



**ARKANSAS EDUCATION REPORT**  
*Volume 19, Issue 6*

**ARKANSAS STUDENT DISCIPLINE REPORT**

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**September 7, 2022**

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## Executive Summary

This report examines student discipline in the Arkansas public schools. Using ten years of de-identified student- and infraction-level data from 2011-12 to 2020-21, provided by the Arkansas Department of Education, our research identifies a number of key trends and outcomes related to student discipline in the Arkansas public schools. This work builds upon prior versions of this report.<sup>1</sup> While the data are only limited to the infractions and consequences reported by schools, and while we do not estimate causal effects of any policies or programs, this work includes some key findings relevant for educators and policymakers in the state.

An important caution for interpretation is that the 2019-20 and 2020-21 reported counts of disciplinary incidents are much lower than typical, largely due to the closure of Arkansas schools beginning in mid-March of 2020, due to the COVID-19 pandemic, as well as continued use of hybrid schooling in approximately 14-15% of schools throughout the 2020-21 school year (COVID-19 School Data Hub, n.d.). However, we also find that some elementary schools in the state simply did not report any discipline data in 2019-20 and 2020-21, which may be a reaction to Act 1059 which limited suspensions and expulsions in grades K-5, and may or may not reflect actual declines in misbehavior.

### 1. How have reported student infractions and associated consequences changed over time?

- The 2019-20 and 2020-21 school years are anomalies in many ways. First, both of these years were affected by COVID-19. Also, 51 elementary schools (and 12 schools with higher grades) that reported disciplinary incidents in the 2018-19 school year reported no incidents in the 2020-21 school year, which might be a reaction to Act 1059. Similarly, 26 elementary schools (and 10 schools with higher grades) that reported disciplinary incidents in the 2018-19 school year reported no incidents in the 2019-20 school year. The lack of reporting in these schools, however, does not fully explain the decline in reports of student infractions in these last two years.
- With the exception of the COVID-19-affected school years, the number of disciplinary infractions has nearly doubled over this time period (from approximately 154,000 incidents in 2011-12 to approximately 291,000 in 2018-19). It is unlikely that this increase in referrals is due solely to increases in misbehavior over time. In particular, given that the largest growth was in the category of “other” non-specified infractions (from about 32,000 incidents in 2011-12 to about 113,000 in 2018-19), which are relatively minor compared to other categories and do not have a specific state reporting category – this increase may reflect at least in part an increased focus on reporting more minor disciplinary incidents. See Table 1 and Figure 1.
- Approximately 80% of discipline referrals reported over the past ten years are for disorderly conduct, insubordination, or “other” non-specified infractions which don’t

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<sup>1</sup>The 2020 report is available here: [www.officeforeducationpolicy.org/downloads/2021/09/18-10\\_2020-arkansas-discipline-report.pdf](http://www.officeforeducationpolicy.org/downloads/2021/09/18-10_2020-arkansas-discipline-report.pdf). The 2018 report is available here: <http://www.officeforeducationpolicy.org/arkansas-student-discipline-report/>

have a reporting category at the state level, indicating that the vast majority of reported infractions are relatively subjective. See Table 1 and Figure 1.

- The most common consequences are in-school suspension (ISS, 36.4%), “other” non-specified consequences without a reporting category at the state level (23.3%), and out-of-school suspension (OSS, 18.9%). There has been a decline in reliance on OSS and corporal punishment over time, while “other” consequences have steadily increased, and ISS has remained relatively stable. While this trend away from exclusionary discipline might indicate benefits for students, further investigation and/or more detailed reporting of what is included within the “other” consequences would be useful for understanding whether this represents a meaningful change for students. See Table 2 and Figure 2.

## **2. To what extent are schools complying with Act 1059 of 2017, which limits the use of OSS and expulsion for students in kindergarten through fifth grade?**

- Act 1059 restricted the use of OSS and expulsion for K-5 students except when a student’s behavior: a) poses a physical risk to himself or herself or to others or b) causes a serious disruption that cannot be addressed through other means.
- OSS and expulsions in grades K-5 have declined steadily since this law was passed, from over 13,000 incidents in 2016-17 to roughly 9,000 in 2018-19. 2019-20 and 2020-21 reports were even lower, but are partially impacted by COVID-19 related school closures, so we cannot conclude that these more recent declines indicate greater compliance with the policy. See Table 3.
- In the past six years, K-5 students were most commonly suspended or expelled for disorderly conduct (31.3% of K-5 OSS and expulsions), “other” infractions (21.2%), fighting (19.7%), and insubordination (12.2%). See Table 3.
- Reliance on OSS and expulsion in response to elementary grade referrals has declined overtime, primarily offset by increases in “other” consequences. See Table 4. These declines in reliance on OSS and expulsion were primarily due to declines in the use of these consequences in response to “other” non-specified infractions, disorderly conduct, and insubordination. See Table 5.
- The count of OSS and suspensions in grades K-5 decreased for most racial/ethnic groups, with very large declines during the COVID-affected years. All racial/ethnic groups except for Asian students and students of two more races also experienced declines by the 2018-19 school year (pre-COVID). See Table 6.
- The share of K-5 students receiving at least one OSS or expulsion, however, did not decline as much, suggesting that much of the reduction was due to reductions in multiple infractions, rather than reductions in the share of individual students who received OSS or expulsion. For example, from 2015-16 to 2018-19, the share of Black students in grades K-5 receiving at least one OSS or expulsion only declined from 9.1% to 8.2%. The corresponding share for White students remained fairly stable over this time period, only decreasing from 1.9% to 1.8%. See Table 7.

- Along elementary schoolers, Black students in particular are at a high risk of OSS and expulsion. They were nearly five times as likely to receive at least one OSS or expulsion in 2015-16, and remain over 4.1 times as likely in 2019-20 and 2.5 times as likely in 2020-21, despite the COVID-19 related declines in disciplinary reports. See Table 7.

**3. Are schools complying with Act 1329 of 2013, which bans the use of OSS as a legal disciplinary response to truancy?**

- The state is making good progress; use of OSS for truancy declined from about 14% of all truancy cases in 2012-13 to about 1% of cases in 2020-21. See Figure 3.

**4. Are there racial/ethnic or programmatic (free/reduced lunch or special education) disproportionalities in school discipline?**

- As we have consistently reported, disproportionalities by race/ethnicity, free- and reduced- price lunch eligibility, and special education status exist both in terms of the number of referrals for infractions of various types, as well as in the likelihood of receiving exclusionary discipline, conditional on referral for a particular type of infraction. For example, Black students received about 119.8 referrals per 100 students per year, during the last two years prior to COVID, and about 55 referrals per 100 students per year during the two recent COVID-affected years. This is relative to only 43.5 referrals and 27.9 referrals per 100 White students, respectively, during the same time periods. Notably, these disproportionalities are largely driven by larger numbers of subjective infractions such as disorderly conduct, insubordination, and “other.”
- Then, conditional on being written up for any infraction, Black students receive OSS, expulsions, or referrals to ALE at higher rates than other groups. In 2017-18 and 2018-19, approximately 23% of all infractions for Black students resulted in exclusionary discipline, relative to only 13% for White students, 14% for Hispanic students, and 16% for students of other races. The exclusionary rate decreased slightly in 2019-20 and 2020-21 to 21% of infractions for Black students, but remained high relative to other groups. Thus, Black students in the state are overrepresented both in terms of referrals, and in terms of exclusionary discipline conditional on a referral. See Section V.

## I. Introduction

This report was prepared by the Office for Education Policy for the Arkansas State Board of Education and the Arkansas Department of Education in response to Act 1329 of 2013 (Arkansas Act 1329, 2013). The data used are de-identified student- and infraction-level information for the ten-year period from 2011-12 to 2020-21 provided by the Arkansas Department of Education. It is important to note that, due to the COVID-19 pandemic, and the closure of school beginning Tuesday, March 17 through the end of the 2019-20 school year, the counts of disciplinary incidents are not directly comparable across years. In 2020-21, schools were required to be open for in-person learning, unless they needed to shut down temporarily for an outbreak, but the counts are also not directly comparable in this year. Approximately 15% of school-month-level observations reported using hybrid instruction (COVID-19 School Data Hub, n.d.) which likely resulted in lower counts of discipline incidents during the 2020-21 school year.

## II. Student Discipline Trends Over Time

### *Investigating decreases in reported incidents in 2019-20 and 2020-21*

Before discussing the trends over the past ten years, it is important to acknowledge that the 2019-20 and 2020-21 school years are anomalies in many ways. First, COVID-19 disrupted face-to-face schooling in both years, likely resulting in lower disciplinary incidents, as fewer students were in school, and for a shorter amount of time, on average.

Furthermore, some schools that previously reported discipline in the 2018-19 school year, did not report any disciplinary infractions in 2019-20 and/or 2020-21. It is possible that non-reporting or underreporting could be contributing to the lower incidence numbers to a certain extent. To determine whether the schools that stopped reporting in 2019-20 and 2020-21 are driving the lower numbers of cases in these years, we investigated the number of schools, type of schools, and the typical number of infractions they were reporting in 2018-19.

Thirty-six schools (including 8 open enrollment charters) that reported disciplinary incidents in 2018-19 did not report any incidents in 2019-20. Another 14 schools that reported discipline in 2018-19 were either closed or had zero enrollment in 2019-20. The 36 schools that did not report any disciplinary incidents in 2019-20 came from 27 different districts, and were most commonly elementary schools (e.g., 13 K-5 schools, 5 K-6 schools, and 8 schools that had some other combination of grades from pre-K to 6). Another ten schools served higher grade levels. This might suggest that there was less reporting of disciplinary incidents in response to Act 1059 (Arkansas Act 1059, 2017), which limited schools' ability to suspend or expel students in grades K-5. To the extent that this reflects actual declines in student misbehavior, this is good news, but if elementary schools simply stop reporting disciplinary incidents when issues do arise, because they are less able to suspend and expel students, this might indicate an unintended consequence of the reform. It is worth noting, however, that these nonreporting schools are unlikely to be driving a substantial portion of the decline in 2020-21, as these 36 schools only reported a total of 709 incidents in the 2018-19 school year. It is more likely that the decline in

2019-20 is more substantially driven by COVID-19 disruptions (i.e., schools report no incidents when closed, and fewer incidents when hybrid, than when in person).

Similarly, 63 schools (including 10 open enrollment charters) that reported disciplinary incidents in 2018-19 did not report incidents in 2020-21. Another 36 schools that reported discipline in 2018-19 were either closed or had zero enrollment in 2020-21. These 63 schools came from 40 different districts, and were most commonly elementary schools (e.g., 18 K-5 schools, 8 K-6 schools, and 25 schools that had some other combination of grades from pre-K to 6). Another 12 schools served higher grades. Across these 63 schools that did not report in 2020-21, their 2018-19 total of infractions was 2,877, so again, it is unlikely that the substantially lower number of reports in 2020-21 are driven solely by underreporting or non-reporting in these schools.

### ***Trends in behavioral infractions***

Table 1 and Figure 1 present the frequency of various infraction types, over time. Beginning in 2016-17, some new categories were reported that were previously included in a general “other” category. These new categories include cellphones/electronic devices, stealing/theft, harassment/sexual harassment, public display of affection, terroristic threats, and cyberbullying. Over time, the number of “other” infractions, including these new groups, generally increased except in the two most recent years impacted by the COVID-19 pandemic. The increase over time (ignoring the COVID-19 period) does not necessarily mean that minor misbehaviors were on the rise, as some of the increase could be due to increased reporting of these behaviors when they do occur.

Across the past ten years, the most common infraction types were disorderly conduct (24.4% of the total) and insubordination (18.6%). The “other” infractions that do not fit into a state-level reporting category represent 34.8% of total infractions (38.0% when including the categories that were separately reported for the first time in 2016-17). Notably, these categories generally represent relatively minor, non-violent infractions. Further, disorderly conduct and insubordination are relatively subjective types of referrals that could include a wide variety of behaviors. Other infractions include fighting (6.6%), truancy (6.0%), bullying (2.1%), tobacco (1.5%), student assault (1.0%), and a number of smaller categories that represent fewer than 1% of infractions, each (drugs, vandalism, knives, staff assault, alcohol, gangs, explosives, guns, clubs).

### ***Trends in consequences used***

Table 2 and Figure 2 present the frequency of various consequence types, over time. As with infractions, beginning in 2016-17, new categories were reported that previously were included in the “other” consequence category: detentions, warnings, bus suspensions, parent/guardian conferences, and Saturday school. In about 1% of all incidents, more than one consequence was listed as a response to the incident, so for the purposes of this report, the rates of each consequence type represent the most-severe/most-exclusionary type of consequence, but within each category there may have been some additional, more minor consequences attached as well. Across all ten years, the most common consequences were ISS, representing 36.4% of the total, “other” consequences (23.3% or 36.6% when including the categories that were separately reported for the first time in 2016-17), and OSS (18.9%). Corporal punishment was

**Table 1: Frequency of infractions, by type (2011-12 to 2020-21)**

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	Total	% of Total
Disorderly Conduct	50,854	42,124	57,072	62,674	64,072	59,417	60,643	61,566	42,457	24,616	525,495	24.4%
Insubordination	38,387	34,435	42,474	50,479	53,869	48,569	44,099	43,161	29,151	15,525	400,149	18.6%
Fighting	11,904	12,269	12,900	14,212	16,311	16,301	17,691	19,163	13,146	8,356	142,253	6.6%
Truancy	10,370	9,349	12,758	14,808	15,435	15,534	16,286	15,960	10,284	7,694	128,478	6.0%
Bullying	4,446	4,467	5,452	5,773	5,834	4,749	4,766	4,953	2,622	1,524	44,586	2.1%
Tobacco	1,899	1,963	2,408	2,771	2,434	2,224	2,842	6,337	4,279	4,740	31,897	1.5%
Student Assault	1,631	1,983	2,123	2,200	2,160	2,332	2,871	2,618	2,559	1,270	21,747	1.0%
Drugs	1,117	1,193	1,203	1,383	1,327	1,391	1,390	1,902	1,332	960	13,198	0.6%
Vandalism	677	730	1,075	1,076	1,051	1,173	1,104	1,286	934	655	9,761	0.5%
Staff Assault	310	351	342	479	498	497	619	699	513	258	4,566	0.2%
Knife	388	436	503	478	476	527	494	583	285	271	4,441	0.2%
Alcohol	277	290	333	377	319	385	389	405	325	162	3,262	0.2%
Gangs	107	127	102	108	170	130	149	205	98	59	1,255	0.1%
Club	45	42	53	57	38	30	15	24	174	181	659	0.0%
Explosives	50	42	52	40	33	46	41	50	28	24	406	0.0%
Guns	25	35	32	57	19	40	41	54	20	12	335	0.0%
<b>Total Other</b>	<b>31,640</b>	<b>34,684</b>	<b>59,738</b>	<b>94,340</b>	<b>95,511</b>	<b>117,271</b>	<b>115,329</b>	<b>131,823</b>	<b>88,015</b>	<b>49,527</b>	<b>817,878</b>	<b>38.0%</b>
Other	31,640	34,684	59,738	94,340	95,511	102,207	98,617	113,465	75,112	42,312	747,626	
Cellphone/Electronic Devices	0	0	0	0	0	10,137	10,944	12,142	8,481	4,668	46,372	
Stealing/Theft	0	0	0	0	0	1,717	2,034	1,961	1,446	595	7,753	
Harassment/Sexual Harassment	0	0	0	0	0	1,431	1,524	1,933	1,338	865	7,091	
Terroristic Threats	0	0	0	0	0	639	1,012	1,158	766	491	4,066	
Public Display of Affection	0	0	0	0	0	850	913	918	620	378	3,679	
Cyberbullying	0	0	0	0	0	290	285	246	252	218	1,291	
<b>Total</b>	<b>154,127</b>	<b>144,520</b>	<b>198,620</b>	<b>251,312</b>	<b>259,557</b>	<b>270,616</b>	<b>268,769</b>	<b>290,789</b>	<b>196,222</b>	<b>115,834</b>	<b>2,150,366</b>	<b>100.0%</b>

*Note.* Beginning in 2016-17, a few of the largest "other" categories began being separately reported. 2019-20 and 2020-21 reports are lower than typical, in part due to the COVID-19 related closures from mid-March of 2020 through the end of the 2020-21 school year, as well as continued COVID-19 related disruptions to face-to-face learning, through the 2020-21 school year.

