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# **Equal Educational Opportunity**

**African American Students in South Carolina Disparately Affected by  
Suspensions and Alternative Education Placements**

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

**March 2013**

## State Advisory Committees to the United States Commission on Civil Rights

The U.S. Commission on Civil Rights is an independent, bipartisan agency established by Congress in 1957, reconstituted in 1983, and reauthorized in 1994. By law, the U.S. Commission on Civil Rights has established State Advisory Committees in each of the 50 states and the District of Columbia. State Advisory Committees are composed of state citizens who serve without compensation. State Advisory Committees advise the Commission in writing of any knowledge or information they have of any alleged deprivation of the right to vote and to have the vote counted by reason of color, race, religion, sex, age, disability, or national origin, or that citizens are being accorded or denied the right to vote in Federal elections as a result of patterns or practices of fraud or discrimination; advise the Commission concerning matters related to discrimination or a denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal Government with respect to equal protection of the laws; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters that the Advisory Committee has studied; and assist the Commission in the exercise of its clearinghouse function and with respect to other matters that the Advisory Committee has studied.

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This report is the work of the South Carolina Advisory Committee to the U. S. Commission on Civil Rights. Eboni S. Nelson was Chair during the conduct of this study. Robert T. King was Chairman of the sub-committee that produced the report; other members on the sub-committee were James Gallman and Angelique Vincent-Hamacher. The report, which may rely on studies and data generated by third parties, is not subject to an independent review by Commission staff. State Advisory Committee reports to the Commission are wholly independent and reviewed by Commission staff only for legal and procedural compliance with Commission policies and procedures. State Advisory Committee reports are not subject to Commission approval, fact-checking, or policy changes. The views expressed in this report and the findings and recommendations contained herein are those of a majority of the State Advisory Committee members and do not necessarily represent the views of the Commission or its individual members, nor do they represent the policies of the U.S. Government.

**South Carolina Advisory Committee to the  
U.S. Commission on Civil Rights**

**Letter of Transmittal**

The South Carolina Committee submits this report, *Equal Educational Opportunity: African American students in South Carolina disparately affected by suspensions and placements in alternative education placements*. The Committee joined with five other state advisory committees to the Commission in the South from Florida, Kentucky, Georgia, and Tennessee to study the issue of racial disparities in school discipline. This report was adopted by a vote of 13 yes and 0 no.

In the three school districts examined by the South Carolina Committee, there appears to be an imbalance in school discipline that disparately impacts African American students. In all 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 also much more likely than white students to be expelled.

This pattern of African American students bearing a disparate brunt of school discipline is found in school districts examined by other state advisory committees in the South. The Florida, Georgia, Kentucky, and Tennessee Advisory Committees found similar racial patterns in school discipline.

It is acknowledged that the above noted analyses of disparities—despite exhibiting a statistical significance, should not be inferred to 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 performance, and those factors were not considered in the analysis. However, in a seminal study of this issue in Texas more than 80 individual student demographic variables, individual student attributes, student discipline variables, student cohort measures, county measures, and campus measures were controlled, and allowed for a definitive conclusion that race was a factor in the disciplining of African American and Latino students.

As the public educational system appears to work effectively for many white children, regardless of household income status, the noted racial disparities in school discipline prompt the South Carolina Committee to wonder why public education does not seem to work as well for children of color in this country. If there is no racial bias in the administration of discipline, as school officials insist, why do children of color “act out” more in school than white children?

This is a serious situation, and one that should not be left alone to our schools to resolve. As Rob Rhodes, director of the Appleseed Center for Law & Justice, told the Committee, “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.”

To the South Carolina Committee, the nation has a simple choice: we can give our attention to this problem and figure out ways to educate all of our children and reap the future rewards of a more prosperous and productive society; or we can persist in our current condition, and leave to our children an America in which a large portion of the population is poorly educated and the Nation and its citizens poorly equipped to compete in the global economy of the future.

Respectfully,  
James Gallman  
*Chairman*, South Carolina 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 1977 the Commission released its first study on equal education opportunity in a report on school desegregation, *Reviewing A Decade of School Desegregation: 1966-1975*.<sup>1</sup> In the 1990s the Commission followed with a 5-series report on equal educational opportunity.<sup>2</sup>

The Commission recently announced its intent to examine school discipline practices as a major initiative. As part of its responsibility to advise the Commission of civil rights issues in their states, the six state advisory committees in the Southern Region of the Commission elected to join with the Commission in its initiative.

