to obey rules/authority* (26%).

Nearly 18% of actions taken by schools were not identifiable and thus were deemed *undetermined*. Of the remaining actions about 63% were *detentions, in-school suspensions, or out-of-school suspensions* (26%, 19%, and 17%, respectively). Most other types of interventions or consequences reported occurred at relatively low rates.

About 33% of interventions or consequences for minimally disruptive Level 1 behaviors were some type of detention. However, nearly 27% consisted of in-school suspensions or out-of-school suspensions (19% and 7.3%, respectively).

There were 12 actions related to expulsions associated with Level 1 behaviors. Although these accounted for less than 0.1% of all intervention at this level, a recommendation to expel or full expulsion may be disproportionate.

The severity of interventions or consequences increases with the severity of behaviors, such that more than 85% of Level 4 behaviors were met with out-of-school suspensions (76%) or expulsions (10%).

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 characteristics of students

The following are key findings from a descriptive analysis of the characteristics of students for which discipline referrals were reported during the 2012–2013 school year.

Of all students in West Virginia included in the analysis, most (78%) were absent from the discipline data indicating no referrals were made for them for inappropriate behaviors. There were 62,727 individual students represented in the discipline data. These students accounted for 22.3% of all public school students, but many were referred for only a single offense. Also, about 66% of these students were male.

There were 35,851 students with multiple DRs, accounting for 12.8% of the statewide student population. Students with multiple DRs also accounted for 88% of all discipline behaviors entered into the WVEIS.

The maximum number of DRs recorded for any single student was 71, and more than 13,776 (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. 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 homogenous with regard to racial and ethnic diversity. In the 2012–2013 school year about 91% of students self-identified as White, about 5% as Black, and fewer than 3% as multiple or other races. Only about 1.3% self-identified as Hispanic. Of students represented in the 2012–2013

discipline data 89% 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.

During 2012–2013, 14.9% of the statewide population of students was identified as students with disabilities. Of students represented in the discipline data nearly 18% were among those identified with a disability—a slightly greater rate than the subgroup's representation in the statewide student population.

Over-representation 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.

To examine the magnitude of potential disproportionate subgroup 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 methodology described by the National Clearinghouse on Supportive School Discipline (NCSSD 2013). Risk ratios indicated Black students to be two times more likely to experience single suspensions, and 2.5 times more likely to experience multiple suspensions. Black, multiple race, and Hispanic students were at increased risk to experience expulsion related actions. Risk ratios also indicated 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

The findings of this report are intended to provide a basis for a data-driven approach to the policy review and the provision of relevant training and technical assistance, in accordance with the WVBE Policy 4373 *Expected Behaviors in Safe and Supportive Schools*.

During the 2012–2013 transition year for the new discipline management system (DMS), it was difficult to accurately assess the raw numbers and rates at which districts and schools reported discipline referrals. Also, there were schools for which no discipline referrals were submitted at all. Accordingly, *we recommend that the WVBE and WVDE continue to encourage diligence among districts and schools in using the newly designed DMS to accurately and completely report discipline behaviors, and to use the resultant data as part of a systematic and evidence-based school improvement effort.*

Discipline referral reporting 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 reported. There were, however, areas for which particular attention may be warranted, especially with regard to detention, suspensions, and expulsions as appropriate courses of action. 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 were among the most frequently used interventions or consequences in 2012–2013, even for minimally disruptive behaviors. Consequently, *we recommend 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 (78%) for whom no discipline referrals were made aligns well with West Virginia’s Support for Personalized Learning (SPL) framework at the *universal* or *core level*. SPL calls for interventions to be provided according to a

three-tiered model in which about 80% of students do well with academic and behavioral supports available to all students, another 15% of students need additional but intermittent *targeted* supports, and about 5% 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 would 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,
- Schedule or classroom change, and
- Mentoring programs.

*Accordingly, we recommend that districts and schools take advantage of SPL-related professional development, build staff capacity to provide appropriate behavioral interventions in the context of the three-tiered framework, and integrate SPL as part of 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 however are not unique to West Virginia. National data on racial/ethnic disparity in discipline practices in 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 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**

As reported, 2012–2013 was a year of transition as West Virginia deployed a newly designed discipline management system. It is not clear the effect this transition had on the completeness or accuracy of data summarized in this report.

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## Introduction

There is substantial and growing evidence indicating 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). In fact, *Education Week's Quality Counts 2013* supplement was entirely devoted to reporting the bearing schools' social and disciplinary environment can have on students' ability to learn, and on teachers and administrators striving to provide favorable conditions for learning (Sparks, 2013).

Responding to such research findings in 2013, the National Association of State Boards of Education (NASBE), Center for Safe and Healthy Schools invited states to participate in Examining and Reforming State Disciplinary Policies from a State-Level Perspective, a project intended to (a) accelerate the adoption of state policies that limit the use of suspension, expulsion, and criminalization of students; (b) eliminate policies that increase negative outcomes; and (c) promote the use of positive discipline and climate-building practices. Moreover, the project was intended to further NASBE's organizational mission to strengthen the policymaking role of state boards of education in creating a world class public education system that prepares every student for college, career, and citizenship. The West Virginia Board of Education (WVBE) was among three states selected to participate.

The WVBE already had several initiatives well underway when it was selected. In 2011 the WVBE 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, also 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.

Concurrently, the WVDE initiated a redesign of the West Virginia Education Information System (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. Consequently, data summarized in this report were recorded during this transition year under both the newly designed DMS and the reporting mechanism in place prior to the effective date of the revised Policy 4373. The new discipline reporting system currently is being scaled to full statewide implementation during the 2013-14 school year.

Using these discipline behavior data, statewide reports have been prepared from time to time to address specific behaviors such as bullying and harassment. Yet more needed to be done. A more comprehensive analysis had not previously been produced that would help

the WVBE determine the kinds of support districts and schools may need for school climate improvement. The current project provides this comprehensive statewide analysis of disciplinary incidents submitted to WVEIS. Additionally, no comprehensive reports had been provided to counties showing rates for specific behaviors in comparison to the rest of the state. As part of this project, such reports are being prepared separately to be delivered directly to districts. With such information, it is expected that district staff will be better prepared to chart their successes and make more informed judgments about the kinds of additional interventions and supports that may be most beneficial to their respective schools.

## Method

### Population Characteristics

The population of interest included all students enrolled in public school districts in West Virginia during the 2012-2013 school year, excluding those described below as having been omitted.

### Measures and Covariates

Two analytic approaches were pursued, each having a different unit of analysis. For the first approach, the unit of analysis was the *discipline referral* (DR). For the second approach, the unit of analysis was the *student*. The approaches are described in more detail below.

### Research Design

With regard to discipline referrals as the unit of analysis, we examined the number, magnitude, seriousness, and types of behaviors engaged in for DRs entered into WVEIS during the 2012-2013 school year. As DRs were entered into WVEIS, student behaviors were to be identified and coded as defined in Policy 4373. Overall, there were 225,320 DRs entered for all types of inappropriate behavior. For 531 of the entered DRs, however, the behaviors were not identifiable as defined in either the current or former versions of Policy 4373. The new discipline management system (DMS) prohibits users from coding behaviors on an ad hoc basis, so these DRs could only have been entered by users of the former system. Because the behaviors could not be identified, these DRs were omitted. Also, in the newly designed DMS it is possible to identify students involved in incidents as *non-offenders* 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 2012–2013 there were 3,464 DRs entered into the WVEIS for which a nonoffending student was identified. These DRs were also omitted from our analysis. Additionally, because it is unclear the extent to which Institutional Programs and the WV Schools for the Deaf and Blind—identified in West Virginia as distinct school districts—use the WVEIS for reporting discipline behavior, we omitted from our analysis the few DRs entered by these districts. After removing DRs in these categories we were left with 220,656 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 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.

