



The Center for Civil Rights Remedies

at The Civil Rights Project | *Proyecto Derechos Civiles*

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National Analysis of Suspension Data by UCLA Civil Rights Project Details Disturbing Disparities Among Racial Groups, Large Differences Among States and School Districts

Providing a comprehensive analysis of the previously reported 11 million instructional days lost to out-of-school suspensions in 2015-16, [new research](#) released today by the Center for Civil Rights Remedies at the UCLA Civil Rights Project details deeply disturbing disparities and demonstrates how the frequent use of suspension contributes to stark inequities in the opportunity to learn.

The report, *Lost Opportunities*, produced in collaboration with the Learning Policy Institute (LPI) is the first to capture the full impact of out-of-school suspensions on instructional time for middle and high school students, and for those groups that are most frequently suspended. The findings include details for every state and district, uncovering high rates and wide disparities. These new descriptive findings will help policymakers understand the full impact on every racial group and on students with disabilities. The report also reviewed the available data on school policing, and summarizes research released in July showing that, in California, high schools' higher rates of lost instruction from suspension was related to higher numbers of security guards on campus.

“The focus on the experiences of middle and high school students reveals profound disparities in terms of lost instructional time due to suspensions -- stark losses that most policymakers and many educators were unaware of,” said Dan Losen, director of the Center for Civil Rights Remedies and the lead researcher on the report.

In secondary schools, the report found the rate of lost instruction is more than five times higher than the elementary school rates -- 37 days lost per 100 middle and high school students compared to just 7 days per 100 elementary school students. The rates for Blacks and other students of color are starkly higher than those of white students. Black students lost 103 days per 100 students enrolled, 82 more days than the 21 days their white peers lost due to out-of-school suspensions. Alarming disparities are also observed when looking at race with gender. Black boys lost 132 days per 100 students enrolled. Black girls had the second highest rate, at 77 days per 100 students enrolled.

While suspension rates for secondary students have declined somewhat nationally, rates at the elementary level did not improve. The research also finds that state-level racial disparities are often larger than the national disparities suggest, and shows multiple states with exceedingly high rates of loss of instruction for students of color when compared to their white peers. For example, a comparison of rates of lost instruction show that Black students in Missouri lost 162 more days of instructional time than white students. In New Hampshire, Latinx students lost 75 more days than white students. And in North Carolina, Native American students lost 102 more days than white students.

At a school district level, the disaggregated district data show shockingly high rates of lost instruction, with some large districts having had rates of more than a year's worth of school -- over 182 days per 100 students. The disaggregated district data reveals some rates and disparities that are far higher and wider

than most would imagine based on the state and national averages, especially for Black students and students with disabilities. The analysis is also the first to document that students attending alternative schools experience extraordinarily high and profoundly disparate rates of lost instruction.

“These stark disparities in lost instruction explain why we cannot close the achievement gap if we do not close the discipline gap,” Losen said. “With all the instructional loss students have had due to COVID-19, educators should have to provide very sound justification for each additional day they prohibit access to instruction.”

The report is part of a series developed to examine the findings of most recent state and national data from the U.S. Department of Education’s bi-annual Civil Rights Data Collection (CRDC) in three contexts: school discipline, student access to experienced and certified teachers (LPI, 2020), and a forthcoming LPI report on student access to advanced courses. The CRDC bi-annual collection provides disaggregated data on education equity and access that allows researchers and policymakers to monitor potential inequities in access to learning opportunities.

“This new report documents a chronic and deeply concerning condition in U.S. education: The inequitable use of harsh and exclusionary discipline that deprives many students of color and students with disabilities of critical learning time, tracking them into the school-to-prison pipeline,” added Jessica Cardichon, director of federal policy at the Learning Policy Institute. “Schools should, instead, look to evidence-based approaches such as social-emotional learning and restorative justice that keep students in school and on track to becoming contributing members of society.”

The research also includes new information about school policing, lost instruction, referrals to law enforcement, and school-based arrests, revealing that in some districts more than one out of every 20 enrolled Black middle and high school students were arrested.

And at a time of increasing national concerns about racism and abusive policing and a legal requirement that every district report their school policing data every year, the report documents widespread failure by districts to report data on school policing despite the requirements of federal law. Specifically, over 60% of the largest school districts (including New York City and Los Angeles) reported zero school-based arrests.

“Our report suggests that much of the school-policing data from 2015–16 required by the federal Office for Civil Rights were either incomplete, or never collected,” said Paul Martinez, the report’s co-author. “The findings raise concerns about how students of color cannot be protected against systemic racism in school policing if districts and police departments don’t meet their obligation to collect and publicly report these data annually.”

Additionally, the report indicates widespread noncompliance with the reporting requirements of the *Every Student Succeeds Act of 2015* (ESSA), which explicitly requires states to annually report collected school-policing data in annual state and district report cards. As of July 2020, not one state had fully met ESSA’s state and district report card obligation regarding their most recent school-policing data.

Amid a pandemic that has resulted in a massive loss of instructional time and escalating need for mental health and special education supports and services, Losen and his researchers argue that the high rates of lost instruction and the inequitable disparate impact of discipline raise questions about possibly unlawful practices. The findings should compel education policymakers to act to eliminate all unjustifiable disciplinary exclusion from school, and use of police to enforce school rules when students return.

“Our hope is that this research will help policymakers and education leaders at the federal, state and local levels to better comprehend the extent of the disparate harm for students,” Losen concludes. “We hope these descriptive findings spur policymakers to eliminate the use of out-of-school suspensions and

expulsions for lower-level offenses and reduce the use and length of suspensions for other moderate and serious offenses.”

The report includes specific recommendations for policymakers at all levels of government and is accompanied by spreadsheets with sortable data on every district in the nation.

[Lost Opportunities: How Disparate School Discipline Continues to Drive Differences in the Opportunity to Learn](#) is a research project of the Center for Civil Rights Remedies (CCRR) p. The research was led by [Daniel J. Losen](#) and [Paul Martinez](#), with assistance and support from staff at the Learning Policy Institute. The [report](#), including an executive summary and specific recommendations are [available online](#). The related report, [Inequitable Opportunity to Learn: Student Access to Certified and Experienced Teachers](#), was published in February by LPI.

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CCRR is an initiative of the UCLA Civil Rights Project/Proyecto Derechos Civiles (CRP), which is co-directed by [Gary Orfield](#) and [Patricia Gándara](#), researcher professors at UCLA. Founded at Harvard in 1996, CRP’s mission is to create a new generation of research in social science and law on critical issues of civil rights and equal opportunity for racial and ethnic groups in the United States. CRP has monitored the success of U.S. schools in equalizing opportunity and has been the authoritative source of segregation statistics. CRP has commissioned more than [500 studies](#), published more than [20 books](#), and issued numerous reports from authors at universities and research centers across the country.

The Learning Policy Institute conducts and communicates independent, high-quality research to improve education policy and practice. Working with policymakers, researchers, educators, community groups, and others, the Institute seeks to advance evidence-based policies that support empowering and equitable learning for each and every child. Nonprofit and nonpartisan, the Institute connects policymakers and stakeholders at the local, state, and federal levels with the evidence, ideas, and actions needed to strengthen the education system from preschool through college and career readiness.

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