# Disproportionate Minority Representation in Suspension and Expulsion in Minnesota Public Schools

A report from the Minnesota Department of Education

## Introduction

In 2006, The Minnesota Department of Education received a three-year grant from the U.S. Department of Education under the Elementary and Secondary Education Act *No Child Left Behind* Title I, Part H Dropout Prevention. The focus of the *Dropout Prevention, Retention and Graduation Initiative* was to develop a comprehensive dropout prevention model for implementation in middle and high schools. One of the goals of the grant was to increase successful school completion for groups of students who may be at greater risk of leaving school before earning a diploma. In Minnesota, these groups include students who are African American/Black, Hispanic or American Indian and students with disabilities.

Dropping out of school is described as a process of disengagement.  Suspension and expulsion are correlated with school dropout (Ekstrom, 1986, DeRidder, 1991). Additional outcomes associated with suspension and expulsion include high levels of repeat offending (Costenbader & Markson, 1998, Skiba & Knesting, 2001) a rise in misbehavior for students suspended in early grades (Tobin et al 1996), a decrease in academic achievement, (Skiba, et al, 2003, Townsend, 2000, Arcia, 2007) and a less effective school climate (Wu et al, 1982, Skiba & Peterson, 1999).

The suspension of any student is problematic for students from all groups. Suspension and expulsion as interventions are inadequate to change behavior unless they are paired with teaching replacement behaviors. However, African American/Black, American Indian and Hispanic students are suspended and expelled at rates that are disproportionate to their White peers in Minnesota.  Through funding from the Dropout Prevention Retention and Graduation grant, the issue of disproportionate minority representation (DMR) in suspensions and expulsions was further explored.  Three focus groups were conducted in July of 2009 with 62 participants—principals, superintendents, student services staff, teachers and parents—to review Minnesota Education trend data regarding suspensions and expulsions as well as juvenile justice data.  The purpose of the discussion was to identify decision-making processes and policies that may have the unintended influence in the outcome of disproportionate

minority representation in suspension and expulsions and to identify ways the Minnesota Department of Education can address alternatives to those processes and policies.

**OVERVIEW**

In 1999, the U.S. Department of Justice defined disproportionate minority contact for the criminal justice system. "Disproportionate minority contact (DMC), occurs when a minority group is overrepresented at one of the stages in the juvenile justice system. Overrepresentation means a larger proportion of a group is present at a certain stage than would be expected based on their proportion in the general population." (U.S. Department of Justice, *1999 National Report Series: Minorities in the Juvenile Justice System*)

Disproportionate minority representation also can be seen in school dstirct discipline data. Statewide data from the Minnesota Department of Education indicates that African American, American Indian, and Hispanic students have been and are currently overrepresented in the areas of out of school suspensions and expulsions throughout the state of Minnesota. This data closely mirrors the academic achievement and graduation rates for some students of color and can adversely impact the youth, their parents and their communities.

It has been estimated that nationwide suspensions and expulsions have doubled since the 1970s. (U.S. Department of Education, 2004) Out of school suspensions and expulsions, are by their very nature, interventions that pose some risk to instructional time. One of the most critical finding of educational psychology of the past 30 years is the importance of academic engagement to learning (Greenwood, Horton, & Utley, 2002). Thus, suspensions and expulsions have, for the most part, the opposite educational outcome than that intended by school administrators and teachers.

Education systems across the United States struggle to find effective methods to decrease issues such as bullying, truancy, violence, and underlying behavioral problems without leading to the criminalization of school-related behaviors. Student behavioral issues that result in out-of-school suspensions and expulsions can be compounded by a variety of environmental factors, such as understaffing of teachers and student support staff, a lack of behavioral health resources in the school, lack of family responsiveness and support, and lack of school-based prevention and intervention programs.

This report of the three focus groups on Disproportionate Minority Representation (DMR) in Suspension and Expulsion examines the findings from each discussion group, including a summary of their written responses and the pre-post survey.

**Methods**

In July of 2009, the Minnesota Department of Education (MDE) sponsored three focus groups (metro, southern, and northern regions of the state of Minnesota) entitled *Listening to Cultural Voices: Disproportionate Minority Representation in Suspension and Expulsion*. The focus group participants included superintendents, principals, student services staff, teachers, community members and parents.  Participants reviewed Minnesota education trend data regarding suspensions and expulsions, graduation rates, research on discipline outcomes, and juvenile justice data. After the presentation, the participants gathered in focus groups which lasted 90 minutes.  The metro area focus groups had with 42 participants; southern Minnesota had 6 participants; and northern Minnesota had 14 participants.

Each of the three focus groups utilized an identical agenda, facilitation process, and methods of note-taking. The independent consultant hired by MDE to write a report on the focus group findings was not given information regarding focus group participants prior to the focus groups and only participated in the focus groups through observation.

The three focus group meetings and the report were supported with funds by the *U.S. Department of Education's No Child Left Behind Title I, Part H Dropout Prevent* grant program.

The focus group sessions followed this agenda:

- A pre-post survey was administered at the start of the session and again after the PowerPoint presentation.
- PowerPoint presentation:
    - Review of research on discipline outcomes.
    - Minnesota discipline data gathered from four years of Disciplinary Incident Reporting System reports on suspension and expulsions.
    - Disproportionate contact in Minnesota's juvenile justice system data.
    - Minnesota graduation rates.
- Suspension Questionnaire—participants responded in writing to the following questions:
    - What data related to discipline are you collecting at your school (building or district)?
    - How are you using your disciplinary data to makes changes in your school or district?

