
School Discipline

African American students disproportionately disciplined in Georgia schools as well as other school districts in the South

**A Report of the Georgia Advisory Committee to the
United States Commission on Civil Rights**

April 2013

State Advisory Committees to the U.S. Commission on Civil Rights

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Georgia Advisory Committee to the U.S. Commission on Civil Rights

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Letter of Transmittal

Georgia Advisory Committee to the U.S. Commission on Civil Rights

The Georgia Advisory Committee to the U.S. Commission on Civil Rights (Commission) submits this report on school discipline as part of its responsibility to examine civil rights issues in Georgia under the jurisdiction of the Commission. This report was adopted by a vote of 11 yes, 0 no, and 1 member not voting.

The Georgia Committee examined three mid-size school districts with enrollments that ranged from about 12,000 students to 20,000 students. The Committee found that African American students are more likely than white students to be suspended, placed into alternative education settings, and expelled. This trend is similar to that found in school districts examined by state advisory committees in Florida, Kentucky, South Carolina, and Tennessee.

The occurrence of a disparate impact in and of itself along racial lines—despite exhibiting statistical significance—should not be inferred to necessarily imply discrimination on the part of a school district nor a racial bias in the administration of discipline. Other factors outside the control of the school contribute to a student's academic behavior and performance, and such individual factors were not considered in the analysis. Nevertheless, a significant racial disparity does exist and its perpetuation is serving to promote a burgeoning underclass of poorly educated persons based upon race.

This is a serious situation, and one that should not be left alone to our schools to resolve. As Neil Shorthouse told the Georgia Advisory Committee at a public briefing on the issue: “Disorderly schools and school failure are ultimately the responsibility of the community. Schools cannot succeed apart from the community. Schools were never designed to be responsible for the whole enterprise of education. Schools have to involve parents and the community in the education of children. When schools have high quality community engagement programs, and do not try to own education exclusively, we will have far fewer children ending up in alternative schools.”

To the Georgia Advisory Committee, it is imperative that the citizens of this country from all racial and ethnic backgrounds give their attention to this problem and work collaboratively to figure out ways to effectively educate all children. To ignore this problem as an issue of concern only to a minority of the population is a mistake. The nation's future prospects for widespread prosperity and an effective participatory democracy are at stake.

Respectfully,
Charles B. Tanksley,
Chairman
Georgia Advisory Committee

School Discipline and Equal Education Opportunity

Equal educational opportunity has been an ongoing concern of the U.S. Commission on Civil Rights (Commission) in recent decades. In 1977 the Commission released its first study on equal education opportunity in a report on school desegregation.¹ In the 1990s the Commission followed with a 5-series report on equal educational opportunity.²

Most recently, the Commission examined school discipline practices and disparate impact. In a briefing conducted in 2011, the Commission examined the effect that the U.S. Department of Education's Fall 2010 Disparate Impact initiative had on schools and school districts across the country.³

The briefing identified a common theme among most of the teachers. This is that disciplinary problems can be greatly reduced through individualized instruction based on the student's capabilities, cultural sensitivity or competency, parental involvement and support, and effective school leadership. School administrators indicated as well that disciplinary problems could be reduced through consistent application of a transparent and uniform school-wide disciplinary policy.⁴

School Discipline—concern regarding possible racial disparate impact

Nationwide surveys of teachers and parents find student discipline to be a major concern. Although most schools across the country have problems with student behavior, the issue

appears to be most acute in schools with high poverty rates among their students. Teachers in schools with high concentrations of low-income students are more likely to report specific discipline problems such as classroom disruptions, disrespect towards teachers, and rowdiness.⁵

It is recognized that factors outside the control of the school affect a child's prospects for academic success. The relationship between poverty and low academic achievement is well-documented, and this effect becomes more noticeable as students from low-income families are increasingly isolated from their more advantaged peers.

In the United States poverty is related to race, disproportionately affecting minorities and children. In 2008, less than 10 percent of whites lived in poverty, compared to 23 percent of Hispanics and 25 percent of African Americans. Across the nation, one-third of African American children and nearly 30 percent of Latino children live in poverty.⁶

Neighborhood poverty, as well, appears to affect education success. A recent study found neighborhood poverty predictive not only of basic skill acquisition but also of behavioral problems among young children. Children in poor neighborhoods were found to significantly be more likely to exhibit both anxious and aggressive behavior, regardless of parenting behavior. Authors of the study concluded that living in a poor neighborhood may be particularly stressful for young children, as poor neighborhoods may increase the stress levels of parents and older siblings and thus indirectly increase the stress among younger children.⁷

¹ U.S. Commission on Civil Rights *Reviewing A Decade of School Desegregation: 1966-1975*, (1977).

² U.S. Commission on Civil Rights, *Equal Educational Opportunity Project Series (1995), Equal Educational Opportunities and Nondiscrimination for Students with Disabilities (1997), Equal Education Opportunity and Nondiscrimination for Students with Limited English Proficiency (1997), Equal Educational Opportunity and Nondiscrimination for Minority Students: Federal Enforcement of Title VI in Ability Grouping Practices (1999), Nondiscrimination for Girls in Advanced Mathematics, Science, and Technology Education: Federal Enforcement of Title IX (2000)*.

³ U.S. Commission on Civil Rights, *School Discipline and Disparate Impact*, Briefing Report (2011).

⁴ *Ibid.*, Transmittal Letter.

⁵ See *inter alia*, Public Agenda, *Teaching Interrupted: Do Discipline Policies in Today's Public Schools Foster the Common Good?*, May 2004.

⁶ See *inter alia*, Jane Hanaway, Urban Institute, "Poverty and Student Achievement: A Hopeful Review," at <http://www.urban.org/publications/1000887.html> (last accessed Aug. 6, 2010).

