School Discipline

Are School Discipline Practices Pushing Too Many African American Children out of School?

Tennessee Advisory Committee to the United States Commission on Civil Rights

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Letter of Transmittal

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

Kimberly Tolhurst, *Delegated the Authority of the Staff Director*

The Tennessee Advisory Committee submits this report, *School Discipline—Are School Discipline Practices Pushing Too Many African American Children out of School?*, as part of its responsibility to study and report on civil rights issues in Tennessee. This study was undertaken by the Committee following a briefing before the chairs of the Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee Advisory Committees in Atlanta, Georgia. This report and its findings and recommendations were unanimously approved by the members of the Tennessee Advisory Committee.

Public schools have a responsibility to maintain safe, orderly schools regardless of challenging or difficult environments. However, as set out in the No Child Left Behind Act, schools also have the responsibility to educate every student who walks through their doors.

The Tennessee Advisory Committee commends the Hamilton County Public Schools for its recent efforts to systematically examine the effectiveness of its exclusionary and zero-tolerance discipline policies to ensure such policies provide for a safe school environment while not unnecessarily pushing deserving children out of school. That notwithstanding, the Tennessee Committee found that African American students in the Hamilton County Public Schools receive a highly disproportionate amount of discipline. This type of disparity is also found in other school districts in other similarly-sized urban school districts states in the South. Although this finding by itself does not imply discriminatory disciplinary action on the part of the Hamilton County Public Schools, it does highlight the need for vigilance on the part of the school district to ensure its discipline polices are effective and administered fairly.

Public schools are institutions that have an enormous impact on the general welfare of the entire community. The tragic state of affairs that finds so many disadvantaged African American children being disciplined and eventually leaving school is not an inevitable scenario. Public schools have the opportunity to successfully intervene and allow for many of these disadvantaged children to succeed socially and academically. 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.

The Tennessee Advisory Committee calls upon the U.S. Commission on Civil Rights, the U.S. Department of Education, and the State of Tennessee Department of Education to undertake an intensive examination of this issue to learn to what extent school discipline policies and practices are most effective in promoting academic success and best serve to allow promising children from disadvantaged circumstances to succeed in school.

The Tennessee Advisory Committee also urges the general community to give its support to public schools in order to help schools prevent disadvantaged children from leaving school and becoming more of a burden on society than a benefit. Public schools should not be left adrift by the general public to fend for themselves in addressing the pressing challenges of educating children with social and economic disadvantages.

Respectfully,
Rev. Bernie Miller, *Chairman*
Tennessee State Advisory Committee

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

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Introduction

The United States Commission on Civil Rights (Commission) has for its mission the study of issues relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin. Such directives include examining equal educational opportunities.

As part of the Commission, state advisory committees are constituted in each of the 50 states and the District of Columbia. These state advisory committees are charged with the responsibility to examine and report on civil rights issues in their states that are within the Commission's jurisdiction and report publicly on their findings and recommendations.

In concert with its mission, equal educational opportunity has been an ongoing concern of the Commission. In 1977 the Commission released its first study on equal educational opportunity, *Reviewing A Decade of School Desegregation: 1966-1975,* a report on school desegregation efforts.[1] In the 1990s the Commission followed with a 5-series report on equal educational opportunity.[2] Following these initiatives, the Commission has announced plans to examine school discipline practices during the 2011 fiscal year.

At a briefing before the chairmen of the state advisory committees in the Commission's Southern Region, it was reported that African American and other minority children receive disproportionate discipline in the public schools. African American and Latino children are almost three times more likely to be suspended when compared with white students. Stemming from these practices, African American children and other minority children are being disproportionately removed from the regular classroom and placed into alternative education programs. The social isolation and placement of minority children into these programs in turn is correlated with a greater likelihood of dropping out of school, which in turn often leads to eventual future incarceration.[3]

As a result of the briefing, there was an expressed concern among the attending chairs of the state advisory committees that for too many minority school-age children—particularly those attending school in large urban areas, school discipline practices may have the unintended consequence of retarding academic success and instead push too many children out of school and into the criminal justice system. In concert with collaborating state advisory committees in Florida, Georgia, Kentucky, North Carolina, and South Carolina, the Tennessee Advisory Committee decided to examine the issue of school discipline in the state. Similar to the studies by the other state advisory committees, the examination by the Tennessee Advisory Committee concentrated on one large urban school district in the state, the Hamilton County School District, which encompasses the City of Chattanooga. This report is a summary of the findings of the Tennessee Advisory Committee on school discipline and equal educational opportunity.

