

Oversuspended and Underserved

Rhode Island's School Suspension Disparities
in the 2014-2015 School Year

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American Civil Liberties Union of Rhode Island
128 Dorrance St., Suite 220
Providence, RI 02903
P: (401) 831-7171
F: (401) 831-7175
www.riaclu.org

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EXECUTIVE SUMMARY

Earlier reports the ACLU of Rhode Island has released on the issue of school suspensions have documented beyond question a few disturbing facts: too many students get suspended, and too many of those suspensions are for very minor misconduct; the burden of suspensions falls disproportionately on students of color and students with disabilities^{*}; and there is a deeply troubling over-reliance on school suspensions for our youngest children.

In this examination of Rhode Island public school suspension data for the most recently completed school year, 2014-2015, those results, unfortunately, stubbornly remain. The ACLU of Rhode Island is hopeful that these latest statistics will spur to action all those who are concerned about this major educational problem.

Some of the statistical highlights from the 2014-2015 data are the following:

- During the 2014-2015 school year, 12,682 suspensions occurred statewide, resulting in more than 25,000 lost school days.
- More than 60% of all suspensions were meted out for low-risk behavioral offenses such as “Disorderly Conduct” or “Insubordination/Disrespect.”
- Over 1,000 elementary school students were suspended from school. Seventy-five of them were in kindergarten alone.
- Students with disabilities are over two-and-a-half times more likely than a student without disabilities to be suspended from school.
- In grades K-12, black students were suspended at almost twice the rate that would be expected considering their representation in the student body population, and Hispanic

^{*} In this report, we use the term “students with disabilities” and “students with IEPs” (Individualized Educational Programs) interchangeably. See fn. 9.

students were suspended at more than one-and-a-half times their expected rate. The suspension rate for white students, by contrast, was much less than what would be expected given their percentage of the student population.

- Over 40% of suspensions served by elementary school students during the 2014-2015 school year were for the vague and minor offenses of “Disorderly Conduct” or “Insubordination/Disrespect.”
- Black elementary school children are nearly six times more likely than their white classmates to be suspended from school. Hispanic children are three and a half times more likely than their white elementary school counterparts to be suspended.
- Elementary school children with IEPs are almost three times as likely as students without IEPs to be suspended.
- High school students with IEPs were suspended from school more than twice as often as would be expected based on their population. This represents the highest suspension disparity between students with and without IEPs over the ten years of data the ACLU has compiled.
- More than two-thirds of the suspensions levied against high school students with IEPs are for low-risk “subjective” offenses, exactly the punishment that IEPs should help these students avoid.

In a very positive development this year, we have seen an increasing recognition by educators, legislators and others that steps must be taken to address the over-suspension of students in Rhode Island’s schools. However, for the most part, that recognition has not yet turned into concrete action. We present this report with hope and anticipation that it will galvanize policy-makers, parents and others concerned about our educational system to take concrete steps, such as those presented in our conclusion, to start systematically addressing this long-standing problem.

RECENT DEVELOPMENTS IN SUSPENSIONS

Two years after the federal government issued new guidance cautioning against the use of suspensions, Rhode Island seemed poised to become a leader in confronting the school-to-prison pipeline. In June 2015, both the Rhode Island Senate and the House of Representatives overwhelmingly approved legislation to restrict the use of suspensions to only those circumstances where (1) a child poses a serious physical risk to those students around them, or (2) a student poses a serious disruption and other attempts at addressing a child's behavior have failed. Following the recommendations of federal guidance jointly issued in 2013 by the U.S. Department of Education and Department of Justice, as well as long-standing recommendations by the ACLU and child health and education experts, this legislation would have meant that children could not be suspended for minor behavioral infractions that have so long resulted in their removal from school.

Unfortunately, the abrupt end to the 2015 General Assembly session meant that slightly different versions of the bill were not reconciled before the session's adjournment, and the legislation died.¹

Even in the absence of such a law, support for a strict limitation on school suspensions grows. In a September 2015 field memo, new state Commissioner of Education Ken Wagner introduced to all Rhode Island schools new recommendations as to the use of suspensions in Rhode Island. In a section titled "Ineffectiveness of Out-of-School Suspension," the Department of Education noted:

"Research shows that out-of-school suspension generally does not improve behavior, and can actually be harmful to students resulting in increased disengagement and lower academic scores and increases the risk of a student dropping out. Numerous reports cite the prevalence and problems with school suspensions. Out-of-school suspension means students are home, often alone with no supervision. The message to them is that they are not wanted nor welcome at school, increasing their level of disengagement. Many students see an out-of-school suspension as a 'vacation', rather than a punishment. These students miss out on academic instruction, and if they are already behind in their academics, it becomes even more difficult for them to get caught up when they return."²

The Department went on to note, “Schools and districts should review and revise their policies and codes of conduct to ensure that out-of-school suspension is only used for the most serious infractions, and only when truly necessary.” Such a recommendation is a welcome recognition from the Department that reliance on out-of-school suspensions is a counterproductive relic that does little to serve the students of Rhode Island.