⁷ Sandraluz Lara-Cinisomo, Anne R. Pebley, Mary E. Vaiana, Elizabeth Maggio, Mark Berends, and Samuel R. Lucas, "A Matter of Class," the Rand Corporation, Fall 2004, <http://www.rand.org/publications/randreview/issues/fall2004/class.html#src-mobile> (last accessed 1/25/2011).

In addition to poverty, parental involvement and the child's family home environment are increasingly advanced as significant factors beyond the control of the school system that play significant roles in the academic success of children. Parental involvement has been shown to be related to academic achievement, and there is evidence that family characteristics and activities also have important effects on the intellectual development of children and performance in school. Recent research also shows that when parents increase their involvement in their child's school activities, such as with increased visits to the school and by encouraging educational progress at home, problem behaviors at school decrease.⁸

Regardless of the problems and challenges that children bring to school, public schools are expected to teach the children who come to their schools and to do so in an orderly environment. Current research supports a specific set of effective school discipline policies that minimize academic failure, school dropout, and involvement in the juvenile justice system. Such discipline practices help maintain equity in school discipline by employing collaboration among school staff to design effective, proactive discipline plans.

At a briefing of the chairs of the state advisory committees of the Commission's Southern Region, it was reported that African American and other minority children are receiving a disproportionate amount of administered discipline in the public schools. African American and Latino children are almost three times more likely to be suspended from school compared with white students. Stemming from these practices, African American children and other minority children are disproportionately removed from the regular classroom and placed into alternative education programs. Reportedly, the social isolation from exclusionary discipline practices is in turn correlated with a greater likelihood of dropping

⁸ See *inter alia*, Nermeen E. El Nokali, Heather J. Bachman and Elizabeth Votruba-Drzal, "Parent Involvement and Children's Academic and Social Development in Elementary School," *Child Development*, May/June 2010, pp. 988-1005.

out of school, which in turn often leads to eventual future incarceration.⁹

A recent study in Texas supports the concern heard by the chairs at the briefing about a racial disparity in the administration of school discipline. In groundbreaking research, instead of relying on a sample of students, the individual student records for all seventh-grade public school students in Texas were examined over a six-year period, creating a statewide longitudinal study. The researchers controlled for more than 80 variables, effectively isolating the impact of independent factors on the likelihood of a student's being disciplined.¹⁰

A study of all Texas 7th grade students, found African American students have a 31 percent higher likelihood of a disciplinary action, compared to white students.

Using this analysis, African American students were found to have a 31 percent higher likelihood of a disciplinary action, compared to otherwise identical white and Latino students. Moreover, 83 percent of African American male students had at least one discipline violation compared to 74 percent for Latino male students and 59 percent for white male students.¹¹

The concern for the Georgia Advisory Committee is that for too many minority school-age children, school discipline practices may have the unintended consequence to retard academic success and instead push too many children out of school and into the criminal justice system.

⁹ Briefing to the chairs of the Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee Advisory Committees, Atlanta, GA, Sept. 9, 2009.

¹⁰ The Public Policy Research Institute at Texas A&M University and the Council of State Governments Justice Center, *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*, July 2011, Executive Summary.

¹¹ *Ibid.*

Georgia Advisory Committee examines racial disparities in school discipline

In 2010, the Georgia Advisory Committee held a briefing on the issue of school discipline in preparation for an examination of the issue.¹² The Committee heard testimony from educators, researchers, early childhood program directors, and officials involved with the criminal justice system.

Malcolm Ratchford, a Head Start program director, told the Georgia Advisory Committee that dealing with disruptive children is a hard and taxing assignment for teachers and school officials. Dealing with classrooms of disadvantaged children and working under demanding circumstances, the challenge to educators is not to quickly dismiss disruptive children as uneducable. Sadly, it is often easier for teachers to dismiss these children as uneducable rather than to attend to their needs.

There are many factors that contribute to increasing challenging behaviors. Children will definitely display challenging behavior because of some of these factors. As a result, often, somewhere along the line, teachers give up in regards to bad behavior and what happens over the years is that these children are shunned and the support network for these children diminishes.¹³

Rob Rhodes, director of the Appleseed Center for Law & Justice, stated that punitive school discipline—as usually practiced—acts to put students behind academically. That in turn leads to more discipline problems.

A lot of school discipline problems start when students are suspended. They fall behind academically. When these students cannot catch up, they resort to more bad behaviors. This in turn leads to more suspensions and a continuing cycle of discipline until they drop-out of school. Still, when researchers control for the nature of the offense, such as “disrupting school,” a disproportionate effect along racial lines is exhibited¹⁴

Derrick Schofield, Commissioner for the Tennessee Department of Corrections, argued that inflexible school discipline policies exacerbate discipline problems.

A lack of academic progress is often misconstrued to be resistance, and is often dealt with in a negative manner. We cannot allow the implementation of policies to turn schools into prisons. Some controls and security measures are necessary, but if you create an environment that models a secure facility what results are expected? If we do not engage students as individuals by showing a respect for their needs, we are fighting a battle that will only get worse.¹⁵

According to Neil Shorthouse, president of Communities in Schools, disorderly schools and school failure are ultimately the responsibility of the community.

Schools cannot succeed apart from the community. Schools were never designed to be [responsible] for the whole enterprise of education. Schools have to involve parents and the community in the education of children. When schools have high quality community engagement programs, and do not try to own education exclusively, we will have far fewer children ending up in alternative schools.¹⁶

For this study, the Georgia Advisory Committee examined aggregate discipline actions in three selected mid-sized school districts to learn if there was a disproportionate impact on minority students. The three selected districts, Columbia County, Glynn County, and Troup County, are neither considered a representative sample nor districts considered to be problematic, but were selected on the basis of three criteria: (1) a total enrollment of about 15,000 students, (2) white enrollment two-thirds of total enrollment, and (3) representative of three distinct geographic areas of the state. The study does not purport to be an investigation of discrimination of the selected school districts, nor a finding of racial bias in school discipline.