A nationwide survey of teachers and parents found student discipline to be a major concern. The same survey found that although schools across the country have problems with student behavior, the issue appears to be more acute in schools with high poverty. 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.<sup>3</sup>

At a briefing on school discipline before the chairs of the state advisory committees of the Commission's Southern Region, it was reported that African American and other minority children are disparately impacted by school discipline practices. African American children and other minority children are removed from the regular classroom, suspended, and placed into alternative education programs at a much higher rate than their percentage of total enrollment. Reportedly, the social isolation from exclusionary discipline practices is in turn correlated with a greater likelihood of dropping out of school, which in turn often leads to eventual future incarceration.<sup>4</sup>

Rob Rhodes, director of the Applesseed Center for Law & Justice, told the Committee 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 exhibited<sup>5</sup>

It is well established factors outside the control of the school can significantly affect a child's prospects for academic success. At a minimum these include:

- Household socio-economic status,
- Family structure, and
- Neighborhood environment

In the United States poverty is related to race, disproportionately affecting minorities and children. In 2008, less than 10 percent of whites

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<sup>1</sup> In 2007, the South Carolina Advisory Committee did a follow-up study on school desegregation, *Desegregation of Public School Districts in South Carolina: 19 Public School Districts Have Unitary Status, 15 Districts Remain under Court Order*, September 2009.

<sup>2</sup> The first report in the series, *Equal Educational Opportunity Project Series (1995)*, discussed national trends in education and activities of the U.S. Department of Education. The second report in the series, *Equal Educational Opportunities and Nondiscrimination for Students with Disabilities (1997)*, discussed educational opportunities for students classified as having learning disabilities. The third report, *Equal Education Opportunity and Nondiscrimination for Students with Limited English Proficiency (1997)*, examined educational opportunities afforded students with limited English proficiency and the development and implementation of educational programs appropriate for such students. The fourth volume, *Equal Educational Opportunity and Nondiscrimination for Minority Students: Federal Enforcement of Title VI in Ability Grouping Practices (1999)*, analyzed the educational opportunities offered to minority students as they relate to mainstreaming, tracking, and instructional grouping practices. The last report, *Equal Educational Opportunity and Nondiscrimination for Girls in Advanced Mathematics, Science, and Technology Education (2000)*.

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<sup>3</sup> Public Agenda, *Teaching Interrupted: Do Discipline Policies in Today's Public Schools Foster the Common Good?*, May 2004.

<sup>4</sup> Constance Curry, briefing to the chairs of the Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee Advisory Committees, briefing, Atlanta, GA, Sept. 9, 2009.

Sept., Sept. 9, 2009.

<sup>5</sup> Rob Rhodes, director, telephone interview, Apr. 10, 2010.

lived in poverty, compared to 23 percent of Hispanics and 25 percent of African Americans. Moreover, one-third of African American children and nearly 30 percent of Latino children live in poverty.<sup>6</sup>

The home environment is increasingly advanced as perhaps the most significant factor beyond the control of the school system that plays a significant role 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.<sup>7</sup>

There is evidence that family characteristics and activities—such as marital status, teenage pregnancy, family size, income, nutrition, parenting, nurturing—have important effects on the intellectual development of children and infants, and this carries over to performance in school. This evidence puts forward a compelling case for taking family policy seriously. Families matter—to individuals, communities, and society as whole.<sup>8</sup>

At least one report notes that three- and four-year-old children growing up with their own married parents (or in an “intact” family) are three times less likely than those in any other family structure to experience emotional or behavioral problems such as attention deficit disorder. This research suggests that a lack of income or other resources explains some, but not all, of the worst outcomes experienced by children from non-married parent families.<sup>9</sup>

Neighborhood environment also plays an important role with respect to education success. A study by the Rand Corporation found neighborhood poverty to be a very strong

predictor not only of basic skills acquisition but also of behavior problems among young children — problems that impede school readiness. Children in poor neighborhoods are significantly more likely to exhibit both anxious and aggressive behavior, even regardless of parenting behavior. Authors of the study concluded that living in a poor neighborhood may be particularly stressful for young children.<sup>10</sup>

Other research suggests that the impact of low-income on academic success is more pronounced in large urban areas, with higher concentrations of poor children magnifying the risk of academic failure. These children are more likely to drop out of school, be arrested, and become unmarried parents. These negative consequences not only harm the individual but also society through higher crime and unemployment rates and a lower quality of life.<sup>11</sup>

A recent groundbreaking study in Texas conclusively demonstrates a racial disparity in school discipline. The study did not rely on a sample of students, but instead examined all individual student records for all seventh-grade public school students in Texas over a 3-year period, controlling for more than 80 variables to isolate the impact of different independent factors on the likelihood of a student’s being disciplined. These included student demographic variables, individual student attributes, student discipline variables, student cohort measures, county measures, and campus measures.<sup>12</sup>

A specific enumeration of the variables in the Texas study follows, because the South Carolina Committee believes it provides insight into the complexity of this issue.