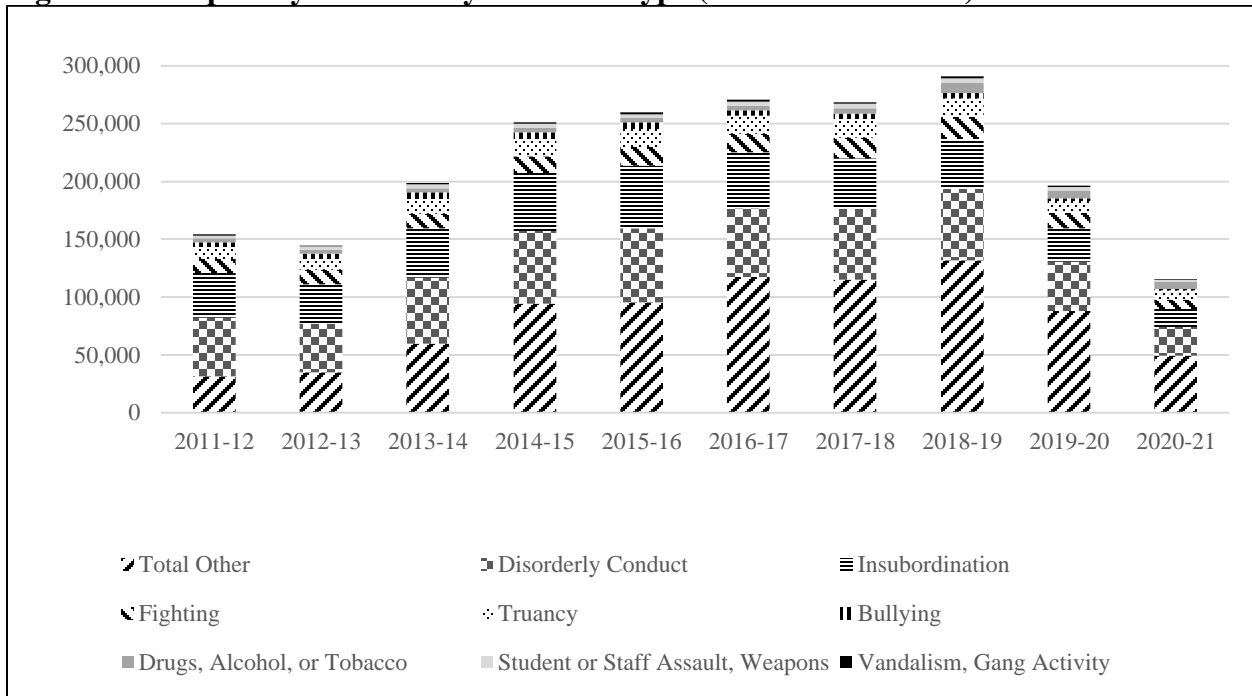


**Table 2: Frequency of consequences, by type (2011-12 to 2020-21)**

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	Total
Expulsion	95 0.1%	200 0.1%	248 0.1%	165 0.1%	170 0.1%	151 0.1%	478 0.2%	913 0.3%	421 0.2%	169 0.1%	3,010 0.1%
Alternative Learning Environment Referral	253 0.2%	317 0.2%	586 0.3%	538 0.2%	646 0.2%	559 0.2%	296 0.1%	290 0.1%	264 0.1%	180 0.2%	3,929 0.2%
Out-of-School Suspension	37,714 24.5%	40,139 27.8%	42,094 21.2%	47,641 19.0%	48,872 18.8%	47,864 17.7%	44,854 16.7%	50,125 17.2%	29,467 15.0%	17,541 15.1%	406,311 18.9%
In-School Suspension	61,509 39.9%	62,033 42.9%	72,934 36.7%	90,346 35.9%	95,560 36.8%	90,228 33.3%	94,457 35.1%	104,221 35.8%	69,917 35.6%	42,426 36.6%	783,631 36.4%
Corporal Punishment	27,611 17.9%	19,013 13.2%	19,534 9.8%	19,274 7.7%	18,157 7.0%	15,806 5.8%	14,126 5.3%	13,228 4.5%	5,239 2.7%	3,253 2.8%	155,241 7.2%
No Action	969 0.6%	1,256 0.9%	1,339 0.7%	2,035 0.8%	1,585 0.6%	797 0.3%	1,250 0.5%	1,056 0.4%	772 0.4%	480 0.4%	11,539 0.5%
<b>Total Other</b>	<b>25,976</b> <b>16.9%</b>	<b>21,562</b> <b>14.9%</b>	<b>61,885</b> <b>31.2%</b>	<b>91,313</b> <b>36.3%</b>	<b>94,567</b> <b>36.4%</b>	<b>115,211</b> <b>42.6%</b>	<b>113,308</b> <b>42.2%</b>	<b>120,956</b> <b>41.6%</b>	<b>90,142</b> <b>45.9%</b>	<b>51,785</b> <b>44.7%</b>	<b>786,705</b> <b>36.6%</b>
Other	25,976	21,562	61,885	91,313	94,567	51,862	48,910	49,579	35,071	19,326	500,051
Detention	0	0	0	0	0	32,927	33,955	38,008	28,829	16,556	150,275
Warning	0	0	0	0	0	15,096	16,409	16,315	13,712	9,061	70,593
Saturday School	0	0	0	0	0	7,152	5,915	7,569	5,681	2,361	28,678
Bus Suspension	0	0	0	0	0	5,178	4,974	5,184	3,435	2,293	21,064
Parent Conference	0	0	0	0	0	2,795	2,907	3,788	2,855	1,789	14,134
More than one "Other Category"	0	0	0	0	0	201	238	513	559	399	1,910
<b>Total</b>	<b>154,127</b>	<b>144,520</b>	<b>198,620</b>	<b>251,312</b>	<b>259,557</b>	<b>270,616</b>	<b>268,769</b>	<b>290,789</b>	<b>196,222</b>	<b>115,834</b>	<b>2,150,366</b>

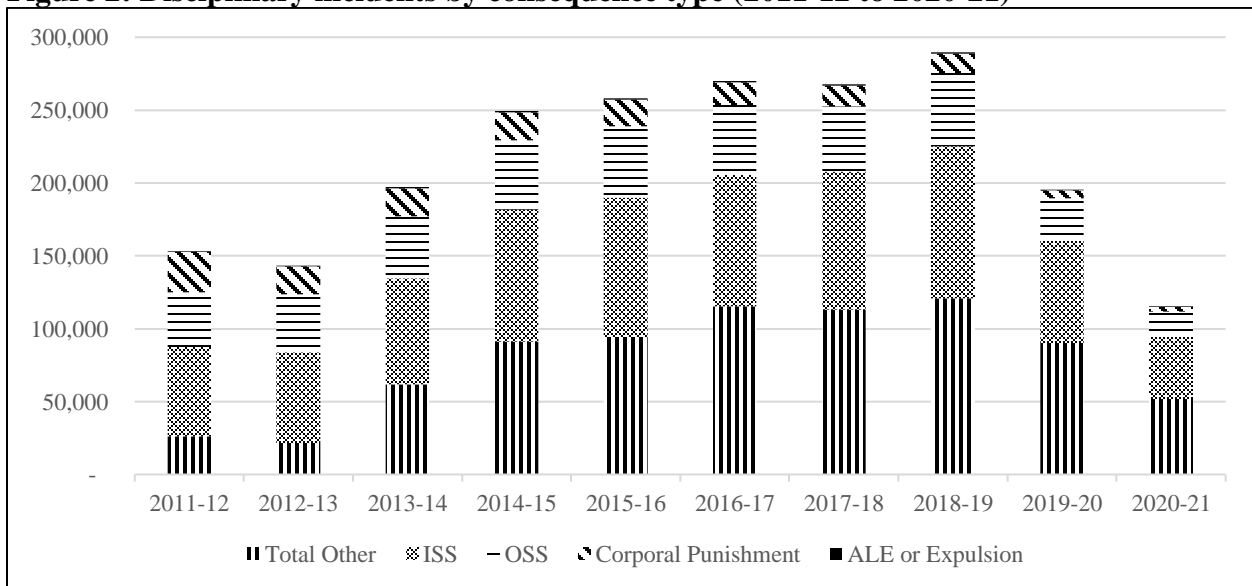
*Note.* About 1% of infractions resulted in more than one consequence type. The numbers reported indicate the most-exclusionary/severe consequence type. Thus, each category may include some incidents that resulted in the reported category plus some less exclusionary/severe consequences. 2019-20 and 2020-21 reports are lower than typical, in part due to the COVID-19 related closures from mid-March of 2020 through the end of the 2020-21 school year, as well as continued COVID-19 related disruptions to face-to-face learning, through the 2020-21 school year.

**Figure 1: Disciplinary incidents by infraction type (2011-12 to 2020-21)**



*Note.* Some infrequently reported infraction categories were grouped for ease of visibility (e.g. drugs, alcohol, and tobacco were originally reported separately but grouped together, as were student assault, staff assault, and weapons, as well as vandalism and gang activity). 2019-20 and 2020-21 reports are lower than typical, in part due to the COVID-19 related closures from mid-March of 2020 through the end of the 2020-21 school year, as well as continued COVID-19 related disruptions to face-to-face learning, through the 2020-21 school year.

**Figure 2: Disciplinary incidents by consequence type (2011-12 to 2020-21)**



*Note.* “No action” (0.5% of the total) was not shown for ease of visibility and interpretation. ALE or expulsion are reported separately but grouped together for ease of visibility. 2019-20 and 2020-21 reports are lower than typical, in part due to the COVID-19 related closures from mid-March of 2020 through the end of the 2020-21 school year, as well as continued COVID-19 related disruptions to face-to-face learning, through the 2020-21 school year.

used in response to 7.2% of infractions over this ten-year period, and referrals to ALE, expulsions, and no actions, are quite rare. Overtime, there was a significant increase in reports of “other” consequences, while the reported use of corporal punishment and OSS declined.

### **III. Legal Compliance with Act 1059, Limiting Exclusionary Discipline in Grades K-5**

In April 2017, the Arkansas state legislature passed Act 1059 (Arkansas Act 1059, 2017), which outlines the following:

*The school district shall not use out-of-school suspension or expulsion for a student in kindergarten through grade five (K-5) except in cases when a student's behavior:*

*(A) Poses a physical risk to himself or herself or to others; or*

*(B) Causes a serious disruption that cannot be addressed through other means.*

While this law did not completely ban the use of OSS or expulsions for students in grades K-5, it is reasonable to assume that the intent of the state legislature was to drastically reduce the use of exclusionary discipline practices except in extreme circumstances.

The reported disciplinary incidents and consequences (see Table 3) indicate that the use of exclusionary discipline like OSS and expulsion for students in K-5 has declined from over 13,000 incidents in 2016-17 to less than 9,000 incidents in 2018-19. The 2019-20 and 2020-21 counts were even lower (approximately 6,000 and 4,000 respectively), likely due in part to COVID-19 related disruptions in schooling.

Arkansas Act 1059 stated that OSS and expulsion could still be used if there was a risk of physical harm to the student or others, or a disruption that could not be addressed through other means. Table 3 shows the types of incidents for which students in grades K-5 receive OSS or expulsion, in each year. Overall, the most common types of incidents that result in OSS or expulsions for K-5 students are disorderly conduct (31.3% of K-5 OSS and expulsions), “other” infractions (21.2%), fighting (19.7%), and insubordination (12.2%). Except for fighting, these most common incident types are relatively subjective, and could likely be addressed through means other than suspension or expulsion. The use of OSS and expulsion for these types of subjective infractions (disorderly conduct, insubordination, and other) did decline between 2016-17 and 2018-19. These declines could represent either a decrease in reported infractions in these groups, reduced reliance on exclusionary discipline for these infractions, or a combination of both. It is noteworthy that although Act 1059 provided exceptions for behavior that poses a physical risk, reports of OSS and expulsion for violent infractions such as fighting, student assault, and staff assault also declined over this time period.

For a more stable comparison over time (including the COVID-19 pandemic), it is useful to analyze not just the counts of incidents resulting in OSS or expulsion, but the proportion of incidents that do. Table 4 shows that, as a percent of total reported disciplinary incidents for elementary age students, OSS declined from approximately 17% of infractions in 2016-17 to approximately 12% of infractions in 2020-21, but still represents a substantial proportion. During

this time period, corporal punishment was also declining, with “other” consequences primarily replacing OSS and corporal punishment. As a result, “other” consequences increased proportionally from 42% of elementary infractions in 2016-17 to 52% in 2020-21.

Given the exceptions outlined in Act 1059, it is reasonable to expect that the reductions in OSS and expulsion for students in grades K-5 would primarily be related to minor and non-violent offenses. Table 5 shows how reliance on OSS and expulsion changed between 2015-16 and 2018-19 as well as between 2015-16 and 2020-21, as measured by the percent of infractions of that type resulting in OSS or expulsion. Table 5 focuses only on the seven infraction types making up the bulk of elementary grade OSS and expulsion, specifically, the seven infraction types that each represent at least 1% of K-5 OSS and expulsion. The proportion of total K-5 infractions resulting in OSS and expulsion is also shown.

**Table 3: Types of infractions for which K-5 students are suspended out-of-school or expelled**

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	Total	% of Total
Disorderly Conduct	4,260	4,275	3,313	2,993	1,764	1,055	17,660	31.3%
Fighting	2,342	2,516	2,485	1,541	1,381	817	11,082	19.7%
Insubordination	1,746	1,893	1,311	970	622	359	6,901	12.2%
Student Assault	416	523	574	428	385	177	2,503	4.4%
Bullying	471	418	347	287	157	90	1,770	3.1%
Staff Assault	214	225	248	293	227	128	1,335	2.4%
Knife	103	137	125	81	43	63	552	1.0%
Vandalism	65	69	52	37	27	11	261	0.5%
Tobacco	26	12	18	7	20	67	150	0.3%
Drugs	24	22	29	9	11	14	109	0.2%
Club	12	8	1	1	44	32	98	0.2%
Truancy	28	32	13	3	7	2	85	0.2%
Explosives	5	10	9	9	4	5	42	0.1%
Guns	4	7	7	4	5	2	29	0.1%
Alcohol	6	4	6	2	1	2	21	0.0%
Gangs	1	8	1	2	0	2	14	0.0%
<b>Total Other</b>	<b>2,961</b>	<b>3,234</b>	<b>2,620</b>	<b>2,148</b>	<b>1,743</b>	<b>1,044</b>	<b>13,750</b>	<b>24.4%</b>
Other	2,961	2,757	2,145	1,818	1,455	839	11,975	21.2%
Terroristic Threats		152	215	141	134	92	734	1.3%
Harassment/Sexual Harassment		146	120	99	58	53	476	0.8%
Stealing/Theft		160	121	76	44	28	429	0.8%
Public Display of Affection		3	3	8	25	11	50	0.1%
Cellphone/Electronic Devices		12	11	4	8	8	43	0.1%
Cyberbullying		4	5	2	19	13	43	0.1%
<b>Total</b>	<b>12,684</b>	<b>13,393</b>	<b>11,159</b>	<b>8,815</b>	<b>6,441</b>	<b>3,870</b>	<b>56,362</b>	<b>100.0%</b>

*Note.* The vertical dashed line indicates the approximate timing of Arkansas Act 1059. 2019-20 and 2020-21 reports are lower than typical, in part due to the COVID-19 related closures from mid-March of 2020 through the end of the 2020-21 school year, as well as continued COVID-19 related disruptions to face-to-face learning, through the 2020-21 school year.