¹² Briefing on school discipline by the Georgia Advisory Committee to the U.S. Commission on Civil Rights, Atlanta, GA, Jan 22, 2010 (hereafter referred to as School Discipline briefing).

¹³ Malcom Ratchford, testimony, School Discipline briefing.

¹⁴ Rob Rhodes, director, telephone interview, Apr. 10, 2010.

¹⁵ Derrick Schofield, School Discipline briefing. (Derrick Schofield was the assistant commissioner for the Georgia Department of Corrections at the time of the briefing.)

¹⁶ Neil Shorthouse, School Discipline briefing.

School Discipline in Columbia County Public Schools

The Columbia County School District (CCSD) is a medium size district, with an enrollment of 23,772 students. CCSD operates 31 schools, which include 17 elementary schools, eight middle schools, and five high schools, and one alternative school.¹⁷

Whites are the majority of students in the district and comprise about two-thirds of all students. African Americans are the second largest racial/ethnic group, and account for 17 percent of the student population. Latinos and Asian students are 7 percent and 4 percent of student enrollment, respectively. (See Table 1.)

Table 1: Student enrollment in the Columbia County Public School District by race and ethnicity, 2009-2010 school year

	Number	Percent
White	15,992	67.3
African American	4,058	17.1
Latino	1,683	7.1
Asian	997	4.2
Other	1,062	4.3
Total	23,772	100

Source: Georgia Advisory Committee from Georgia Department of Education data.

In contrast to the student population, the faculty in CCSD is predominantly white. Of the 1,487 teachers in the district, 1,351 (91 percent) are white. Though African Americans are 17 percent of students, only 5 percent of the faculty are African American. Latinos and other racial and ethnic groups collectively comprise less than 3 percent of the teachers in CCSD.¹⁸

The dropout rate for students in grades 9-12 in CCSD is similar to the state dropout rate, and similar among racial and ethnic groups. The drop-out rate for white students in grades 9-12 was 3.6 percent for the 2009-10 school year, compared to 3.7 for African American students and 4.1 percent for Latino students.¹⁹

¹⁷ Georgia Department of Education, *School Report Cards, 2010*, Columbia County School District at <http://www.doe.k12.ga.us> (last accessed Mar. 1, 2011).

¹⁸ Ibid.

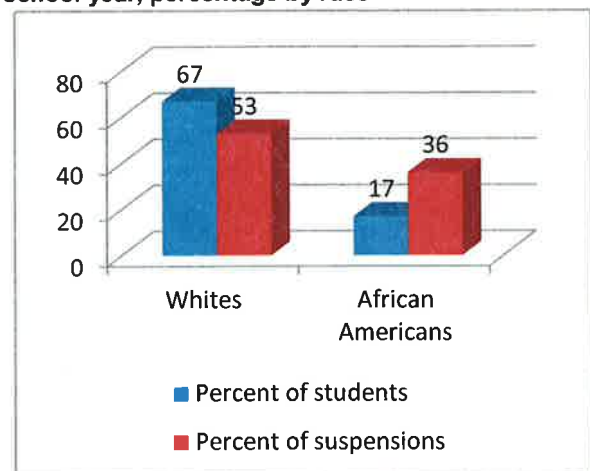
¹⁹ Ibid.

African American students in CCSD receive disproportionate number of out-of-school suspensions

In the most recently completed school year, CCSD meted out a total of 1,977 out-of-school suspensions. Notably, middle school students, i.e., students in grades 7, 8, and 9, are the most likely to receive out-of-school suspensions, with 54 percent of all suspensions.²⁰

Along racial lines, African American students in the district were much more likely to be suspended than white students. Overall white students in the district, who are 67 percent of all students, received 53 percent of out-of-school suspensions. In contrast, African American students received 36 percent of all out-of-school suspensions, though they comprise just 17 percent of all students. (See Figure 1.)

Figure 1: CCSD out-of-school suspensions, 2010 school year, percentage by race



Source: Georgia Advisory Committee from Columbia County School District data.

Statistically, the observed relationship between out-of-school suspensions and race is considered to be highly significant.²¹ The likelihood of observing this difference in out-of-school suspensions along racial lines by chance is less than 1 in 1,000.

²⁰ CCSD discipline data provided in response to a request from the Georgia Advisory Committee, Jan. 27, 2011 (hereafter CCSD school discipline data).

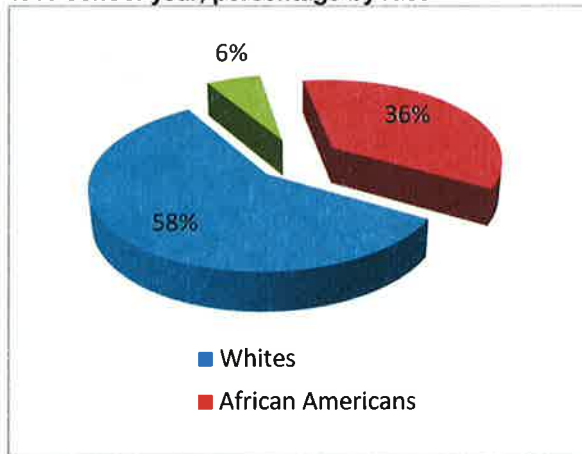
²¹ $\chi^2 = 372.9$; $p = 0.0001$.

African American students in CCSD disproportionately placed into alternative education programs

Referral to an alternative education for disciplinary reasons is initiated by the student’s regular school. Placement into an alternative educational program has two educational consequences for the child. First, it removes the child from him/her normal instructional setting. Second, it removes his/her from a situation where most children behave in an orderly fashion and places him/her in an environment where all the other children in the program have previously exhibited serious disruptive classroom behavior.

The Georgia Advisory Committee found that African American students in CCSD were much more likely to be placed into an alternative school program compared to white students. During the 2010 school year, 179 students in CCSD were placed into an alternative school discipline setting.