- How are district expectations regarding school climate, discipline policy and engaging students communicated to staff, and how do these expectations impact practice?
- What is a "successful" intervention with a child and who should be involved in assessing whether it was "successful"?
- What have you learned from your successful interventions that you think might be helpful to other districts addressing discipline issues?
- According to the state-level data, many (if not most) of the expulsions in the state are for less than a calendar year; many are less than 2 weeks. What are your experiences around modified expulsions?
- What can the Minnesota Department of Education do to support your efforts to educate all children?

- Facilitated circle discussion—participants responded verbally to the following questions:
  - What's working in your school district to reduce the number of disciplinary actions?
  - What are some of the influences to the decision making processes around discipline?
  - What are some of the challenges you face in examining your disciplinary data?

The Pupil Fair Dismissal Act (PFDA) outlines the state and federal laws regarding disciplinary actions. "'Dismissal' means the denial of the current educational program to any pupil, including exclusion, expulsion, and suspension. It does not include removal from class." The PFDA outlines three grounds for dismissal:

"(a) willful violation of any reasonable school board regulation. Such regulation must be clear and definite to provide notice to pupils that they must conform their conduct to its requirements;

(b) willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school-sponsored extracurricular activities; or

(c) willful conduct that endangers the pupil or other pupils, or surrounding persons, including school district employees, or property of the school." (Pupil Fair Dismissal Act, 2009)

Out-of-school suspension is defined in two different statutes for general education and special education students. For all students, an out–of-school suspension is an action by a school

administrator for more than one school day and no more than 10 consecutive school days for one incident, unless there is an expulsion proceeding.  In that case, the maximum length is 15 consecutive school days. Out-of-school suspension lengths are usually for 1 to 5 days.

Minnesota statutes also add additional language for special education students.  A dismissal for one school day or less is a day or a partial day of suspension if the child with a disability does not receive regular or special education instruction during that dismissal period. (Pupil Fair Dismissal Act, 2009)

"Expulsion" means a school board action to prohibit an enrolled pupil from further attendance for up to 12 months from the date the pupil is expelled  and results in the termination of all education services for a student. Expulsion is the most severe school disciplinary action and can last for between five days up to a calendar year. On the first day of an expulsion/exclusion, the student is entitled to alternative educational services during the dismissal period. (Pupil Fair Dismissal Act, 2009).

The material for the presentation was gathered from MDE's discipline reports, the Minnesota Department of Public Safety's *Snapshots on Minnesota Youth* report and a literature review on suspensions and expulsion research.  All Minnesota public school districts and charter schools, per state and federal law, annually report out-of-school suspensions (OSS) and expulsions to the Minnesota Department of Education through the Disciplinary Incident Reporting System (DIRS). a web based reporting system.  MDE then collates the state-wide data and reports it annually in the *Dangerous Weapon/Disciplinary Incident Report* to the Minnesota Legislature. The annual reports can be found on the MDE Website http://education.state.mn.us/MDE/index.html).

Following is a narrative of the Power Point presentation. The full presentation is available from the Minnesota Department of Education.

**Overview of Research on Discipline Outcomes**
Research on suspensions indicates that suspension is ineffective on several levels (Advancement Project, 2005; Skiba, 2002).  With so many suspensions for nonthreatening behavior, researchers have concluded that suspension is often misused and applied arbitrarily (Skiba, 2002). Suspending a student from school does not address the problem behavior and instead prevents the student from obtaining services they need, such as counseling or social skill support.  Recidivism rates are typically high, ranging from 35-45percent (Skiba & Knesting, 2001).  Suspension fails to decrease the problem behavior and, instead, often predicts an increase in it.

*Diminished Academic Achievement:* Suspension is associated with a host of negative student outcomes, including diminished academic achievement and dropout.  Suspension diminishes

academic achievement in part because of missed instructional time (Townsend, 2000). Often, students who can least afford to leave the classroom are suspended. Low-achieving students are suspended at higher rates than their peers and subsequent achievement decreases with each additional day of suspension (Arcia, 2007).

***Disengagement and Dropout:*** Suspension decreases academic and social engagement which leads to increased probability of future suspensions, academic failure, and dropout (DeRidder, 1991). Suspending a student from school sends them a "push out" message that they are unwelcome at school (Civil Rights Project, 2000). Suspended students often respond with feelings of resentment and suspicion toward school personnel, decreased self esteem, withdrawal, and feelings of being stigmatized (DeRidder, 1991). Suspension seems to speed up the process of disengagement and dropout. It is one of the top three school-related reasons for dropping out (DeRidder, 1991).

**School Outcomes:** Suspension is also associated with negative school outcomes. First, it disenfranchises families (Townsend, 2000). Second, it is expensive and an ineffective use of school resources (Townsend, 2000). Schools lose Average Daily Attendance (ADA) funding for students suspended from school. It was estimated, for example, that Kentucky schools lost over $3.5 million in one year due to lost ADA funds from all suspensions and expulsions (Skiba & Knesting, 2001).

***Disproportionality:*** Suspension is associated with negative outcomes for society in general. Skiba and colleagues have found that suspension is applied disproportionately to students who are older, male, from low socio-economic background, are a racial/ethnic minority, and have been identified with a disability. Specifically, students of a minority background are suspended more often, for less serious and more subjective behaviors, and with more serious consequences (Mendez & Knoff, 2003). Instead of supporting students with risk factors, suspension often increases the disparity between student groups.