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<sup>6</sup> 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).

<sup>7</sup> 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.

<sup>8</sup> Theodora Ooms, foreword, *Family Policy Matters: How Policymaking Affects Families and What Professionals Can Do*, by Karen Bogenschneider, Lawrence Earlbaum Associates, Madison, WI 2002.

<sup>9</sup> Center for Marriage and Families, “Family Structure and Children’s Educational Outcomes,” November 2005.

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<sup>10</sup> 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, at <http://www.rand.org/publications/randreview/issues/fall2004/class.html#src=mobile> (last accessed Jan. 25, 2011).

<sup>11</sup> Kentucky Advisory Committee to the U.S. Commission on Civil Rights, *Equal Education Opportunity: An Analysis of the Racial Achievement Gap in Kentucky Urban Schools*, January 2007, p. 8.

<sup>12</sup> 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.

*The Texas study controlled for eight student demographic variables that included:*

- African American
- Latino
- Other race
- Male
- African American in majority school
- Hispanic in a non-Hispanic majority school
- Other race in a non-other race majority school
- White in a non-white majority school

*The Texas study also controlled for 23 individual student attributes, to include:*

- Student receives Title I services
- Economically disadvantaged
- Limited English proficiency
- Immigrant
- Migrant
- Ever pregnant
- Student racial majority
- Teacher racial majority
- Number of schools attended
- Autism
- Emotional disturbance
- Learning disability
- Mental retardation
- Physical disability
- Traumatic brain injury
- At-risk of dropping out
- Gifted
- Vocational education
- Has failed assessment test
- Failed last assessment test
- Retained
- Years behind
- Attendance rate

*The Texas study further controlled for eleven different individual student discipline contact variables, to include:*

- Ever disciplined
- Encountered juvenile justice system
- Number of in-school disciplinary actions
- Number of out-of-school disciplinary actions
- Total number of disciplinary actions
- Total number of referrals to juvenile justice
- Number of expulsions
- Number of truancy related disciplines
- Number of no-action disciplinary actions
- Number of unknown disciplinary actions
- Number of referrals to juvenile justice in year

*The Texas study controlled for ten specific individual student cohort measures, to include:*

- 7<sup>th</sup> grade
- 8<sup>th</sup> grade
- 9<sup>th</sup> grade
- Ninth grade held back
- 10<sup>th</sup> grade
- 11<sup>th</sup> grade
- Cohort year
- African American cohort year
- Latino cohort year
- Other race cohort year

*In addition, the Texas study controlled for eight county measures, to include:*

- Suburban county
- Non-metro adjacent county
- Rural county
- Percentage, single parent families
- Percentage, population with diploma
- Percentage, homes rented
- Average household size
- Income per capita

*Finally, the Texas study controlled for 23 unique school campus measures, to include:*

- Charter school
- Title I school
- Exemplary campus
- Recognized campus
- Unacceptable campus
- Alternative Ed—acceptable campus
- Alternative Ed—unacceptable campus
- Average campus attendance rate
- Student/teacher ratio
- Percent bilingual
- Percent career/technical education
- Percent special education
- Percent met standards on assessment test
- Percent economically disadvantaged
- Teachers' average salaries
- Average teacher years of experience
- Per capita instructional dollars
- District wealth per capita
- Diversity measure (student)
- Diversity measure (teacher)
- Student/teacher racial congruence<sup>13</sup>

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<sup>13</sup> Ibid., Appendix A.

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. 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.<sup>14</sup>

The report concluded that African American students were more likely to be removed from the classroom for disciplinary reasons. Multivariate analysis was employed, which enabled the researchers to control for 83 different variables in isolating the effect of race alone on disciplinary actions. 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. 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.<sup>15</sup>

While discipline policies vary between states, counties and schools, education research suggests there are specific, effective discipline policies that can minimize academic failure, school dropout and involvement in the juvenile justice system.<sup>16</sup> In regards to discipline policies, earlier (age/grade) onset of school discipline problems predicts increased likelihood of involvement with juvenile justice in adolescence.<sup>17</sup> This trend points to early identification and intervention as the primary component of effective discipline policies.<sup>18</sup>

Policies that take an early intervention approach conduct regular screenings to help identify at-risk students and put in place school supports for identified students. One specific proactive and preventative model of effective discipline is positive behavior intervention and supports (PBIS). PBIS is a tiered model that at

the school-wide level teaches and recognizes positively stated expectations. At the school-wide level, teachers and administrators agree upon discipline problems that will be handled in the classroom and those that are severe enough to be referred to the office to promote consistency and keep students in the classroom as much as possible. Students who do not respond to school-wide PBIS receive small group supports such as mentoring, conflict resolution groups or counseling. Also within the PBIS model students who require intensive, individualize interventions receive those supports at the tertiary tier.<sup>19</sup>

To the South Carolina Committee there is a concern 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. The study by the South Carolina focuses on three mid-sized school districts. This report is a summary of their examination of the issue of race and school discipline in South Carolina in comparison to other examined school districts in the South.