Some school districts and other officials have made reducing suspension rates a focus of their own. In 2014, the Central Falls School District received a federal grant to launch a two-year restorative justice program, to help students focus on healing harm, rather than simply serving punishment. In announcing the grant, then-Superintendent Dr. Frances Gallo noted, “Beyond the academic skills that students acquire, schools must also teach care, kindness, and empathy. In doing so, schools must be receptive to embracing students who make mistakes, be willing to have uncomfortable conversations when they do, and teach students how to make amends in meaningful and deep ways.”³ More recently, interim Providence school superintendent Chris Maher noted his intention to see fewer Providence students suspended, stating, “I’ve looked at the data and I’ve told every principal ... you will suspend less children.”⁴

Nationwide, those who once called for strong zero-tolerance discipline policies have also called for a restriction on the use of suspensions. Earlier this month, Randi Weingarten, president of the American Federation of Teachers, wrote, “As a former New York City public school teacher and someone in constant contact with students, their families, and educators, I know there are cases when suspension or expulsion is necessary. And I am just as certain that less serious (and more common) incidents should be dealt with using appropriate, proportionate strategies ... Data from two decades of these get-tough policies show they have failed to improve school safety. They have emphasized punishment, rather than developing the positive behaviors students need in school and in life. They have resulted in incalculable loss of learning time.”⁵

While these overtures are to be applauded, they provide little relief for the students whose districts have not yet committed to a strong reevaluation of student discipline, or where promises of change do not come to fruition. While federal guidance points to support for new, more

effective forms of student discipline, Rhode Island's students nevertheless remain vulnerable to overused, counterproductive suspensions leading to the school-to-prison pipeline.

The fact remains that Rhode Island continues to suspend large numbers of students each year. Frequently, these are the youngest children - those who have not yet learned what the rules are, never mind how to obey them. As we have also seen over the past decade, children of color and children with disabilities remain disproportionately suspended from school. Passage of legislation is critical to ensure that they remain in the classroom where they belong.

It is critical because the continued reliance on suspensions to address even minor behavioral issues leaves every student in Rhode Island at risk of a lifetime of consequences for engaging in the kind of impulsive, immature behavior that comes with the territory of childhood and adolescence. Students who are suspended from school remain much more likely to drop out of school or repeat a grade. Perhaps most troubling, suspended students are significantly more likely to become involved in the juvenile justice system, either because of the behaviors they engage in when they are excluded from school or because schools escalate in-school incidents to the level of criminality and refer unruly children to school resource officers or law enforcement. In light of this impact, many agencies and organizations, including the Centers for Disease Control, American Psychological Association, and American Academy of Pediatrics, have recommended that suspensions be used to address only the most serious behavioral issues. That Rhode Island's schools continue to suspend at the rates they do, that they continue to impose suspensions upon the very youngest children, and that these suspensions have their greatest impact on minority and vulnerable student populations remains cause for great concern.

Over the past few years, the ACLU of Rhode Island has released a series of reports highlighting the racial and disability disparities that exist in school suspension rates.⁶ What follows is an update to that data, examining the state's particular experience with suspensions of students of color and students with disabilities in the 2014-2015 school year. We hope that this information, in conjunction with prior data, can be used to further the work of groups and individuals committed to eliminating the overuse of suspensions in Rhode Island schools.

OVERALL DISPARITIES STATEWIDE

Despite the frequent and ongoing discussions that educators, students, and the community have had regarding the severe and deleterious impact of out-of-school suspensions, Rhode Island's schools continue to rely heavily on suspensions for even the most minor offenses. During the 2014-2015 school year, 12,682 suspensions occurred statewide, resulting in 25,169 lost school days. Many of the children suspended were those just beginning to learn what is expected of them in school: last year 1,130 elementary school students were suspended from school. Seventy-five were in kindergarten alone.

Further, Rhode Island's students of color and students with disabilities have been disproportionately affected by suspensions every year for the past decade, and the 2014-2015 school year is no different.⁷

For any group of students, a suspension rate that is more than ten percent higher or lower than their representation in the student body population is cause for concern, and suggests that external factors are influencing the suspension rate for that group of children. White students, for example, made up 60.58% of the 2014-2015 student body. All things being equal, we would expect to see that white children made up between 54.22 and 67.64 percent of the suspensions (60.58 +/- 6.058). Similarly, 85.48% of Rhode Island's children did not have an IEP on their record during the 2014-2015 school year. As such, we would expect that children without IEPs would make up between 76.93 and 94.03 percent of suspensions. Unfortunately, these numbers are nowhere near the reality.

Throughout the decade worth of data the ACLU has discussed in previous reports, black students have repeatedly been impacted by suspensions at rates much higher than any other group of students.⁸ The picture was no better during the 2014-2015 school year. Among students of color, black students continue to bear a suspension burden nearly twice what is statistically likely, given their representation in the student body population. Although they comprised just 8.11% of the student body during the 2014-2015 school year, black students served 16.03% of

the suspensions. Hispanic students, 23.73% of the student body, served 37.12% of the suspensions, or 1.56 times more than expected.