***Criminal Activity:*** Suspension also increases the opportunity for disruption, delinquency, and criminal activity (Advancement Project, 2005). Often, students who are suspended are least likely to have supervision at home (Christle, Nelson, & Jolivette, 2004). The link between suspension and criminal activity is so strong that many researchers conclude that suspension is a key component in what is deemed the "school-to-prison pipeline" (Christle, Nelson, & Jolivette, 2004).

***Policy Affects Suspensions:*** Suspensions have increased with the popularity of the Zero Tolerance Policy. The policy states that students who violate school rules and threaten the safety of others should be suspended from school. However, there is evidence that schools have broadened the original target behavior from violence to include nonthreatening behavior, such as smoking or swearing (Skiba & Knesting, 2001).

Evidence suggests that the vast majority of suspensions are for nonthreatening disobedience.  In middle schools, less than 1percent of suspensions are for serious violations such as weapon possession (Mendez & Knoff, 2003).  Researchers have concluded that instead of protecting the safety of schools, the Zero Tolerance policy has negative effects on school climate and student behavior (Skiba & Peterson, 1999).
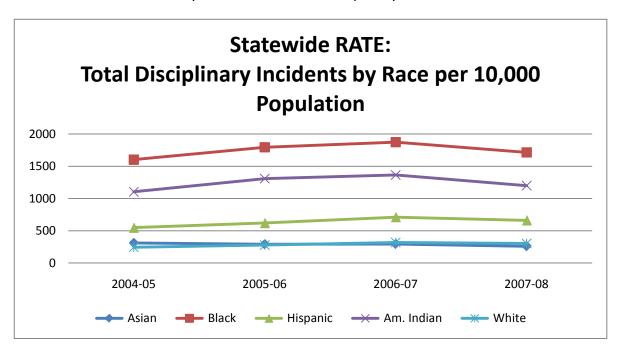
**Minnesota Discipline Data 2004-2005 to 2007–2008**
Minnesota students are diverse, speaking upwards of 100 different languages across the state, and representing both Minnesota born, refugee, migrant and immigrant populations.  Federal categories, however, group students into five categories.  Those categories breakdown by race in Minnesota Schools as White—76 percent, Black—9 percent, Asian-6 percent, Hispanic/Latino-6 percent and American Indian-2 percent (Minnesota Department of Education Website School Report Card State Demographics, 2009).  (For the purposes of this report, please note that the use of the word "Black" represents both African American and African students. Likewise, the preferred term in Minnesota for Native Americans is American Indian).

According to the 2007-2008 DIRS data, the most common reason a student was suspended was for disruptive/disorderly conduct/insubordination (22680 incidents), fighting (11,681 incidents) and assault (5931 incidents) (*Report to the Legislature*,  January 2009). By far the most common discipline response was out-of-school suspension.  There were 61,936 out-of-school suspensions of general education and special education students in 2007-2008. Seventy five percent of the students suspended were boys and the majority of the suspensions came from grades 7-11, with a peak in 8th and 9th grades.

*Disciplinary Incidents* Breaking the data down by number indicates that the majority of incidents by school year and race involved White students, followed by Black, Hispanic, American Indian and Asian students.

| Statewide NUMBER: Out-of-school suspensions | | | | | |
|---|---|---|---|---|---|
| Year | White | Black | Hispanic | American Indian | Asian |
| 2004-05 | 15,081 | 12,338 | 2,437 | 1,790 | 1,247 |
| 2005-06 | 17,377 | 12,855 | 2,678 | 2,077 | 1,357 |
| 2006-07 | 18,076 | 12,843 | 3,091 | 2,221 | 1,336 |
| 2007-08 | 16,796 | 12,219 | 3,127 | 1,921 | 1,214 |

When examining the rates of disciplinary incidents by student population, Black, Hispanic and American Indian students have the highest rates of disciplinary incidents. White students and Asian students are less likely to be involved in a disciplinary incident.
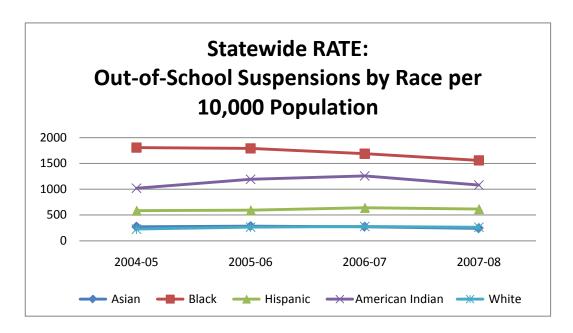


Statewide RATE:
Total Disciplinary Incidents by Race per 10,000 Population

| Statewide RATE: Incidents by race per 10,000 population | | | | | |
|---|---|---|---|---|---|
| Year | White | Black | Hispanic | American Indian | Asian |
| 2004-05 | 243.9 | 1,601.80 | 547.9 | 1,103.50 | 309.9 |
| 2005-06 | 278.8 | 1,793.90 | 619.8 | 1,308.80 | 290.6 |
| 2006-07 | 319.2 | 1,872.90 | 711.2 | 1,365.10 | 293.7 |
| 2007-08 | 304.2 | 1,715.40 | 661.9 | 1,200 | 259.4 |