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[1] In 2007, the Tennessee Advisory Committee did a follow-up study on school desegregation, *Desegregation of Public Schools in Tennessee: 12 Districts Released from Desegregation Orders, 17 Districts Remain Under Court Jurisdiction,* April 2008.

[2] The first report in the series, *Equal Educational Opportunity Project Series (1995),* discussed national trends in education generally and evaluated the history, performance, 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 in the series, *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 Native American Children (1999),* reported on educational opportunities for children attending schools on Indian reservations.

[3] Briefing before the Chairs of the Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee Advisory Committees, Atlanta, GA, Sept. 9, 2009.

Background

Schools are often society's last refuge for rescuing at-risk children before criminal behavior becomes a pattern of life. According to recent research, early starting criminals not only accrued numerous police contacts and arrests, but also tended to engage in the most serious forms of criminal conduct and had the lengthiest criminal careers.[4] Though youths in this country ages 15–19 comprise just 7 percent of the population, this age group accounts for 21 percent of all arrests.[5]

Tragically, school discipline policies may be fueling future criminal behavior, particularly for at-risk children. Connie Curry and Julia Cass offer their opinion in *America's Cradle to Prison Pipeline*, that "countless children, especially poor children of color already are in the pipeline to prison before taking a single step or uttering a single word… They were not de-railed from the right track, they never got on it."[6]

Discipline in the schools has been a recurring theme in public opinion research, and tougher discipline policies have increased across public school systems nationwide. 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 urban schools with high poverty. Teachers in schools with high concentrations of low-income students are substantially more likely to report specific discipline problems such as classroom disruptions, disrespect towards teachers, and rowdiness.[7]

The survey findings suggest that although broad social issues are at the heart of most discipline problems, practical considerations may also be at play. According to a majority of both teachers and parents, overcrowded schools and classrooms are among the top causes of student behavior problems as well. Large majorities of teachers and parents also believe that inadequate parenting is a leading cause of student behavior problems, and many teachers and parents trace most discipline problems to a few chronic offenders.[8]

Students of color are disproportionately affected by rigid school disciplinary practices, such as suspension, expulsion, or placement in an alternative school setting. Nationwide African American students are almost three times more likely to be suspended than white students. This disparity is also reflected in the court systems. For youth with no prior record of incarceration, African American youth are six times more likely to be incarcerated than white students who have committed the same offense.[9]

There are no easy explanations for these stark differences in discipline along racial lines. The challenge to educators is not to quickly dismiss disruptive children as uneducable. But as Malcolm Ratchford, an official of a Head Start program, relates, this is a hard assignment for teachers and school officials. "There are many factors that contribute to increasing challenging behaviors, family life, neighborhood environment, as well as biology, and children will definitely display challenging behavior because of some of these factors. People talk about community partnerships, but often at some point in time within the school system, somewhere along the line, teachers give up in regards to bad behavior. When these kinds of behaviors come about and there is a challenging child in the classroom, people do what is natural and they tend to shy away from that child, instead of giving him the special help and attention that is needed. The key skills one needs in order not to have challenging behaviors are emotional and social skills, but what happens over the years with children lacking good emotional and social skills is that they are shunned and the support network for these children diminishes."[10]

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[4] *See inter alia,* Piquero, A., Brame, R, and Lyman D., "Studying criminal career length through early adulthood among serious offenders," Crime and Delinquency, 50, 412-35.

[5] U.S. Department of Justice, Criminal Justice Sourcebook, 2008, at www.albany.edu/sourcebook (last accessed July 7, 2010).