With regard to the analytic approach for which the student was 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 Referrals

Descriptive statistics of discipline referrals (DRs) submitted by schools in districts included in the study indicate that on average there were about 4,012 total discipline referrals per county school district, and the average rate was 784 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 132 to more than 26,000, and prevalence rates ranged from 96 to 1,760 referrals per 1,000 students.

Even accounting for differences in enrollment by using rates instead of raw counts, it is difficult to discern the meaning of these statistics. On the one hand a relatively large number of referrals entered by schools in a district may reflect the magnitude of discipline problems. If that were the case there may be cause for concern and further investigation and intervention. On the other hand, and more commendable, comparatively large numbers and high rates of DRs may reflect diligence on the part of districts and schools in recording and reporting discipline behaviors—a practice encouraged by the WVBE and required under Policy 4373. Conversely, low numbers and rates could indicate the absence of discipline problems or of diligent reporting.

Table 1. Descriptive Statistics of Discipline Referral Counts and Rates among County School Districts

County	Number of Discipline Referrals*	Discipline Referrals per 1,000 Students
Total	220,656	785.68
Average	4,011.93	783.90
Minimum	132	96.21
Maximum	26,399	1760.02

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

There were more than 30 schools across the state for which no DRs were entered into the WVEIS. 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 half of the elementary schools had enrollments of more than 200 students, making it unlikely that no inappropriate behaviors reportable under Policy 4373 occurred over the course of the entire school year. Among the remaining schools reporting no DRs were six career and technical education (CTE) centers. DRs originating in these centers may be reported by students' home schools. Collectively, the findings that some schools reported no discipline referrals and that in some districts very low numbers of referrals were entered into the WVEIS suggests underreporting.

About 45% of discipline referrals were made for students at the high school program level (Table 2), followed by middle school (39%), and elementary school (17%). Looking at specific grade levels, about 15% of referrals were made for 9<sup>th</sup> grade students followed by about 12% to 14% for students at each of the 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.

Table 2. Discipline Referrals by School Program Level

Program level	Number of students	Percent*
Total	220,656	100.1
Pre-K/early childhood	388	0.2
Elementary school	37,259	16.9
Middle school	83,641	37.9
High school	98,979	44.9
Post graduate/adult/unknown	389	0.2

Percentages add up to more than 100% due to rounding.

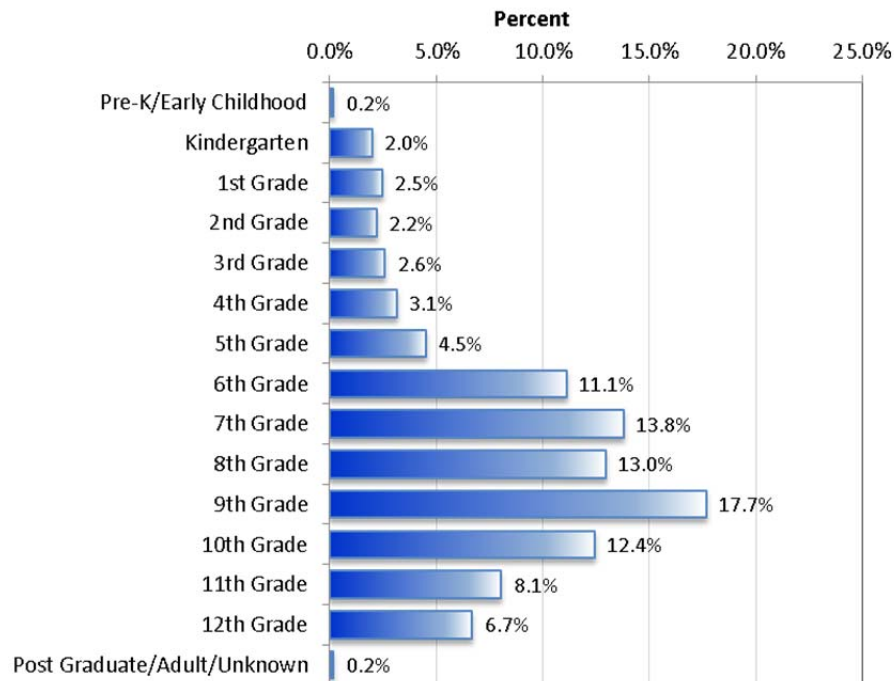


Figure 1. Discipline Referrals by Grade Level

## Discipline referrals by level of severity

In accordance with *Expected Behaviors in Safe and Supportive Schools* (WVBE Policy 4373), behaviors are classified in 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, sale, or possession of illegal drugs, or bomb threat.

Specific behaviors corresponding to each level are provided in Appendix A (page 25). We expected the proportion of DRs entered into the WVEIS to inversely correspond to the levels of severity. For example, Level 1 minimally disruptive behaviors were thought to occur at a rate much higher than more severe behaviors, whereas more serious and dangerous behaviors would tend to be rare events by comparison and, as a result, would represent comparatively few DRs.

The distribution of DRs entered into the WVEIS in 2012–2013 did, indeed, follow that pattern. Of the 220,656 DRs, about 63% were for Level 1 behaviors (Table 3). 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 27% of all DRs. Primary among Level 2 behaviors were *habitual violation of school rules or policies*, *insubordination*, and *physical fight without injury*. Level 3 behaviors accounted for about 10% 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 the WVEIS. Most of those related to *use/possession of illicit drugs*, *battery against a school employee*, *possession and/or use of dangerous weapon*, and *use/possession of alcohol*.

Table 3. Number of Discipline Referrals by the Level of Severity of Behaviors

Level	Description	Number of discipline referrals	Percent	Rate per 1,000 students*
	Total	220,656	100.00	785.68
1	Minimally disruptive behaviors	138,083	62.58	491.67
2	Disruptive and potentially harmful behaviors	58,619	26.57	208.72
3	Imminently dangerous, illegal or aggressive behaviors	22,044	9.99	78.49
4	Safe Schools Act behaviors	1,910	0.87	6.80

\* Based on a total statewide enrollment of 280,846 students

Discipline referrals by level of severity among the 55 county school districts around the state show that this pattern of descending number of DRs by ascending level of severity for the most part holds at the county level. Descriptive statistics for the frequency, percentage, and rate of DRs among counties are shown in Table 4. 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. 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	2,510.6	55	13,949	60.2	30.7	82.7	497.3	40.1	1360.6
2	1,065.8	42	8,829	27.5	12.6	48.9	204.0	30.6	486.3
3	400.8	30	3,316	11.2	3.4	30.7	76.0	21.9	151.2
4	34.7	1	320	1.1	0.2	3.8	6.6	1.0	18.0

One would think that the severity of behaviors would increase substantially by school program level, but the opposite tended to be true. About 54% of referrals at the elementary level were for Level 1 minimally disruptive behaviors compared to 68% at the high school level (Table 5). About 23% to 30% of referrals were for Level 2 behaviors, with a lower percentage at the high school program level. Level 3 behaviors accounted for only 7% of high school referrals compared to 17% at elementary school. Middle school referrals tended to split the difference between the elementary and high school program levels.

Table 5. 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	20,167	54.1
	2	Disruptive and potentially harmful behaviors	10,437	28.0
	3	Imminently dangerous, illegal or aggressive behaviors	6,232	16.7
	4	Safe Schools Act behaviors	423	1.1
Middle school	1	Minimally disruptive behaviors	49,704	59.4
	2	Disruptive and potentially harmful behaviors	24,892	29.8
	3	Imminently dangerous, illegal or aggressive behaviors	8,584	10.3
	4	Safe Schools Act behaviors	461	0.6
High school	1	Minimally disruptive behaviors	67,708	68.4
	2	Disruptive and potentially harmful behaviors	23,119	23.4
	3	Imminently dangerous, illegal or aggressive behaviors	7,141	7.2
	4	Safe Schools Act behaviors	1,011	1.0

### Discipline referrals by category of behavior

Discipline referrals were summarized relative to seven predefined 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 26). 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).