**Table 4: Share of infractions, by consequence type, for students in grades K-5**

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Expulsion	0.04%	0.02%	0.05%	0.04%	0.04%	0.02%
ALE	0.16%	0.13%	0.16%	0.16%	0.09%	0.11%
OSS	17.34%	17.18%	13.97%	14.18%	12.34%	12.04%
ISS	28.77%	27.40%	29.72%	28.23%	30.62%	28.42%
Corporal Punishment	15.14%	13.42%	12.25%	12.18%	6.81%	6.75%
No Action	0.47%	0.27%	0.49%	0.41%	0.47%	0.23%
Total Other	38.09%	41.58%	43.36%	44.80%	49.63%	52.44%

*Note.* The vertical dashed line indicates the approximate timing of Arkansas Act 1059. 2019-20 and 2020-21 reports are lower than typical, in part due to the COVID-19 related closures from mid-March of 2020 through the end of the 2020-21 school year, as well as continued COVID-19 related disruptions to face-to-face learning, through the 2020-21 school year.

Between 2015-16 and 2020-21, reliance on OSS and expulsion in response to elementary grade referrals has declined primarily for “other” non-specified infractions, disorderly conduct, and insubordination, which are relatively minor and subjective infractions. This seems in line with the intent of the policy. Yet, a substantial portion of these incidents (9.9% of disorderly conduct, 9.3% of insubordination, and 7.3% of other) still result in OSS or expulsion.

**Table 5: Share of infractions resulting in OSS or expulsion, by infraction type, for students in grades K-5**

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	Pct. Change from 2015-16 to 2018-19	Pct. Change from 2015-16 to 2020-21
Disorderly Conduct	16.5%	16.2%	12.5%	13.8%	10.0%	9.9%	-16.3%	-40.1%
Other	13.4%	11.1%	8.5%	8.9%	8.0%	7.3%	-33.8%	-45.4%
Fighting	35.3%	36.9%	34.2%	29.0%	29.5%	28.1%	-18.0%	-20.3%
Insubordination	13.2%	14.7%	10.6%	11.7%	10.2%	9.3%	-11.3%	-29.4%
Student Assault	32.2%	37.7%	29.9%	32.4%	24.0%	23.9%	0.7%	-25.8%
Bullying	17.9%	18.5%	15.0%	16.1%	14.8%	14.3%	-10.2%	-20.1%
Staff Assault	69.3%	69.4%	58.5%	70.1%	61.7%	64.0%	1.2%	-7.6%
<b>Total</b>	<b>17.4%</b>	<b>17.2%</b>	<b>14.0%</b>	<b>14.3%</b>	<b>12.4%</b>	<b>12.1%</b>	<b>-18.1%</b>	<b>-30.7%</b>

*Note.* The vertical dashed line indicates the approximate timing of Arkansas Act 1059. Representing less than 1% of K-5 OSS and expulsions have been hidden. 2019-20 and 2020-21 reports are lower than typical, in part due to the COVID-19 related closures from mid-March of 2020 through the end of the 2020-21 school year, as well as continued COVID-19 related disruptions to face-to-face learning, through the 2020-21 school year.

Although the decline in K-5 suspensions and expulsions across the state is notable, it is also important to understand whether racial disproportionalities in OSS and expulsions decreased as well. Tables 6 and 7 show the racial/ethnic breakdown of K-5 suspensions and expulsions, by year, in terms of the number of infractions (Table 6) and the share of students with at least one suspension/expulsion in an academic year (Table 7).

Table 6 shows that counts of OSS and expulsions in grades K-5 declined over time for each racial category. The lower rates of referrals in 2019-20 and 2020-21 are due in part to COVID-19 related closures and other disruptions, making these last two years difficult to compare to other years. When comparing the change over time between 2015-16 and 2018-19 (the last year prior to these pandemic-related disruptions), reported OSS and expulsions in grades K-5 declined for each racial/ethnic group except Asian students and students of two or more races. These data indicate that K-5 students in many racial groups were receiving fewer OSS and suspensions after Act 1059, as intended by the policy.

The simple counts of OSS and expulsions, by race/ethnicity, in Table 6, are difficult to compare across racial/ethnic groups in the state due to the differences in relative representation within the state's student population. As a result, we also report in Table 7 the percent of K-5 students, within each racial/ethnic group, that received at least one OSS or expulsion in that year. In line with the intent of Arkansas Act 1059, we might expect that the share of students receiving exclusionary discipline would decline over time. Table 7 shows that the percent of K-5 students receiving at least one OSS or expulsion declined between 2015-16 and 2020-21, with the final two years of this period being affected significantly by COVID-19 related disruptions. Even pre-COVID-19, the risk of exposure to OSS/expulsion declined for most groups except Native American/Alaska Native and Asian students. Despite these declines, the rates of OSS and expulsion for some K-5 students, particularly Black students, remains high. For example, while 9.1% of Black students in grades K-5 received at least one OSS or expulsion in 2015-16, this had only declined to 8.2% of Black students in 2018-19.

Given the overrepresentation of Black students in exclusionary discipline, we report at the bottom of Table 7 two measures of disproportionality over time: Absolute Risk Differences (ARD) and Relative Risk Ratios (RRR). Specifically, the ARD is the percent of students in one group with at least one OSS or expulsion, minus the percent of students in another group with at least one OSS or expulsion. As such, positive ARDs indicate overrepresentation (Black students suspended at higher rates than White students) and ARDs of zero would indicate equal representation. The RRR divides rather than subtracts these rates; it is the percent of students in one group with at least one OSS or expulsion, divided by the percent of students in another group with at least one OSS or expulsion. RRRs of 1 indicate equal representation, and values greater than one indicate overrepresentation (Black students suspended at higher rates than White students).

Before this policy change, Black K-5 students were about 4.7 or 4.8 times as likely as White K-5 students to receive at least one OSS or expulsion. This corresponds to a 7.2-7.5 percentage point higher likelihood of receiving at least one OSS or expulsion for Black students relative to White students. These disproportionalities declined slightly over this time period, but Black students remain about 2.5 times as likely as White students to receive at least one OSS or expulsion in 2020-21.

**Table 6: Counts of OSS and expulsions for students in grades K-5, by race/ethnicity**

Race	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	Total	% Change	% Change
								from 2015-16 to 2018-19	from 2015-16 to 2020-21
Black/African American	7,687	7,926	6,586	4,920	3,350	1,482	<b>31,951</b>	-36.0%	-80.7%
White	4,035	4,356	3,515	3,040	2,499	1,827	<b>19,272</b>	-24.7%	-54.7%
Hispanic	527	616	517	417	257	286	<b>2,620</b>	-20.9%	-45.7%
Two or More Races	360	408	456	380	282	236	<b>2,122</b>	5.6%	-34.4%
Native American/Alaska Native	37	46	52	31	29	23	<b>218</b>	-16.2%	-37.8%
Asian	18	27	21	24	18	11	<b>119</b>	33.3%	-38.9%
Native Hawaiian/Pacific Islander	20	14	12	3	6	5	<b>60</b>	-85.0%	-75.0%
<b>Total</b>	<b>12,684</b>	<b>13,393</b>	<b>11,159</b>	<b>8,815</b>	<b>6,441</b>	<b>3,870</b>	<b>56,362</b>	<b>-30.5%</b>	<b>-69.5%</b>

Note. The vertical dashed line indicates the approximate timing of Arkansas Act 1059. 2019-20 and 2020-21 reports are lower than typical, in part due to the COVID-19 related closures from mid-March of 2020 through the end of the 2020-21 school year, as well as continued COVID-19 related disruptions to face-to-face learning, through the 2020-21 school year.

**Table 7: Percent of students in grades K-5 with at least one OSS or expulsion, by race/ethnicity**

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	6-Year	% Change	% Change
							Weighted Average	from 2015-16 to 2018-19	from 2015-16 to 2020-21
Black/African American	9.1%	9.5%	7.9%	8.2%	5.2%	2.6%	7.2%	<b>-10.3%</b>	<b>-71.8%</b>
White	1.9%	2.0%	1.7%	1.8%	1.3%	1.0%	1.6%	<b>-7.3%</b>	<b>-47.1%</b>
Hispanic	1.3%	1.4%	1.1%	1.2%	0.6%	0.7%	1.1%	<b>-5.5%</b>	<b>-45.3%</b>
Two or More Races	3.9%	4.0%	3.9%	3.8%	2.3%	1.7%	3.2%	<b>-4.8%</b>	<b>-55.8%</b>
Native American/Alaska Native	1.4%	2.0%	2.2%	2.0%	2.1%	1.4%	1.9%	<b>38.2%</b>	<b>-6.3%</b>
Asian	0.4%	0.6%	0.5%	0.6%	0.4%	0.2%	0.5%	<b>73.0%</b>	<b>-37.8%</b>
Native Hawaiian/Pacific Islander	0.8%	0.5%	0.5%	0.2%	0.2%	0.1%	0.4%	<b>-74.7%</b>	<b>-82.7%</b>
<b>Total</b>	<b>3.3%</b>	<b>3.5%</b>	<b>2.9%</b>	<b>3.0%</b>	<b>2.0%</b>	<b>1.3%</b>	<b>2.7%</b>	<b>-9.3%</b>	<b>-61.3%</b>
Black-White ARD	7.2%	7.5%	6.2%	6.4%	4.0%	1.6%	5.6%	<b>-11.1%</b>	<b>-78.4%</b>
Black-White RRR	4.8	4.7	4.6	4.6	4.1	2.5	4.4	<b>-3.2%</b>	<b>-46.7%</b>

Note. The vertical dashed line indicates the approximate timing of Arkansas Act 1059. ARD = Absolute Risk Difference, calculated as the proportion of Black students with at least one OSS or expulsion, minus the proportion of White students with at least one OSS or expulsion. An ARD of 5.6% indicates that Black students are 5.6 percentage points more likely than White students to receive at least one OSS or expulsion. RRR = Relative Risk Ratio calculated as the proportion of Black students with at least one OSS or expulsion, divided by the proportion of White students with at least one OSS or expulsion. An RRR of 4.4 indicates that Black students are 4.4 times as likely as White students to receive at least one OSS or expulsion. 2019-20 and 2020-21 reports are lower than typical, in part due to the COVID-19 related closures from mid-March of 2020 through the end of the 2020-21 school year, as well as continued COVID-19 related disruptions to face-to-face learning, through the 2020-21 school year.



#### IV. Legal Compliance with Act 1329 Ban on OSS for Truancy

In March 2013, the Arkansas state legislature passed Act 1329 (Arkansas Act 1329, 2013), which among other things, banned the use of OSS as a consequence for truancy. This law did not explicitly mention the use of any other alternative responses to truancy and did not explicitly ban the use of other consequences including expulsions, referrals to ALE, or ISS. Truancy has represented about 6% of total reported infractions during the past ten years, with 128,478 reported truancy infractions reported over this period. The number of truancy infractions reported increased from about 10,000 incidents per year in 2011-12 to about 16,000 per year in 2017-18 and 2018-19. Truancy incidents then declined substantially in 2019-20 (to approximately 10,000 incidents), and 2020-21 (to approximately 8,000 incidents), likely due at least in part due to COVID-19-related schooling disruptions.

To assess compliance with this policy change, we report the share of truancy incidents that resulted in each type of consequence, over time. Table 8 shows that the use of OSS as a consequence for truancy has not been eliminated, as Act 1329 intended, but has declined substantially from 13.9% of all truancy incidents in 2012-13 to 1.4% in 2020-21. At the same time, reliance on “other” consequences as a response for truancy has increased from about 9% in 2012-13 to about 33% in 2020-21. Although ISS for truancy was not banned by Act 1329, the use of ISS for truancy has also declined after this policy change from about 75% of cases in 2012-13 to about 56% in 2019-20, but this rate increased in 2020-21 to 64%.

While the reduction in use of suspensions is in line with the intent of Act 1329, uncertainty about what is being used within the “other” category creates a need to further investigate what schools are using as alternatives to suspension. Several new categories of consequences were reported starting in 2016-17. Of these newly reported categories, the most commonly used for truancy were detention (7.7% of reported truancy incidents since 2016-17) Saturday school (7.6%), and warnings (2.1%). There are still, however, a substantial proportion of truancy cases for which the consequence reported is simply a non-specified other (21.9%). Reporting additional categories at the state level to diminish the size of this “other” category further, as well as more detailed research at the school- and district-level would better indicate what is happening in the remaining one-fifth of truancy cases.

**Table 8: Consequences administered for truancy, as a proportion of the total**

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	% of Total
ISS	67.2%	74.8%	61.7%	56.6%	52.0%	52.9%	56.6%	58.5%	56.4%	64.0%	59.0%
Other	17.1%	9.0%	25.8%	31.4%	36.3%	37.6%	35.1%	36.5%	40.0%	33.3%	31.3%
OSS	12.7%	13.9%	10.1%	9.2%	8.8%	7.4%	6.4%	3.3%	2.4%	1.4%	7.5%
Corporal Punishment	2.7%	2.1%	1.6%	1.9%	1.8%	1.4%	0.9%	1.0%	1.0%	1.2%	1.5%
No Action	0.1%	0.1%	0.6%	0.8%	1.0%	0.5%	0.9%	0.6%	0.1%	0.1%	0.6%
Expulsion or ALE	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.0%	0.0%	0.1%	0.1%
# of Truancy Incidents	10,370	9,349	12,758	14,808	15,435	15,534	16,286	15,960	10,284	7,694	128,478

*Note.* The vertical dashed line indicates the approximate timing of Arkansas Act 1329. 2019-20 and 2020-21 reports are lower than typical, in part due to the COVID-19 related closures from mid-March of 2020 through the end of the 2020-21 school year, as well as continued COVID-19 related disruptions to face-to-face learning, through the 2020-21 school year.



## V. Disproportionalities in Student Discipline

### *Racial disproportionalities in referrals and consequences*

To illustrate the racial disparities in both referrals and consequences, we present a series of bubble charts for all infraction types, as well as the five most common types of infractions (“other” non-specified infractions, disorderly conduct, insubordination, fighting, and truancy). Combined, these five types of infractions represent about 87% of all reported infractions.

