



# Doc H's Blog

Kentucky Education Commissioner  
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## Disparity in school discipline

*Kentucky schools can reverse the national trend*

Reggie was on the school playground acting out a game of cops and robbers when it happened. He pointed his index finger, thumb up, at a classmate and said “pow.” The next thing you know he was in the principal’s office looking at a three-day suspension. Reggie is black, male, and is a 4-year old preschooler with a mild disability. The same thing happened at another school in the district the month before. Only it involved Rory who is white, female and a 5-year old kindergartener. Her mother was called and that was the end of it.

Reggie’s and Rory’s stories, while fictitious examples, easily could have been part of data collected by the Office of Civil Rights and released last week by the U. S. Department of Education. The report was a snapshot of discipline data for 2011-12 school year and included the following highlights.

**Suspension of preschool children, by race/ethnicity and gender (new for 2011-12 collection):** Black children represent 18 percent of preschool enrollment, but 48 percent of preschool children receiving more than one out-of-school suspension; in comparison, white students represent 43 percent of preschool enrollment but 26 percent of preschool children receiving more than one out of school suspension. Boys represent 79 percent of preschool children suspended once and 82 percent of preschool children suspended multiple times, although boys represent 54 percent of preschool enrollment.

**Disproportionately high suspension/expulsion rates for students of color:** Black students are suspended and expelled at a rate three times greater than white students. On average, 5 percent of white students are suspended, compared to 16 percent of black students. American Indian and Native-Alaskan students are also disproportionately suspended and expelled, representing less than 1 percent of the student population but 2 percent of out-of-school suspensions and 3 percent of expulsions.

**Disproportionate suspensions of girls of color:** While boys receive more than two out of three suspensions, black girls are suspended at higher rates (12 percent) than girls of any other race or ethnicity and most boys; American Indian and Native-Alaskan girls (7 percent) are suspended at higher rates than white boys (6 percent) or girls (2 percent).

**Suspension of students with disabilities and English learners:** Students with disabilities are more than twice as likely to receive an out-of-school suspension (13 percent) than students without disabilities (6 percent). In contrast, English learners do not receive out-of-school suspensions at disproportionately high rates (7 percent suspension rate, compared to 10 percent of student enrollment).

**Suspension rates, by race, sex, and disability status combined:** With the exception of Latino and Asian-American students, more than one out of four boys of color with disabilities, served by the Individuals with

Disabilities Education Act (IDEA) — and nearly one in five girls of color with disabilities — receives an out-of-school suspension.

**Arrests and referrals to law enforcement, by race and disability status:** While black students represent 16 percent of student enrollment, they represent 27 percent of students referred to law enforcement and 31 percent of students subjected to a school-related arrest. In comparison, white students represent 51 percent of enrollment, 41 percent of students referred to law enforcement, and 39 percent of those arrested. Students with disabilities (served by IDEA) represent a quarter of students arrested and referred to law enforcement, even though they are only 12 percent of the overall student population.

**Restraint and seclusion, by disability status and race:** Students with disabilities (served by IDEA) represent 12 percent of the student population, but 58 percent of those placed in seclusion or involuntary confinement, and 75 percent of those physically restrained at school to immobilize them or reduce their ability to move freely. Black students represent 19 percent of students with disabilities served by IDEA, but 36 percent of these students who are restrained at school through the use of a mechanical device or equipment designed to restrict their freedom of movement.

Of particular concern to me was the restraint and seclusion data. Kentucky worked on this issue during the 2013 legislative session and regulations were enacted requiring training for all school employees. We will be able to determine the impact of our state regulation and training by tracking the restraint and seclusion data from the Office of Civil Rights. Based on the OCR report for the 2011-12 school year, 12 percent of the national student population is students with disabilities, however, these students represent 58 percent of students placed in seclusion and 75 percent of those physically restrained. In Kentucky, students with special needs represents 14 percent of the student population, however, these students represent 58 percent of those students physically restrained.

The bottom line is that there is much work to do in not only restraint and seclusion but the overrepresentation of minority and special needs students in suspensions and expulsions data. An online [database](#) is searchable by school and district provides a starting point. Kentucky has an excellent [school safety program](#) and significant [resources](#) are available for Positive Behavior Intervention programs. I hope schools and districts will review their data and make appropriate plans for 2014-15 to address these issues.

Let's make sure that Reggie and students like him have access to an excellent education and the opportunity for a good life.

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Education Commissioner