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Testimony of Daniel J. Losen M.ED., J.D.¹

Re: H. 177 An Act to respond to school exclusion data and reduce school dropouts; and 178: An Act relative to student access to educational services and exclusion from school.

My name is Daniel Losen and I am the Director of the Center for Civil Rights Remedies at the Civil Rights Project at UCLA. I have dedicated my work toward revealing serious inequities in public education and generating effective remedies, first at The Civil Rights Project when it was at Harvard Law School, where I also lectured in law, and now at UCLA. Before becoming a lawyer and education policy researcher, I taught elementary school in Cambridge, Lincoln, and Acton, Massachusetts for 10 years.

One of my core areas of research and practice has focused on revealing and then seeking remedies to the desperately low graduation rates of poor and minority students. Last year, I had the honor of presenting before the National Academy of Education and the National Research Council to inform their 2011 report entitled: *High School Dropout, Graduation and Completion Rates: Better Data, Better Measures, Better Decisions*. That report contains several recommendations including: "States and districts should build data systems that incorporate variables that are documented early indicators of students at risk for dropping out, such as days absent...and indicators of behavior problems. They should use these variables to develop user-friendly systems for monitoring students risk of dropping out and for supporting them based on their level of risk."

Researchers have concluded that the use of suspensions is related to dropouts. To better illustrate this connection, I wish to call your attention to a new and unusually robust 2011 study commissioned by the Council of State Governments Justice Center called, *Breaking Schools' Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement*. The in-depth study tracked every middle school student in the state of Texas for a period of six years. I have attached the executive summary of the report, with the online link to the full study.

The non-partisan Council of State Governments found an incredibly high level of disciplinary removal from the classroom. The majority of the middle school students had been suspended or expelled some time between seventh and twelfth grade. Moreover, there were tremendous racial disparities in the use of discipline that remained significant even after controlling for over 80 variables, including poverty.

The study also compared schools with nearly identical demographics and policies within the same district. These comparisons suggested that differences in school leadership and school level practices yielded dramatically different rates of discipline. The analysis further found that there were no test score benefits for the schools that suspended students with higher frequency. An earlier study in the state of Indiana, which also

¹ This testimony reflects the sole opinion of Daniel Losen and should not be attributed to The Civil Rights Project or UCLA.

controlled for poverty, revealed that the schools whose principals clearly enforced the rules, but saw discipline policy as serving the educational mission, suspended infrequently had higher test scores than schools whose principals stressed the need for punitive consequences and frequently suspended children. In other words, the notion that we must kick out the “bad” kids so the “good” kids can learn is a myth that the research has clearly “busted.”

Most important, this unprecedented longitudinal study by the Council of State Governments was able to track each middle school student and linked disciplinary removal to a significantly heightened risk for repeating a grade, dropping out, and incarceration. This finding has the greatest implications for children of color and students with disabilities who were disciplined far more often than others for “discretionary” reasons.

Numerous studies suggest that the most effective school discipline policy and practice stresses positive behavioral supports, teacher training, and keeping kids in school, while resorting to suspension only as a last resort. There is a wealth of research to support those conclusions, and with the permission of your Committee, I would like to reserve the right to submit for the record my upcoming report, *Discipline Policies, Successful Schools, and Racial Justice*, summarizing this research, and scheduled for release on October 5, 2011, by the National Center for Education Policy at the National Press Club.

Based on extensive research, we can now say with authority:

- The frequent use of suspension is not merely a response to student behavior, rather, school leadership, policy, and practice has a strong influence on how often students are suspended from school;
- suspending students increases their risk for dropping out and incarceration;
- the notion that you have to kick out the “bad” kids so the “good” kids can learn is a “busted” myth; and
- effective methods of school discipline do not rely on frequent school exclusion, and can help improve academic achievement.

The revealing and highly constructive Council of State Governments’ report would not have been possible if information about discipline had been kept under wraps in Texas, the way it currently is in Massachusetts. In fact, Texas, Wisconsin, and several other states publicly report, or make available to the public, all of the data that H. 177 would require for reporting to the citizens of Massachusetts.

In a preliminary review of annually and publicly reported data at the state level, I have found that at least 8 states (in Table 1) currently provide most of the core data elements that H. 177 would require. Of these, the annual public reporting provided in Wisconsin may be the best example.

Table 1: Comparison of H. 177 discipline data with what several states currently report.