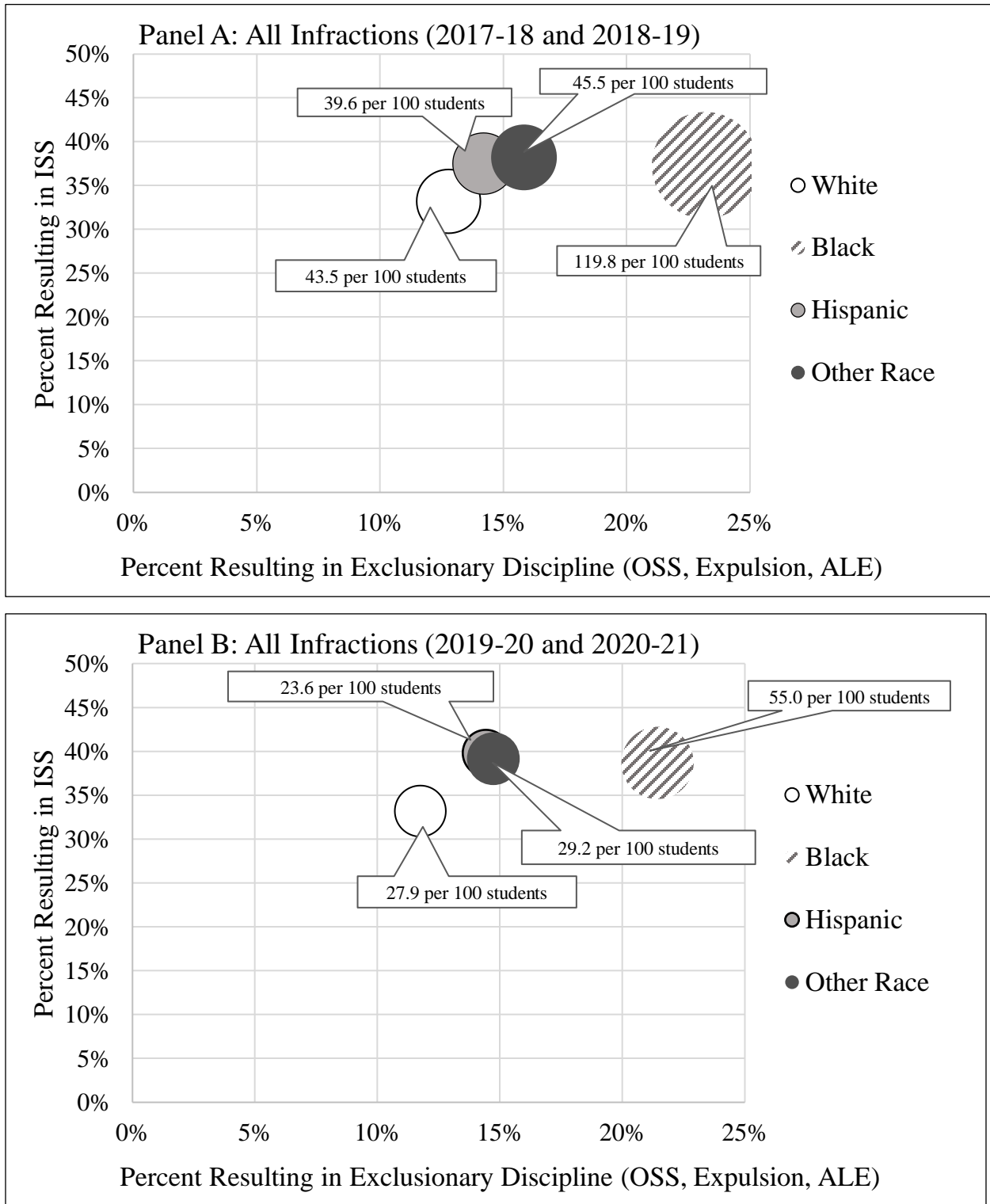
For each infraction type, we provide two bubble charts, one for the two most recent school years for which these data were available (2019-20 and 2020-21), each affected by the COVID-19 pandemic, and one for the two years prior (2017-18 to 2018-19), which were both pre-pandemic. Combined, these figures represent the recent discipline climate in the state, while also showing how discipline reports changed during the COVID-19 era, at least in terms of reported incidents. A key limitation is that we are only able to see what is reported, and there may be other changes during this time period, like changes in the reporting practices of schools.

These bubble charts (see Figures 3-8) display racial disproportionalities in the number of infractions per 100 students per year in a group (indicated by the relative size of the bubbles), as well as in the types of consequences received as a result (indicated by the location of the center of the bubble on the vertical and horizontal axes). For example, Black students are generally more likely to be written up for certain types of infractions, particularly subjective infractions such as disorderly conduct and insubordination, and this would be represented by a larger bubble size. At the same time, Black students also tend to be more likely to receive exclusionary discipline as a result (indicated by being further right on the horizontal axis). Note that the horizontal and vertical positions of the bubble only indicate, in total, the share of infractions resulting in expulsion, OSS, or ALE (combined as exclusionary discipline) or ISS, but there are also infractions that result in other consequences such as corporal punishment, or other less exclusionary responses, not represented in the bubble charts.

Figure 3 shows that Black students received 119.8 infractions per 100 students per year, or more than one infraction per student per year in the two year period between 2017-18 and 2018-19. This is quite high relative to other racial groups in the state, who received about 40-46 referrals per 100 students per year. Rates of disciplinary referrals were lower during the two year period between 2019-20 and 2020-21, with 55.0 infractions per 100 Black students per year, and approximately 24 to 29 infractions per 100 students of other racial groups per year.

Not only are Black students in the state much more likely to be referred for disciplinary infractions, they are also more likely to receive exclusionary discipline as a result. In the first two years, approximately 23% of all infractions for Black students result in exclusionary discipline, relative to only about 13% for White students, 14% for Hispanic students, and 16% for students of other races. The exclusionary rate decreased slightly in the second two years, to 21% of infractions for Black students, but remained high relative to other groups. Thus, Black students in the state are overrepresented both in terms of referrals and in terms of exclusionary discipline conditional on a referral.

**Figure 3: Racial disparities in disciplinary referrals (all infractions) and associated consequences**



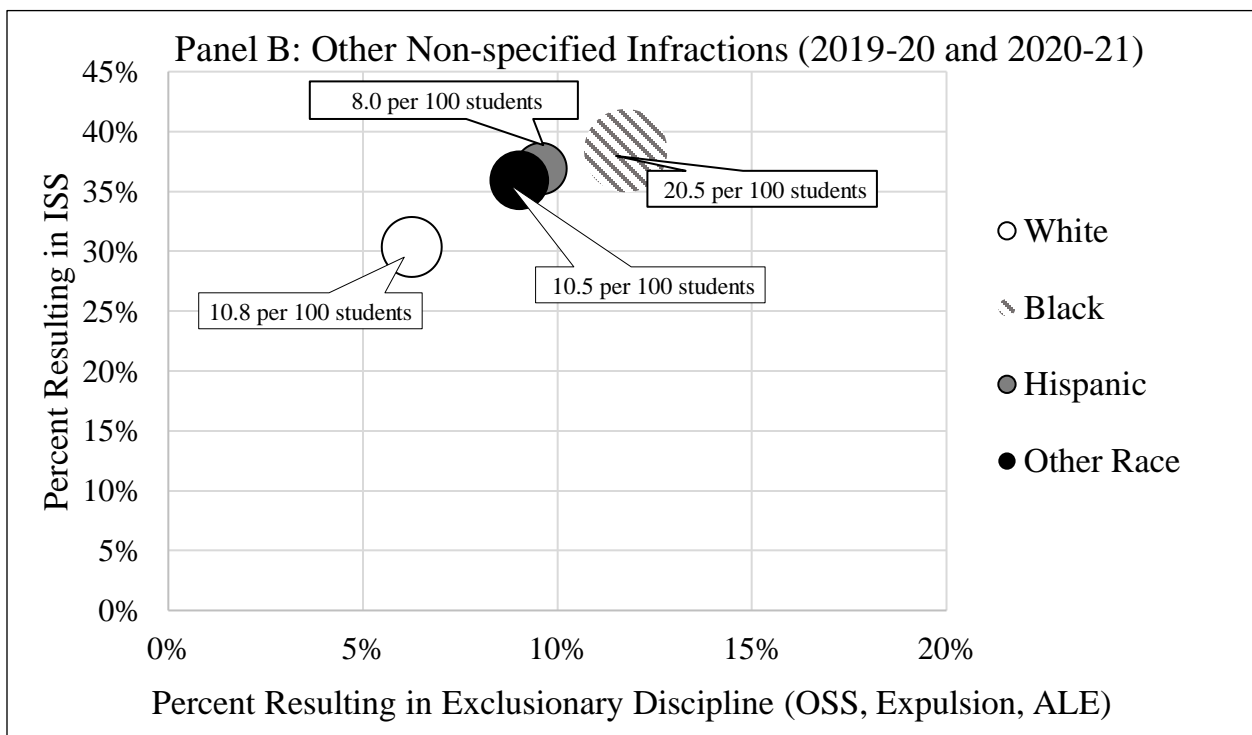
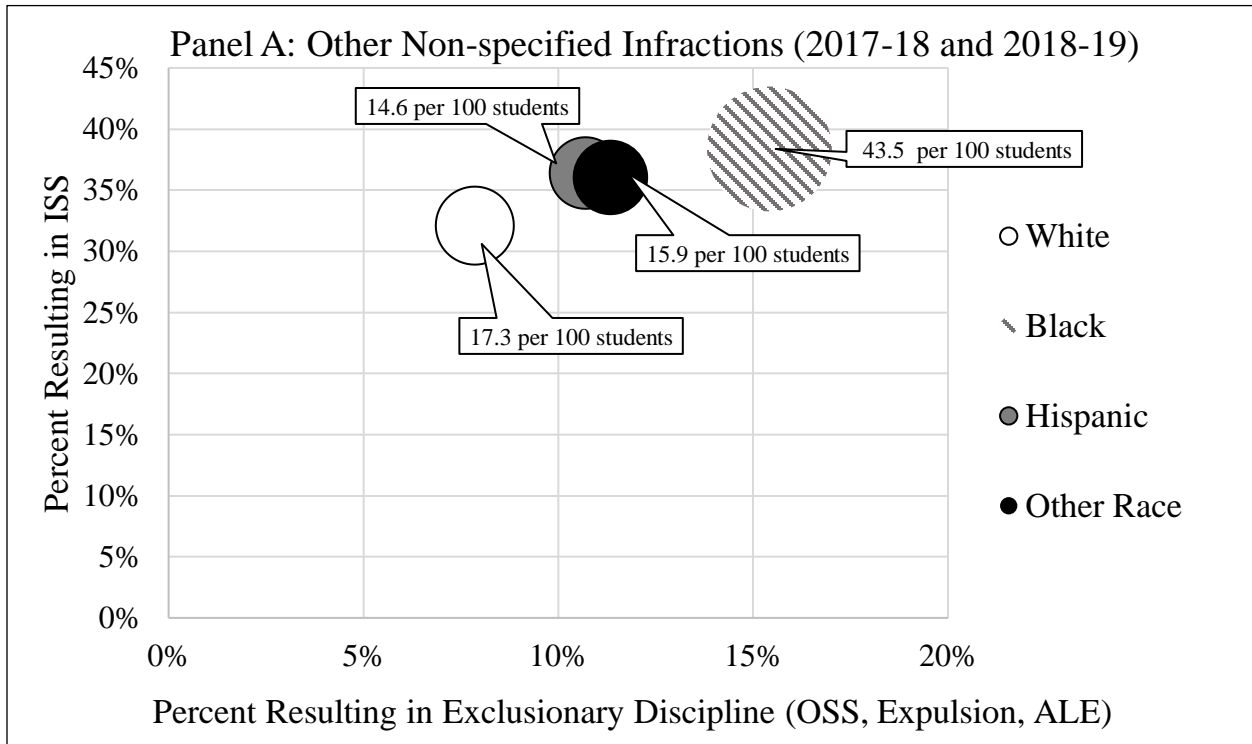
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students per year.

Next, we discuss these same disparities for the most common types of infractions in the state. With few exceptions, Black students are receiving referrals of each type at higher rates (as indicated by the larger bubble size), and receiving exclusionary discipline at higher rates (as indicated by being farther right on the horizontal axis). The exceptions are that, in the first two years, Black students and Hispanic students have exclusionary discipline rates for fighting that are quite close (63% of fighting referrals for Black students and 62% of fighting referrals for Hispanic students resulted in exclusionary discipline), and in the two more recent, COVID-affected years, Hispanic students were receiving more truancy referrals than Black students, at an average of 2.9 infractions per 100 Hispanic students, relative to 2.6 infractions per 100 students per year. See Figure 7, Panel A and Figure 8, Panel B.

A key takeaway across all the bubble charts is that the frequency of infractions declined significantly between the first two years shown (Panel A), and the second two years shown (Panel B), as expected given the COVID-19 related disruptions to schooling. Another key change over time, comparing Panels A and B, is that generally, circles shifted towards the left, indicating less reliance on exclusionary discipline, except that use of exclusionary discipline as a consequence for insubordination increased slightly (approximately 0.6 ppts) for Hispanic students, and use of exclusionary discipline as a consequence for fighting increased more than two percentage points for Black students, from about 63.3% to about 65.6%.

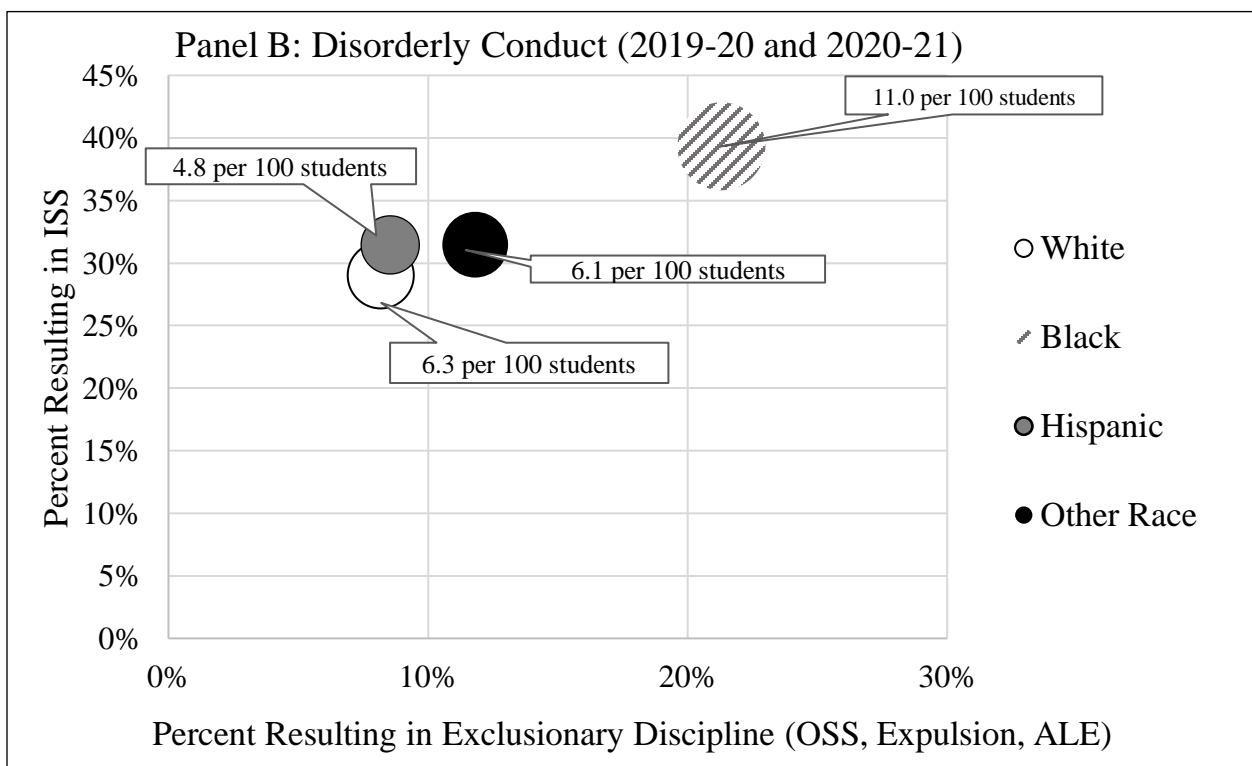
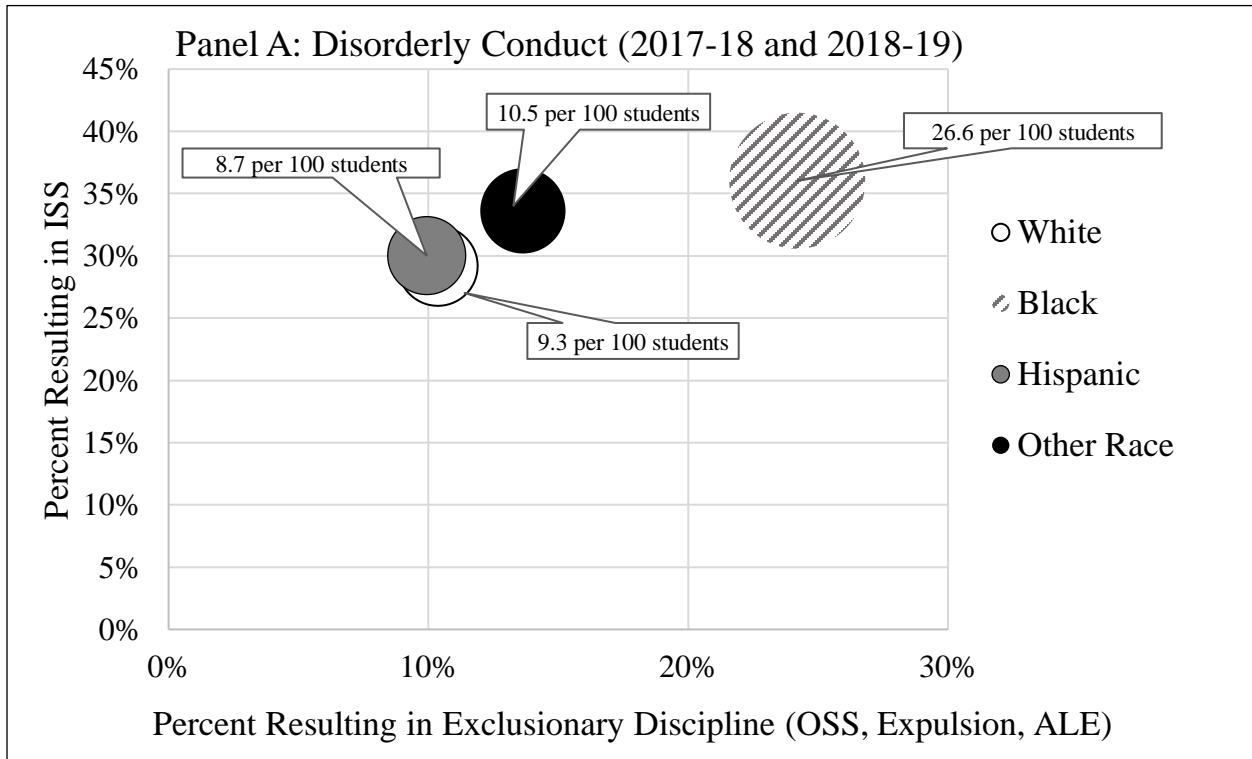
Notably, although Act 1329 of 2013 banned the use of OSS as a legal disciplinary response to truancy, 2% of infractions overall, during the past two years, resulted in exclusionary discipline, but Black students in particular are at higher risk for being excluded in response to truancy. Thus, while use of exclusionary discipline in response to truancy has declined substantially overtime in response to this law, disproportionalities by race remain.