White students, in contrast, served just 39.41% of suspensions despite making up 60.58% of the population; this is a suspension rate just 0.65 times what would be expected given their representation in the population.

	2014-2015		
	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body
White	60.58%	39.41%	0.65
Hispanic	23.73%	37.12%	1.56
Black	8.11%	16.03%	1.98
Asian	3.35%	1.40%	0.42
Native American	0.70%	1.71%	2.44
Multiracial	3.53%	4.34%	1.23

Table 1. Racial Disparity in Suspension Rates, 2014-2015

The average black student is therefore three times more likely than their white peers to be suspended from school and, in fact, they have been suspended at disproportionately high rates every year for the past decade.

Rhode Island’s students with disabilities have fared little better throughout the years of data we have previously examined, even as federal law and best practices dictate that keeping students with disabilities inside the classroom is of paramount concern. Federal law recognizes that some children with disabilities may have difficulties adhering to behavioral norms, and that additional supports – not harsher punishments – may need to be provided. Yet, despite understanding and – in theory, at least – addressing the particular needs of students with disabilities, Rhode Island’s schools have continued to exclude students with disabilities from the classroom at alarmingly high rates.⁹

During the 2014-2015 school year, 14.52% of Rhode Island’s students had IEPs. Yet, 30.61% of suspensions during the same year involved a student with an IEP, a rate 2.11 times higher than expected. Students without IEPs, 85.48% of the population, comprised just 69.39% of the suspensions, or 0.81 times what is expected.

As a result, the average student with disabilities in Rhode Island is 2.60 times more likely than a student without disabilities to be suspended from school.

2014-2015			
	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body
With IEPs	14.52%	30.61%	2.11
Without IEPs	85.48%	69.39%	0.81

Table 2. Disability Disparity in Suspension Rates, 2014-2015

These ongoing disparities mean that students of color and students with disabilities remain disproportionately removed from school and propelled down the school-to-prison pipeline, out of the classroom and into the courtroom.

WHEN PERCEPTION MEANS SUSPENSION

Despite the nationwide consensus that suspensions should be used only for the most serious offenses, 60.59% of suspensions in the 2014-2015 school year were issued for behavior in the opposite category. Rhode Island's schools continue to predominantly suspend children for low-risk behavioral offenses that experts agree should not result in removal from the classroom.

These "subjective" offenses, as we have designated them in past reports, are those transgressions, such as "disorderly conduct" or "disrespect," that do not pose a physical risk to other students in the classroom, that are most subject to the interpretation of at least one of the people involved, that could often be ignored rather than punished, and that could likely best be addressed by other means.

Avoiding out-of-school suspensions in encountering disruptive or disrespectful student behavior need not mean tolerating such behavior without consequence. In its recent guidance, the Rhode Island Department of Education suggests investigating tactics such as restorative justice, mentoring, parent engagement, or in-school suspensions to deal with behavior that falls into this category. As the Department notes, "the best way to reduce out-of-school suspensions is to implement strategies that prevent the behavior issues from ever taking place."¹⁰ Yet, as has been the trend in recent years, these moments of bad behavior are frequently dealt with not by identifying or rectifying the background issues that led to the child's difficult moment, but by kicking the student out of the classroom entirely.

While black, Hispanic, and Native American students already face disproportionately high suspension rates, that disparity ticks even higher when we examine only those low-risk behavioral offenses. That was the case across the board during the 2014-2015 school year. Black students were suspended for subjective offenses 2.03 times more often than expected during the 2014-2015 school year, while Hispanic students saw their disparity grow to 1.63 times the expected rate. And though their admittedly small percentage of the student population calls for interpretive caution, Native American students were suspended for these subjective offenses 2.78 times more often than expected.

	2014-2015		
	Percent of Student Body	Percent of Subjective Suspensions	Ratio of Subjective Suspensions to Student Body
White	60.58%	37.52%	0.62
Hispanic	23.73%	38.77%	1.63
Black	8.11%	16.50%	2.03
Asian	3.35%	1.35%	0.40
Native American	0.70%	1.93%	2.78
Multiracial	3.53%	3.93%	1.11

Table 3. Racial Disparity in Subjective Suspension Rates, 2014-2015

While smaller, an increase in the disparity rate for “subjective offense” suspensions between students with and without IEPs persists as well. Students with IEPs were suspended 2.13 times more often than expected for just these subjective offenses.

	2014-2015		
	Percent of Student Body	Percent of Subjective Suspensions	Ratio of Suspensions to Student Body
With IEPs	14.52%	30.88%	2.13
Without IEPs	85.48%	69.12%	0.81

Table 4. Disability Disparity in Subjective Suspension Rates, 2014-2015

This disparity is particularly concerning when we recall that identifying subjective offenses frequently relies heavily on the perception of the person doing the punishing, and that many students have IEPs particularly because they may experience difficulties controlling their behavior in various situations. And yet, children with IEPs remain oversuspended relative to children without IEPs for minor behavioral misconduct.