About 40% of DRs entered in 2012–2013 were for *disrespectful/inappropriate conduct* (Table 6). 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* (26%), 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 11% 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 the remaining categories accounted for less than 5% of the total DRs entered into the WVEIS.

Table 6. Number and Percent of Discipline Referrals by the Category of Behaviors

Description	Number of discipline referrals	Percent of discipline referrals	Rate per 1,000 students*
Total	220,656	100.0	785.7
Disrespectful/inappropriate conduct	87,098	39.5	310.1
Tardiness or truancy	43,925	19.9	156.4
Failure to obey rules/authority	57,239	25.9	203.8
Legal concerns	2,893	1.3	10.3
Aggressive conduct	24,694	11.2	87.9
Illegal drugs/substances	4,089	1.8	14.6
Weapons	718	0.3	2.6

\* Based on a total enrollment of 280,846 students

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 7).

Table 7. 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	1,583.6	50	9,128	42.0	21.2	73.5	342.0	36.4	1,131.9
Failure to obey rules/authority	1,040.7	29	7,649	24.9	8.6	45.5	195.2	21.1	495.3
Tardiness or truancy	798.6	1	5,889	15.7	0.8	44.6	132.4	0.7	552.8
Aggressive conduct	449.0	31	3,518	12.9	4.5	31.9	85.7	22.6	159.0
Illegal drugs/substances	74.3	6	594	2.4	0.3	8.3	14.9	4.5	30.9
Legal concerns	52.6	4	396	1.7	0.6	8.4	11.0	2.9	26.7
Weapons	13.5	1	100	0.4	0.1	1.6	2.8	0.5	8.6

The number of discipline referrals tended to be concentrated in three categories when viewed by school program level. At the elementary level 95% of referrals fell in the *disrespectful/inappropriate conduct*, *failure to obey rules/authority*, and *aggressive conduct* categories (52%, 22%, and 21%, respectively). A similar distribution was observed in the same three categories at the middle school level but in slightly different rates: *disrespectful/inappropriate conduct* (47%), *failure to obey rules/authority* (27%) and *aggressive conduct* (13%). 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 *disrespectful/inappropriate conduct* (28%), *tardiness or truancy* (35%), and *failure to obey rules/authority* (26%).

## Discipline referrals by type of intervention or consequence

Prior to the 2011 revision of WVBE Policy 4373, only a small set of disciplinary interventions or consequences that could be taken 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 the WVEIS. With the advent of the newly designed DMS, the number and type of interventions or consequences districts and schools may take were substantially expanded to accommodate a wider set of 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 transition year of 2012–2013, there were 38,805 (17.6%) DRs entered into the WVEIS under the old system for which the reported actions were either blank or not identifiable. These were labeled as undetermined in our findings (Table 8). Of the remaining, about 63% were detentions, in-school suspensions, or out-of-school suspensions (26%, 19%, and 17%, respectively). Comparatively, most other interventions or consequences occurred at relatively low rates. Summary statistics for the 15 categories of interventions and consequences across the 55 counties are provided (Table 9).

Table 8. Discipline Referrals by Type of Intervention or Consequence

Category	Number of discipline referrals	Percent of discipline referrals	Rate per 1,000 students*
Undetermined	38,805	17.6	138.2
Detention	57,440	26.0	204.5
In-school suspension	42,779	19.4	152.3
Out-of-school suspension	37,392	16.9	133.1
Administrator/teacher and student conference	15,185	6.9	54.1
Warning	8,328	3.8	29.7
Loss of privileges	6,696	3.0	23.8
Parent involvement	4,809	2.2	17.1
Exclusion from classroom	3,351	1.5	11.9
No action warranted	2,264	1.0	8.1
Referral for services	956	0.4	3.4
Supportive interventions	927	0.4	3.3
Alternative education placement	740	0.3	2.6
Expulsion**	375	0.2	1.3
Academic sanctions	333	0.2	1.2
Law enforcement involvement	276	0.1	1

\* Based on a total enrollment of 280,846 students

\*\* Includes 204 occasions when students were expelled from school, and 171 occasions where expulsion was recommended but the DR was updated to reflect the LEA actions relative to the recommendation.

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

The distribution of interventions and consequences when viewed by school program level was similar to the overall distribution described above and shown in Table 8. Surprisingly, however, the use of out-of-school suspensions across the three levels was similar (17% at elementary, 18% at middle, and 16% 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, warnings, and loss of privileges.

We performed cross-tabulations of interventions or consequences by the levels of severity (Appendix D, page 28) and category of behaviors (Appendix E, page 30). In terms of severity of behaviors, about 33% of interventions or consequences for minimally disruptive Level 1 behaviors were some type of detention (Table 10). However, nearly 27% consisted of in-school suspensions or out-of-school suspensions (19% and 7.3%, respectively). Notably there were 12 actions related to expulsions listed in the discipline data that were associated with Level 1 behaviors. Although these accounted for less than 0.1% of all intervention for behaviors at this level, a recommendation to expel or full expulsion may be disproportionate for the minimally disruptive behaviors for which they were used. As would be expected, the severity of interventions or consequences increases with the severity of behaviors, such that more than 85% of Level 4 behaviors were met with out-of-school suspensions (76%) or expulsions (10%).

Table 9. 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	732.2	1	9,449	22.4	0.0	79.8	163.6	0.2	711.0
Detention	1,083.8	1	7,893	23.8	0.0	65.8	210.5	0.1	914.7
In-school suspension	777.8	12	5,105	19.7	1.7	63.4	137.6	11.9	409.1
Out-of-school suspension	679.9	10	6,526	18.0	2.4	61.5	114.3	7.3	231.9
Administrator/teacher and student conference	297.7	1	2,361	6.4	0.0	53.2	63.6	0.1	603.3
Warning	181	1	1,748	4.3	0.0	24.9	43.3	0.3	349.7
Loss of privileges	124	1	1,152	3.1	0.1	12.7	25.8	0.6	139.6
Exclusion from classroom	69.8	1	532	1.7	0.1	15.8	17.5	0.3	217.9
Parent involvement	94.3	1	1,189	1.8	0.0	7.1	16.4	0.2	117.0
No action warranted	53.9	1	849	1.0	0.0	14.7	10.6	0.2	181.4
Referral for services	21.2	1	147	0.5	0.0	1.9	4.3	0.2	16.4
Supportive interventions	20.6	1	243	0.4	0.0	1.6	3.5	0.2	11.3
Alternative education placement	19.5	1	415	0.3	0.0	2.5	3.1	0.1	43.2
Academic sanctions	10.7	1	73	0.2	0.0	1.4	2.7	0.1	16.6
Law enforcement involvement	7.7	1	37	0.3	0.0	1.2	1.7	0.1	7.9
Expulsion**	8.7	1	91	0.3	0.0	2.3	1.5	0.1	6.5

\* Includes 204 occasions when students were expelled from school, and 171 occasions where expulsion was recommended but the DR was updated to reflect the LEA actions relative to the recommendation.