**Figure 4: Racial disparities in disciplinary referrals (other non-specified infractions) and associated consequences**



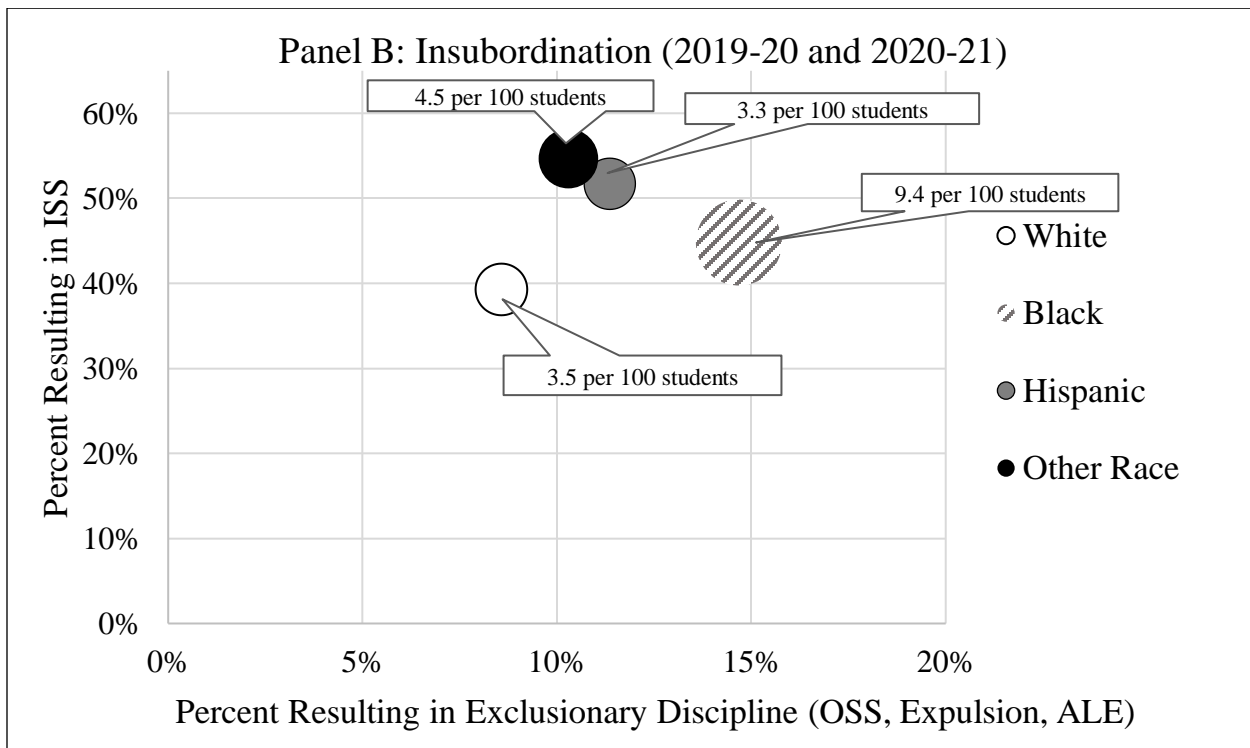
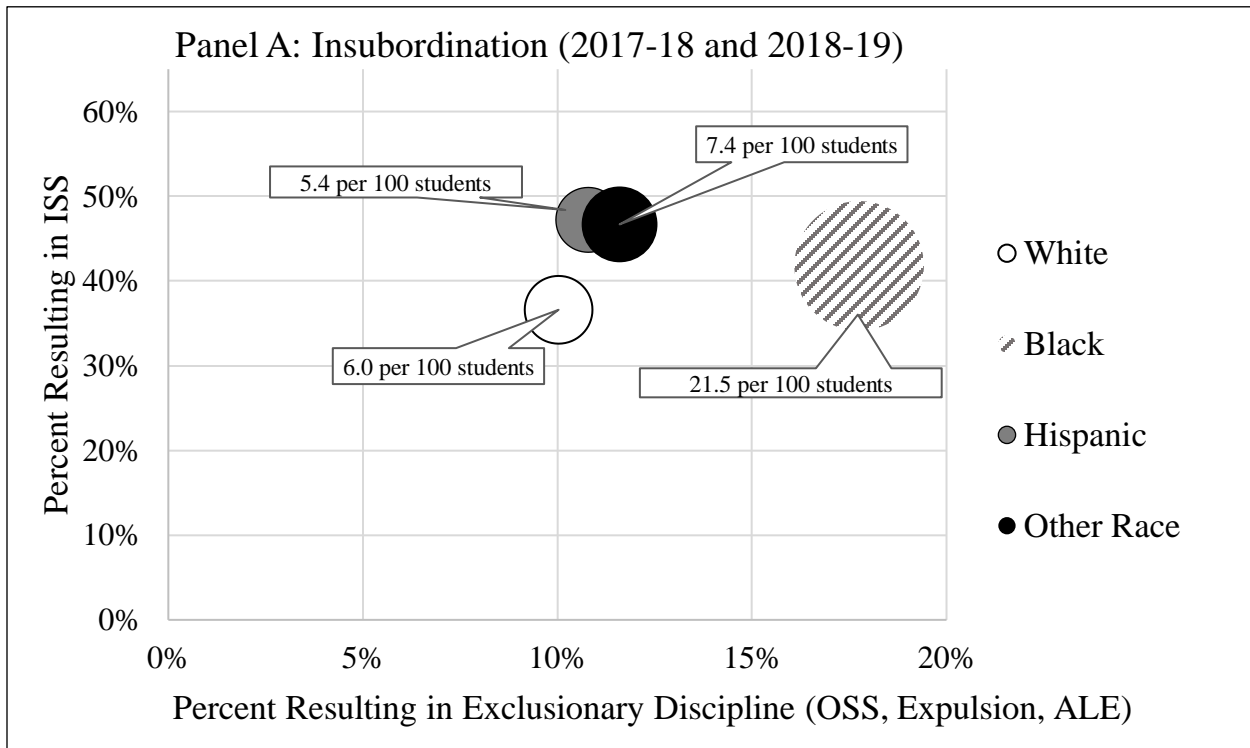
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students per year.

**Figure 5: Racial disparities in disorderly conduct referrals and associated consequences**



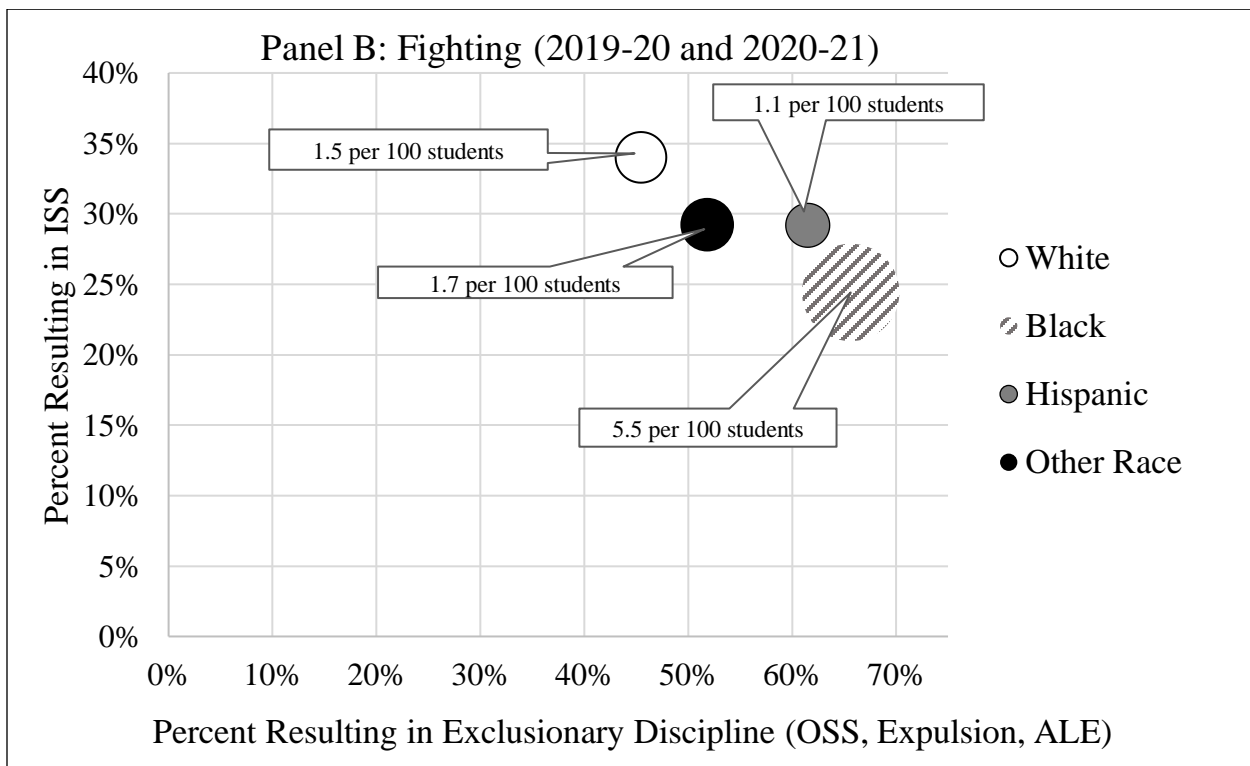
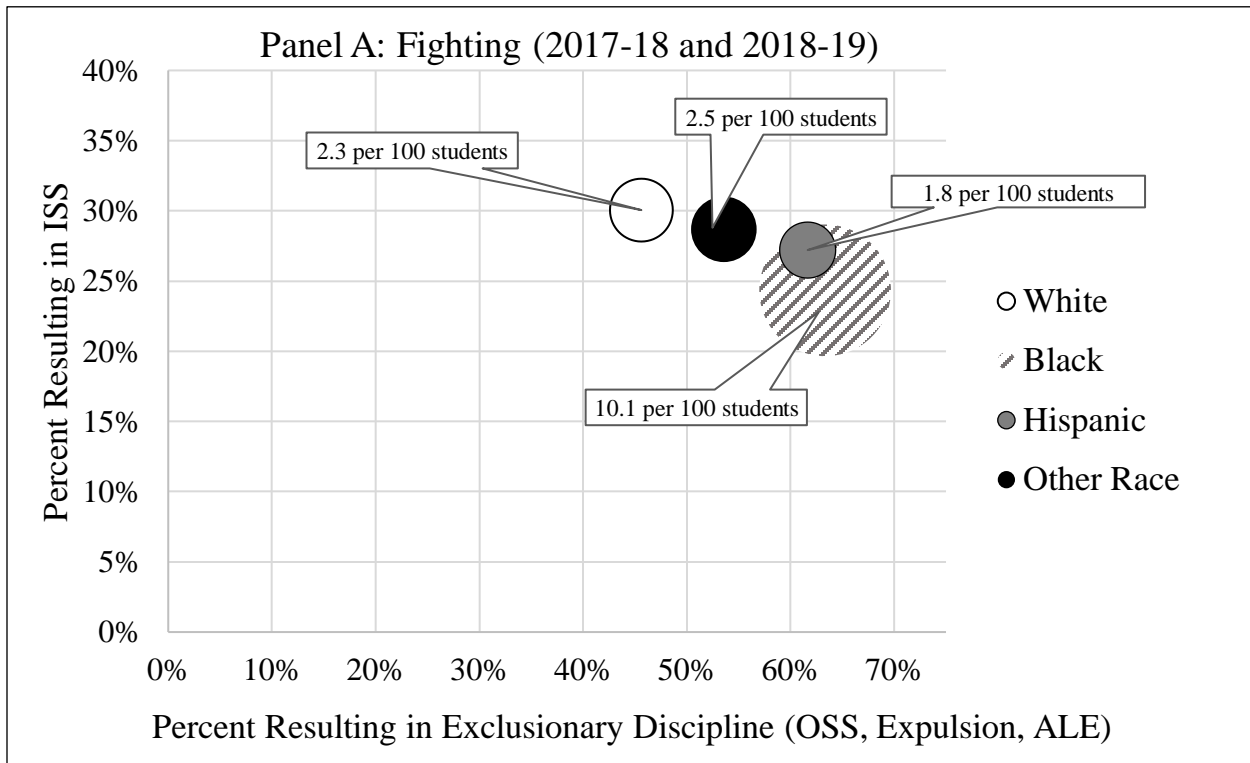
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students per year.