The reliance on suspensions is particularly stark when we examine the suspension rates for two particularly vague offenses: “Disorderly Conduct”¹¹ and “Insubordination/Disrespect.”¹² These two offenses comprise a wide range of student behavior, likely including conduct such as failing to respond to a teacher’s commands, talking back to an administrator, or roughhousing on a school field trip. It is important to emphasize that these labels do not include behavior that rises to the level of more serious offenses such as fighting or threats.¹³

During the 2014-2015 school year, these two offenses alone were the basis for 52.92% of all suspensions. Put another way, these two broadly-worded categories encompassing virtually

any behavior a student could engage in that another individual might find annoying, frustrating, or immature were the impetus for more suspensions than all other student issues combined.

The impact is even stronger for students of color and students with IEPs. Among black students, 56.15% of all suspensions were for “Disorderly Conduct” or “Insubordination/Disrespect.” The proportion was even higher for Hispanic students, at 58.15%. For white students, on the other hand, “Disorderly Conduct” and “Insubordination/Disrespect” were responsible for just 46.78% of suspensions.

Race Group	Number of “Disorderly Conduct” or “Insubordination/Disrespect” Suspensions	Total Number of Suspensions Served	Percent of All Suspensions Served for “Disorderly Conduct” or “Insubordination/Disrespect”
White	2,338	4,998	46.78
Hispanic	2,737	4,707	58.14
Black	1,141	2,032	56.15
Asian	97	178	54.49
Native American	131	217	60.37
Multiracial	267	550	48.55
All	6,711	12,682	52.92

Table 5. Percentage of Suspensions Served for “Disorderly Conduct” or “Insubordination/Disrespect” by Race Group

Students without IEPs saw 53.95% of suspensions served for these two offenses, slightly more than students with IEPs, for whom 50.57% of suspensions were served for “Disorderly Conduct” or “Insubordination/Disrespect.” However, when we remember that students with IEPs are supposed to receive increased behavioral supports, it is quite troubling that half of the suspensions imposed on them appear to be for general non-threatening behavioral issues.

Disability Status	Number of “Disorderly Conduct” or “Insubordination/Disrespect” Suspensions	Total Number of Suspensions Served	Percent of All Suspensions Served for “Disorderly Conduct” or “Insubordination/Disrespect”
With IEPs	1,963	3,882	50.57
Without IEPs	4,748	8,800	53.95
All	6,711	12,682	52.92

Table 6. Percentage of Suspensions Served for “Disorderly Conduct” or “Insubordination/Disrespect” by Disability Status

ELEMENTARY SCHOOL AND HIGH SCHOOL

The popular perception of a suspended child is a belligerent older student, uninterested in school, who lives to challenge authority and has scoffed at the series of interventions school officials have been trying for years. Undoubtedly in the slew of children suspended from school, some fit that profile.

Yet time and again, the data indicates, it is the youngest of Rhode Island's children who find themselves removed from the classroom, excluded for breaking rules almost before they learn what those rules are. Even a single suspension from school is correlated with an increase in later drop-out rate, and a higher likelihood of involvement with the criminal or juvenile justice system later in life. All too often, that first suspension happens before a child even reaches their pre-teen years.

Grade	Number of Students Suspended	Number of Suspensions	Number of Suspensions per Student
KF/KG	75	167	2.23
1	124	227	1.83
2	148	229	1.85
3	181	288	1.59
4	252	423	1.68
5	350	585	1.67
Total	1,130	1919	1.70

Table 7. Number of Elementary School Students Suspended, 2014-2015

From their earliest days, some children are removed from the classroom for behavior that, as we have stressed throughout this report, can and should be dealt with in other ways. If immature and childish behavior is to be expected from anyone, it is from our five through eleven year olds. For too many of them, however, this behavior is met not with understanding, correction, and redirection but with a suspension. Worse, 43%, or 827, of the suspensions served by elementary school students during the 2014-2015 school year were served for the vague offenses of "Disorderly Conduct" or "Insubordination/Disrespect."

Yet again, it is children of color and children with disabilities who suffer the brunt of all these suspensions. Black elementary school students made up 21.89% of elementary school

suspensions during the 2014-2015 school year, despite being just 8.08% of the population. This is a suspension rate 2.71 times higher than what is expected. Hispanic students, 25.18% of the population, made up 41.22% of the suspensions, 1.64 times higher than expected. White elementary school children, on the other hand, were suspended less than half as often as their representation in the population would predict.

	2014-2015		
	Percent of K-5 Student Body	Percent of K-5 Suspensions	Ratio of Suspensions to Student Body
White	58.33	27.46	0.47
Hispanic	25.18	41.22	1.64
Black	8.08	21.89	2.71
Asian	3.47	0.94	0.27
Native American	0.68	2.34	3.44
Multiracial	4.26	6.15	1.44

Table 8. Racial Disparity in Elementary School Suspension Rates, 2014-2015

As such, black elementary school children remain nearly six times more likely than their white classmates to be suspended from school. Hispanic children fare mildly better, “only” three and a half times more likely than their white counterparts to be suspended.