It must be acknowledged that any study of student discipline that does not examine discipline at the individual student and school level has limitations. This study of school discipline shares those limitations. The conclusions in this report rely upon aggregate school district discipline numbers, and aggregate numbers do not control for one student receiving multiple disciplinary actions nor for individual factors other than race that might be related to disciplinary action. Additionally, this study did not attempt to control for disciplinary actions by school and a few schools in a district could account for an overwhelming number of disciplinary actions in the school district. It should also be acknowledged that there are factors outside the control of the school that contribute to student discipline problems. Factors such as neighborhood violence, poverty, and difficult home environments are often found in large urban school districts and affect many African American students.

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<sup>14</sup> Ibid., Executive Summary.

<sup>15</sup> Ibid.

<sup>16</sup> Christle, C.A., Jolivette, K., and Nelson, C. M., "Breaking the school to prison pipeline," *Exceptionality*, 13, pp. 69-88.

<sup>17</sup> Morris, R. J., and Thompson, K. C., "Juvenile delinquency and special education laws," *The Journal of Correctional Education*, 59, pp. 173-90.

<sup>18</sup> Martinez, S., "A system gone bezerk: How are zero tolerance policies really affecting schools?," *Preventing School Failure*, 53, pp. 153-57.

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<sup>19</sup> Sugai, G., and Horner, R., "A promising approach for expanding and sustaining school-wide positive behavior support," *School Psychology Review*, 35, pp. 245-59.



## School Suspensions—

Suspensions in examined South Carolina districts and other Southern school districts display a racial disparity

Chesterfield County is located in the northern part of the state. The Chesterfield County School District (CCSD) and has an enrollment of 7,888 students. White students are a majority of the student population in CCSD, comprising 55 percent of total enrollment. African American students are about 40 percent of all students. Students from other races or Latino students are approximately 5 percent of all students.<sup>20</sup>

Oconee County is in the western part of the state near Greenville and the Georgia border. The Oconee County School District (OCSD) is a medium size district, with an enrollment of about 10,570 students. White students are about 80 percent of the district’s student population. African Americans are 11 percent of the student population, and other racial groups and Latinos are 10 percent of total enrollment.<sup>21</sup>

Beaufort County is in the eastern part of the state along the Atlantic Ocean. The Beaufort County School District (BCSD) has an enrollment of about 19,600 students. White students are about 45 percent of the district’s student population. African Americans are 34 percent of the student population, and other racial groups and Latinos are 20 percent of total enrollment.<sup>22</sup>

**Table 1: Percentage of African American students in Chesterfield County (CCSD), Oconee County (OCSD), and Beaufort County (BCSD) Public School Districts, 2007-2008 school year**

	Percentage
<b>BCSD</b>	<b>34.4</b>
<b>CCSD</b>	<b>39.9</b>
<b>OCST</b>	<b>10.9</b>

Source: South Carolina Advisory Committee from South Carolina State Department of Education data and U.S. Department of Education data.

<sup>20</sup> South Carolina State Department of Education, *District Revenue Information*, 2010, Chesterfield County Public School District at <http://ed.sc.gov> (last accessed Aug. 5, 2011)

<sup>21</sup> South Carolina State Department of Education, *District Revenue Information*, 2010, Oconee County Public School District at <http://ed.sc.gov> (last accessed Aug. 5, 2011)

<sup>22</sup> U.S. Department of Education, Common Core of Data.

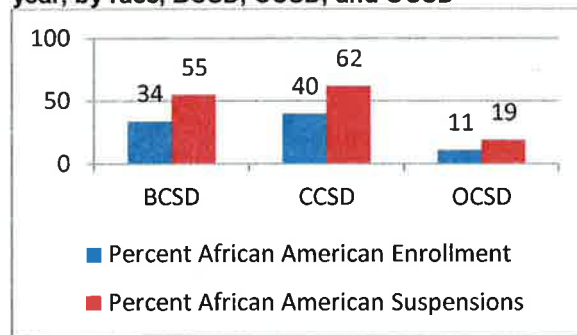
## Total number of out-of-school suspensions in three examined districts exhibit a racial disparity

In the 2010 school year, CCSD meted out a total of 1,473 out-of-school suspensions.<sup>23</sup> Along racial lines, the data suggests African American students are much more likely to be suspended than white students.<sup>24</sup> African American students, who are 40 percent of all students, received 62 percent of all out-of-school suspensions.