Table 10. Level of Behavior by Detentions, In-School Suspensions, Out-of-School Suspensions, and Expulsions

Level	Category	Number of discipline referrals	Percent
1	Detention	44,949	32.6
	In-school suspension	26,593	19.3
	Out-of-school suspension	10,092	7.3
	Expulsion	12	0.0
2	Detention	10,596	18.1
	In-school suspension	12,069	20.6
	Out-of-school suspension	16,323	27.8
	Expulsion	50	0.1
3	Detention	1,886	8.6
	In-school suspension	4,061	18.4
	Out-of-school suspension	9,522	43.2
	Expulsion	114	0.5
4	Detention	<10	0.5
	In-school suspension	56	2.9
	Out-of-school suspension	1,455	76.2
	Expulsion	199	10.4

Similarly, when looking at interventions and consequences by category of behavior 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 (Table 11). However, out-of-school suspensions tended to dominate for behaviors categorized under *legal concerns, aggressive conduct, illegal drugs/substances, or weapons*. Expulsions tended to increase for these behaviors as well.

To expand on the use of suspensions as interventions or consequences for all types of inappropriate behavior, we did further analysis of in-school and out-of-school suspensions by specific behaviors (see Appendix F, page 33). Nearly two-thirds of in-school suspensions were recorded for minimally disruptive Level 1 behaviors, mostly general disruptive conduct, skipping class, and tardiness (Table 24, page 33). Disruptive and potentially harmful behaviors (Level 2) accounted for 28% of in-school suspensions. Chief among those behaviors were insubordination and habitual violation of school rules or policies. Level 3 and 4 behaviors accounted for slightly less than 10% of in-school suspensions. Related behaviors consisted mostly of harassment/bullying/intimidation, battery against a student, possession/use of 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 25, page 34). Most frequently, these also were for 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%). Again, insubordination and habitual violation

of school rules or policies were Level 2 behaviors frequently evoking out-of-school suspension, but physical fights without injury were most abundant.

Table 11. 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	25,929	29.8
	In-school suspension	15,674	18.0
	Out-of-school suspension	9,634	11.1
	Expulsion	15	<5.0
Tardiness or truancy	Detention	16,478	37.5
	In-school suspension	9,835	22.4
	Out-of-school suspension	1,511	<5.0
	Expulsion	<10	<5.0
Failure to obey rules/authority	Detention	12,816	22.4
	In-school suspension	12,387	21.6
	Out-of-school suspension	8,764	15.3
	Expulsion	31	<5.0
Legal concerns	Detention	360	12.4
	In-school suspension	659	22.8
	Out-of-school suspension	962	33.3
	Expulsion	13	<5.0
Aggressive conduct	Detention	1,568	6.3
	In-school suspension	3,411	13.8
	Out-of-school suspension	14,024	56.8
	Expulsion	117	<5.0
Illegal drugs/substances	Detention	274	6.7
	In-school suspension	745	18.2
	Out-of-school suspension	2,010	49.2
	Expulsion	125	<5.0
Weapons	Detention	15	<5.0
	In-school suspension	68	9.5
	Out-of-school suspension	487	67.8
	Expulsion	71	9.9

The remaining 30% of out-of-school suspensions were attributable to more severe Level 3 and 4 behaviors, accounting for about 26% and 4%, respectively. Primary among the Level 3 behaviors were battery against a student, threat of injury/assault against an employee or a student, harassment/bullying/intimidation, and possession/use of substance containing tobacco and/or nicotine. Behaviors connected to possession or use of illegal substances accounted for about 60% 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 (78%) were absent from the discipline data, indicating no referrals were made for inappropriate behaviors (See Table 12). On the other hand, there were 62,727 individual students (22.3% of the statewide student population) represented in the discipline data; 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 35,851 individual students identified in the discipline data for which two or more discipline referrals had been entered for inappropriate behaviors. These students accounted for 12.8% of the statewide student population, but also accounted for 88% of all discipline behaviors entered into the WVEIS during the 2012-2013 school year. It is notable that the maximum number of entries recorded for any single student was 71 DRs, that over 13,776 (22% of the students represented in discipline referral data) were reported for five or more offenses, and over 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 12. Discipline Referrals per Student

Number of discipline referrals	Number of students	Percent of students with DRs	Percent of enrollment
0	218,119	N/A	77.7
1	26,876	42.8	9.6
2	11,417	18.2	4.1
3	6,483	10.3	2.3
4	4,175	6.7	1.5
5 or More	13,776	22.0	4.9

### Discipline referrals by race/ethnicity

The West Virginia student population is relatively homogenous with regard to racial and ethnic diversity. In the 2012–2013 school year about 91% of students self-identified as White, about 5% as Black, and fewer than 3% as multiple or other races (Table 13). Only about 1.3% self-identified as Hispanic. Of the 62,727 students represented in the 2012–2013 discipline data 89% were White, which is slightly less than the subgroup’s representation in the statewide student population (Table 13). 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 13. Race/Ethnicity of Students Represented in the 2012–2013 Discipline Data

Race/ethnicity	Number of students	Percent of students	Percent of overall WV student population
	with discipline referrals	with discipline referrals	
White	55,624	88.7	91.4
Black	4,970	7.9	4.8
Multiple race	981	1.6	1.6
Hispanic	819	1.3	1.3
Other race	298	0.5	0.8
Not reported	35	0.1	--

When looking at racial or ethnic representation in the discipline data by severity and type of behavior (see Appendix G on pages 35 and 36) 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 (Appendix G, page 37). Intervention or consequence categories where the representation of Black students was particularly high include *administrator/teacher and student conference* (12%), *parent involvement* (13%), *supportive interventions* (11%), *warning* (10%), *loss of privileges* (12%), *academic sanctions* (16%), *out-of-school suspension* (10%), *alternative education placement* (20%), and *expulsion* (12%). 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 2012–2013 school year, 14.9% of the statewide population of students was identified as students with disabilities. Of the 62,727 students represented in the 2012–2013 discipline data, nearly 18% 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 14), among many categories of inappropriate behaviors (Table 15), as well as among the interventions and consequences used in response to those behaviors (Table 16).

Table 14. Discipline Referrals by Level of Severity and Students with Disabilities

Level	Number of students with disabilities	Percent
1 Minimally disruptive behaviors	8,209	17.1
2 Disruptive and potentially harmful behaviors	5,691	19.8
3 Imminently dangerous, illegal, or aggressive behaviors	3,664	24.3
4 Safe schools act behaviors	455	27.5

Table 15. Discipline Referrals by Category of Behavior and Students with Disabilities

Category of behavior	Number of students with disabilities	Percent
Disrespectful/inappropriate conduct	7068	19.6
Tardiness or truancy	2607	13.4
Failure to obey rules/authority	4883	18.3
Legal concerns	605	23.5
Aggressive conduct	4078	24.3
Illegal drugs/substances	677	21.0
Weapons	182	26.8

Table 16. Interventions and Consequences for Inappropriate Behavior by Students with Disabilities

Interventions and consequences	Number of students with disabilities	Percent
No action warranted	221	14.61
Administrator/teacher and student conference	1628	18.13
Parent involvement	776	22.06
Supportive interventions	192	24.87
Referral for services	246	31.34
Warning	953	15.76
Loss of privileges	1073	22.93
Exclusion from classroom	475	24.50
Detention	3963	17.11
Academic sanctions	46	15.44
In-school suspension	3671	18.75
Out-of-school suspension	4715	22.57
Law enforcement involvement	59	25.21
Alternative education placement	92	19.29
Expulsion	81	22.38

### 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 respective subgroup representation in the student population as a whole, and potentially suggest disparity in discipline practices. To understand the magnitude of potential disparities, risk ratios were calculated for selected exclusionary 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 2012-2013 school year in West Virginia, students of multiple race or other race category were generally at less or no greater risk for single or multiple occurrences of in-school suspensions and out-of-school suspensions compared to White students (Table 17). Hispanic students were about 1.5 times more likely to experience single in-school suspensions. Black students were two times more likely to be subject to a single occurrence of suspension, and 2.5 times more likely for multiple occurrences. With regard to expulsion-related actions (i.e., expulsions and expulsion recommendations), Black, multiple race, and Hispanic students were at increased risk with ratios of 2.5, 2.0, and 1.5 relative to White students (Table 17).