**Figure 6: Racial disparities in insubordination referrals and associated consequences**



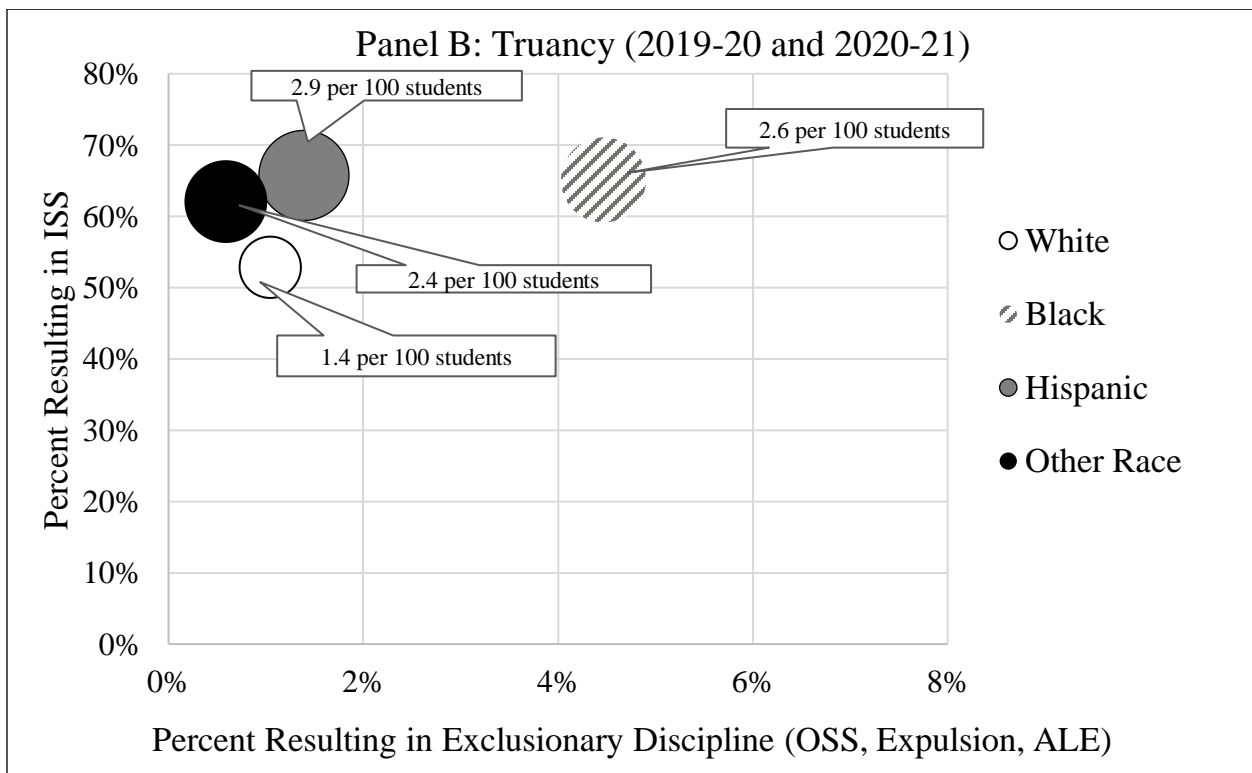
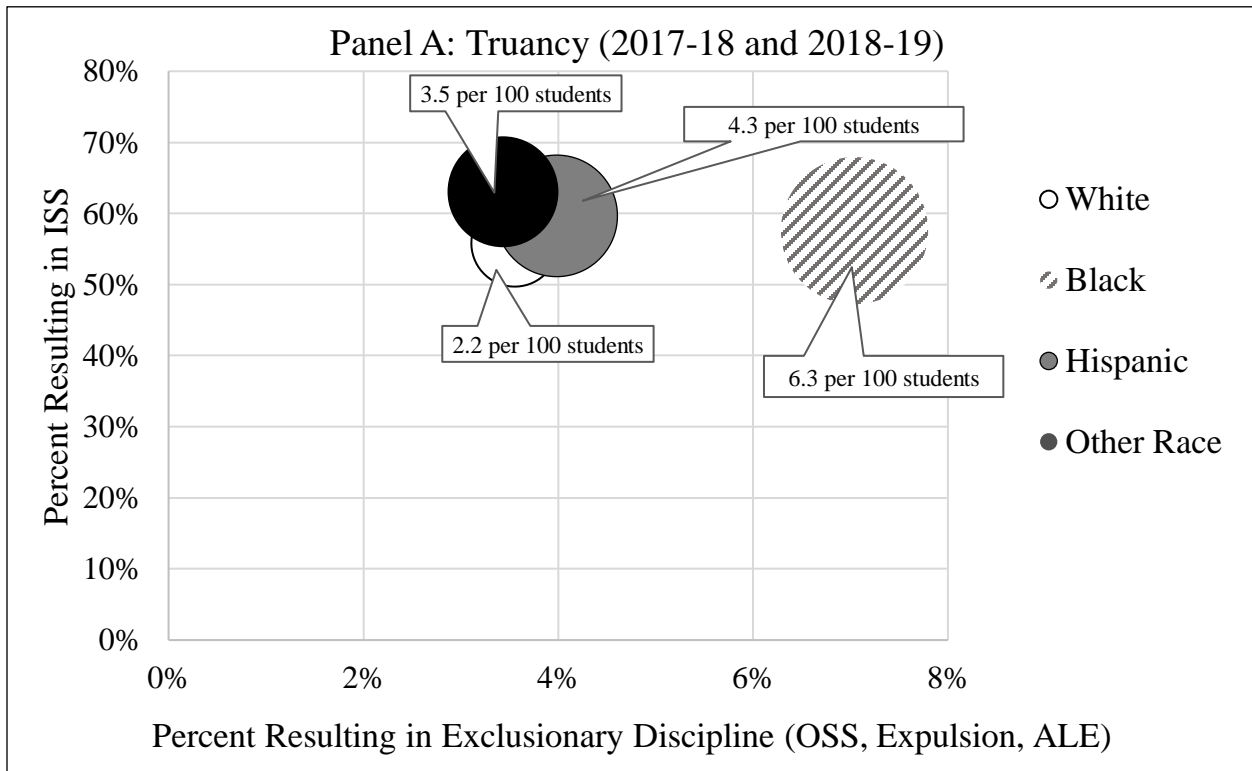
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students per year.

**Figure 7: Racial disparities in fighting referrals and associated consequences**



Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students per year.

**Figure 8: Racial disparities in truancy referrals and associated consequences**



Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students per year.



### ***Disproportionalities in referrals and consequences for low-income students and students with disabilities***

We also present similar figures showing the relative disparities in referrals and consequences for low-income students, as measured by free- and reduced-price lunch (FRL) eligibility, as well as for students with disabilities (SWDs). Note: FRL-eligibility is an imperfect proxy for family income, particularly under the Community Eligibility Provision which reduces paperwork burdens on schools by allowing schools with high need to provide free meals to all students without requiring income verification (Chingos, 2016). Figure 9 shows these figures for all infractions, and Figures 10-14 represent the disparities for each of the five most common infraction types (“other” non-specified infractions, disorderly conduct, insubordination, fighting, and truancy).

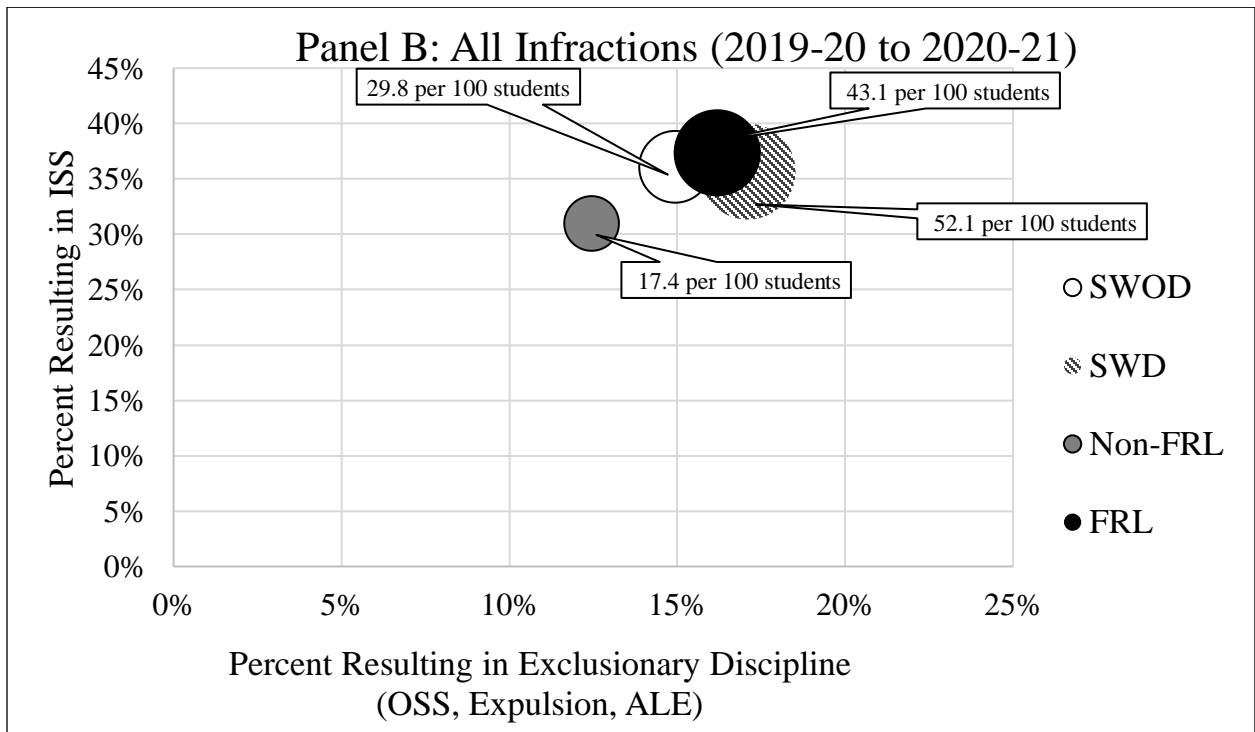
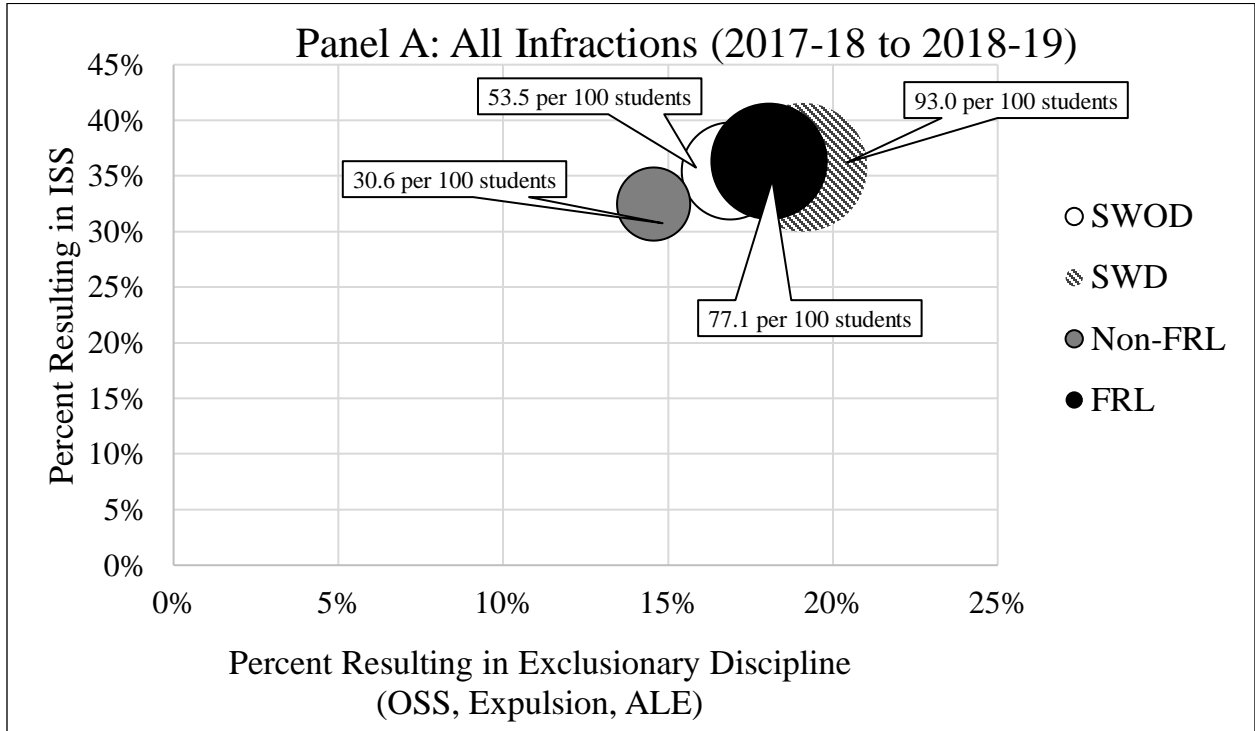
Figure 9 shows that FRL students and students with disabilities are over-represented in referrals, as indicated by the relatively large bubble sizes. FRL students received about 77.1 discipline referrals per 100 students, per year, during the 2017-18 and 2018-19 school years, and about 43.1 referrals per 100 students, per year, during the 2019-20 and 2020-21 school years. Their referral rate is about 2.5 times that of non-FRL students in both time periods. Students with disabilities received about 93 infractions per 100 student per year in the first two years and about 52.1 infractions per 100 students per year in the last two years. Their rate of referral is about 1.7 times as high as that of students without disabilities (SWOD) in both time periods.

Similar disparities can be seen for each of the five most common types of infractions in Figures 10-14. For all these types of consequences, FRL students and SWDs are more likely to be referred than their non-FRL peers and peers without disabilities, respectively. FRL students are at particularly high risk for fighting and insubordination referrals. It is important to note that these disparities in referrals do not necessarily indicate that these students are simply misbehaving at greater rates, as interpretations of behavior, responses to behavior, and reporting of behavior by adults are also important steps in the process. In particular, large disproportionalities for subjective types of referrals like insubordination and disorderly conduct likely capture much more than differences in student behavior.

With respect to the type of disciplinary consequences used in response to these infractions, SWDs and FRL-eligible students are more likely to receive an exclusionary consequence than their peers without disabilities and their non-FRL-eligible peers, respectively, particularly for subjective infractions like disorderly conduct and insubordination. This is indicated by the bubbles for SWDs and FRL-eligible students generally being placed further right along the horizontal axis. However, these disproportionalities are not as wide as the Black-White disproportionalities shown previously.