During the same school year, OCSD meted out a total of 1,420 out-of-school suspensions.<sup>25</sup> Similar to what is observed in CCSD, African American students appear much more likely to be suspended than white students.<sup>26</sup> African American students are 11 percent of all students, yet received 19 percent of all suspensions.

BCSD, in the same school year, meted out a total of 1,138 out-of-school suspensions.<sup>27</sup> Similar to the pattern in CCSD and OCSD, African American students appear to receive suspensions at a higher rate than white students. African American students are 34 percent of all students, yet received 55 percent of all suspensions. (See Figure 1.)

**Figure 1: Out-of-school suspensions, 2010 school year, by race, BCSD, CCSD, and OCSD**



Source: South Carolina Advisory Committee from BCSD, CCSD, and OCSD school discipline data.

<sup>23</sup> CCSD school discipline data submission to the South Carolina Advisory Committee, May 10, 2011 (hereafter CCSD school discipline data).

<sup>24</sup> Ibid.

<sup>25</sup> OCSD school discipline data submission to the South Carolina Advisory Committee, Apr. 13, 2011 (hereafter OCSD school discipline data).

<sup>26</sup> Ibid.

<sup>27</sup> BCSD school discipline data submission to the South Carolina Advisory Committee, Mar. 16, 2012 (hereafter BCSD school discipline data).



***School suspension rates in three urban Southern school districts display similar racial pattern***

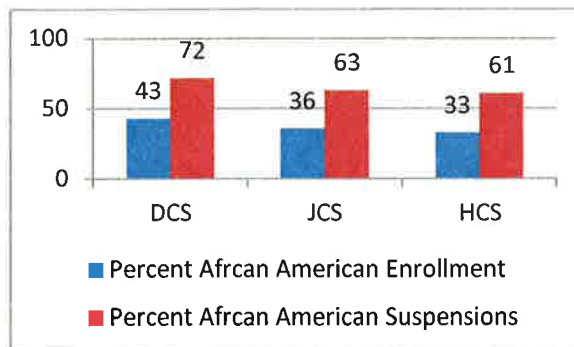
Studies of school discipline by other state advisory committees to the Commission show a similar trend as observed in South Carolina. In three urban school districts examined in states outside of South Carolina, African American students receive a statistically higher number of out-of-school suspensions than white students.

A recent study of school discipline by the Florida Advisory Committee examined school discipline practices in the Duval County School District (DCS), which encompasses the city of Jacksonville. The Committee reported found that African American students were disciplined at much higher rate than white students. The Florida Advisory Committee found that although African American students were just 43 percent of the total DCS student population, they received 72 percent of all out-of-school suspensions.<sup>28</sup>

The Kentucky Advisory Committee examined school discipline in the Jefferson County School District (JCS), which encompasses the city of Louisville. The Kentucky Committee found African American students received discipline at a disparately higher rate than white students in the district. Though African American students in JCS comprise just 36 percent of the total student population, they received 63 percent of all out-of-school suspensions.<sup>29</sup>

In its examination of school discipline, the Tennessee Advisory Committee reported similar findings. Examining the state’s Hamilton County School District, which includes the city of Chattanooga (HCS), although African American students are one-third of all students, they received 61 percent of all out-of-school suspensions.<sup>30</sup>

**Figure 2: Out-of-school suspensions, 2010 school year, percentage by race, Duval County (FL), Jefferson County (KY), and Hamilton County (TN)**



Source: Florida Advisory Committee, Kentucky Advisory Committee, and Tennessee Advisory Committee

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.<sup>31</sup>

In its report, 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 also noted potential high social costs as dropping out of school has been shown to be a high risk factor for future incarceration. The annual cost to educate a child is about \$10,000; while the annual cost to house an inmate in prison is \$30,000.<sup>32</sup>

It is to be noted, however, that the above examined total numbers of suspensions examined are total suspension numbers and do not control for possible double-counting of students. Double counting is a situation where one student is suspended multiple times. It is acknowledged that a select few students could account for a disproportionate share of suspensions and the observed relationship between race and discipline is thereby skewed.

<sup>28</sup> 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 (hereafter Florida Discipline Report).

<sup>29</sup> 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 (hereafter Kentucky Discipline Report).

<sup>30</sup> Tennessee Advisory Committee to the U.S. Commission on Civil Rights, *School Discipline: Are School Discipline*

*Practices Pushing Too Many African American Children Out of School?*, March 2010, p. 11 (hereafter Tennessee Discipline Report).