Children whose disabilities are identified in elementary school might in some circumstances be considered the lucky ones; their hurdles are identified early, and they are thus not necessarily required to struggle through years of school lacking the supports they need to meet their goals. Yet, when it comes to suspensions, elementary school students with IEPs are disproportionately removed from the classroom relative to their peers. Elementary school students with IEPs are suspended 2.31 times more often than what is expected, leaving them also nearly three times more likely than students without IEPs to be suspended.

	2014-2015		
	Percent of Student Body	Percent of Suspensions	Ratio of Suspensions to Student Body
With IEPs	13.62%	31.53%	2.31
Without IEPs	86.38%	68.47%	0.79

Table 9. Disability Disparity in Elementary School Suspension Rates

By the time students get to high school, racial disparities in suspension rates shrink somewhat, although they still remain much higher than what would be expected statistically. At the high school level, black students are 1.68 times more likely to be suspended than would be expected, and Hispanic students are 1.38 times as likely to be suspended.

	2014-2015		
	Percent of 9-12 Student Body	Percent of 9-12 Suspensions	Ratio of Suspensions to Student Body
White	62.79	48.73	0.78
Hispanic	22.15	30.56	1.38
Black	8.26	13.84	1.68
Asian	3.29	1.55	0.47
Native American	0.77	1.53	1.99
Multiracial	2.73	3.78	1.38

Table 10. Racial Disparities in High School Suspension Rates, 2014-2015

Unfortunately, there is no decline when it comes to high school students with disabilities. During the 2014-2015 school year, high school students with IEPs were suspended from school 2.15 times more often than expected. This represents the highest suspension disparity among students with and without IEPs over the ten years of data the ACLU has compiled. Further, more than two-thirds (68.55%) of the suspensions levied against high school students with IEPs are for low-risk “subjective” offenses, exactly the punishment that IEPs should help these students avoid.

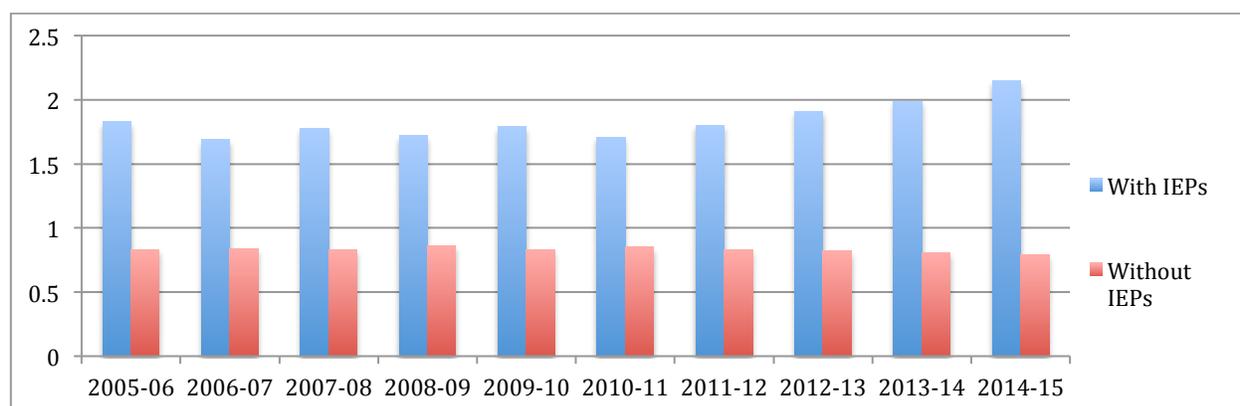


Figure 1. Suspension Disparity Among High School Students, 2005-2015

CONCLUSION AND RECOMMENDATIONS

In the years since the ACLU first began reporting on the racial and disability disparities in school discipline data, there has been a marked change in the discussion of this issue. Some school districts have begun acknowledging they have a problem, and prominent educators and policy makers have initiated steps to seriously address the suspension problem in Rhode Island. Yet, for the thousands of students each year facing suspension for low-risk behavioral issues, some of this intervention may come too late to keep them in the classroom and out of the school-to-prison pipeline. We can no longer afford to wait for change; leaders must act, and act soon.