Table 17. 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	2.5	2.5
Multiple race	1.0	1.0	1.0	1.0	2.0
Other race	0.5	0.5	0.5	0.5	0.0
Hispanic	1.5	1.0	1.0	1.0	1.5

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 18). They also were 2.0 times more likely to experience expulsions.

Table 18. 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	1.5	2.5	2.0

## Summary of Findings

### Analysis of discipline referrals

The following are key findings from a descriptive analysis of discipline referrals reported during the 2012–2013 school year:

- The 2012–2013 school year served as a year of transition as districts and schools gradually moved from a former reporting system to a newly designed discipline management system. The effect of this transition on the completeness or accuracy of data summarized in this report is not clear.
- Overall there were 225,320 discipline referrals (DRs) entered into the WVEIS for inappropriate student behaviors. Omitting DRs that (a) specified unidentifiable behav-

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iors, (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 220,656 for analysis for this report.

- Wide variation was observed in the number and prevalence rates of discipline referrals among counties. The meaning of counts and rates among counties is difficult to discern. High numbers and rates may reflect the magnitude of discipline problems in a district, or they may reflect diligence on the part of districts and schools in recording and reporting discipline behaviors. The latter practice is encouraged by the WVBE and required under Policy 4373. Conversely they may indicate the absence of discipline problems, or more problematically under-reporting.
- About 45% of discipline referrals were made for students at the high school level, followed by middle school (39%), and elementary school (17%). By specific grade levels, about 15% of referrals were made for 9<sup>th</sup> graders, and about 12 to 14% for students at each of the 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.
- About 63% of discipline referrals were for Level 1 minimally disruptive behaviors, followed by 27% for Level 2 disruptive and potentially dangerous behaviors. Level 3 imminently dangerous, illegal or aggressive behaviors accounted for 10% of DRs. Level 4 Safe School Act behaviors, as expected, were rare and accounted for less than 1% of all DRs.
- About 54% of referrals at the elementary level were for Level 1 minimally disruptive behaviors compared to 68% at the high school level. About 23 to 30% of referrals were for Level 2 behaviors, with a lower percentage at the high school program level. Level 3 behaviors accounted for only 7% of high school referrals compared to 17% at elementary school. Middle school referrals split the difference between elementary and high school program levels.
- About 40% of DRs were for disrespectful/inappropriate conduct, followed by failure to obey rules/authority (26%), tardiness or truancy (19%), and aggressive conduct (11%). DRs in remaining categories accounted for less than 5% of the total.
- Referrals tended to be concentrated in three categories by school program level. At the elementary level 95% fell in the disrespectful/inappropriate conduct, failure to obey rules/authority, and aggressive conduct categories (52%, 22%, and 21%, respectively).
- The same was observed at the middle school level but at slightly different rates: disrespectful/inappropriate conduct (47%), failure to obey rules/authority (27%), and aggressive conduct (13%).
- 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 (28%), tardiness or truancy (35%), and failure to obey rules/authority (26%).
- Nearly 18% of actions taken by schools were not identifiable and thus were deemed undetermined. Of the remaining actions about 63% were detentions, in-school suspensions, or out-of-school suspensions (26%, 19%, and 17%, respectively). Most other types of interventions or consequences reported occurred at relatively low rates.

- 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 the same (17% at elementary, 18% at middle, and 16% at high school levels). At the elementary level there were fewer in-school suspensions, offset by administrator/teacher and student conferences, warnings, and loss of privileges.
- About 33% of interventions or consequences for minimally disruptive Level 1 behaviors were some type of detention. However, nearly 27% consisted of in-school suspensions or out-of-school suspensions (19% and 7.3%, respectively).
- There were 12 actions related to expulsions associated with Level 1 behaviors. Although these accounted for less than 0.1% of all interventions at this level, a recommendation to expel or full expulsion may be disproportionate.
- The severity of interventions or consequences increases with the severity of behaviors, such that more than 85% of Level 4 behaviors were met with out-of-school suspensions (76%) or expulsions (10%).
- 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 2012–2013 school year:

- Of all students included in the analysis, most (78%) were absent from the discipline data indicating no referrals were made for inappropriate behaviors.
- There were 62,727 individual students represented in the discipline data. These students accounted for 22.3% of all public school students, but many were referred for only a single offense.
- There were 35,851 students with multiple DRs, accounting for 12.8% of the statewide student population. Students with multiple DRs also accounted for 88% of all discipline behaviors entered into the WVEIS.
- The maximum number of DRs recorded for any single student was 71, and more than 13,776 (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.
- Of students represented in the 2012–2013 discipline data 89% 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 times more likely to experience multiple suspensions. Black, multiple race, and Hispanic students were at increased risk to experience expulsion related actions.
- During 2012–2013, 14.9% of the statewide population of students was identified as students with disabilities. Of students represented in the discipline data nearly 18% were among those identified with a disability—a slightly greater rate than the subgroup’s representation in the statewide student population.
- Over-representation 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 developing 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.

Because the 2012–2013 school year served as a transition year between submitting discipline referrals (DRs) under an antiquated reporting system to a more modern discipline management system (DMS), it is difficult to assess with accuracy the raw numbers and rates at which districts and schools reported DRs. Also, there were schools for which no DRs were submitted during the 2012-2013 school year, and based on the size of some of these schools it is unlikely that no incidents of inappropriate behaviors reportable under Policy 4373 occurred. Accordingly, *it is recommended that the WVBE and WVDE continue to encourage diligence among districts and schools in using the newly designed discipline management*

*system (DMS) to accurately and completely report discipline behaviors, and to use the resultant data as part of a systematic and evidence-based school improvement effort.*

Discipline referral reporting 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 reported in the WVEIS.

There were, however, areas for which particular attention may be warranted. Despite any efforts to effectively prevent inappropriate behaviors, it is probably not possible to totally eliminate the need for detention, suspensions, and expulsions as appropriate courses of action. As noted in Policy 4373, however,

... 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 were among the most frequently used interventions or consequences used by districts and schools in 2012–2013, 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-eight 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> framework at the universal or core lev-

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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).

el. Evolved from West Virginia’s earlier implementation of a *response-to-intervention* (RTI) process, interventions may be provided in the context of a three-tiered model under which approximately 80% of students tend to do well with universal or *core* academic and behavioral supports available to all students (Figure 2). Another 15% of students may need additional but intermittent *targeted* supports, and about 5% may need more ongoing *intensive* supports.