***Out-of-School Suspensions*** Looking at out-of-school suspension by trend numbers for school years and race, the majority of students suspended are White, followed again by Black, Hispanic, American Indian and Asian students.
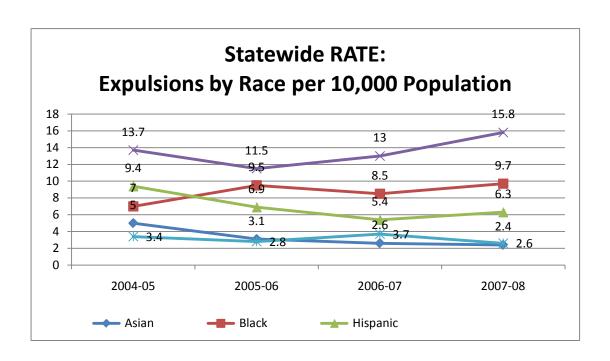
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In examining the *rate* of out-of-school suspensions by school year and race, Black students, followed by American Indian students and Hispanic students had the highest rates of suspension.  White students and Asian students are less likely to be suspended out of school.



| Statewide RATE: Out-of-School Suspension by race per 10,000 population | | | | |
|---|---|---|---|---|
| Year | White | Black | Hispanic | American Indian | Asian |
| 2004-05 | 226.8 | 1807 | 585.4 | 1019.2 | 272.7 |
| 2005-06 | 264.6 | 1792 | 593.4 | 1193.9 | 282.9 |
| 2006-07 | 278.4 | 1688.2 | 640.4 | 1258.1 | 271.1 |
| 2007-08 | 262.3 | 1559.4 | 616.5 | 1081.7 | 240.7 |

*Expulsions* As with total disciplinary incidents and out-of-school suspensions, White students have the largest number of expulsions in the state.  However, when examining the rates of expulsion by student populations, American Indian students, followed by Black and Hispanic students, have the highest rates of expulsion. American Indian student rates of expulsion are the only population that experiences a slight upward trend.  Other student populations have experienced little or no change.

# Statewide RATE:
## Expulsions by Race per 10,000 Population



| Statewide RATE: Expulsion by race per 10,000 population | | | | | |
|---|---|---|---|---|---|
| Year | White | Black | Hispanic | American Indian | Asian |
| 2004-05 | 3.4 | 7 | 9.4 | 13.7 | 5 |
| 2005-06 | 2.8 | 9.5 | 6.9 | 11.5 | 3.1 |
| 2006-07 | 3.7 | 8.5 | 5.4 | 13 | 2.6 |
| 2007-08 | 2.6 | 9.7 | 6.3 | 15.8 | 2.4 |

In examining the disproportionate minority representation of Black, Hispanic and American Indian students in comparison to White students, Black, Hispanic and American Indian students are overrepresented in suspensions and expulsions. African American students are 5.6 times more likely to be involved in a DIRS incident, 5.9 times more likely to be suspended, and 3.8 times more likely to be expelled than White students.

Hispanic students are 2.2 times more likely to be involved in a DIRS incident, 2.5 times more likely to be suspended and 2.5 times more likely to be expelled than White students. American Indian students are 3.9 times more likely to be involved in a DIRS incident, 4.1 times more likely to be suspended and 6.2 times more likely to be expelled than White students.

**Minnesota Juvenile Justice Data**

As stated earlier, the U.S. Department of Justice defined disproportionate minority contact for the criminal justice system. "Disproportionate minority contact (DMC), occurs when a minority group is overrepresented at one of the stages in the juvenile justice system. Overrepresentation means a larger proportion of a group is present at a certain stage than would be expected based on their proportion in the general population" (U.S. Department of Justice, 1999). Minnesota has Disproportionate Minority Contact rates that are, at times significantly above the national average.

Three Minnesota state agencies—Public Safety, Health, Education—collaborate on a bi-annual report regarding youth-focused data entitled *Snapshots on Minnesota Youth (http://www.ojp.state.mn.us/newsletters/Snapshots/2007-09.htm).* In 2008, the Snapshots reported on disproportionate minority contact in the Minnesota Juvenile justice system.

According to juvenile crime statistics, White youth account for the majority (two-thirds) of juvenile arrest for delinquency offenses and minority youth account for approximately 2/3rds of arrests for status offenses (63percent). Minorities in Minnesota are three times more likely to be arrested than White youth. Specifically, African American youth are almost five times more likely and American Indian and Hispanic youth are three times more likely to be arrested than White youth. Asian youth were less likely than White youth to be arrested.

Minority youth as a whole are 2.5 times more likely to receive secure detention following arrest than White youth in Minnesota. Asian youth are over four times more likely to be securely detained, and American Indian youth are over three times more likely to be securely detained than White youth.

The juvenile probation population is 54 percent White youth. American Indian youth are 50 percent as likely to receive probation as White youth and African American youth are 36 percent less likely.

Approximately one-half of one percent (0.5percent) of delinquency cases are certified for adult prosecution annually. American Indian youth have the greatest disparity of all minority groups as they are three times more likely to be certified as an adult than White youth (*Snapshots On Minnesota Youth, 2008)*

**2007 Minnesota Graduation Rate**

The National Governor's Association established a formula for graduation to be used across all states. The rate is calculated based upon the number of ninth-grade students in a school building who graduate in four years from the same building, minus students who transfer out, plus students who transfer in. This four-year on-time graduation rate was agreed to by almost

all of the 50 states. For the 2007-08 school year, NGA graduation rate total of all Minnesota students was 73.1 percent. White students graduate at an 80 percent rate, Asian students at a 65 percent rate, African American, Hispanic/Latino and American Indian students all graduated at a 40 percent rate. (*School Report Cards*, MDE Website, http://education.state.mn.us/MDE/index.html)

**Reactions: pre-post-surveys, written responses and focus group discussion**
After the formal presentation of research and data, participants were asked to complete written responses to questions about suspension and expulsion.  In addition, prior to the presentation and immediately after the presentation, state staff conducted a pre-post survey. The summary points of the survey as well as the questions are included in the appendix.