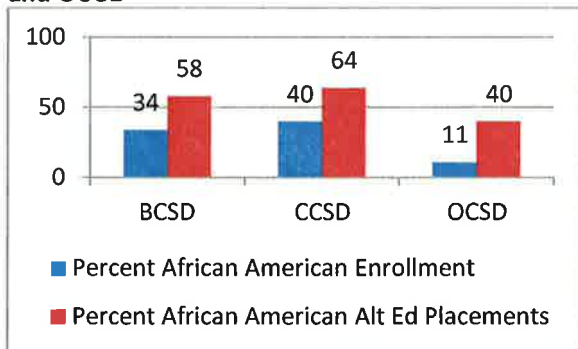
<sup>31</sup> *Ibid.*, p. 28.

<sup>32</sup> *Ibid.*, p. 17.

**Alternative Education—  
African American students are placed in  
alternative education programs at much  
higher rates than white students**

Placement in alternative education programs is an option to expulsion that is designed to allow for the child to continue his/her education in some form of a structured environment. During the 2010 school year, there were 80 students in CCSD placed into an alternative school discipline setting, and African American students received 64 percent of all such placements. Analysis of alternative school placements by race shows the rate of such placements to be statistically significant.<sup>33</sup>

**Figure 3: Alternative Education Placements, 2010 school year, percentage by race, BCSD, CCSD, and OCSD**



Source: South Carolina Advisory Committee from BCSD, CCSD, and OCSD school discipline data.

During the 2010 year, among the students in OCSD who were placed into an alternative school discipline setting, 40 percent were African Americans. This difference is highly statistically significant.<sup>34</sup> This pattern of racial imbalance is also observed in BCSD, where African American students are 34 percent of the student population but 58 percent of all alternative education placements.<sup>35</sup>

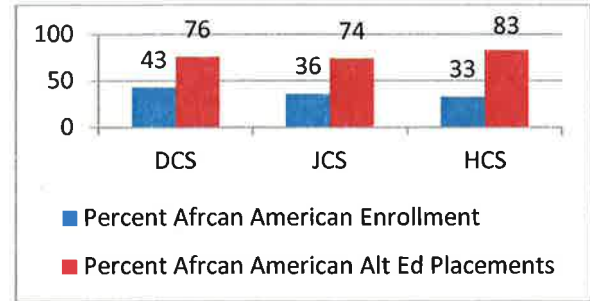
Again, despite total placements exhibiting a statistical significance, this should not be inferred to imply discrimination or a racial bias in the administration of such placements. The Committee’s analysis does not purport to control for individual characteristics of the student.

<sup>33</sup>  $\chi^2 = 327.3$ ;  $p=0.0001$ .

<sup>34</sup>  $\chi^2 = 254.1$ ;  $p=0.0001$

<sup>35</sup>  $\chi^2 = 289.1$ ;  $p=0.0001$

**Figure 4: Alternative Education Placements, 2010 school year, percentage by race, DCS, JCS, and HCS**



Source: Florida Advisory Committee, Kentucky Advisory Committee, and Tennessee Advisory Committee

Outside of South Carolina, a similar racial pattern was found for placements into alternative educational programs for disciplinary reasons. In DCS (Jacksonville FL area), African American students are 43 percent of the total student population and 76 percent of all placements into alternative education programs.<sup>36</sup>

In the Louisville-Jefferson County School District, African American students comprise just 36 percent of the total student population; yet received 74 percent of all placements into alternative education programs.<sup>37</sup> In Tennessee’s Hamilton County School District, African American students are one-third of all students, but 83 percent of all discipline placements into alternative education programs.<sup>38</sup>

In its report on school discipline, 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. Public schools with the support of the community do 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.”<sup>39</sup>

<sup>36</sup> Florida Discipline Report, p. 11.

<sup>37</sup> Kentucky Discipline Report, pp. 10-11.

<sup>38</sup> Tennessee Discipline Report, p. 11.

<sup>39</sup> Ibid, p. 16.

## Expulsions—

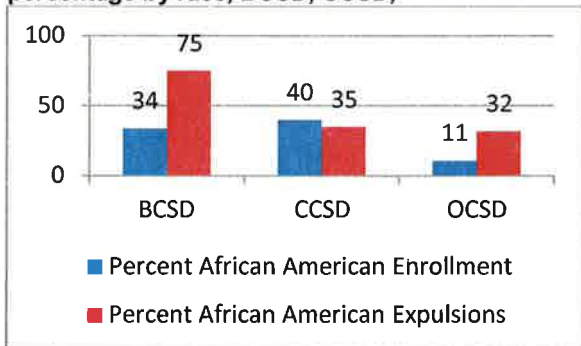
### *African American students are placed in alternative education programs at much higher rates than white students*

Expulsion permanently excludes the student from the educational setting. The frequency of this type of disciplinary action varies from district to district. For example, during the 2010 school year, 54 students in CCSD were expelled from school, a rate of one expulsion for every 146 students in the district. In contrast, the rate of expulsion in OCSO was one expulsion for every 377 students.