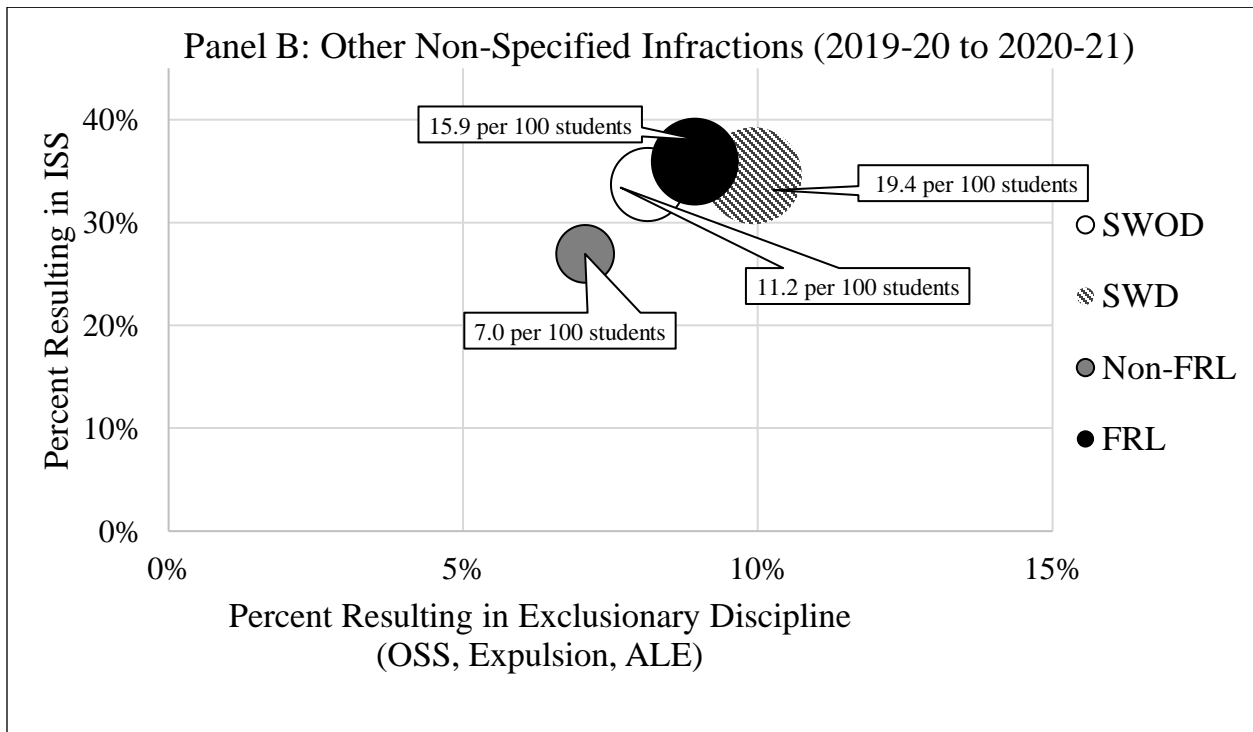
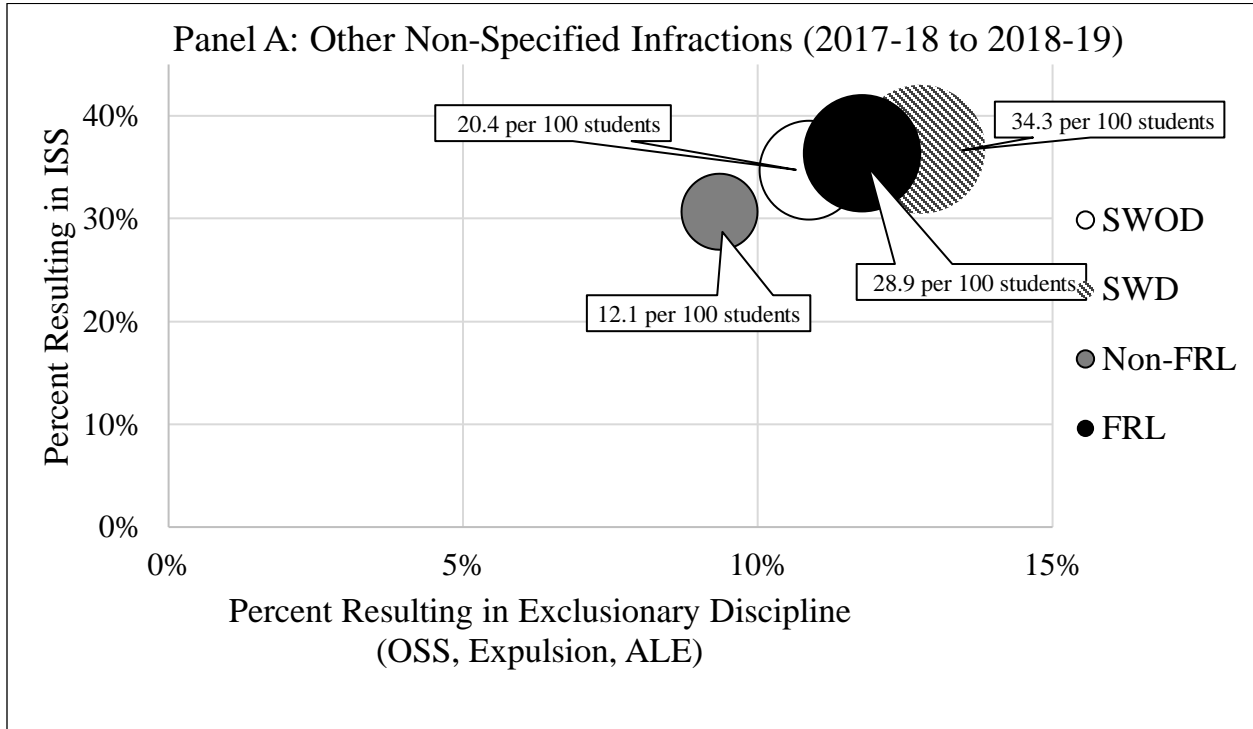
Notably, although Act 1329 of 2013 banned the use of OSS as a legal disciplinary response to truancy, 2% of infractions overall, during the past two years, resulted in exclusionary discipline, but SWDs and FRL-eligible students are at higher risk. In other words, despite declines in use of exclusion in response to truancy overall, FRL-eligible students and SWDs are still excluded at disproportionate rates. Further, non-FRL students are the most likely to receive something other than exclusionary discipline or ISS for truancy. See Figure 14.

**Figure 9: Special education and income disparities in disciplinary referrals (all infractions) and associated consequences**



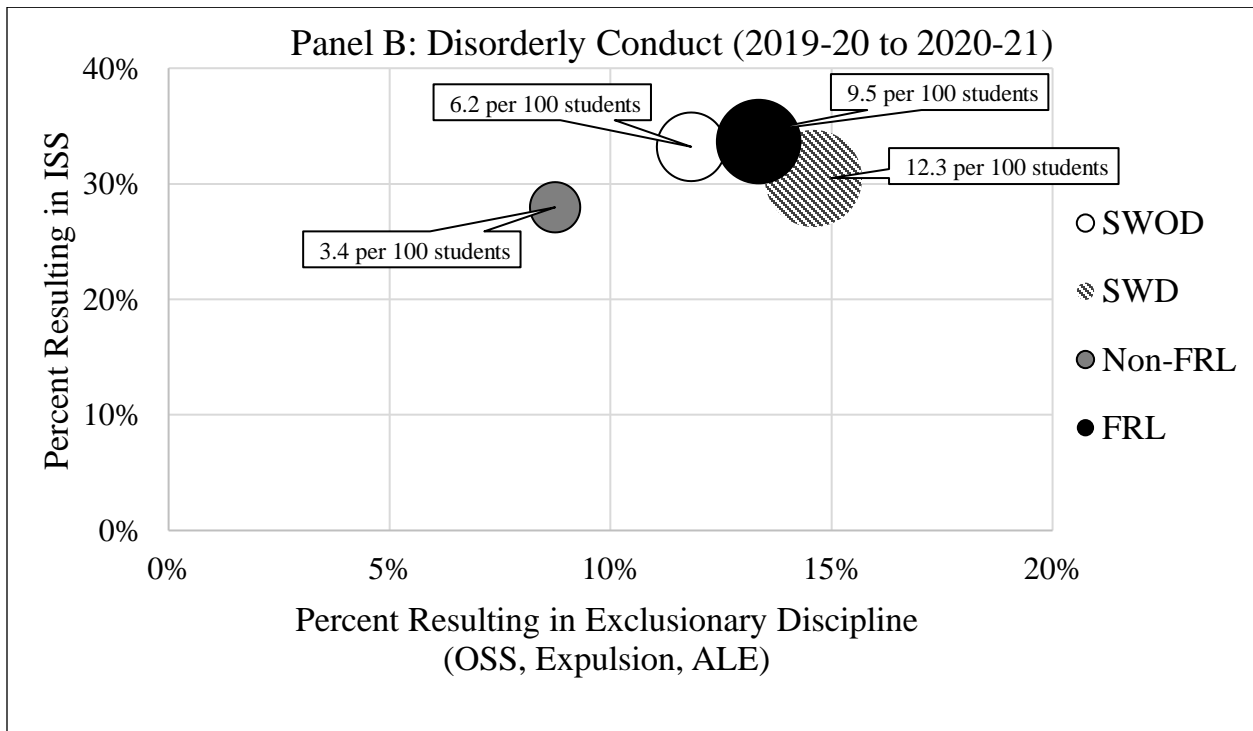
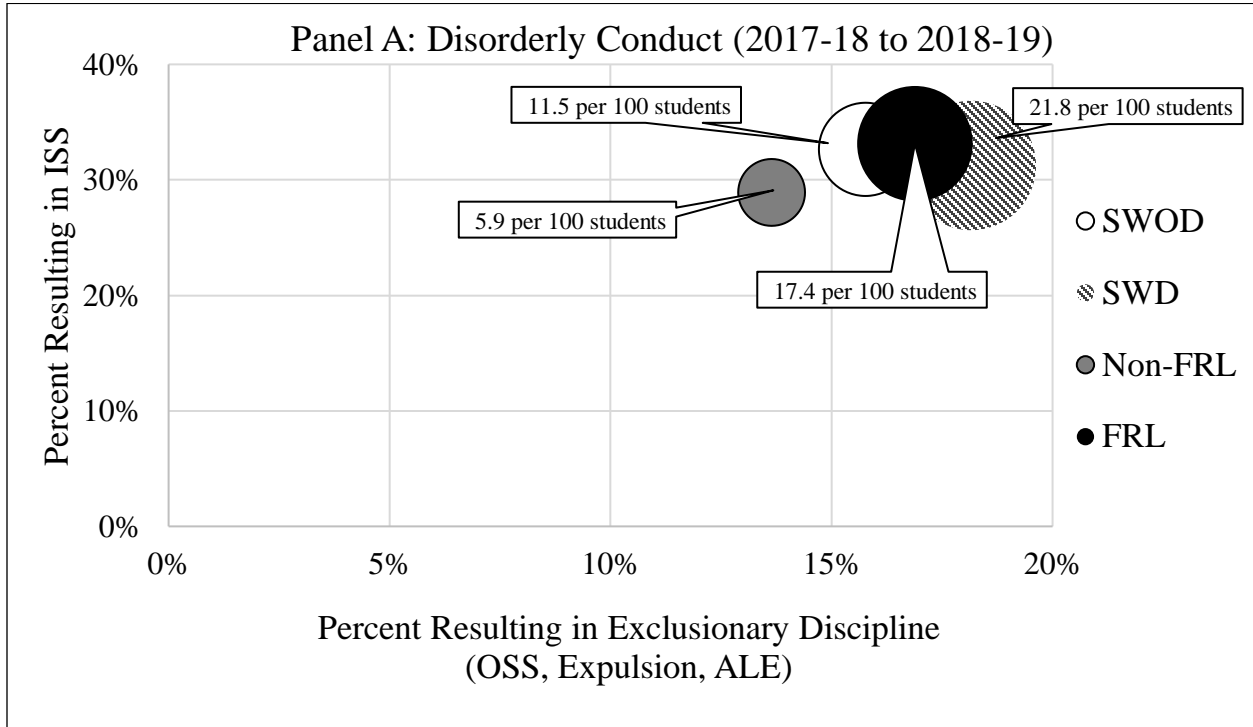
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students.

**Figure 10: Special education and income disparities in disciplinary referrals (other non-specified infractions) and associated consequences**



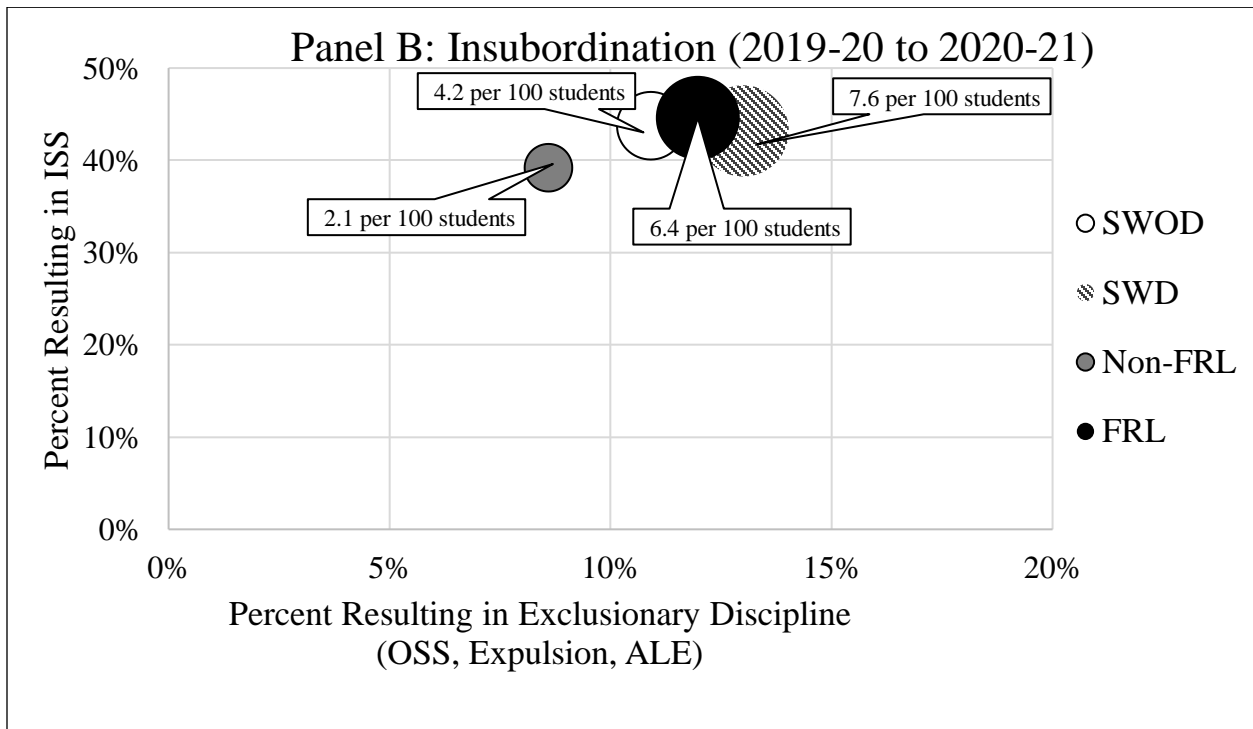
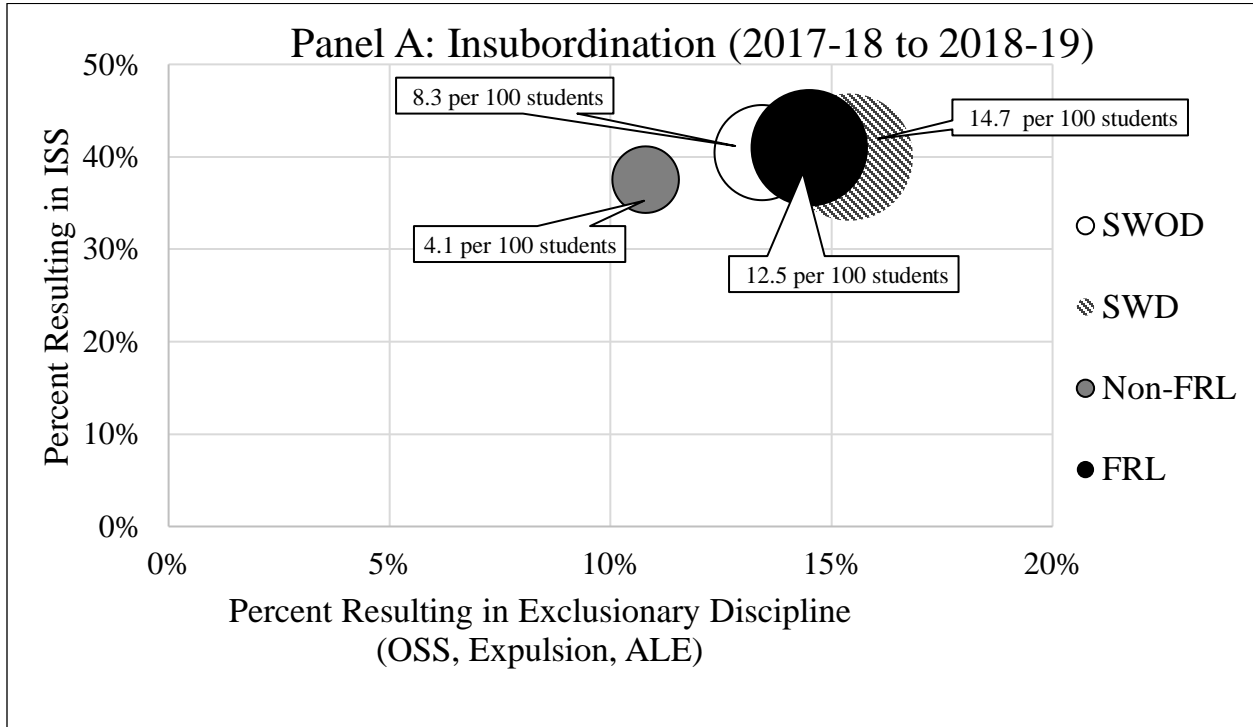
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students.