**Survey Summary**
A total of 66 people returned both portions of the survey. Participants were asked to identify their role and the type of school with which they worked. There were 14 people from rural, 25 from suburban and 27 from urban school districts.

| Position | Total | | School Type | Total |
|---|---|---|---|---|
| Superintendent | 10 | | Elementary | 3 |
| Principal | 13 | | Middle | 15 |
| Assistant Principal | 14 | | K-8 | 1 |
| Dean | 1 | | High school | 27 |
| Teacher | 4 | | K-12 | 8 |
| Student Assistance Staff | 18 | | District Office | 24 |
| Community Member/parent | 3 | | | |

Regarding questions about whose needs are being met by suspensions, student assistance staff, administrators and district level support staff rated suspension as meeting the needs of teachers; teachers and parents did not.  Student assistance staff, administrators and district-level support staff rate suspensions as serving administration; teachers and parents did not. All respondents generally disagreed that suspensions meet the needs of families or the community.

Administrators who completed the survey did not believe students with disabilities are suspended more often, but parents and district level support staff believe they are. Most

groups believe students with disabilities engage in more disruptive behavior but parents do not. Parents and district-level support staff agree that students with disabilities do not receive enough support while principals disagree. Parents and district-level support staff agree that staff is quicker to suspend students with disabilities.

Opinions regarding how students from minority backgrounds are treated in the office differed according to one's role in the district. All but assistant principals generally agree that students from a minority background are suspended more often. District-level support staff agree that students from minority backgrounds engage in more threatening behavior while parents do not agree that minority students engage in more threatening behavior. District-level support staff agree that students from minority backgrounds are not provided with enough support in school. District level support staff and parents agree that staffs are quicker to suspend students from minority backgrounds.

Participants in the survey offered other factors that increase the likelihood of suspension, including:

> Cultural misunderstanding/ignorance toward student culture.
> Gangs.
> Poor academic instruction or non-engaging learning environment.
> Lack of consistency, clearly set expectations, ineffective or inadequate follow-up on intervention.

The highest rated factors that contribute to suspension were different among the groups. Administration and parents rated "Student engages in threatening behavior" highest. Student Assistance Staff suggested it was due to school policy that mandates suspension for certain threatening behaviors. Teachers said that school discipline policy is unclear or ambiguous. Finally, district-level support staff listed a number of factors, including: the student engages in threatening and/or disruptive behavior, the school discipline policy mandates suspension for certain threatening behaviors, and the expectations for student behavior are not adequately taught or reinforced.

There was high variance in perceptions around the extent to which school policy increases suspension rates: parents, teachers, and district-level support staff tended to believe it did;

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administration tended to think it didn't. Parents and district-level support staff believed the most strongly that poorly taught/reinforced expectations for student behavior increased suspension rates. All groups, including teachers, made the following observation: "Teacher lacks adequate behavior management skills" which contributes to increasing suspension. In addition, parents and district-level support staff noted "administration lacking adequate behavior management skills" and "administration attitudes" increases suspension.

Among the people taking the survey, parents and district-level support staff often had similar ratings across entire questionnaire and overall, ratings from all groups were negative about suspension. No group average rating agreed that students who are suspended are less likely to engage in disruptive OR threatening behavior. There was high agreement across groups on "students who are suspended miss instructional time and fall behind." All groups rated students from minority backgrounds as being suspended too often.

***Written Responses***

A total of 62 participants responded to the **Suspension Questionnaire** which consisted of an identical set of seven questions.

**What data related to discipline are you collecting at your school (building or district)?**

Participants across the three regions responded that DIRS data is collected as well as other data and disaggregated by a variety of subgroups:

- Number of referrals, in- school suspension and out-of-school suspension and what behaviors lead to each of these.
- Description of offense, gender, age, ethnicity and grade, by staff.
- Demographics, including free and reduced-priced lunch (an indicator of poverty level).
- Alcohol, tobacco, and other drug violations in relationship to offense.
- Number of Special Education student referrals.
- Duration of suspension and expulsions.
- Total discipline referrals by race, gender, grade.
- Total suspension referrals by race, gender, grade.
- Total expulsions by race, gender, grade.

Those school districts that have implemented Positive Behavior Interventions and Supports (PBIS) and Response to Intervention (RtI) collect data that is more specific to incidents. The data is reviewed to see if the interventions achieve the intended outcomes.

Participants raised questions regarding the collection of discipline data and its use. "Data is being collected," one person wrote, "but is it being utilized to address the school's needs in relationship to disproportionate minority representation in suspension and expulsion?" Another asked rhetorically, "Does data help to assess district-wide goals to reduce disproportionate minority representation in suspension and expulsion?" Finally, the question was raised, "Is data informing policy change?"

People agreed, data is "good to know," but schools and districts need to utilize the data to develop new discipline interventions.

**How are you using your disciplinary data to make changes in your school or district?**

Numerous people wrote that schools and districts are not really making use of data and the information received in the MDE presentation about DMC in Suspension and Expulsion. This suggests that participants wanted to go back and examine school and district data more closely. Other people described ways in which discipline data was used to address individual students needs, to help administrators and teachers work collaboratively on discipline issues, to "look for patterns," to assess effectiveness of interventions, and to develop policy. "Data allows us," one participant wrote, "to be proactive and support students and to look at ways to involve parents and the community."