In particular, the ACLU recommends the following actions be taken to address Rhode Island's over-reliance on suspensions, and help reduce the resulting racial and disability disparities. They largely mirror recommendations our previous reports have made:

- The General Assembly should enact legislation clarifying that out-of-school suspensions are not to be issued except in circumstances where the student's behavior either poses a demonstrable risk of physical injury or if it creates a serious disruption and cannot be dealt with by other means. The legislation approved by the Senate in June 2015, 15-S 299A, embodies this principle.
- The Rhode Island Department of Education should work with districts to identify whether they have high suspension rates for students of color and students with disabilities, and work with the districts to determine the appropriate mitigating solutions.
- School districts should examine their suspension rates annually to determine if any discipline disparities exist, consult with educators to develop a plan to reduce these disparities, and share this data and the resulting recommendations with parents and the public.
- School districts should make their policies and procedures regarding student discipline easily accessible, ensuring that punishments are clearly and evenly established for various

offenses, and that out-of-school suspensions are not presented as a discipline option for incidents involving minor behavioral misconduct. Appeal rights should be spelled out as clearly as possible as well.

- School districts should, in collaboration with the school community, investigate alternative evidence-based disciplinary methods.
- Parents should take advantage of their right to appeal suspensions they believe are doled out unfairly, and should contact community organizations like the ACLU if they believe their child has received a suspension where other responses may have been appropriate.

The over-reliance on suspensions has done little to protect students or correct their behavior, and has for years left Rhode Island's students of color and students with disabilities at home instead of the classroom, alienated instead of included, and potentially propelled toward a lifetime of adverse consequences. In a very positive development, some Rhode Island leaders have begun turning their eyes toward guiding, instead of excluding, these children. It is our hope that this additional year's worth of information can assist our leaders in the push toward reducing school suspensions through legislative, administrative and executive action, giving all of Rhode Island's students a chance at education, rather than incarceration.¹⁴

APPENDIX A: DISTRICT-SPECIFIC DATA FOR SUSPENSION BY RACE

On the following two pages are district-specific data for suspensions broken down by race and disability. We present them with a few words of caution. First, we recognize that some school districts have very few students of color or students with disabilities, and thus the results may not be statistically significant or could be viewed as presenting a misleading picture. It is only by examining trends in suspension data – examining the suspension rates for several years at a time – that we can truly see how any particular school district treats children of color or children with disabilities. A district that has only a handful of black students but suspends almost all of them year after year has a disparity problem whether or not the number of students suspended is relatively low. Similarly, a district that has low disparity numbers this year, but has had high numbers in most other years, may not have solved their disparate suspension problem. For this reason, school districts should be examining their suspension data every single year, identifying patterns, and identifying ways to resolve those patterns. In that regard, district-specific suspension data similar to that below has been included in each of the reports the ACLU has done previously, and is available at www.riaclu.org.

School District or Charter School	Black % of Student Body	Black % of Suspended Students	Ratio of Black Suspensions to Population	Hispanic % of Student Body	Hispanic % of Suspended Students	Ratio of Hispanic Suspensions to Population	White % of Student Body	White % of Suspended Students	Ratio of White Suspensions to Population
Barrington	0.61%	2.17%	3.55	2.14%	2.17%	1.01	88.89%	91.30%	1.03
Bristol Warren	2.36%	5.35%	2.27	4.68%	9.64%	2.06	87.85%	80.51%	0.92
Burrillville	1.36%	7.33%	5.40	2.84%	7.33%	2.58	93.00%	84.67%	0.91
Central Falls	12.19%	14.77%	1.21	73.43%	62.50%	0.85	9.45%	7.95%	0.84
Chariho	0.87%	1.44%	1.67	2.50%	7.69%	3.07	92.00%	81.73%	0.89
Coventry	1.37%	4.00%	2.92	3.14%	4.00%	1.27	93.00%	88.67%	0.95
Cranston	4.55%	10.81%	2.38	23.64%	37.84%	1.60	59.86%	42.99%	0.72
Cumberland	2.67%	5.76%	2.16	9.28%	10.79%	1.16	82.77%	78.06%	0.94
East Greenwich	0.71%	0.00%	0.00	4.54%	18.75%	4.13	85.74%	68.75%	0.80
East Providence	7.71%	13.62%	1.77	1.99%	3.66%	1.84	75.97%	70.12%	0.92
Exeter-West Greenwich	0.37%	0.00%	0.00	3.43%	5.43%	1.58	94.32%	93.48%	0.99
Foster-Glocester	0.54%	1.79%	3.34	0.18%	0.00%	0.00	97.32%	97.32%	1.00
Johnston	4.17%	1.56%	0.38	15.58%	18.75%	1.20	76.38%	79.69%	1.04
Lincoln	2.60%	4.50%	1.73	5.76%	8.50%	1.47	89.14%	86.00%	0.96
Middletown	5.66%	25.74%	4.55	11.36%	17.82%	1.57	71.04%	42.57%	0.60
Narragansett	1.94%	5.38%	2.77	1.71%	2.15%	1.26	89.74%	88.17%	0.98
Newport	16.91%	32.46%	1.92	24.16%	25.73%	1.06	44.13%	26.61%	0.60
North Kingstown	1.33%	12.50%	9.43	3.53%	7.81%	2.22	89.97%	62.50%	0.69
North Providence	9.14%	8.87%	0.97	18.97%	26.06%	1.37	64.83%	59.15%	0.91
North Smithfield	0.69%	8.70%	12.59	6.50%	15.22%	2.34	88.32%	73.91%	0.84
Pawtucket	26.08%	30.89%	1.18	31.04%	29.98%	0.97	34.25%	30.89%	0.90
Portsmouth	2.13%	10.48%	4.91	3.91%	16.94%	4.33	90.95%	64.52%	0.71
Providence	17.35%	23.14%	1.33	64.26%	63.88%	0.99	8.87%	5.55%	0.62
Scituate	0.43%	0.00%	0.00	0.92%	0.00%	0.00	97.44%	100.00%	1.03
Smithfield	1.38%	3.41%	2.48	5.12%	13.64%	2.66	89.11%	78.41%	0.88
South Kingstown	2.21%	7.32%	3.31	4.52%	21.95%	4.86	84.71%	49.59%	0.59
Tiverton	1.27%	5.71%	4.51	0.44%	0.95%	2.16	95.93%	92.38%	0.96
Warwick	2.34%	3.63%	1.55	7.88%	10.69%	1.36	83.44%	80.24%	0.96
Westerly	1.13%	0.86%	0.77	6.96%	4.74%	0.68	81.82%	79.74%	0.97
West Warwick	4.92%	3.35%	0.68	12.27%	12.97%	1.06	77.60%	80.75%	1.04
Woonsocket	10.17%	12.43%	1.22	31.12%	40.05%	1.29	47.40%	40.84%	0.86
Blackstone Academy	14.92%	14.29%	0.96	58.01%	85.71%	1.48	14.92%	0.00%	0.00
Highlander	19.95%	26.92%	1.35	56.69%	61.54%	1.09	7.61%	0.00%	0.00
Paul Cuffee	21.57%	23.08%	1.07	61.23%	66.67%	1.09	10.14%	7.69%	0.76
Urban Collaborative	17.27%	25.00%	1.45	71.22%	60.00%	0.84	2.88%	10.00%	3.48
Ratio of < 0.90 = <i>Undersuspension</i>									
Ratio between .90 and 1.10 = Normal range									
Ratio > 1.10 = <i>Oversuspension</i>									