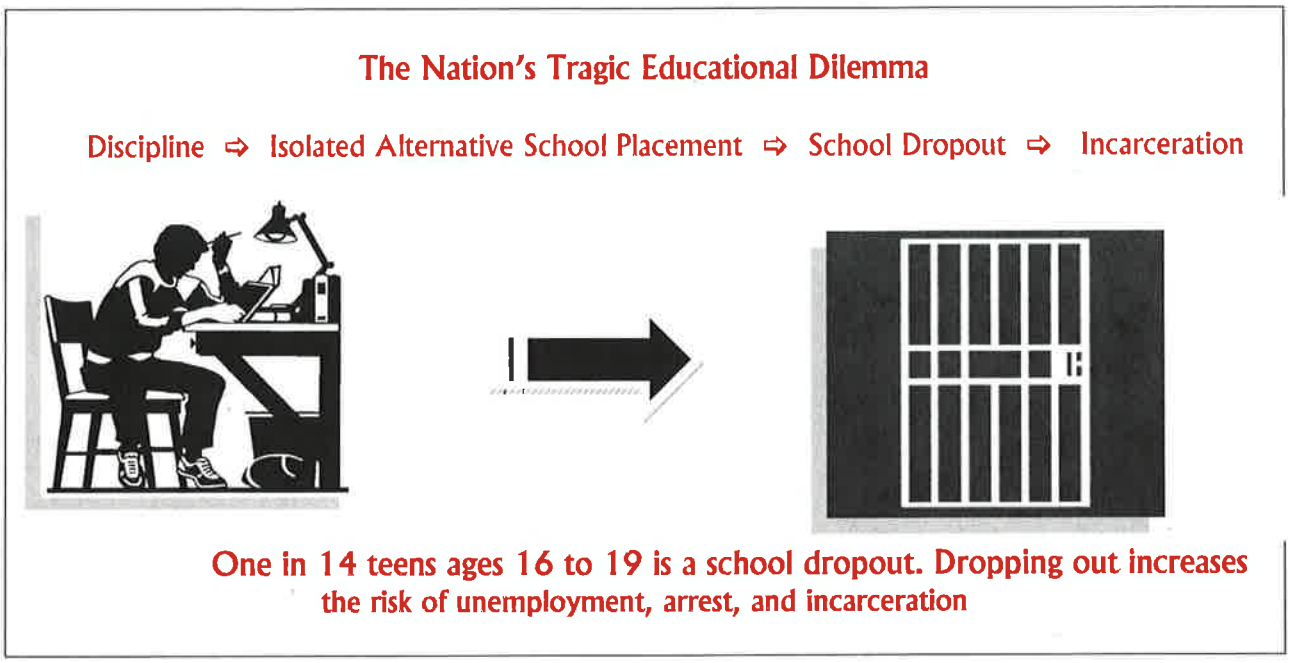
[6] Children's Defense Fund, *America's Cradle to Prison Pipeline,* February 2008.

[7] Public Agenda, *Teaching Interrupted: Do Discipline Policies in Today's Public Schools Foster the Common Good?*, May 2004, at www.publicagenda.org. .

[8] Ibid.

[9] Children's Defense Fund, *America's Cradle to Prison Pipeline,* February 2008.

[10] Malcom Ratchford, vice president, Georgia Head Start Association and Head Start Interim Director for DeKalb and Rockdale Counties (Georgia), from briefing before the Georgia Advisory Committee to the US Commission on Civil Rights, January 22, 2010.



Source: Children's Defense Fund.

1. Poverty impedes prospects for school success, particularly in schools with high numbers of children from low-income families

Factors outside the control of the school can significantly 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. Research has shown a direct correlation between affluently concentrated schools and higher test results on standardized tests.[11] In addition, other research has shown that as children and their families moved from a high poverty neighborhood to a low poverty neighborhood their test scores improved.[12]

To be prepared for school, children need early childhood experiences that foster their physical, emotional, social, and cognitive development. However, the early childhood of many low-income children does not include these experiences, and such deficiencies can adversely affect school success.[13] Families experiencing poverty lack the financial resources necessary to meet basic needs such as food and shelter. Children living in poverty tend to have lower IQ's at age five, and they tend to lag behind peers at all ages. Children whose families experience long-term financial difficulties are more likely to fail a grade. At age 16, poverty remains a predictor of academic failure, and poor educational outcomes are associated with poverty in adults.

In the United States, poverty disproportionately affects 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. Moreover, one-third of African American children and nearly 30 percent of Latino children live in poverty.[14]

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[11] J. Leventhal and J. Brooks-Gunn, "A Randomized Study of Neighborhood Effects on Low-Income Children's Educational Outcomes" Developmental Psychology, July 2004, 40(4).

