

## **EXCESSIVE PUNISHMENTS AND RACIAL DISPARITIES IN DISCIPLINE IN THE NEW ORLEANS RECOVERY SCHOOL DISTRICT AND THE STATE OF LOUISIANA**

### **Statewide Findings:**

- In Louisiana, only 65.9% of students graduate from high school in four years, and nearly 16,000 middle and high school students dropout each year.<sup>1</sup>
- The expulsion rate in Louisiana is five times the national rate and the out of school suspension rate is twice the national rate.<sup>2</sup>
- Over 86,000 students are suspended out of school, more than 90,000 are suspended in school, and over 7,000 are expelled each year.<sup>3</sup>
- When including multiple suspensions for the same students, there are over 300,000 out of school and in school suspensions a year which range from 1 to 5 days each.<sup>4</sup> Even if the average length of suspension was only two days, this would result in over half a million lost school days each year.
- State law has contributed to the overuse of suspensions and expulsions. School principals may suspend students out of school for a wide range of minor misbehavior, including “willful disobedience,” disrespecting school staff, using “unchaste or profane language.”<sup>5</sup>
- Statewide, suspensions and expulsions for these vague and subjective offenses are applied disproportionately to students of color, students from poor communities and students with disabilities.<sup>6</sup>
- Schools are 2.6 times more likely to suspend and 3.2 times more likely to expel, African American students than white students.<sup>7</sup>
- African Americans make up 44% of the statewide student population but 68% of suspensions and 72.5% of expulsions.<sup>8</sup>
- School districts with a larger percentage of African American students and students in poor communities utilize more punitive and exclusionary discipline policies and have higher rates of suspension and expulsion.<sup>9</sup>
  - For instance, in RSD direct operated public schools, where 98% of students are African American and 79% low income, almost 30 percent (28.8%) of students were suspended out of school.
  - In St. Tammany Parish, where only 18.5% of students are African American and 45.1% low income, only 4.1% of students were suspended out of school.
- Research shows that African American students are more likely to be punished for subjective offenses such as “disrespect, excessive noise and loitering,”<sup>10</sup> and that schools impose more severe punishments on African American students than white students for the same infractions.
- Schools increasingly involve police in disciplinary matters, resulting in arrests for problems once dealt with by educators.
- The American Psychological Association’s national research demonstrates suspensions and expulsions increase likelihood of future behavior problems, academic difficulty and drop outs.<sup>11</sup>
- Nationally, students with multiple suspensions are three times more likely to drop out by 10th grade than students who have not been suspended.<sup>12</sup> Youth who drop out of high school are three times more likely to be incarcerated.<sup>13</sup>
- While Louisiana spends \$8,402 a year to educate one child in public school<sup>14</sup> (including local, state and federal funding), the state spends \$105,928 a year to incarcerate one child in a juvenile correctional facility.<sup>15</sup>

## **New Orleans Findings:**

- The expulsion rate in RSD direct operated schools is ten times the national rate.<sup>16</sup>
- RSD direct operated schools are 98% African American and 79% low income.
- In RSD direct operated schools, 1 in 4 students, are suspended out of school. This is more than twice the statewide rate in Louisiana and over four times the national rate.<sup>17</sup>
- Among RSD students surveyed by FFLIC, 60 percent had been suspended.<sup>18</sup>
  - 70 percent of those who had been suspended reported at least one of their suspensions was for minor misbehavior including 42% for disruptive or disrespectful behavior, 16% for having clothing or items prohibited by school rules, and 12% merely for being late to class or school.
  - Among students surveyed 40% had been recommended for expulsion.
  - 21% of those recommended for expulsion were sent to a juvenile facility.
  - Only 5% recommended for expulsion reported receiving any counseling or mediation during their expulsion.
- Before Hurricane Katrina, the Orleans Parish School Board spent about \$46 per student on school security with a student population of about 65,000.<sup>19</sup> In 2006-2007, RSD spent \$2,100 per student with a student population of approximately 9,500.<sup>20</sup> By the 2008-2009 school year, RSD had cut their security budget by more than half, but still spent \$690 per student – 15 times the pre-Katrina spending.<sup>21</sup>
- From September 2007 to January 2009, there were 492 school related arrests at 54 New Orleans public and charter schools. Approximately one quarter of the arrests were for minor offenses that should not involve police intervention in a school setting and in all likelihood should have been dealt with by school staff, including disturbing the peace, trespass (which often involves being on school grounds after the school day ends), truancy and school fights not categorized as Battery or Assault.<sup>22</sup>

## **Alternatives to Overuse of Suspension and Expulsion:**

- Both school-wide Positive Behavior Supports (PBS) approaches and restorative practices have track records of success. Implementation of these policies in schools across the country has led to up to a 50% drop in suspensions and violent acts and large increases in academic performance.<sup>23</sup>
- Although mandated by the state to be used in Louisiana public schools, and mandated by the RSD in 2008 to be applied in all RSD direct operated schools, PBS approaches are not fully implemented in many school districts, including the RSD.
- Zero tolerance policies sit side-by-side with these approaches, undermining their efficacy.