Figure 2: CCSD Alternative School Placement, 2010 school year, percentage by race



Source: Georgia Advisory Committee from Columbia County School District data.

White students in the district, who are 67 percent of all students, received 58 percent of all alternative school placements for disciplinary reasons. In contrast, African American students, who are 17 percent of all students, received 36 percent of all alternative school placements. (See Figure 2.) The relationship between the placement in the alternative school and race is statistically significant.²²

²² $\chi^2 = 33.166; p=0.0001$.

Expulsions from school in CCSD, however, do not display a noticeable disproportionate impact along racial lines. In the 2010 school year, 33 students in CCSD were expelled from school—a rate of one expulsion for every 700 students. Nine of the students expelled (27 percent) were African American; and 21 (64 percent) were white.²³

District official speaks to commitment for every child having success in school

The Georgia Committee solicited the opinion of Charles R. Nagle, the superintendent of the Columbia County School District, regarding the disproportionate impact of school discipline in his district. Superintendent Nagle responded:

It should be noted that the Columbia County School District has codes of conduct that provide for progressive discipline dependent upon age. These codes clearly define appropriate disciplinary action for behaviors, specifically those resulting in suspension. If a behavior or violation of the code is found to have occurred, the code clearly outlines proper disciplinary action, leaving, little, if any, discretion for the school administration’s application of discipline.²⁴

It is evident by this survey that the School District considers expulsion a last resort and makes great effort to address student behavior in such a manner to keep students in school and to promote the ultimate goal of high school graduation. It is positive to note that no disproportion exists in this area. In accordance with the findings of this study, the School District does recognize that there are multiple factors that influence students’ behavior and those factors should be studied. School administrators and faculty members should work closely with their community to provide an expectation of and the ability for all students to embrace the type of behavior that promotes maximum student learning for all students in a safe, positive environment.²⁵

²³ CCSD school discipline data.

²⁴ Charles R. Nagle, letter to Peter Minarik, Jun. 24, 2011.

²⁵ Ibid.

School Discipline in Glynn County Public Schools

Glynn County is located in the southeastern part of the state. The Glynn County School District (GCSD) has an enrollment of 12,326 students and operates 22 schools.²⁶ The district is a Title I school district, and received \$3.8 million in federal funding during the 2010-11 school year.

White students are half of the student population in GCSD. Among all other racial and ethnic groups, African Americans are the second largest group, comprising about one-third of the student population. Latino students are the third largest racial/ethnic group, at about 10 percent of total enrollment. (See Table 2.)

Table 2: Student enrollment in the Glynn County Public School District by race and ethnicity, 2009-2010 school year

	Number	Percent
White	6,173	50.2
African American	4,351	34.9
Latino	1,146	9.1
Asian	123	1.1
Other	533	4.7
Total	12,326	100

Source: Georgia Advisory Committee from Georgia Department of Education data.

The demographic composition of teachers in GCSD differs from that of the students. Only 13 percent of the faculty are African American, while whites are 83 percent of all teachers. Other racial and ethnic groups comprise about 4 percent of the faculty.²⁷

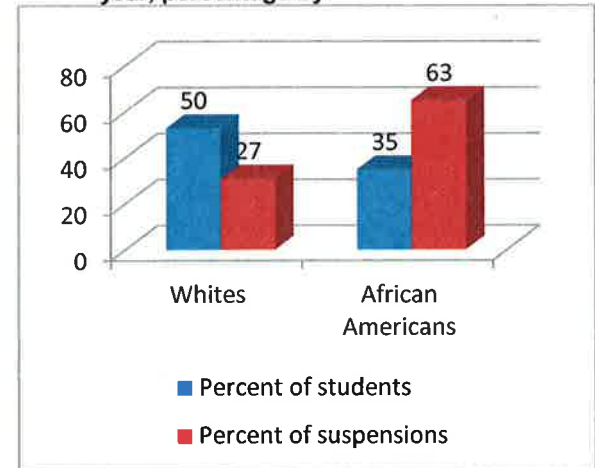
The dropout rate for African American students in grades 9-12 in GCSD at 4.7 percent is marginally higher than the white dropout rate of 3.4 percent. The drop-out rate for Latino students is the lowest of the three comparison groups, at 2.9 percent.²⁸

African American students in GCSD receive disproportionate number of out-of-school suspensions

In the most recently completed school year, GCSD meted out a total of 1,220 out-of-school suspensions. This is a rate of one suspension for every 10 students in the district. Similar to the Columbia County School District, middle school students in GCSD in grades 7, 8, and 9 are the most likely to receive out-of-school suspensions, receiving 43 percent of all suspensions.²⁹

Along racial lines, African American students in the district were much more likely to be suspended than white students. Overall white students in the district, who are 50 percent of all students, received 27 percent of out-of-school suspensions. In contrast, African American students received 63 percent of all out-of-school suspensions though they comprise just 35 percent of all students. (See Figure 3.)

Figure 3: GCSD out-of-school suspensions, 2010 school year, percentage by race



Source: Georgia Advisory Committee from Glynn County School District data.

Similar to the suspension rates observed in the Columbia County School District, the correlation between out-of-school suspensions and the race of the student in GCSD is statistically significant.³⁰

²⁶ Georgia Department of Education, *School Report Cards*, 2010, Glynn County School District at <http://www.doe.k12.ga.us> (last accessed Mar. 1, 2011).

²⁷ Ibid.

²⁸ Ibid.