**Figure 11: Special education and income disparities in disorderly conduct referrals and associated consequences**



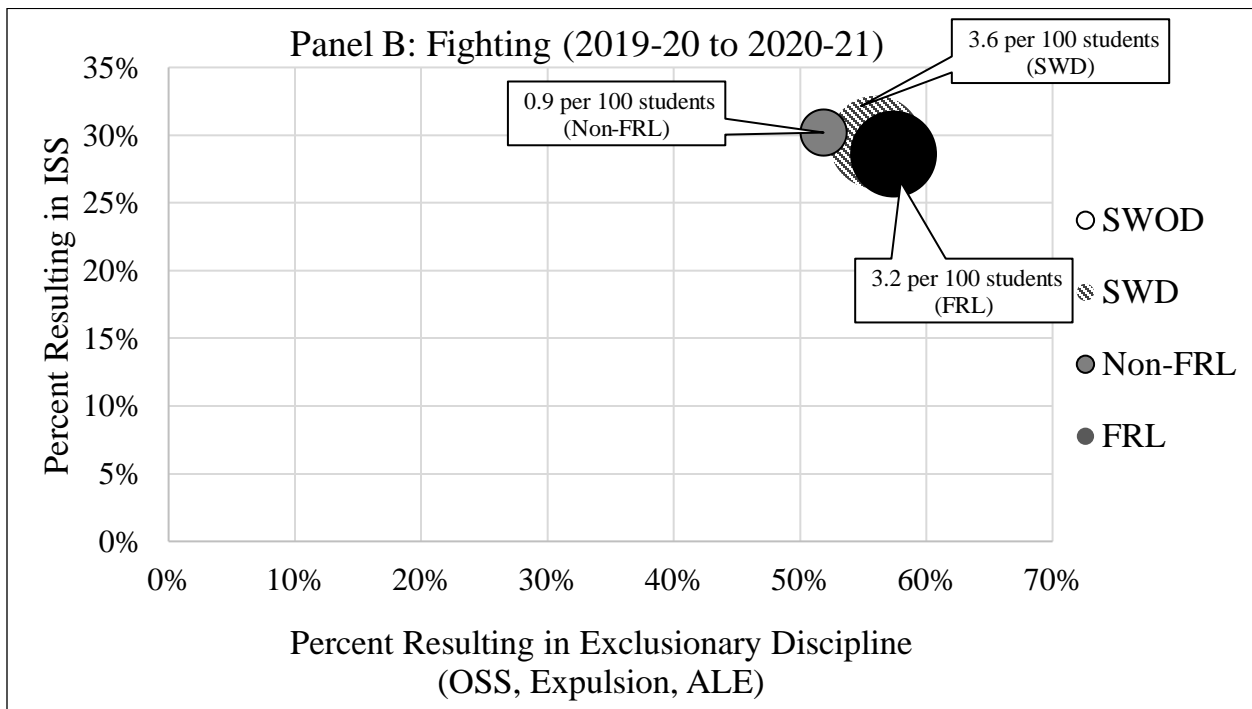
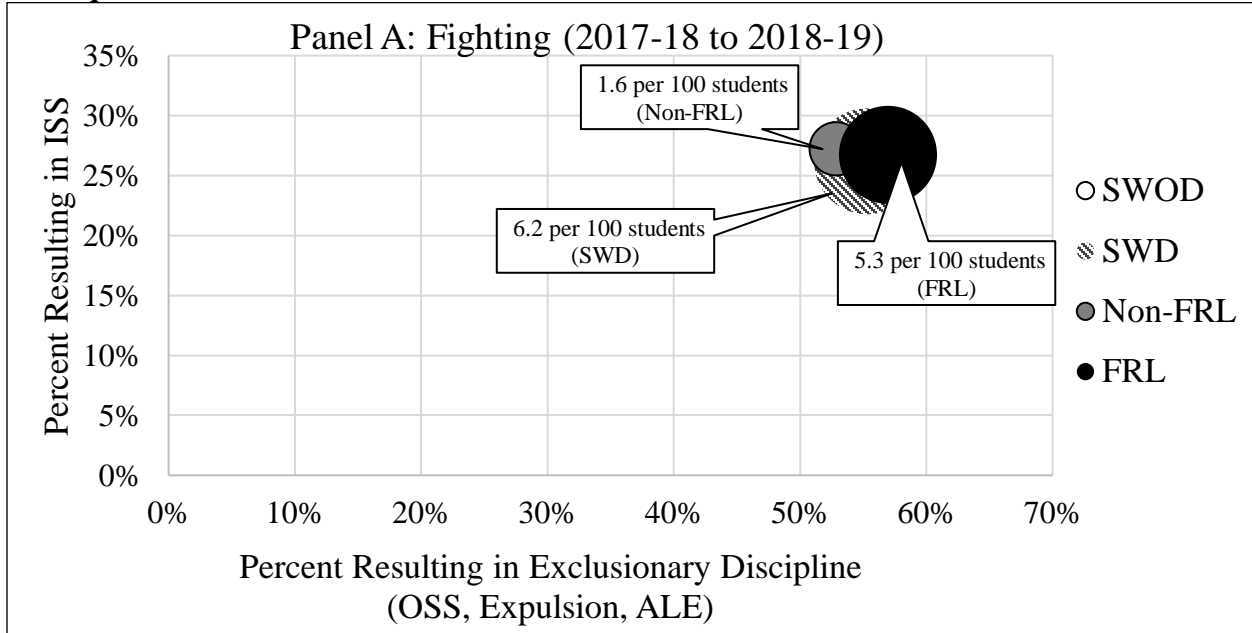
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students.

**Figure 12: Special education and income disparities insubordination referrals and associated consequences**



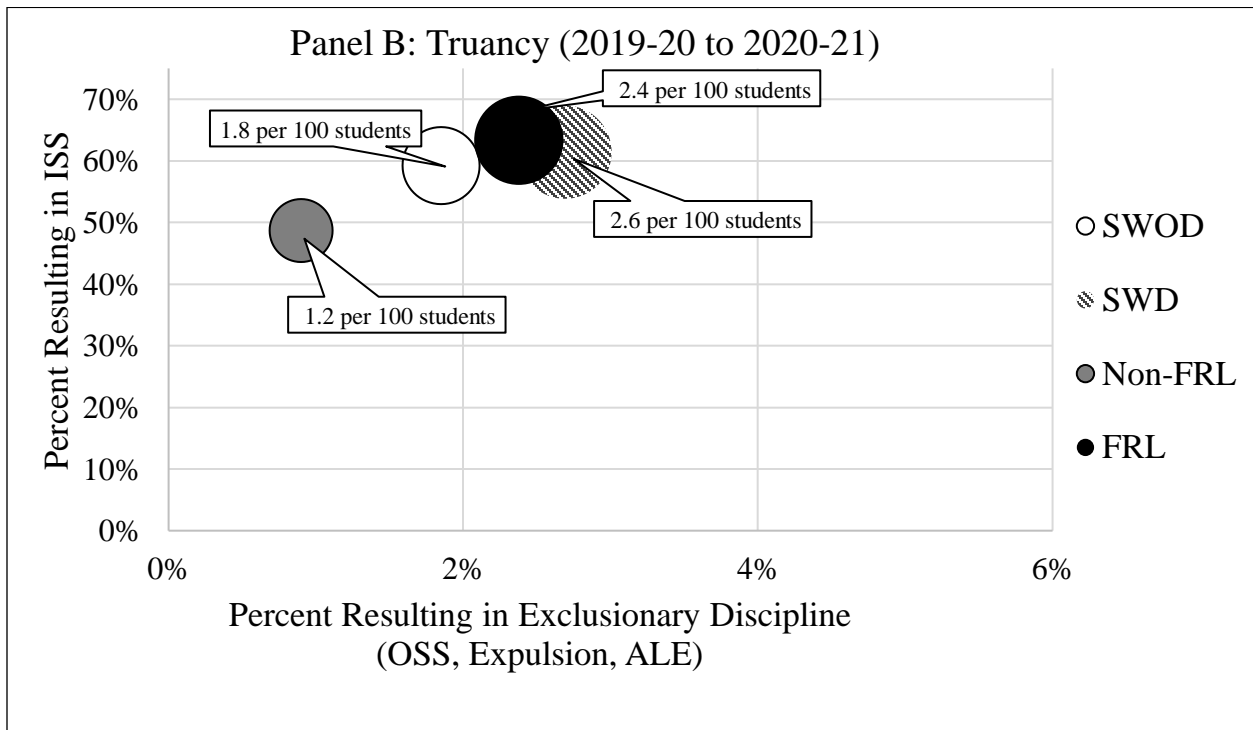
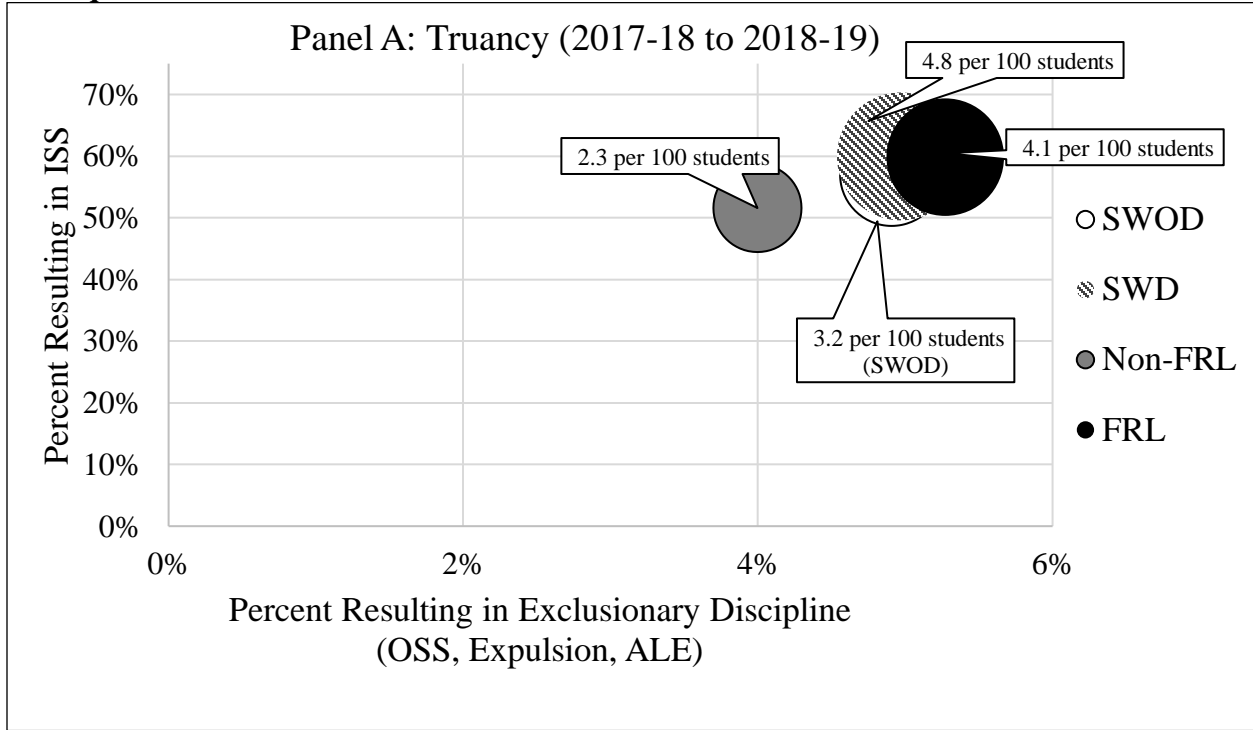
Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students.

**Figure 13: Special education and income disparities in fighting referrals and associated consequences**



*Note.* Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students. The bubbles for students without disabilities (SWOD) are completely hidden behind the larger SWD bubbles in both Panels A and B. In Panel A, SWOD have 3.5 fighting incidents per 100 students, with an exclusionary discipline rate of 57% and an ISS rate of 27%. This is completely hidden behind the larger SWD bubble (6.2 per 100 student), with very similar consequence rates. Similarly, in Panel B, SWOD have 2.0 fighting incidents per 100 students, with an exclusionary discipline rate of 57% and an ISS rate of 29%. This is completely hidden behind the larger SWD bubble (3.6 incidents per 100 students), with very similar consequence rates.

**Figure 14: Special education and income disparities in truancy referrals and associated consequences**



Note. Relative sizes of the bubbles (labelled) indicate the number of infractions per 100 students.

## VI. Discussion and Key Takeaways

This report analyzed a number of student outcomes related to student discipline in the Arkansas public schools. While the data are limited to discipline infractions and consequences reported by schools as part of their administrative records, and while the reported incidents are not directly comparable across years, due in part to changes in reporting practices and COVID-19 related schooling disruptions, there are several meaningful findings from this work. We conclude with a number of key takeaways and recommendations:

- 1) Reports of disciplinary incidents (and associated consequences) are substantially lower in the two most recent school years (2019-20 and 2020-21), relative to previous years. This is likely due to a combination of factors including COVID-19 related school closures beginning in March 2020 through the end of the school year, as well as continued disruption to typical face to face learning through the 2020-21 school year. Further, a number of elementary schools that reported disciplinary incidents in 2018-19 stopped reporting in the last two years. It is unclear whether this is a decline in actual misbehavior, a change in reporting practices, or a combination of the two. If the state was interested in understanding the underlying reasons for the declines in student disciplinary incidents in these past two years, a more extensive investigation including survey or interview data could shed light in ways that the administrative data alone cannot. Given that the pandemic is exacerbating educational inequalities that already existed pre-COVID, we recommend the state consider a larger investigation into how schools are addressing behavioral issues, mental health issues, and school climate issues more broadly, going forward.
- 2) Although additional categories of infractions and consequences were reported by the state beginning with the 2016-17 school year, the categories of “other” infractions and “other” consequences (i.e., those that do not fall into a state reporting category) remain quite large, representing approximately 37-38% of reported infractions, and approximately 17-18% of reported consequences in recent years. In light of the large remaining “other” categories, we recommend that the state should assess whether the reporting categories reflect the current needs of the state and consider clarifying or expanding the reporting categories.
- 3) The vast majority (approximately 80%) of discipline referrals reported over the past ten years are for insubordination, disorderly conduct, or “other” infractions, indicating that the vast majority of reported infractions are relatively subjective. There are wide racial disproportionalities for these relatively subjective categories. Given the frequency and subjectivity of these reports, this indicates an opportunity for further investigation into the drivers of these high rates and high disproportionalities for relatively subjective infractions, as well as for targeted interventions aimed at prevention of disproportionalities at the school level.
- 4) The most common consequences for disciplinary incidents are in-school suspension (ISS, 36.4%), “other” non-specified consequences (23.3%), and out-of-school suspension (OSS, 18.9%). There has been a steady decline in reported reliance on OSS and corporal punishment over time, while “other” consequences have steadily increased. This increase leads to our suggestion that the state assess whether the reporting categories reflect the current needs of the state and consider clarifying or expanding the reporting categories.



- 5) Suspensions in grades K-5 have declined significantly, in line with the expectations of Act 1059 of 2017. However, a large proportion of remaining elementary-aged suspensions are for relatively subjective categories such as disorderly conduct, insubordination, and “other.” For example, in 2020-21, these three infraction types represented approximately 58% of elementary-grade suspensions and expulsions. This suggests that there is still room for improvement in terms of limiting suspensions to only extreme cases that pose a physical risk or cannot be addressed through other means, as intended by the law.
- 6) Further, while the number of suspensions and expulsions decreased significantly over time in grades K-5, Black students in grades K-5 were still about 4.1 times as likely as White students to receive at least one OSS or expulsion in 2019-20, and about 2.5 times as likely as White students to receive at least one OSS or expulsion in 2020-21. This indicates a continued need to further address racial disproportionalities, despite the overall reduction in exclusionary discipline in Arkansas’ elementary schools.
- 7) The state has made substantial progress with respect to Act 1329 compliance. Specifically, use of OSS for truancy, banned by Act 1329, declined from 13.9% of all truancy cases in 2012-13 to 1.4% of cases in 2020-21.
- 8) As we have consistently reported, disproportionalities by race, free- and reduced-price lunch eligibility, and special education status exist both in terms of the number of referrals for infractions of various types, as well as in the likelihood of receiving exclusionary discipline, conditional on referral for a particular type of infraction. Notably, these disproportionalities are largely driven by larger numbers of subjective infractions such as disorderly conduct, insubordination, and “other.” Despite declines in counts of disciplinary reports during the two most recent COVID-19 affected years, disproportionalities remain high. We recommend the state consider a larger investigation into how schools are addressing behavioral issues, mental health issues, and school climate issues more broadly, particularly for students in these populations at greater risk of identification and exclusionary discipline.

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