Others used it to create a school building or district-wide profile, to specifically "examine disproportionate minority representation and look for solutions" and to "increase use of in-school suspension time with Special Education students." The range of use, from the individual intervention to policy discussions is reflected in the following two comments:

- "Data helps us to address or inquire into issues for frequently suspended students – meetings with parents, community supports, and classroom interventions."
- "(We use data) to inform policy changes and to see if the policy is harmful for the success of students—especially students of color."

**How are district expectations regarding school climate, discipline policy and engaging students communicated to staff, and how do these expectations impact practice?**

Responses to this question indicate that a majority of school districts are taking a counter-intuitive approach regarding communicating the district's expectations on school climate, discipline and engaging students with their staff. A large percentage of schools and districts rely heavily on district Websites, student handbooks, staff meetings, and in-service trainings. Staff appears to be told what the policy is, rather than engaged in thoughtful discussion of policy as a means of creating buy-in and collective understanding. A majority of the respondents expressed concern that district communication was haphazard and not purposeful. Many of the responders expressed frustration in that there was not a systematic process for communicating expectations to staff. Respondents also indicated that a lack of clear and consistent communication more often than not resulted in:

- Principals and teachers not being on the same page.
- Policy that does not take into account progressive discipline models or student's growth.
- Avoidance (of enforcing certain rules).
- Resources placement on "negatives" instead of an asset based approach "catching students at being good."

In addition, people noted that the degree to which the expectations impact practice varies from school to school, depending on school leadership and building climate.

In contrast, districts and schools that developed and implemented proactive communication plans and strategies regarding expectations such as Equity Teams, Continuous Improvement Plans, School-wide PBIS Teams, Bullying Prevention Teams, Leadership Teams and Climate Committees had success in positively impacting both student behavior and school climate. People expressed a sense of ownership: "At the building level we are working as a team to make changes in the school climate." They could articulate a vision of what they were working towards: "Climate is open and honest—we want students to feel safe and heard."

These schools provided training for all adults to advocate for students, and there was a rising expectation for staff and students regarding behavior and academics. As a result, one person wrote, "Staff is committed to consistency and a caring approach." They are "fully engaged," there is an emphasis on identifying solutions; the communication about expectations is clear and consistent. The phrase "staff and students" was repeated often, suggesting a partnership regarding discipline, rather than a "them/us" dichotomy.

**What is a "successful" intervention with a child and who should be involved in assessing whether it is "successful"?**

Common denominators of "successful" interventions included being fair, positive, immediate and specific. A good intervention "helps the student be successful in school." Specifically, a good intervention, wrote one person, results in "the student not repeating the negative behavior." Other noted interventions need to be individualized, "do no further harm," and "strengthens the relationship between student and teacher." Overall, one would see that "there is a reduction in discipline referrals and improved behavior and academic function."

One respondent provided this definition: a successful intervention is "a step or action on the part of the team that has a positive impact on the student and their self-worth and abilities."

There was agreement from respondents that parents, teachers, and other appropriate staff, depending on nature of referral, should be involved in determining if the intervention has been successful for students and others involved in the intervention.

**What have you learned from your successful interventions that you think might be helpful to other districts addressing discipline issues?**

Respondents were concise in stating what they learned, emphasizing cultural competency, data collection and continuous examination of data, the reinforcement of positive behavior and follow-up with the student after the intervention. Being "proactive is key," "keep communication lines open to the students" and the "best interventions are school wide/classroom wide." As far as responding to discipline problems, the actions "need to be multi-faceted and targeted to the individual." Adults need to "create many alternative interventions to suspensions." One person wrote flatly, "Restorative Justice works." "It is about relationships, relationships, relationships," wrote another, to which another person added, "Listen, Listen, Listen."

These learnings and the responses to the question regarding, "How are district expectations regarding school climate, discipline policy and engaging students communicated to staff?" indicate that school- and district-wide prevention approaches on addressing school climate and discipline policy are proving to be the most successful. From the responses, it is apparent that school staff is seeking information and resources on evidence-based programs and resources in the area of school climate improvement.

**According to the state-level data, many (if not most) of the expulsions in the state are for less than a calendar year: many are less than two weeks. What are your experiences around modified expulsions?**

Across the participants there were uniformed responses regarding expulsion. The responses are categorized into the following areas in regards to the factors that influence the length of modified expulsions:

- Modified expulsions, usually until the end of a quarter or a semester.
- It depends on when the expulsion occurs in the school year.
- If chemical health issues were involved.
- Inclusive of probationary expulsions.
- Nature of misconduct.
- Receptivity to positive interventions.
- ½ to 1 year expulsions is the benchmark for a modified expulsion.

Respondents identified a preference for finding solutions whenever possible (dependent on the incident) that would speak to the unique educational needs of the students and resulted in short, prescribed interventions and were more flexible and forgiving in nature.  A modified expulsion could be a more effective method of discipline than shifting the problem to another school district. Also noted in the responses is that many schools are shifting to implementing a restorative practices response plan in an attempt to best serve students and the family.

**What can the Minnesota Department of Education do to support your efforts to educate all children?**

The participants had specific  requests to the Minnesota Department of Education.  A need for continued dialogue was expressed in remarks such as "listen to what we are sharing with you" "continue asking us questions" and "listen to and empower parents to become part of the solution."