Table 11. Racial Disparity in School District and Charter School Suspension Rates, 2014-2015

APPENDIX B: DISTRICT-SPECIFIC DATA FOR SUSPENSION BY DISABILITY

School District or Charter School	Percent of Student Body Without IEPs	Percentage of Suspended Students Without IEPs	Ratio of Suspensions to Population	Percent of Student Body With IEPs	Percentage of Suspended Students With IEPs	Ratio of Suspensions to Population
Barrington	88.18%	67.65%	0.77	11.82%	32.35%	2.74
Bristol Warren	89.15%	86.06%	0.97	10.85%	13.94%	1.29
Burrillville	85.20%	56.70%	0.67	14.80%	43.30%	2.93
Central Falls	79.71%	50.77%	0.64	20.29%	49.23%	2.43
Chariho	89.40%	69.37%	0.78	10.60%	30.63%	2.89
Coventry	86.59%	66.36%	0.77	13.41%	33.64%	2.51
Cranston	87.40%	74.68%	0.85	12.60%	25.32%	2.01
Cumberland	85.16%	60.12%	0.71	14.84%	39.88%	2.69
East Greenwich	89.40%	81.25%	0.91	10.60%	18.75%	1.77
East Providence	84.84%	74.59%	0.88	15.16%	25.41%	1.68
Exeter-West Greenwich	87.95%	68.18%	0.78	12.05%	31.82%	2.64
Foster-Glocester	90.37%	75.76%	0.84	9.63%	24.24%	2.52
Johnston	80.77%	56.60%	0.70	19.23%	43.40%	2.26
Lincoln	85.91%	65.65%	0.76	14.09%	34.35%	2.44
Middletown	84.35%	71.43%	0.85	15.65%	28.57%	1.83
Narragansett	81.97%	62.75%	0.77	18.03%	37.25%	2.07
Newport	82.74%	68.51%	0.83	17.26%	31.49%	1.82
North Kingstown	88.52%	65.45%	0.74	11.48%	34.55%	3.01
North Providence	82.88%	72.04%	0.87	17.12%	27.96%	1.63
North Smithfield	86.31%	70.27%	0.81	13.69%	29.73%	2.17
Pawtucket	86.04%	73.72%	0.86	13.96%	26.28%	1.88
Portsmouth	85.74%	51.28%	0.60	14.26%	48.72%	3.42
Providence	84.76%	74.94%	0.88	15.24%	25.06%	1.64
Scituate	90.20%	100.00%	1.11	9.80%	0.00%	0.00
Smithfield	90.06%	70.21%	0.78	9.94%	29.79%	3.00
South Kingstown	88.35%	54.72%	0.62	11.65%	45.28%	3.89
Tiverton	83.87%	70.97%	0.85	16.13%	29.03%	1.80
Warwick	83.52%	65.08%	0.78	16.48%	34.92%	2.12
Westerly	84.96%	60.66%	0.71	15.04%	39.34%	2.62
West Warwick	84.84%	67.59%	0.80	15.16%	32.41%	2.14
Woonsocket	79.49%	68.25%	0.86	20.51%	31.75%	1.55
Blackstone Academy	86.55%	83.33%	0.96	13.45%	16.67%	1.24
Highlander	89.31%	73.91%	0.83	26.09%	10.69%	2.44
Paul Cuffee Charter	81.26%	62.16%	0.76	18.74%	37.84%	2.02
Urban Collaborative	82.73%	87.50%	1.06	17.27%	12.50%	0.72
Ratio of < 0.90 = <i>Undersuspension</i>						
Ratio between .90 and 1.10 = Normal range						
Ratio > 1.10 = <i>Oversuspension</i>						