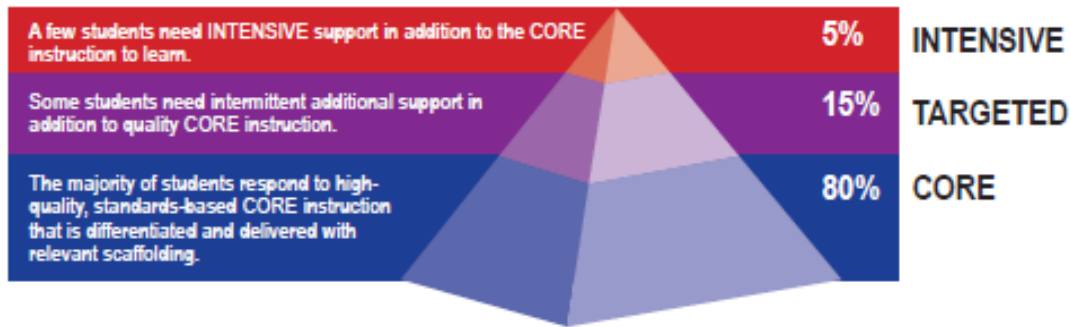


Figure 2. The West Virginia Support for Personalized Learning Three-Tiered Framework. (Source: Support for Personalized Learning: Guidance for West Virginia Schools and Districts. Retrieved from [wvde.state.wv.us/spl](http://wvde.state.wv.us/spl))

In the context of SPL, the number of discipline referrals may be a criterion for behavioral support. 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 may 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
- 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 the SPL framework. Nonetheless, repeat offenders as identified in this study could potentially benefit from intervention as framed within SPL, especially those students present in the data numerous times. As such *it is recommended that districts and schools take advantage of SPL-related professional development, build staff capacity to provide*

*appropriate behavioral interventions in the context of the three-tiered framework, and integrate SPL as part of a school-wide approach to promote appropriate behavior.*

Finally, it was reported in the findings that subgroup representation in the discipline referral data is at levels disproportionate to respective subgroup representation in the student population as a whole. Risk ratio calculations echoed this finding in that students in some minority subgroups were at increased risk to some exclusionary discipline actions compared to White students, and students with disabilities were 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 the state 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

There may be some notable limitations to these data. As previously noted, the 2012–2013 school year was a year of transition as West Virginia deployed a newly designed discipline management system. It is not clear the effect this transition had on the completeness or accuracy of data summarized in this report. Discipline referrals are reported into the WVEIS at the discretion of local school staff. Although a prescribed coding scheme with corresponding behavior descriptions has been provided by the WVBE in Policy 4373, it is subject to variation in interpretation and usage among the nearly 700 schools in 55 districts around the state. Also, some behavioral offense codes entered into the WVEIS system, and a substantial number of interventions or other actions taken by schools, failed to match those in the prescribed WVEIS coding scheme. Because of these coding inaccuracies it was not possible to determine precisely the nature of the behaviors and interventions reported under these erroneous codes.

### Addendum: Stakeholder Input

The West Virginia Board of Education (WVBE) and the West Virginia Department of Education (WVDE) invited members of various stakeholder groups to contribute their expertise in a discussion surrounding student discipline practices in West Virginia and to provide input into West Virginia’s efforts to promote safe and supportive schools. The discussion, summarized in Appendix H (page 39), was held November 15, 2013.

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# Appendixes

## Appendix A. Inappropriate Behaviors by Level of Severity

Table 19. 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 20. 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
Skipping 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 21. 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 22. Discipline Referrals by Level of Severity and Category of Intervention or Consequence

Level	Category	Number of discipline referrals	Percent
1	Undetermined	25,830	18.7
	No action warranted	1842	<5.0
	Administrator/teacher and student conference	10,882	7.9
	Parent involvement	3020	<5.0
	Supportive interventions	442	<5.0
	Referral for services	430	<5.0
	Warning	6,714	<5.0
	Loss of privileges	4,217	<5.0
	Exclusion from classroom	2,412	<5.0
	Detention	44,949	32.6
	Academic sanctions	236	<5.0
	In-school suspension	26,593	19.3
	Out-of-school suspension	10,092	7.3
	Law enforcement involvement	55	<5.0
	Alternative education placement	357	<5.0
Expulsion	12	<5.0	
2	Undetermined	9,876	16.8
	No action warranted	329	<5.0
	Administrator/teacher and student conference	3,346	5.7
	Parent involvement	1,334	<5.0
	Supportive interventions	335	<5.0
	Referral for services	201	<5.0
	Warning	1,317	<5.0
	Loss of privileges	1,758	<5.0
	Exclusion from classroom	772	<5.0
	Detention	10,596	18.1
	Academic sanctions	79	<5.0
	In-school suspension	12,069	20.6
	Out-of-school suspension	16,323	27.8
	Law enforcement involvement	31	<5.0
	Alternative education placement	203	<5.0
Expulsion	50	<5.0	
3	Undetermined	3,036	13.8
	No action warranted	85	<5.0
	Administrator/teacher and student conference	940	<5.0
	Parent involvement	433	<5.0
	Supportive interventions	150	<5.0
	Referral for services	318	<5.0

*Table 22 continues on next page*

Table 22. Discipline Referrals by Level of Severity and Category of Intervention or Consequence

Level	Category	Number of discipline referrals	Percent
3	Warning	294	<5.0
	Loss of privileges	703	<5.0
	Exclusion from classroom	154	<5.0
	Detention	1,886	8.6
	Academic sanctions	18	<5.0
	In-school suspension	4,061	18.4
	Out-of-school suspension	9,522	43.2
	Law enforcement involvement	182	<5.0
	Alternative education placement	148	<5.0
Expulsion	114	<5.0	
4	Undetermined	63	<5.0
	No action warranted	<10	<5.0
	Administrator/teacher and student conference	17	<5.0
	Parent involvement	22	<5.0
	Supportive interventions	<10	<5.0
	Referral for services	<10	<5.0
	Warning	<10	<5.0
	Loss of privileges	18	<5.0
	Exclusion from classroom	13	<5.0
	Detention	<10	<5.0
	Academic sanctions	<10	<5.0
	In-school suspension	56	<5.0
	Out-of-school suspension	1,455	76.2
	Law enforcement involvement	<10	<5.0
	Alternative education placement	32	<5.0
	Expulsion	199	10.4

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

Table 23. Discipline Referrals by Type of Behavior and Category of Intervention or Consequence

Category	Number of discipline referrals	Percent
<b>Disrespectful/inappropriate conduct</b>		
Undetermined	14,627	16.8
No action warranted	452	<5.0
Administrator/teacher and student conference	7,552	8.7
Parent involvement	2,160	<5.0
Supportive interventions	325	<5.0
Referral for services	377	<5.0
Warning	4,048	<5.0
Loss of privileges	3,495	<5.0
Exclusion from classroom	2,352	<5.0
Detention	25,929	29.8
Academic sanctions	85	<5.0
In-school suspension	15,674	18.0
Out-of-school suspension	9,634	11.1
Law enforcement involvement	26	<5.0
Alternative education placement	347	<5.0
Expulsion	15	<5.0
<b>Tardiness or truancy</b>		
Undetermined	8,426	19.2
No action warranted	1,335	<5.0
Administrator/teacher and student conference	2,755	6.3
Parent involvement	799	<5.0
Supportive interventions	187	<5.0
Referral for services	72	<5.0
Warning	2,163	<5.0
Loss of privileges	208	<5.0
Exclusion from classroom	70	<5.0
Detention	16,478	37.5
Academic sanctions	31	<5.0
In-school suspension	9,835	22.4
Out-of-school suspension	1,511	<5.0
Law enforcement involvement	29	<5.0
Alternative education placement	23	<5.0
Expulsion	<10	<5.0
<b>Failure to obey rules/authority</b>		
Undetermined	12,478	21.8
No action warranted	348	<5.0
Administrator/teacher and student conference	3,758	6.6
Parent involvement	1,319	<5.0

*Table 23 continues on next page*

Table 23. Discipline Referrals by Type of Behavior and Category of Intervention or Consequence