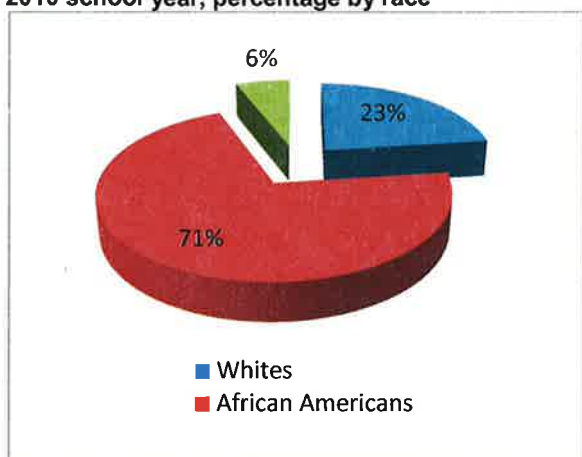
²⁹ GCSD discipline data provided in response to a request from the Georgia Advisory Committee, Jan. 31, 2011 (hereafter CCSD school discipline data).

³⁰ $\chi^2 = 330.9$; $p=0.0001$.

African American students in GCSD disproportionately placed into alternative education programs

Recognizing that referral to an alternative educational program can be disruptive to a child’s academic success, before a child is placed into an alternative education school in GCSD students undergo an assessment process. As part of this process, school administrators, teachers, and the assistant director of alternative education meet with the student and his/her family to discuss the decision for placement into such a school setting.

Figure 4: GCSD Alternative School Placement, 2010 school year, percentage by race



Source: Georgia Advisory Committee from Glynn County School District data.

Notwithstanding the attention given by the district to the assessment process, student placement into alternative educational programs for disciplinary reasons disproportionately impacts African American students. During the 2010 school year, there were 141 such student placements. White students, who are 50 percent of all students, received 23 percent of all alternative school placements. In contrast, African American students received 71 percent of all alternative school placements, although they comprise just 35 percent of all students. (See Figure 4.) The observed relationship between the placement in the alternative school and race is statistically significant.³¹

Expulsions were employed with much less frequency in GCSD than the other two examined districts, but still displayed a disproportionate impact on African American students. In the 2010 school year, 18 students in the district were expelled from school—a rate of one expulsion for every 900 students in the district. Along racial lines, African Americans were the racial group of students expelled most often, receiving 14 of the 18 expulsions. Three white students were expelled during the school year, and one Hispanic student was expelled.³²

District official acknowledges disparity, says district is making progress

The Georgia Committee solicited the opinion of Howard S. Mann, superintendent of the GCSD, regarding the disproportionate impact of school discipline in his district. Superintendent Mann said that the district recognizes the problem and is working to address it.

There are many social factors that impact student misbehavior. Home environment, poverty, and family structure all have an impact on the behavior of children in school. Unfortunately, a disproportionate number of African American children come from homes with negative factors.³³

We know that there is a disproportionate number of African American youth suspended and expelled. This is a problem. We monitor our discipline practices on a regular basis and are working on strategies to eliminate the existing gap through various initiatives as well as the achievement gap that exists. The district has made a number of improvements in recent years, and the district has implemented a “School Choice” plan that provides opportunities for all students to choose from a variety of academic and magnet-themed schools at elementary, middle, and high school. So while statistics are important, they do not tell the whole story.³⁴

³² GCSD school discipline data.

³³ Howard S. Mann, superintendent, Glynn County School District, telephone interview, Apr. 27, 2011.

³⁴ Ibid.

³¹ $\chi^2 = 62.1$; $p=0.0001$.

School Discipline in Troup County Public Schools

Troup County is in the central eastern part of the state along the Alabama border. The Troup County School District (TCSD) has an enrollment of about 12,500 students. TCSD operates 22 schools, which includes one alternative school.³⁵ The district is a Title I school district, and received \$3.5 million in federal funding during the 2010-11 school year.

White students are about half of the student population in the district, comprising just a little more than 53 percent of all students. African Americans are the second largest racial/ethnic group at 35 percent of the student population. No other racial/ethnic group in the district exceeds 5 percent. (See Table 3.)

Table 3: Student enrollment in the Troup County Public School District by race and ethnicity, 2009-10 school year

	Number	Percent
White	6,666	53.3
African American	4,402	35.2
Latino	528	4.4
Asian	364	3.1
Other	516	4
Total	12,578	100

Source: Georgia Advisory Committee from Georgia Department of Education data.

As observed in the Columbia and Glynn County School districts, there is an imbalance between the racial and ethnic composition of the student body and the racial and ethnic composition of the faculty. Whites are 85 percent of the teachers in TSCD, while African Americans are just 12 percent of the district's faculty.³⁶

The dropout rate for African American students in grades 9-12 in TCSD is very low, just 2.2 percent. The overall dropout rate in TCSD is also very low, 1.9 percent—a rate that is substantively less than the state dropout rate of 3.7.³⁷

Under TCSD's Student Behavior Code, certain violations are designated as mandatory hearing offenses, which means that the guilt or innocence of the student and any punishment imposed is vested solely in a disciplinary hearing tribunal. The mandatory hearing offenses include:

- Aggravated assault
- Battery, Aggravated battery;
- Hazing;
- Theft by Taking, Theft of Lost or Mislaid Property;
- Theft by Receiving Stolen Property;
- Theft by Extortion;
- Robbery, Armed Robbery;
- Possession of Weapons, Dangerous Instruments or Explosive Compounds;
- Possession of Drugs or Alcohol;
- Sale of Drugs or Alcohol;
- Use of Drugs or Alcohol;
- Possession of Drug Related Objects;
- Riot, Inciting to Riot;
- False Report of a Fire;
- False Public Alarm;
- Influencing Witnesses;
- Participation in Gang Activity;
- Threat of Violence to School Personnel;
- Damage to School Property;
- Damage to Private Property;
- Public Indecency;
- Physical Violence of an Insulting or Provoking Nature to School Personnel;
- Physical Violence and Causing Physical Harm to School Personnel; and
- Sexual Harassment, Sexual Battery, and Sexual Relations.³⁸

Non-mandatory hearing offenses may be handled at the school level but mandatory offenses are referred to a tribunal. A disciplinary hearing tribunal consists of three educators, one of whom must be a minority. Upon finding a student guilty, the tribunal may exercise the options allowable under Georgia law, which includes expulsion, long-term suspension (more than ten 10 days), or short-term suspension (less than 10 days). Additionally, a tribunal may assign a student to Hope Academy, which is the alternative school operated by the TCSD.³⁹

³⁵ Georgia Department of Education, *School Report Cards*, 2010, Troup County School District at <http://www.doc.k12.ga.us> (last accessed Mar. 1, 2011).