Table 12. Disability Disparity in School District and Charter School Suspension Rates, 2014-2015

Note: Not all of Rhode Island’s school districts or charter schools are represented on these two charts. The Jamestown school district, International Charter School, Beacon Charter, and MET School, for instance, reported no suspensions for the 2014-2015 school year. Other schools have been excluded because they were not in existence during the 2004-2005 year, when the ACLU’s analysis began. We hope these schools and districts are examining their own data to determine what, if any, racial or disability disparities exist even as they are not reflected here.

ENDNOTES

¹ The differences between the two bills were minor, but for the ACLU's preferred version of this legislation, see 15-S 0299A, "Relating to Education – School Committees and Superintendents." <http://webservice.rilin.state.ri.us/BillText/BillText15/SenateText15/S0299A.pdf>

² Rhode Island Department of Education. "Discipline in Schools." Accessed November 9, 2015. <http://www.ride.ri.gov/StudentsFamilies/HealthSafety/DisciplineinSchools.aspx#31971140-ineffectiveness-of-out-of-school-suspension>

³ Office of Senator Jack Reed. "\$3.68 Million Federal Grant Aims to Reduce School Violence in RI." October 1, 2014. <http://www.reed.senate.gov/news/releases/368-million-federal-grant-aims-to-reduce-school-violence-in-ri> Accessed November 12, 2015

⁴ Borg, Linda. "Providence schools chief: Education is 'best bet' to reverse inequalities." *Providence Journal*. November 5, 2015. <http://www.providencejournal.com/article/20151105/NEWS/151109635/0/SEARCH> Accessed November 9, 2015.

⁵ Weingarten, Randi. "Our school discipline mistake: We should never have imposed zero-tolerance policies on kids." *New York Daily News*; November 8, 2015. <http://www.nydailynews.com/opinion/randi-weingarten-school-discipline-mistake-article-1.2426358> Accessed November 12, 2015.

⁶ For more information, see the ACLU of RI's previous reports: "Suspended Education: The Over-Suspension of Students with Disabilities in Rhode Island," "Blacklisted 2013-2014," "Blacklisted: An Update," and "Blacklisted: Racial Bias in School Suspensions in Rhode Island," available at <http://riaclu.org/know-your-rights/reports>.

⁷ Nationwide data indicates that LGBT students are also suspended at disproportionately high rates. No mechanism exists at this time for us to study that disparity, but given Rhode Island's over-reliance on suspensions for all students, one would suspect that Rhode Island's LGBT students also bear an increased suspension burden.

⁸ Native American students frequently face disparity rates higher than that of black students, and the 2014-2015 school year was no exception. However, the small numbers of students identified by the Department of Education as Native American makes conclusions about the disparity statistically difficult to draw.

⁹ For the purposes of this and previous reports, the term "students with disabilities" refers to those students who have active IEPs at the time of their suspension, as reflected in the data collected by the schools and maintained by the Rhode Island Department of Education. With the records currently available, we cannot accurately determine the extent to which students who have disabilities, but who have not yet received an IEP, are suspended.

¹⁰ Rhode Island Department of Education. "Discipline in Schools." Accessed November 9, 2015. <http://www.ride.ri.gov/StudentsFamilies/HealthSafety/DisciplineinSchools.aspx#31971140-ineffectiveness-of-out-of-school-suspension>

¹¹ "Disorderly Conduct" is defined as: "Any act which substantially disrupts the orderly conduct of a school function, behavior which substantially disrupts the orderly learning environment or poses a threat to the health, safety, and/or welfare of students, staff, or others." For the 2015-2016 school year, "This includes incidents which occur on the school bus or at school-sponsored events, as well as incidents which take place on school grounds."

¹² "Insubordination/Disrespect" is defined as: "Refusing a directive of a teacher, administrator or other staff member."

¹³ Rhode Island Department of Education. "Rhode Island Department of Education Data Collection Specifications – Discipline." Last updated: August 4, 2015.

¹⁴ This report was prepared by ACLU of RI policy associate Hillary Davis.



This report was prepared by the American Civil Liberties Union of Rhode Island. The ACLU of Rhode Island is a private, non-profit organization dedicated to preserving and protecting the civil liberties guarantees found in the Bill of Rights.