Participants wanted MDE to "conduct regular strategic forums with educators about current DMC data" and format the DIRS system to provide specific and detailed district discipline reports so that districts could more easily look at data. Technical assistance, resources and training were requested for development and implementation of school-wide programs such as PBIS, RtI, restorative justice practices, and other promising programs and best practices. The need for increased mental health resources for students was cited.  MDE should encourage districts to "prioritize cultural competency training for all school personnel." A telephone helpline to ask MDE questions surrounding this issue and resources available to address issue was also requested. "Provide better advocacy for children" one participant wrote.

Responses also included suggestions regarding policy change:

- Encourage districts to re-examine Zero Tolerance policies and fund support systems that will allow for better, more effective, less punitive interventions.

- Recommend policy that requires that all suspensions and expulsions include follow up services such as counseling, mediations, and appropriate assessments.

**Focus Group Discussion:**
Participants then moved into focus groups made up of 6 to 20 participants, and responded to the following questions. Circle process was used to ensure each participant had the chance to speak.

**What's working in school districts to reduce number of disciplinary actions? What are the ingredients?**

Basic themes developed across all groups. The main topics reported regarding what's working included:

- Targeted intervention programs such as PBIS, RTI, restorative measures and SEL accompanied with appropriate and measured staff training with special attention to fidelity standards.
- Cultural competency training for entire district staff and domains of cultural competency in the classroom.
- Relationship building is key—relationships precede learning and without a strong relationship foundation with students and parents, the suspension and expulsion rates for Black, Hispanic and American Indian students will continue to increase.
- Informing superintendents the over disproportionate minority representation data and the negative impact of suspension and expulsion because policy change is critical if schools are expected to address the situation.

A significant difference between metropolitan area and Greater Minnesota groups was the absence of conversation from the Greater Minnesota groups regarding best practices or evidence-based interventions as a response to disproportionate minority representation in suspension and expulsion. Addressing disproportionate minority representation in suspensions and expulsions with DIRS data has not been a targeted priority with the Greater Minnesota schools and districts.

**What are some of the challenges you face in examining your disciplinary data?**

Responses in regards to challenges were blunt: educators need to hold conversations regarding race and cultural issues, connect the dots between free and reduced-price lunch and the high frequency of suspensions and expulsions and address the facts: "Students of color are a

minority of the students and yet students of color are a majority in alternative education programs across the state." Participants expressed urgency in using the data and as one person wrote, "DO SOMETHING with data that will result in a reduction of disproportionate minority representation in suspensions and expulsions." People also acknowledged the pressures on school resources and finances to address the state and national academic standards. "Where will resources go?" one person asked, "Disproportionate minority representation or AYP?" (AYP stands for Annual Yearly Progress, the federal and state measure for academic achievement in a school).

Both of the Greater Minnesota groups spoke to the disconnect between MDE, the Minnesota Legislature and smaller rural schools. Policy is enacted that bears no relationship to the reality and needs of rural schools.

**What are some of the influences to the decision-making process around discipline?**

The influences on discipline decisions were specific: the politics of the district can influence decisions, leadership (or lack thereof) makes a difference, and resources—time money and staffing affect the range of possible discipline responses. The less the resources, the more narrow the response, with a dependence on suspension. The more the resources, time and money, the wider the range of responses, from counseling to restorative interventions to being able to engage community resources. Safety concerns drive many discipline decisions, from decisions to engage the school threat assessment team, to whether or not to suspend, to calling in the school liaison officer or local law enforcement. Finally, the expectations of other people besides the students and their families, such as the school board or the local community may be taken into consideration when making a discipline decision. One participant summed up the discipline decision process as "knowing what is really the most significant data and needs to respond to and knowing who will prioritize those needs."

A common thread within all three groups was a sense of disempowerment from the teachers and counselors; this sector of school staff expressed feelings that they could not really influence the policy which impacts daily decisions that results in DMC in schools across Minnesota.

**Challenges and Recommendations:**

From the focus group discussion, the survey and the written responses, several challenges were identified. These are listed below, with recommendations for how the Minnesota Department

of Education might help districts address the issues related to disproportionate minority contact in suspensions and expulsions.

**Challenge: Data**

Disciplinary data is reviewed and used to inform programming inconsistently and to varying levels of sophistication.  Districts need to carefully examine interventions, applying data analysis to determine if their discipline interventions are providing the desired outcomes.

*Recommendations:*

- The Minnesota Department of Education will develop a framework for data collection, review and analysis to provide a comprehensive picture of the whole child for program planning and decrease disproportionate minority representation.  Data collected may include socio-economic status, attendance, academic performance, a credit accumulation data, and more.
- Discipline data from the Minnesota Department of Education will be easy to use and accessible by school staff while maintaining data privacy where necessary.
- State staff will assist districts in analyzing DIRS data and provide technical assistance on the use of data for strategic planning for implementing and evaluating effective programming.
- Minnesota Department of Education programs, such as Special Education Policy, School Improvement and Safe and Healthy Learners will use disciplinary data as an important component to include as an indicator of student and school performance.

**Challenge: Leadership**

District participants, community members and parents requested assistance to work with principals and superintendents to address disproportionate minority contact in suspensions and expulsions.

*Recommendations:*

- The Minnesota Department of Education will provide suggestions for changes in policy and practice regarding discipline responses.
- The Minnesota Department of Education, in collaboration with district leadership, will assist districts with setting benchmarks for reducing disproportionate minority representation in suspensions and expulsion, linked to data analysis and strategic planning.

**Challenge: Resources and Training**

Responses from the district participants indicated a need for more information on how to respond to and address disproportionate minority representation with regard to disciplinary actions.