[12] Charles V. Willie, "The Contextual Effects of Socioeconomic Status on Student Achievement Test Scores by Race," Urban Education, September 2001, vol. 36 no. 4.

[13] GAO, *Federal Investment of Low-Income Children Significant but Effectiveness Unclear*, GAO/T-HEHS-00-83.

[14] *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).

More than 40 years ago the Elementary and Secondary Education Act (ESEA) was enacted to help improve the educational outcomes of poor children. In 2001, ESEA was amended by the No Child Left Behind Act (NCLB), and under Title I of that legislation school districts with large numbers of low-income children are provided additional federal assistance. [15] Nevertheless, despite additional federal funding, the achievement gap between children from low-income families and their more affluent peers continues to persist and grow. [16]

In addition, outside immediate family circumstances, impoverished communities also impede academic success. As Lesley Farmer, director of the civil rights division of the Tennessee Department of Education, said: "Unfortunately, sometimes schools are not a positive place for children because often there are other issues outside of the school that disrupt what should be a positive experience. The teacher is often the only positive person in a child's life."[17]

Judith Byrd, director of Hamilton County Social Services, expressed similar concerns about environmental factors largely outside the control of the school pushing children to fail. "There is a school-to-prison pipeline, but I would not hold schools accountable for it. Children who later go to prison often come from neighborhoods that are usually high in poverty and crime and have parents with less than a high school education. Environment sets the stage before coming into school. What research has shown is important is that parents are involved in the child's education. For children to experience success, parents must be involved. We cannot blame the school. The issue is by far more complex, and the complexities are based on environment."[18]

Regarding neighborhood poverty, a study by the Rand Corporation found it 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. Poor neighborhoods may increase the stress levels of parents and older siblings and thus indirectly increase the stress among younger children.[19]

2. Family structure plays an important role in academic success

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—such as marital status, teenage pregnancy, family size, income, nutrition, parenting, nurturing—may also have important effects on the intellectual development of children and performance in school.

In the past three decades, family life has undergone dramatic transformation. Some of the factors accounting for this transformation include the entry of mothers into the labor force, the rising rates of cohabitation, out-of-wedlock childbearing, and an increase in divorce. Before they reach the age of 18, a majority of all U.S. children are likely to spend at least a significant portion of their childhoods in a one-parent home. Some research posits that a child's ability to adapt to classroom routines appears to be

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[15] Pub. L.. No. 107-110.

[16] GAO, *K-12 Education, Many Challenges Arise in Educating Students Who Change Schools Frequently,* GAO-11-40

[17] Interview, Lesley Farmer, director, civil rights division, Tennessee Department of Education, with Katherine Waller, Southern Regional Office, U.S. Commission on Civil Rights, Apr. 10, 2010.

[18] Interview, Judith Byrd, director, Hamilton County Social Services, with Katherine Waller, Southern Regional Office, U.S. Commission on Civil Rights, Apr. 10, 2010.

[19] 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).

influenced by his or her parents' marital status. For instance, it has been reported 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. In addition, according to some research, the ability of children to perform in basic subject areas and at their grade level is weaker for those children not living with their own married parents. 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.[20]

Some education research suggests that contemporary education programs fail because they assume a model of intellectual development that does not seem to be viable. Traditional compensatory education programs may fail not because intellectual capacity is inherited but rather because intellectual capacity is influenced by family factors that exert their greatest influence during early childhood and it is very difficult to change a child's intelligence aptitude once he or she reaches school age.[21]

Apart from affect on academic performance, recent studies also show that when parents increased 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 decreased. Moreover, parental involvement has also been shown to be related to an increase in so-called pro-social skills such as cooperation and self-control.[22]

The effectiveness of some charter schools in maintaining orderly schools in difficult urban environments attests to the influence of parents on school discipline. Children attending charter schools have parents who are engaged in their children's education, as parents must make a proactive effort to enroll their children in a charter school. Such parental involvement can pay dividends in school discipline. For example, in New York City, Democracy Prep is one of several exceptional charter schools that apply the "no excuses" model pioneered by the Knowledge Is Power Program, which now operates 82 charter schools in 19 states, including two in New York City. At Democracy Prep, kids sit at their desks and are expected to work at all times. They walk from one classroom to another quickly, quietly, and under adult supervision. The disciplinary policy is based on the approach of dealing with small infractions seriously, which creates an environment in which major violations are simply unthinkable.[23]