Category	Number of discipline referrals	Percent
Supportive interventions	255	<5.0
Referral for services	164	<5.0
Warning	1,782	<5.0
Loss of privileges	2,016	<5.0
Exclusion from classroom	739	<5.0
Detention	12,816	22.4
Academic sanctions	198	<5.0
In-school suspension	12,387	21.6
Out-of-school suspension	8,764	15.3
Law enforcement involvement	32	<5.0
Alternative education placement	152	<5.0
Expulsion	31	<5.0
<b>Legal concerns</b>		
Undetermined	378	13.1
No action warranted	15	<5.0
Administrator/teacher and student conference	118	<5.0
Parent involvement	69	<5.0
Supportive interventions	93	<5.0
Referral for services	10	<5.0
Warning	45	<5.0
Loss of privileges	130	<5.0
Exclusion from classroom	11	<5.0%
Detention	360	12.4
Academic sanctions	<10	<5.0
In-school suspension	659	22.8
Out-of-school suspension	962	33.3
Law enforcement involvement	<10	<5.0
Alternative education placement	23	<5.0
<b>Aggressive conduct</b>		
Undetermined	2,559	10.4
No action warranted	107	<5.0
Administrator/teacher and student conference	927	<5.0
Parent involvement	414	<5.0
Supportive interventions	53	<5.0
Referral for services	120	<5.0
Warning	252	<5.0
Loss of privileges	773	<5.0
Exclusion from classroom	173	<5.0
Detention	1,568	6.3
Academic sanctions	12	<5.0
In-school suspension	3,411	13.8
Out-of-school suspension	14,024	56.8
<i>Table 23 continues on next page</i>		
Law enforcement involvement	26	<5.0

Table 23. Discipline Referrals by Type of Behavior and Category of Intervention or Consequence

Category	Number of discipline referrals	Percent
Alternative education placement	158	<5.0
Expulsion	117	<5.0
<b>Illegal drugs/substances</b>		
Undetermined	322	7.9
No action warranted	<10	<5.0
Administrator/teacher and student conference	60	<5.0
Parent involvement	39	<5.0
Supportive interventions	13	<5.0
Referral for services	209	5.1
Warning	36	<5.0
Loss of privileges	61	<5.0
Exclusion from classroom	<10	<5.0
Detention	274	6.7
Academic sanctions	<10	<5.0
In-school suspension	745	18.2
Out-of-school suspension	2,010	49.2
Law enforcement involvement	158	<5.0
Alternative education placement	25	<5.0
Expulsion	125	<5.0
<b>Weapons</b>		
Undetermined	15	<5.0
No action warranted	<10	<5.0
Administrator/teacher and student conference	15	<5.0
Parent involvement	<10	<5.0
Supportive interventions	<10	<5.0
Referral for services	<10	<5.0
Warning	<10	<5.0
Loss of privileges	13	<5.0
Exclusion from classroom	<10	<5.0
Detention	15	<5.0
Academic sanctions	<10	<5.0
In-school suspension	68	9.5
Out-of-school suspension	487	67.8
Law enforcement involvement	<10	<5.0
Alternative education placement	12	<5.0
Expulsion	71	9.9

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

Table 24. In-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	12,522	47.1	62.2
	Skipping class	5,880	22.1	
	Tardiness	3,003	11.3	
	Inappropriate language	1,778	6.7	
	Failure to serve detention	1,719	6.5	
	Possession of inappropriate personal property	939	3.5	
	Deceit	268	1.0	
	Inappropriate display of affection	197	0.7	
	Cheating	140	0.5	
	Inappropriate appearance	108	0.4	
	Falsifying identity	23	0.1	
	Vehicle parking violation	16	0.1	
	Level 2 disruptive and potentially harmful behaviors	Insubordination	4,614	38.2
Habitual violation of school rules or policies		4,128	34.2	
Leaving school without permission		952	7.9	
Profane language/obscene gesture/indecent act toward an employee or a student		909	7.5	
Physical fight without injury		748	6.2	
Technology misuse		657	5.4	
Possession of knife not meeting dangerous weapon definition		36	0.3	
Possession of imitation weapon		19	0.2	
Level 3 imminently dangerous, illegal or aggressive behaviors	Gang related activity	6	0.0	
	Harassment/bullying/intimidation	1,105	27.2	9.5
	Battery against a student	824	20.3	
	Possession/use of substance containing tobacco and/or nicotine	712	17.5	
	Threat of injury/assault against an employee or a student	435	10.7	
	Defacing school property/vandalism	362	8.9	
	Larceny	207	5.1	
	Sexual misconduct	155	3.8	
	Verbal assault against a student	84	2.1	
	Fraud/forgery	82	2.0	
	Hazing	8	0.2	
	Trespassing	37	0.9	
	Verbal assault against a school employee	36	0.9	
	Imitation drugs: possession, use, distribution or sale	6	0.1	
	False fire alarm	3	0.1	
Level 4 Safe Schools Act behaviors	Improper or negligent operation of a motor vehicle	3	0.1	
	Inhalant abuse	2	0.0	
	Battery against a school employee	16	28.6	0.1
	Illegal substance related behaviors: use/possession of illicit drugs	15	26.8	
	Possession and/or use of dangerous weapon	13	23.2	
	Illegal substance related behaviors: use/possession of alcohol	10	17.9	
	Felony	2	3.6	

Table 25. 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	5,803	57.5	27.0
	Inappropriate language	1,955	19.4	
	Failure to serve detention	693	6.9	
	Skipping class	676	6.7	
	Possession of inappropriate personal property	465	4.6	
	Tardiness	218	2.2	
	Deceit	96	1.0	
	Inappropriate display of affection	83	0.8	
	Inappropriate appearance	44	0.4	
	Cheating	26	0.3	
	Falsifying identity	26	0.3	
	Vehicle parking violation	7	0.1	
Level 2 disruptive and potentially harmful behaviors	Physical fight without injury	6,337	38.8	43.7
	Insubordination	4,188	25.7	
	Habitual violation of school rules or policies	2,725	16.7	
	Profane language/obscene gesture/indecent act toward an employee or a student	1,697	10.4	
	Leaving school without permission	617	3.8	
	Technology misuse	401	2.5	
	Possession of knife not meeting dangerous weapon definition	280	1.7	
	Possession of imitation weapon	75	0.5	
Level 3 imminently dangerous, illegal or aggressive behaviors	Gang related activity	3	0.0	
	Battery against a student	3,200	33.6	25.5
	Threat of injury/assault against an employee or a student	1,695	17.8	
	Harassment/bullying/intimidation	1,523	16.0	
	Possession/use of substance containing tobacco and/or nicotine	974	10.2	
	Defacing school property/vandalism	506	5.3	
	Sexual misconduct	485	5.1	
	Larceny	390	4.1	
	Verbal assault against a school employee	205	2.2	
	Verbal assault against a student	176	1.8	
	Trespassing	120	1.3	
	Imitation drugs: possession, use, distribution or sale	103	1.1	
	False fire alarm	52	0.5	
	Fraud/forgery	44	0.5	
	Hazing	17	0.2	
Level 4 Safe Schools Act behaviors	Improper or negligent operation of a motor vehicle	17	0.2	
	Inhalant abuse	15	0.2	
	Illegal substance related behaviors: use/possession of illicit drugs	699	48.0	3.9
	Battery against a school employee	386	26.5	
	Illegal substance related behaviors: use/possession of alcohol	193	13.3	
	Possession and/or use of dangerous weapon	132	9.1	
	Illegal substance related behaviors: sale of narcotic	26	1.8	
Felony	19	1.3		



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

Table 26. Discipline Referrals by Level of Severity and Student Race/Ethnicity

Level	Race/ethnicity	Number of students	Percent
1 Minimally disruptive behaviors	Not reported	16	<5.0
	White	42,278	88.3
	Black	3,937	8.2
	Multiple race	753	<5.0
	Other race	243	<5.0
	Hispanic	658	<5.0
2 Disruptive and potentially harmful behaviors	Not reported	11	<5.0
	White	25,135	87.5
	Black	2,670	9.3
	Multiple race	441	<5.0
	Other race	115	<5.0
	Hispanic	350	<5.0
3 Imminently dangerous, illegal or aggressive behaviors	Not reported	<10	<5.0
	White	13,225	87.8
	Black	1,325	8.8
	Multiple race	265	<5.0
	Other race	51	<5.0
	Hispanic	190	<5.0
4 Safe Schools Act behaviors	Not reported	<10	<5.0
	White	1,433	86.6
	Black	147	8.9
	Multiple race	38	<5.0
	Other race	<10	<5.0
	Hispanic	26	<5.0