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ Letter from John Taylor to Peter Minarik, Aug. 19, 2011.

³⁹ *Ibid.*

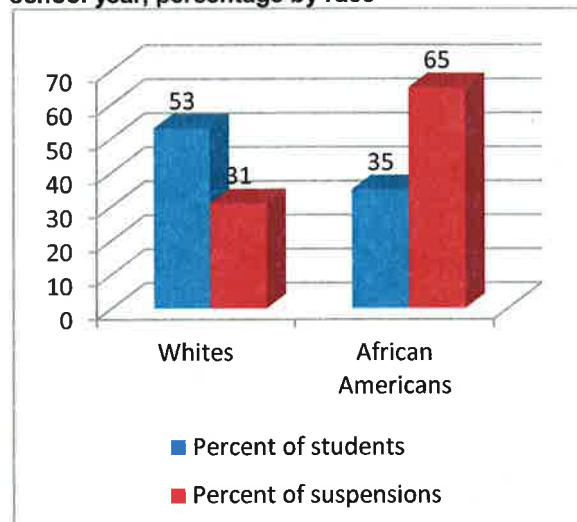
District asserts accurate discipline data not maintained

To allow for an examination of school discipline data, the Committee requested discipline information from the school district. Specifically, the Committee asked TCSD to provide the following information: (1) the number of “office discipline referrals” by race (non-Hispanic), ethnicity, gender, age, and grade for the 2009-10 school year; (2) the number of children receiving “out-of-school” suspensions by race (non-Hispanic), ethnicity, gender, age, and grade for the 2009-10 school year; (3) the number of children expelled from school by race (non-Hispanic), ethnicity, gender, age, and grade for the 2009-10 school year; (4) the number of “discipline referrals” to alternative education programs by race (non-Hispanic), ethnicity, gender, age, and grade for the 2009-10 school year; (5) the number of school-based referrals to the juvenile justice system by race (non-Hispanic), ethnicity, gender, age, and grade for the 2009-10 school year; and (6) the number of school-based referrals to the adult criminal justice system by race (non-Hispanic), ethnicity, gender, and grade for the 2009-10 school year.⁴⁰

School officials replied that the district did not maintain the requested information in the manner specified.⁴¹ In lieu of the Committee’s specific data request, the district provided a copy of form DIS050C—an annual standardized report submitted to the Georgia Department of Education on school discipline. According to district officials, the DIS050C data “does not accurately reflect all of the information regarding the [district’s] discipline system.”⁴²

Acknowledging the incomplete reflection of TCSD’s discipline system, information from form DIS050C for the examined school year showed that TCSD meted out a total of 1,433 out-of-school suspensions for less than 10 days. Another 14 students received suspensions greater than 10 days, for a total of 1,447 out-of-school suspensions. This is a rate of one suspension for every 9 students in the district, a rate similar to that administered by the Columbia and Glynn County School Districts.

Figure 5: TCSD out-of-school suspensions, 2010 school year, percentage by race



Source: Georgia Advisory Committee from DIS050C for Troup County School District.

According to the submitted data, along racial lines, African American students in TCSD were more likely to be suspended than white students. Overall white students in the district, who are 53 percent of all students, reportedly received 31 percent of suspensions. In contrast African American students, who comprise just 35 percent of all students, reportedly received 65 percent of all out-of-school suspensions (See Figure 5.) The observed relationship between out-of-school suspensions and the race of the student is statistically significant.⁴³

Representatives for the school district, however, vigorously contest any “implication that minority students are expelled or intentionally disciplined while other non-minority students are not.”⁴⁴ Further, district officials maintain the filing with the state is “only a portion of the student data collection system... (and) consequently, the information in Form DIS050C upon which (the Committee) based its conclusions does not accurately reflect all of the information regarding the Troup County discipline system.”⁴⁵

⁴³ $\chi^2 = 389.8$; $p=0.0001$ with the likelihood of observing this difference by chance being less than 1 in 1,000.

⁴⁴ Letter from John Taylor to Peter Minarik, Aug. 19, 2011.

⁴⁵ Ibid.

⁴⁰ Letter from Peter Minarik to Cole Pugh, Jan. 11, 2011.

⁴¹ Letter from John Taylor to Peter Minarik, Feb. 16, 2011.

⁴² Letter from Peter Minarik to Cole Pugh, Jan. 11, 2011.

TCSD assigns students to alternative education programs for disciplinary violations

With respect to alternative educational placements, upon determination that there has been a violation of student behavior guidelines, a student may be assigned to an alternative educational assignment in lieu of suspension. Placement in alternative education programs is an option to expulsion that at least allows the child to continue his/her education in some form of a structured educational environment. Though there is an expressed concern by some, however, that alternative education placements are less educational settings and more controlled confinement.