3. Research suggests optimal discipline polices even in challenging circumstances

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. Rob Rhodes, director of the Appleseed Center for Law & Justice, asserts that current school discipline practices contribute to unnecessarily pushing too many children out of school. "There are dozens of books, articles, and reports that document the use of out-of-school suspensions, expulsions, referrals to alternative schools for relatively minor behavior. Alternative schools often do not provide instruction that will allow the student to maintain pace with his/her class. Students who are suspended, expelled, or placed in an alternative school miss work and find that they cannot catch up. This can lead to enormous frustrations and ultimately to dropping out. These students are ripe for the criminal system because they lack the education needed to compete in the economic system."[24]

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[20] Center for Marriage and Families, "Family Structure and Childrens' Educational Outcomes," Research Brief No. 1, November 2005.

[21] See inter alia, David Armor, *Family Policy and Academic Achievement*, Chapter 6, *One Percent for the Kids, New Policies, Brighter Futures for America's Children,* by Isabel V. Sawhill, The Brookings Institution, 2003.

[22] *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.

[23] *See* Marcus A. Winters, The Life-changing Lottery, City Journal, Summer 2010, at http://www.city-journal.org/2010/20_3_ democracy- prep.html (last accessed January 25, 2011).

[24] Interview, Rob Rhodes, director, Appleseed Center for Law & Justice, with Katherine Waller, Southern Regional Office, U.S. Commission on Civil Rights, Apr. 10, 2010.

Specific school discipline policies, such as zero tolerance policies, may contribute to pushing a large percentage of minority youth into alternative education programs for disciplinary reasons. Effective discipline policies maintain equity in school discipline across socioeconomic status, ethnicity and academic status, review discipline data to inform decision making, and employ collaboration among school staff to design a discipline plan. Research supports a specific set of effective school discipline policies that minimize academic failure, school dropout, and involvement in the juvenile justice system. Early behavioral problems are predictive of future disengagement and failure; therefore it is important for engaged intervention discipline policies to first focus on early identification and intervention. As the primary level of discipline, engaged intervention discipline encompasses: (1) universal screening, (2) data-based decision making, (3) providing supportive services for at-risk students, and (4) teaching replacement behaviors.

One comprehensive, proactive and preventative model of effective discipline is positive behavior intervention and supports (PBIS). PBIS is a three tiered model that at the school-wide level teaches and recognizes positively stated expectations to all students. At the school 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 according to universal screening and examination of office discipline referral data receive small group supports such as mentoring, conflict resolution groups, and counseling.

While the engaged intervention is a preventative model, it is typically necessary for schools to also have a reactive discipline plan which outlines consequences for violations of school discipline policies. Varying violations and varying possible consequences oftentimes complicate this process but exclusionary practices such as zero tolerance, suspension, expulsion, and transfer to disciplinary alternative education programs do not teach replacement behaviors or prevent future violations. By definition, exclusionary discipline practices are any decisions made in response to problematic behavior allegations which result in the removal of the student from his/her typical school environment, oftentimes limiting access to mainstream social and educational situations. In contrast, effective reactive discipline policies support inclusive practices, keeping students in their typical environments while providing positive supports and remedial instruction in deficit skill areas.

Rob Rhodes, director of the Appleseed Center for Law & Justice, stated that punitive discipline as practiced acts to put students behind academically, and that in turn leads to more discipline problems. "A lot of school discipline problems start when students are suspended and fall behind academically. When these students cannot catch up they resort to more bad behaviors, which in turn lead to more suspensions, and a continuing cycle of discipline until they drop-out of school. Poverty and a lack of strong parental or adult guidance certainly may play a role, but there are indications that when researchers control for the nature of the offense, such as 'disrupting public schools,' the same disproportionality along racial lines will be exhibited. In other words, similar behaviors can and often do result in different reactions by school officials. The term 'disruptive behavior' is vague. It may be that certain words receive a different reaction when they come from a white child than when they come from a black child."[25]

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[25] Interview, Rob Rhodes, director, Appleseed Center for Law & Justice, with Katherine Waller, Southern Regional Office, U.S. Commission on Civil Rights, Apr. 10, 2010.