In one respect, the expulsion data available to the Committee may offer the best insight into the existence of a racial disparity in school discipline. The reason for this is that—in contrast to suspensions and placements into alternative education programs—expulsion data does not suffer from the problem of counting double-counting. It is the likely situation that in the course of a school year, one particular student will receive one expulsion. As a result, the examined aggregate expulsion data closely mirrors one individual student to one discipline action.

Notably, expulsions in CCSD do not display a racial imbalance. Of the students expelled, 65 percent were white—a rate higher than exceeded their percentage of students in the district. African American students, who are 40 percent of the student population, received 35 percent of all expulsions.<sup>40</sup>

**Figure 5: Expulsions, 2010 school year, percentage by race, BCSD, CCSD, and OCSO**



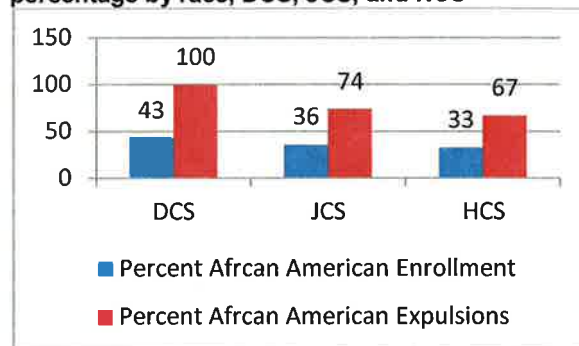
Source: South Carolina Advisory Committee from BCSD, CCSD, and OCSO school discipline data.

<sup>40</sup> CCSD school discipline data.

In OCSO, however, African American students were expelled at a higher rate than white students. In all, nine African American students in the district were expelled during the examined school year, or one-third of all expulsions. Nineteen (68 percent) white students were expelled during the examined school year. The rate of expulsions for African American students in OCSO is 3:1.<sup>41</sup>

In BCSD, 12 of the 16 students expelled were African American, or three-fourths of all expulsions. In contrast, only three white students were expelled during the examined school year.<sup>42</sup> (See Figure 5.)

**Figure 6: Expulsions, 2010 school year, percentage by race, DCS, JCS, and HCS**



Source: Florida Advisory Committee, Kentucky Advisory Committee, and Tennessee Advisory Committee

For the three examined school districts outside of South Carolina by other state advisory committees, student expulsions reflect a consistent 2:1 ratio. That is, from the observed data, an African American student is twice as likely as a white student to be expelled from school.

In DCS, although they comprise 43 percent of the student population, during the school year examined African American students were 100 percent of the students expelled.<sup>43</sup> In JCS, are 36 percent of the student population but 74 percent of all students expelled.<sup>44</sup> In HCS, African American students are one-third of the student body, but two-thirds of expelled students.<sup>45</sup>

<sup>41</sup> OCSO school discipline data.

<sup>42</sup> BCSD school discipline data.

<sup>43</sup> Florida Discipline Report.

<sup>44</sup> Kentucky Discipline Report.

<sup>45</sup> Tennessee Discipline Report.

## School Discipline in Aiken County

### Lack of data precludes analysis

The Aiken County School District (ACSD) is a medium size district, with an enrollment of 24,683 students.<sup>46</sup> The district is a Title I district, receiving \$8.1 million in federal funding for the 2010-11 school year.<sup>47</sup> Whites are the majority of students in the district and comprise more than a half of all students. African Americans are the second largest racial/ethnic group, and account for 34 percent of the student population.

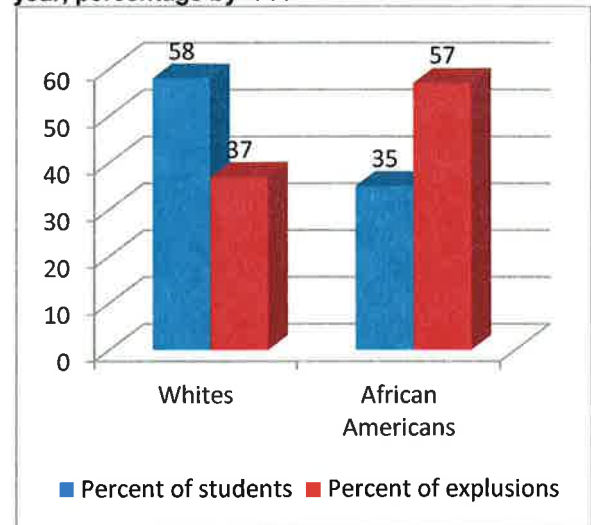
**Table 3: Student enrollment in the Aiken County Public School District by race and ethnicity, 2007-2008 school year**

	Number	Percent
White	14,541	57.6
African American	8,770	34.7
Other	1,955	7.7
<b>Total</b>	<b>25,266</b>	<b>100</b>

Source: South Carolina Advisory Committee from South Carolina State Department of Education data.