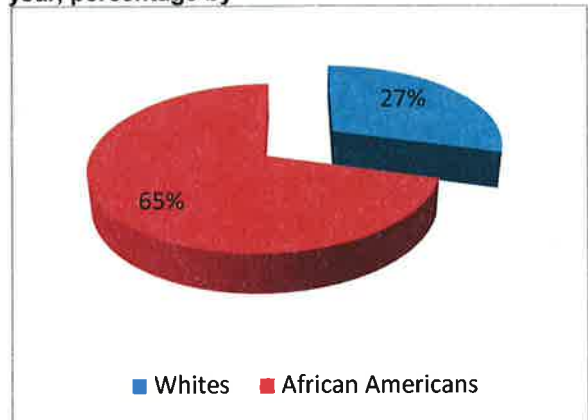
Similar to the practice of the Columbia and Glynn County School districts, TCSD operates an alternative school program at its Hope Academy. The only way a student is assigned to Hope Academy is by a disciplinary hearing tribunal for violation of the Student Behavior Code. The students are assigned to Hope Academy for a minimum of the time remaining in the semester, a full semester, or full school year. Hope Academy has a capacity for 90 students at any given time and according to district officials is routinely near capacity.⁴⁶

Expulsions affect African American students

Though in certain circumstances necessary and warranted, expulsion permanently removes the child from the public educational setting and thus greatly impedes prospects for future success. From data available to the Georgia Committee, it appears expulsion is used with much greater frequency in TCSD than in the other two comparison school districts. In TCSD, 55 students were expelled from school during the 2010 school year—a rate of one expulsion for every 230 students.

According to data provided, African American students were expelled from school at a disproportionately higher rate than white students. Of the 51 students expelled in the year examined, 36 (65 percent) were African American. In contrast, 15 white students (35 percent) were expelled. (See Figure 6.)

Figure 6: TCSD school expulsions, 2010 school year, percentage by race



Source: Georgia Advisory Committee from DIS0500C data for Troup County School District.

District official asserts strict enforcement of rules promote better learning environment

The Georgia Committee solicited the opinion of school officials for TCSD regarding the disproportionate impact of school discipline. John Taylor, general counsel for the district, replied that that the district acknowledges that there is a racial disparity in the district's discipline but asserted that the district strictly and neutrally enforces student conduct rules.

Some years back, the district was having an increasing problem with school safety and orderliness in the schools, particularly in the middle schools and the district's high school. The school board acted to toughen school rules in order to provide for a safer learning environment. The early implementation of the new rules prompted an initial spike in disciplinary actions, but there was ground swell of support from parents and students for the stricter behavior standards. This included support from a majority of the parents of African American students in the district.⁴⁷

The district's standards of behavior and the consequences for misbehavior are clearly articulated to all students. The implementation of these policies is absolutely race neutral, and has lead to a school environment that is measurably safer for students as well as a more orderly learning environment.⁴⁸

⁴⁷ John Taylor, general counsel, Troup County School District, telephone interview, Apr. 27, 2011.

⁴⁸ Ibid.

⁴⁶ Ibid.

Examined school districts in Georgia similar to other school districts in the South in their discipline practices

Disproportionate discipline that affects African American students is not limited to school districts in Georgia. State advisory committees to the Commission in Florida, Kentucky, South Carolina, and Tennessee found similar patterns of racial disparities in school discipline.

The Florida Advisory Committee found racial disparities in school discipline in the Jacksonville area schools

A study of school discipline by the Florida Advisory Committee that examined the school discipline practices of the Jacksonville-Duval County School District (J-DCS) found African American students disproportionately impacted in out-of-school suspensions, placements into alternative educational programs for disciplinary reasons, and school expulsions. The Florida Advisory Committee found that although African American students were just 43 percent of the total J-DCS student population, they received 72 percent of all out-of-school suspensions, 76 percent of all placements into alternative education programs for disciplinary reasons, and 100 percent of all expulsions.⁴⁹

The Florida Advisory Committee noted that many factors seem to contribute to the academic problems faced by poor, African American students in urban areas. These include illegal drug activity, neighborhood violence, and single-parent homes. Still, the Florida Advisory Committee concluded that schools are ultimately responsible for educating the students who walk through their doors. It was the Committee's expressed concern that a pathway from school to prison appeared to be an unfortunate reality for many African American students.⁵⁰

⁴⁹ Florida Advisory Committee to the U.S. Commission on Civil Rights, *School Discipline in Florida: Discipline Practices Leave Many Children Behind*, September 2010, p. 11.

⁵⁰ *Ibid.*, p. 28.

The Kentucky Advisory Committee found African American students disproportionately disciplined

In the Louisville-Jefferson County School District (L-JCS), the Kentucky Advisory Committee found African American students received discipline at a highly disproportionate rate. Though African American students in L-JCS comprise just 36 percent of the total student population, they received 61 percent of all out-of-classroom discipline referrals, 63 percent of all out-of-school suspensions, and 74 percent of all expulsions from school.⁵¹

In its study, the Kentucky Advisory Committee stated its concern that specific, inflexible reactive school discipline policies may be contributing to unnecessarily pushing a large percentage of youth out of school. The Committee reported on the social costs of these policies in that dropping out of school has been shown to be a high risk factor for future incarceration. Such a trend has large, measurable costs for the greater community as in Kentucky the annual cost to educate a child is about \$10,000; while the annual cost to house an inmate in prison is \$30,000.⁵²

Table 4: Racial disparities in school discipline for Jacksonville FL and Louisville KY school districts

	J-DCS	L-JCS
Pct of students--Af. Amer.	43	36
Pct of suspensions--Af. Amer.	72	61
Pct of Alt Ed referrals--Af. Amer.	76	63

Source: Florida and Kentucky Advisory Committees.

The Kentucky Advisory Committee concluded that educational research now suggests that optimal discipline policies exist that can be used to allow for both orderly schools and academic success even under challenging circumstances. There is a growing consensus that the implementation of such proactive disciplinary policies can minimize academic failure and reduce school dropouts.⁵³

⁵¹ Kentucky Advisory Committee to the U.S. Commission on Civil Rights, *School Discipline in Kentucky: An Examination of School Discipline in the Jefferson County Public School District*, March 2010, pp. 10-11.

⁵² *Ibid.*, p. 17.

⁵³ *Ibid.*, p. 5.

The Tennessee Advisory Committee found racial disparities in school discipline in the Chattanooga area schools

In its examination of school discipline, the Tennessee Advisory Committee reported that students of color are disproportionately disciplined and negatively affected by rigid school disciplinary practices.