H. 177 – Required data for annual public reports on school discipline	CO	FL	KY	MD	MN	NC	TX*	WI
Race and Ethnicity	X	X	X	X	X	X	X	X
Gender	X	X	X	X	X	X	X	X
Socio-economic status			X				X	X
English language proficiency					X		Ad hoc	X
General and Special Ed.	X	X**	X	X	X	X	X	X
Number of students	X	X	X	X	X	X	X	X
Number of incidents	X	X	X	X	X	X	X	X
Type of offense/reason	X	X	X	X	X	X	X	X
In-school suspension	X	X		X			X	X
Long-term suspensions	X**	X				X	X (alt sch)	X
Duration of suspension					X	X	Ad hoc	X
Total # of days of school year lost to exclusion					X		Ad hoc	X
Grade level			X	X	X	X	Ad hoc	X
Named districts	X	X	X	X		X	X	X

Sources¹

*Texas provides the public with a template for additional data requests and will provide “Ad hoc” reports upon request.

**Colorado and Florida report on discipline of students with disabilities separately. Colorado only reports on long-term suspensions for this subgroup.

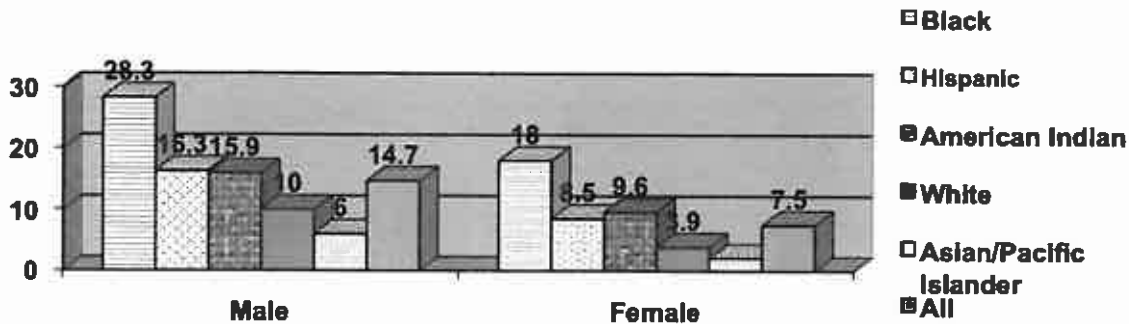
While some may argue that the burden associated with reporting these data is too high, I encourage the legislature to also consider the cost to taxpayers when suspension is used too often. Given that suspension is associated with heightened risk for dropping out and incarceration, it stands to reason that paying careful attention to how often we suspend students, and encouraging more limited use of school exclusion, could help reduce dropouts, and save taxpayers money in the long run. Research by economists demonstrates that reducing dropouts would greatly reduce delinquency and cut crime costs over the long term. Specifically, a team of leading economists from Columbia, Princeton and Queens College predicts that increasing high school graduation rates would decrease violent crime by 20 percent and drug and property crimes by more than 10 percent.ⁱⁱ The economists calculated that each additional high school graduate yielded an average of \$26,500 in lifetime cost savings to the public. (This estimate accounts for the expense of trials, sentencing and incarceration.) There are much greater benefits and cost savings when higher income and reduced reliance on social services are also added to the equation.

We make public reports about the education indicators we care about. Toward this end, annual public reporting of data on suspensions in elementary and secondary school can not only provide critically important early warning signals about individual students, but can spur systemic improvement that will ultimately yield higher graduation rates. Therefore, I urge Massachusetts to join the growing number of states that provide parents, educators and policy reformers comprehensive data on school discipline.

These serious concerns are amplified by consistent findings that African American and Latino youth are dramatically over-represented in school suspensions and that the increase in use is greatest among poor and minority children. As this graph depicting middle school suspensions demonstrates, there are also dramatic differences in rates of suspension both between racial groups and within racial groups, when the data are broken down by gender.

Some of the most pronounced race and gender differences are found at the middle school level.

Middle school suspension rates for all children broken down by race and gender: 2005-2006.



Data Source: U.S. Department of Education: Office for Civil Rights (over 9000 middle schools). Analysis by Losen & Skiba, *Suspended Education: Middle Schools In Crisis*, The Southern Poverty Law Center, 2010.

The current reporting practice in Massachusetts gives the tax paying public a skewed impression that we are only suspending the most serious and primarily dangerous offenders. Massachusetts does not annually report school or district level data on all suspensions, or by subgroup, which means that the frequency of school exclusion and the profound differences by race, gender and disability remain hidden. H.177 contains data reporting requirements for all students that mirror the federal reporting requirements on students with disabilities. These requirements should help dispel any illusions of how discipline is meted out in our Commonwealth, and reveal those schools and districts that are most in need of support in this area. In addition to identifying trouble spots, the data elements of H. 177 will reveal those schools and districts that are implementing truly effective ways to provide safe and orderly learning environments for all students. We can learn a great deal about effective discipline from the educators in these highly successful schools, but without H. 177 these resources will likely go untapped.