## Recommendations:

State government must monitor and reduce discrimination in discipline policies and practices and reduce the number of children being removed from school for non-violent and subjective behaviors. To do so:

- The State Legislature should pass legislation to reverse zero-tolerance policies and reduce out-of-school suspensions and expulsions.
- The State Legislature should eliminate subjective infractions from state's list of suspendable behaviors.
- The State Legislature should require that districts provide classroom management training that includes techniques that reduce unnecessary suspensions and expulsions.
- The State Department of Education and local school districts should implement preventive and positive approaches to discipline, including PBS approaches and restorative justice programs and best practices for the use of law enforcement in schools

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<sup>1</sup> Louisiana Department of Education, District Composite Reports 2007-2008, <http://www.doe.state.la.us/lde/pair/1613.aspx>. (Available for download in excel file.)

<sup>2</sup> Office of Civil Rights Data Collection 2006 and Louisiana Department of Education District Composite Report 2007-2008.

<sup>3</sup> Louisiana Department of Education, District Composite Reports 2007-2008. The total number of students enrolled in Louisiana schools was 681,038.

<sup>4</sup> Agenda for Children, 2009 Louisiana Kids Count: Data Book on Louisiana's Children, 2009.

<http://www.agendaforchildren.org/2009databook/kc2009.htm>

<sup>5</sup> Louisiana Revised Statute RS 17:416.

<sup>6</sup> Office of Civil Rights Data Collection 2006 and Louisiana Department of Education District Composite Report 2007-2008.

<sup>7</sup> Agenda for Children, 2009

<sup>8</sup> Id.

<sup>9</sup> Louisiana Department of Education, District Composite Reports 2007-2008.

<sup>10</sup> Putting Kids Out of School: What's Causing High Suspension Rates and Why They Are Detrimental to Students, Schools, and Communities, Open Society Institute-Baltimore, September 2008

<sup>11</sup> Russell Skiba et al., "Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations," American Psychological Association (APA) Zero Tolerance Task Force, 2006.

<sup>12</sup> M.E. Goertz, et al., "Who drops out of high school and why?: Findings from a national study," Teachers College Record, 87, 357-73, [www.tcrecord.org/Content.asp?ContentId=688](http://www.tcrecord.org/Content.asp?ContentId=688).

<sup>13</sup> Caroline Wolf Harlow, "Education and correctional populations," Bureau of Justice Statistics, 2003.

<sup>14</sup> Agenda for Children, 2009.

<sup>15</sup> House Committee on Appropriations, FY 10-11 Executive Budget Review, Youth Services, March 10, 2010.

<sup>16</sup> Analysis of data obtained from the Recovery School District for Recommended Expulsions/Upheld Expulsions/Transferred Expulsions, 2007-2008 compared to Office of Civil Rights National Data Projections for 2006.

<sup>17</sup> Louisiana State Department of Education, Education Progress Reports and District Composite Reports 2007-2008.

<sup>18</sup> Based on survey of 95 middle and high school students attending RSD direct operated schools in 2008-2009.

<sup>19</sup> NOLA's Failed Education Experiment." August 15, 2007. Calculated based on student population in Orleans Parish in 2004-2005, approximately 65,000.

<sup>20</sup> Id. Calculated based on student population in RSD direct operated schools in 2006-2007 – approximately 9,500.

<sup>21</sup> Paula Devlin, Security guards laid off from Recovery School District, The Times-Picayune, May 28, 2009. Recovery School District, FY 2009 Operating Budget, June 18, 2008. Calculated based on student population in RSD direct operated schools in 2008-2009, approximately 12,700.

<sup>22</sup> Data obtained from the Orleans Parish Juvenile Court.

<sup>23</sup> Illinois Positive Behavior Interventions & Supports Network, 2006-07 Progress Report. <http://www.pbisillinois.org/>; Florida's Positive Behavior Support Project Annual Report 2007-2008; <http://flpbs.fmhi.usf.edu/index.asp>; Sharon Lewis, Ed., "Improving School Climate: Findings from Schools Implementing Restorative Practices," International Institute for Restorative Practices, May 19, 2009. <http://www.iirp.org/pdf/IIRP-Improving-School-Climate.pdf>.