To obtain school discipline, the South Carolina Committee requested information from the school district. Specifically, the Committee asked the ACSD 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.<sup>48</sup>

**Figure 5: ACSD school expulsions, 2010 school year, percentage by race**



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.<sup>48</sup>

ACSD responded that the information requested was not maintained by the district. “(ACSD) does not store database records for suspensions on a district-wide basis, nor do we retain them for the individual schools beyond one year. In fact, the Department of Education Regulation promulgated under the state’s Record Retention Act essentially allows students to get a ‘clean slate’ at the start of each school year with regard to discipline matters. The only long term data information relates to expulsions.”<sup>49</sup>

<sup>48</sup> Letter from Peter Minarik to Beth Everitt, Apr. 7, 2011.

<sup>49</sup> Letter from William H. Burkhalter, Jr. to Peter Minarik, July 20, 2011. Student Record Retention at Subarticle 6, Student Records, 12-906.1. Cumulative Pupil Record File (Student Records) reads:

Student Discipline, Suspension, and Expulsion Records  
 A. Description: Records documenting inappropriate student behavior and corrective actions taken. Information includes referral and action form, notes, letters to parents, suspension documentation, detention documents, hearing notices, bus driver referrals, statements and conference notes.

B. Retention:

(1) When suspended and subsequently expelled permanently: Transfer to Cumulative Pupil Record File and retain according to part 1 of the retention.

(2) When suspended and subsequently expelled for remainder of the school year OR when suspension is deemed the only corrective action: 1 year after student’s permanent separation from school, then destroy.

<sup>46</sup> Aiken County Public School District, <http://acps.schoolfusion.us> (last accessed Aug. 5, 2011).

<sup>47</sup> South Carolina State Department of Education, *District Revenue Information*, 2010, Aiken County Public School District at <http://ed.sc.gov> (last accessed Aug. 5, 2011)



## Findings and Recommendations

### Findings:

1. The evidence collected and assessed by the South Carolina Advisory Committee in collaboration with the studies conducted on the issue by the Florida, Kentucky, and Tennessee Advisory Committees along with the seminal longitudinal study conducted in Texas combine to show a pattern of African American students being disparately impacted in the administration of school discipline.

2. Moreover, the evidence from this study, the study by the Georgia Advisory Committee, and the longitudinal study in Texas combine to confirm that the disparity in school discipline meted out to African American is not isolated to large, urban, inner city school districts, but rather is occurring in districts of all sizes and in rural areas as well as urban areas.

3. It is to be acknowledged that the above noted analysis of disparities both with respect to out-of-school suspensions as well as placements into alternative programs—despite exhibiting a statistical significance, should not be inferred to 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 performance, and those factors were not considered in the analysis. Nevertheless, a racial disparity exists and is serving to promote a burgeoning underclass of poorly educated persons based upon race.

### Recommendation

The South Carolina 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 regional trend of a racial disparity in school discipline. As set out in this report, disparate discipline is not unique to the three examined school districts in this report, but a pattern playing out as well in school districts in other parts of the South.

As the public educational system appears to work effectively for many white children, often regardless of household income status, the noted racial disparities in school discipline prompt the South Carolina Committee to wonder why public education does not seem to work as well for so many children of color in this country. If there is no racial bias in the administration of discipline, as school officials insist, why do children of color “act out” more in school than white children?

To the South Carolina Advisory Committee, the nation has a simple choice: we can give our attention to this problem and figure out ways to educate all of our children and reap the future rewards of a more prosperous and productive society; or we can persist in our current condition, and leave to our children an America in which a large portion of the population is poorly educated and the Nation and its citizens poorly equipped to compete in the global economy of the future.<sup>50</sup>

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<sup>50</sup> Wilfredo de Leon was a member of the South Carolina Advisory Committee at the time of this study, but did not participate to approve the report nor dissent from the findings and recommendation.

**South Carolina Advisory Committee to the  
United States Commission on Civil Rights**



**U.S. Commission Contact**

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USCCR Contact

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This report can be obtained in print form or on disk in Word format from the Southern Regional Office, U.S. Commission on Civil Rights, by contacting the above named Commission contact person. It is also posted on the web-site of the Commission at [www.usccr.gov](http://www.usccr.gov).