In the state’s Hamilton County School District, which includes the City of Chattanooga (C-HCS), African American students are about one-third of all students. Yet when it comes to discipline, the Tennessee Advisory Committee found that African American students in C-HCS received 61 percent of all out-of-school suspensions, 83 percent of all discipline placements into alternative education programs, and 67 percent of all expulsions.⁵⁴

Table 5: Racial Disparities in School Discipline in Chattanooga TN schools

	C-HCS
Pct of students--Af. Amer.	34
Pct of suspensions--Af. Amer.	61
Pct of alt ed referrals--Af. Amer.	83

Source: Tennessee Advisory Committee.

The Tennessee Advisory Committee concluded that the present state of affairs that finds so many disadvantaged African American children being disciplined and eventually leaving school is not an inevitable scenario. In the opinion of the Committee, public schools have the opportunity to successfully intervene and allow for many of these disadvantaged children to succeed socially and academically.

As the Tennessee Committee observed in its conclusion, “There are many children who make adults angry. There are also, tragically, a few children who can put fear into other children as well as adults. The administration of school discipline should not confuse these two groups of children.”⁵⁵

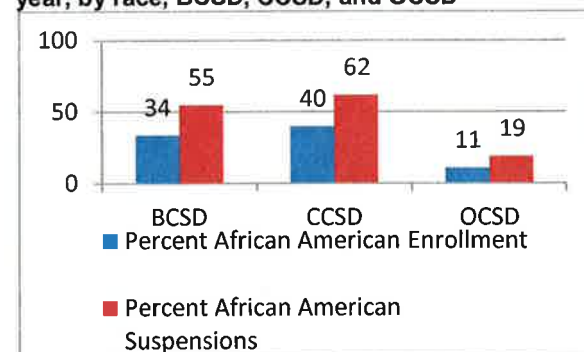
⁵⁴ Tennessee Advisory Committee to the U.S. Commission on Civil Rights, *School Discipline in Chattanooga Area Schools: Are Too Many Children Being Lost Because of Failing Discipline Practices?*, June 2012, p. 11.

⁵⁵ *Ibid.*, p. 16.

The South Carolina Advisory Committee found school discipline to have a racially disparate impact

In three mid-size school districts, similar to that found by the Georgia Committee, the South Carolina Committee found a disparate impact against African American students in school discipline. In three examined school districts, African Americans were significantly more likely to be suspended and placed into alternative education programs than white students. In addition, in two of the three districts African American students were much more likely than white students to be expelled.⁵⁶

Figure 7: Out-of-school suspensions, 2010 school year, by race, BCSD, CCSD, and OCSD



Source: South Carolina Advisory Committee.

In one of the examined school districts, African American students were 40 percent of all students yet received 62 percent of all out-of-school suspensions. In a second examined school district, African American students were 11 percent of all students but received 19 percent of all suspensions. In a third examined school district, African American students were 34 percent of all students, yet received 55 percent of all suspensions.⁵⁷ (See Figure 7.)⁵⁸

⁵⁶ South Carolina Advisory Committee to the U.S. Commission on Civil Rights, *Equal Educational Opportunity: African American Students in South Carolina Disparately Affected by Suspensions and Alternative Education Placements*, June 2012, Letter of Transmittal.

⁵⁷ *Ibid.*, p. 5.

⁵⁸ *Ibid.*, p. 10.

Findings and Recommendations

Findings:

1. The evidence collected by the Georgia Committee suggests that African American students are disproportionately disciplined in Georgia's schools as well as in school districts in other states throughout the South.
2. Moreover, African American students are being disciplined at disproportionate rates in school districts of all sizes—from mid-size school districts to large urban districts.
3. The occurrence of a disparate impact in and of itself along racial lines—despite exhibiting statistical significance—should not be inferred to necessarily imply discrimination on the part of a school district nor a racial bias in the administration of discipline. Other factors outside the control of the school contribute to a student's academic behavior and performance. Such individual factors were not considered in the analysis. Nevertheless, a significant racial disparity does exist and its perpetuation is serving to promote a burgeoning underclass of poorly educated persons based upon race.

Recommendation

The Georgia Advisory Committee does not condone disruptive student behavior and understands the need for orderly schools in order to allow for an effective learning environment. Nevertheless, this study shines a light on a pervasive pattern of a racial bias in school discipline. As set out in this report, disparate discipline along racial lines is not unique to the three examined school districts in this report, but a pattern playing out in school districts throughout the South.

This is a serious situation, and one that should not be left alone to our schools to solve. Disorderly schools and school failure are ultimately the responsibility of the community. Schools cannot succeed apart from the community. It is wrong for society, and in particular, for communities without sizeable

minority student populations, to ignore this problem. When schools step up to address this issue, they must have confidence that they will have the support of a community determined to honestly address this difficult and racially charged issue.

This demands that parents and guardians of white school-age children take an active interest in working with their local school districts to understand the underlying reasons for this racial disparity and work with the schools to address its resolution.

This also demands that school officials work to solicit and welcome the involvement of parents and guardians of African American children and the parents and guardians of other minority children.

This demands, too, that parents and guardians of African American children as well as the parents and guardians of other minority children cooperate with school officials to build an atmosphere of mutual trust that will allow for an open and candid examination of this issue.

Finally, this demands that members of the larger white community—including those households without children enrolled in public schools—take an interested and supportive posture to help their community's public schools resolve problems that will allow more children of all races to succeed in school.

The Georgia Committee further recommends to the U.S. Commission on Civil Rights that it bring its national reputation to bear on this issue. The Commission should make it a one of its national priorities to focus attention on this issue and garner bi-partisan support for its resolution.⁵⁹

⁵⁹ Committee member, Justin A. Pressley, did not vote on the report, citing that as he was appointed to the Committee after the project had begun he did not feel comfortable supporting a position on the issue.

**Georgia Advisory Committee to the
United States Commission on Civil Rights**



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