Table 27. Discipline Referrals by Category of Behavior and Student Race/Ethnicity

Category	Race/ethnicity	Number of discipline students	Percent
Disrespectful/inappropriate conduct	Not reported	14	<5.0
	White	31,604	87.8
	Black	3,122	8.7
	Multiple race	628	<5.0
	Other race	160	<5.0
	Hispanic	474	<5.0
Tardiness or truancy	Not reported	<10	<5.0
	White	16,967	87.5
	Black	1,780	9.2
	Multiple race	249	<5.0
	Other race	111	<5.0
	Hispanic	290	<5.0
Failure to obey rules/authority	Not reported	10	<5.0
	White	23,351	87.4
	Black	2,484	9.3
	Multiple race	389	<5.0
	Other race	137	<5.0
	Hispanic	351	<5.0
Legal concerns	Not reported	<10	<5.0
	White	2,291	88.8
	Black	206	8.0
	Multiple race	38	<5.0
	Other race	12	<5.0
	Hispanic	30	<5.0
Aggressive conduct	Not reported	<10	<5.0
	White	14,646	87.2
	Black	1,576	9.4
	Multiple race	309	<5.0
	Other race	53	<5.0
	Hispanic	213	<5.0
Illegal drugs/substances	Not reported	<10	<5.0
	White	3,009	93.4
	Black	137	<5.0
	Multiple race	38	<5.0
	Other race	11	<5.0
	Hispanic	27	<5.0
Weapons	Not reported	<10	<5.0
	White	598	88.2
	Black	52	7.7
	Multiple race	14	<5.0
	Other race	<10	<5.0
	Hispanic	<10	<5.0

Table 28. Interventions and Consequences for Inappropriate Behavior by Student Race/Ethnicity

Intervention or consequence	Race/ethnicity	Number of students	Percent
No action warranted	Not Reported	14	<5.0%
	White	1362	90.0%
	Black	98	6.5%
	Multiple Race	20	<5.0%
	Other Race	<10	<5.0%
	Hispanic	14	<5.0%
Administrator/teacher and student conference	Not Reported	<10	<5.0%
	White	7531	83.9%
	Black	1083	12.1%
	Multiple Race	178	<5.0%
	Other Race	49	<5.0%
	Hispanic	137	<5.0%
Parent involvement	Not Reported	<10	<5.0%
	White	2932	83.3%
	Black	456	13.0%
	Multiple Race	68	<5.0%
	Other Race	16	<5.0%
	Hispanic	43	<5.0%
Supportive interventions	Not Reported	<10	<5.0%
	White	664	86.0%
	Black	81	10.5%
	Multiple Race	13	<5.0%
	Other Race	<10	<5.0%
	Hispanic	12	<5.0%
Referral for services	Not Reported	<10	<5.0%
	White	690	87.9%
	Black	71	9.0%
	Multiple Race	15	<5.0%
	Other Race	<10	<5.0%
	Hispanic	<10	<5.0%
Warning	Not Reported	<10	<5.0%
	White	5186	85.8%
	Black	604	10.0%
	Multiple Race	143	<5.0%
	Other Race	22	<5.0%
	Hispanic	86	<5.0%
Loss of privileges	Not Reported	<10	<5.0%
	White	3945	84.3%
	Black	541	11.6%
	Multiple Race	103	<5.0%
	Other Race	20	<5.0%
	Hispanic	69	<5.0%
Exclusion from classroom	Not Reported	<10	<5.0%
	White	1712	88.3%
	Black	159	8.2%
	Multiple Race	37	<5.0%
	Other Race	<10	<5.0%
	Hispanic	22	<5.0%

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Table 28. Interventions and Consequences for Inappropriate Behavior by Student Race/Ethnicity

Intervention or consequence	Race/ethnicity	Number of students	Percent
Detention	Not Reported	<10	<5.0%
	White	20147	87.0%
	Black	2110	9.1%
	Multiple Race	371	<5.0%
	Other Race	136	<5.0%
	Hispanic	393	<5.0%
Academic sanctions	Not Reported	<10	<5.0%
	White	240	80.5%
	Black	48	16.1%
	Multiple Race	<10	<5.0%
	Other Race	<10	<5.0%
	Hispanic	<10	<5.0%
In-school suspension	Not Reported	<10	<5.0%
	White	17005	86.9%
	Black	1872	9.6%
	Multiple Race	319	<5.0%
	Other Race	82	<5.0%
	Hispanic	301	<5.0%
Out-of-school suspension	Not Reported	<10	<5.0%
	White	18168	87.0%
	Black	2062	9.9%
	Multiple Race	332	<5.0%
	Other Race	80	<5.0%
	Hispanic	249	<5.0%
Law enforcement involvement	Not Reported	<10	<5.0%
	White	223	95.3%
	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	361	75.7%
	Black	97	20.3%
	Multiple Race	15	<5.0%
	Other Race	<10	<5.0%
	Hispanic	<10	<5.0%
Expulsion	Not Reported	<10	<5.0%
	White	303	83.7%
	Black	42	11.6%
	Multiple Race	10	<5.0%
	Other Race	<10	<5.0%
	Hispanic	<10	<5.0%

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## Appendix H. Stakeholder Input

The West Virginia Board of Education (WVBE) and the West Virginia Department of Education (WVDE) invited members of various stakeholder groups to contribute their expertise in a discussion surrounding student discipline practices in West Virginia and to provide input into West Virginia's efforts to promote safe and supportive schools. The discussion was held November 15, 2013.

Dr. David Osher from the American Institute for Research was available to provide perspective from his work nationally, and to facilitate the discussion. Dr. Osher serves as principal investigator of the National Clearinghouse on Safe and Supportive School Discipline. He is also associated with the National Center on Safe and Supportive Learning Environments and the National Evaluation and Technical Assistance Center for the Education of Children and Youth who are Neglected, Delinquent or At Risk.

Those in attendance also included two County Superintendents; a RESA director and other RESA staff; the president of the West Virginia Education Association; staff from the WVDE's Office of Federal Programs, Office of School Improvement, Office of Secondary Learning, and Office of Research; and a behavior analyst from the Special Education Program at Marshall University.

Three of the four recommendations put forth in the report were presented with a presentation of study findings that supported the recommendations. Those discussed related to:

- Building capacity to implement a positive discipline approach and seek out appropriate alternatives to suspension.
- Build capacity to provide behavioral interventions in the context of the three-tiered framework as part of a school-wide approach to promote appropriate behavior.
- Investigate subgroup representation in more detail, and build capacity to address subgroup disparity in discipline practices.

A fourth recommendation—encourage diligence among schools in using the new WVEIS discipline management system to accurately and completely report discipline behaviors, and use the data in school improvement efforts—was formulated subsequent to this meeting. Consequently, it was not discussed.

Input from participants was varied and included the following:

- With regard to positive discipline, alternatives to suspension, and use of the three-tiered SPL framework, focus not simply on minimizing inappropriate behaviors but developing appropriate skills and attributes of students through social and emotional learning in the context of expected student dispositions as described in WVBE Policy 4373.
- Examine successful Innovation Zone Initiatives that focused on school climate and replicate them in other counties/schools.
- Engage teachers and obtain their input in addressing the recommendations.

- Leverage available counseling and behavioral health services where indicated, to address inappropriate behaviors.
- Integrate the use of the dropout early warning system and collaborate with WVDE and community-based dropout prevention efforts.
- Leverage and support the use of effective student assistance or similar school-based teams to provide appropriate interventions to support appropriate student behaviors.