*Recommendations:*

- The Minnesota Department of Education will continue to provide information on the effective strategies address behavior and reduce use of suspensions that results in disproportionate minority representation.  Examples include:
    - The promotion of positive school climate, through classroom management, social-emotional learning, community building, improvement of adult/student daily interaction and youth engagement in school policy and practices.
    - The prevention of harmful behaviors by teaching and using social skills in social and academic forms such as conflict resolution, cooperative learning and service learning.
    - Differentiation in discipline responses including restorative interventions and other alternatives to suspension.
    - Review of policy and the environmental factors that affect behaviors.

**Challenge: Cultural Competence**

Responses from the participants suggests the degree of adult cultural competence affects the interactions between adults and students in schools, affecting academics and climate, as well as behavior referrals, suspensions and expulsions.  Additional information is needed to measure the degree to which cultural competence is being achieved.

*Recommendations:*

- The Minnesota Department of Education will research and disseminate models of measurable outcomes for core cultural competencies for staff and administration.
- The Minnesota Department of Education will work with districts to measure growth and change as benchmarks to measure cultural competence are established.

**Challenge: Communication**

Responses suggested additional focus on discipline strategies and outcomes is necessary within the Minnesota Department of Education and with Minnesota school districts.

*Recommendations:*

- Develop a communication plan regarding disproportionate minority contact with all Minnesota school districts.
  - This report will be presented to the Commissioner of Education, Minnesota Department of Education's Dropout Prevention Operations Team and the Community Steering Committee, and the National Dropout Prevention Center at Clemson University.
  - The Executive Summary of this report and the full report will be also distributed to all Minnesota school districts and charter schools and posted to the Minnesota Department of Education Website, and will be sent to the focus group participants.
- The Minnesota Department of Education will survey participants in the disproportionate minority representation focus groups to track school/district changes that occurred as a result of participation in the focus group.

**Further Areas of Study**

Review of this data raises additional questions regarding other sources of data to include in further analysis or additional research. Incident data only provides a snapshot in time of student behaviors. It provides little to no contextual information about the incident and surrounding circumstances. For example, disproportionate representation of special education students in suspensions and expulsions was not closely examined. To gain more than incident-level insight, there is a need to look at over-representation in a multi-faceted demographic analysis. This would allow for a closer analysis of factors such as race and poverty, grade level, special education status, mobility and academic achievement.

Examination of other contextual data or environmental factors is warranted, such as office discipline referrals, classroom management and instructional practices, location and time of discipline referrals, air quality, temperature, and light. In addition, adult attitudes towards discipline and their impact also requires further study – as the attitudes, beliefs and perceptions of administrators, faculty and staff regarding culture, discipline and prevention shapes policy and practice. Research in these areas could help districts implement policy and practices that reduce if not eliminate the use of discipline practices that are proven to be inadequate for behavior change and harmful to academic achievement.

**Conclusion:**

Minnesota Black, Hispanic and American Indian students are disproportionally represented in suspensions and expulsions. Data exists and is accessible for districts to review, but districts lack

capacity or struggle with what appears to be the competing requirements for academic progress to be able to use the data wisely. Programming exists to help address the problem, in the form of school-wide positive behavior programs, classroom management programs, school climate programs, social-emotional learning and service learning.  In addition, mid-level interventions can provide additional supports for students who need more than an environmental response. Finally, alternatives to suspension are being utilized by districts to positive effect.  Cultural competency in instruction, discipline, and daily student-adult interaction and in classroom community building efforts is required.

The Minnesota Department of Education provides a number of initiatives to support districts in their efforts to address disproportionate minority representation, climate and discipline issues:

- Grants and projects (such as the Alternatives to Suspension, Project Youth Engagement and Support (YES) and the Dropout Prevention, Retention and Graduation Initiative grants, targeted prevention programs (ADSIS).
- Technical assistance is provided regarding Positive Behavior Interventions Strategies, restorative measures, student assistance teams and data-driven decision-making.
- The Minnesota Student Survey, which provides districts with a context regarding school climate and students' protective and risk factors.
- The Safe and Healthy Minnesota Students portal on the MDE Website which provides districts with data from the Disciplinary Incident Reporting System and from the Minnesota Student Survey.
- Data analysis reports (the Dangerous Weapons Disciplinary Indecent Report to the Legislature, the Expulsions Report, the K-4 Suspension and Expulsion Report); secured building-level data reports in the DIRS system, and the Special Education District Report.

The Minnesota Department of Education has, over the years, established professional working relationships with community cultural competency training professionals from the African American, American Indian, Hispanic, and Asian and immigrant communities. A reinvestment of department resources in these partnerships could result in the development of coordinated cultural competency learning communities in all school districts in Minnesota, with the goal of developing measurable, targeted cultural competency learning outcomes for district staff.

Programs across MDE could enhance these initiatives to include discussion of discipline data and disproportionate minority representation in school improvement, middle school and high school reform and across all academic programs. The department could provide a benchmark for statewide reductions in disproportionate minority representation.  Continued discussion of the data with work to collect information on what works and best practices is required.

Schools in Minnesota need sound and effective disciplinary systems in place to maintain school safety, so that *all* students learn, and *all* students set and achieve higher education or vocational goals. This will ultimately result in *all* Minnesota students having the same opportunities to become responsible citizens, and to contribute to the future of Minnesota. The goal is clear: all students in Minnesota deserve fair and equitable access to quality education.

*C 2010 This report was prepared for the Minnesota Department of Education by Allison Anfinson;, Stephanie Autumn, M;, Cammy Lehr, Ph.D.; Nancy Riestenberg; and Sarah Scullin, MA, Ph.D. (c).*

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