The Hamilton County Public School District faces many challenges

1. Sixty percent of children in Hamilton County schools are from low-income families and racial integration is low in district schools

Hamilton County is in the southeastern portion of the state and encompasses the City of Chattanooga. The Hamilton County School District (HCSD) is the fifth largest school district in the State of Tennessee, with an enrollment of over 40,000 students.[26] The Hamilton County Public School District operates 76 schools.[27] This includes 49 elementary schools, 21 middle schools, and 16 high schools, and 1 alternative school. Nearly half of all schools in the district, 37 of 76, are Title I schools under NCLB.[28]

The Hamilton County School District has the fourth largest proportion of minority students in the state, and only three other school district(s) have more minority students. Whites make up the majority of the student population in the Hamilton County School District, but minority students are about 40 percent of all students. African Americans are the largest minority group, comprising about 33 percent of all students. No other minority group exceeds 6 percent. (See Table 1.)

In Hamilton County, the rate of poverty is higher than the national average with nearly 14 percent of county residents living below the poverty level, or about 1 of every 7 persons.[29] Approximately 25 percent of all Hamilton County students live in poverty.[30]

However, the absolute poverty measure is only one indicator for a low level of financial resources available to families. A majority of students in Hamilton County come from low-income families as classified by eligibility for free and reduced lunch. Fifty-nine percent of all Hamilton County students receive free and reduced lunch services.[31] Free lunch services are provided to families with incomes at or below 130 percent of the poverty level; while reduced-price lunches are provided to families whose income is between 130 and 185 percent of the poverty level. This is a significant finding since the negative effects of poverty on academic achievement have been widely researched and documented.

Racial integration is low in the district's schools. The separate City of Chattanooga and Hamilton County School Districts were racially segregated into the late 1960s. The initial desegregation action was against the Chattanooga City Schools.[32] In 1997, the independent Chattanooga City School System ceased operations, and the former city system merged with the county system and became part of the unified Hamilton County School District.

Prior to the merger, the majority of students in Chattanooga City Schools were African American, while the majority of students in Hamilton County School District were white. Since the merger, although HCSD has made efforts to racially integrate the schools the district remains highly segregated. The Dissimilarity Index (Index) is the most common measure of integration, with an Index higher than 60 considered to be an indicator of a very high level of segregation. Currently, the Index for all regular elementary schools in the HCSD is 65, indicating a very high level of racial isolation.[33] To compound this effect, school officials acknowledge that teacher recruitment and retention for inner-city schools in the district is a challenge. Inexperienced teachers often lack the skills necessary to teach students with academic and behavioral challenges.[34]

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[26] Tennessee Department of Education, *School Report Cards*, 2008.

[27] Ibid.

[28] Ibid.

[29] 2008 American Communities Survey, The 2008 poverty threshold for a family of three, one adult and two related children, was $17,346. For a family of four, two adults and two related children, the threshold was $21,834.

[30] 2008 American Communities Survey, children ages 5-17.

[31] Tennessee Department of Education, 2008.

[32] *Mapp v. Board of Education of City of Chattanooga,* 525 F.2d 169.

[33] The formula for the Index of Dissimilarity is $I = \sum |b_i/B_i - w_i/W_i| * 100$.

[34] Interview, Jim Scales, superintendent, Rick Smith, deputy superintendent, Ray Swafford, assistant superintendent, and James Colbert, assistant superintendent, Hamilton County Public Schools, with Katherine Waller, Southern Regional Office, U.S. Commission on Civil Rights, Chattanooga, TN, June 6, 2010.

Table 1: Student enrollment in the Hamilton County Public School District by race and ethnicity, 2008-09 school year

	Number	Percent
White--non-Hispanic	24,696	59.4
African Amer--non-Hispanic	13,823	33.3
Latino	2,139	5.1
Asian	820	2.0
American Indian	68	0.2
Total	41,320	100.0

Source: Tennessee Advisory Committee from Tennessee Department of Education.

2. One-third of Hamilton County schools failed to make adequate progress under NCLB and only two out of three African Americans graduate

The legislated purpose of NCLB is to raise achievement for all students and to close the achievement gap between disadvantaged children and their peers. This is designed to be accomplished through accountability, flexibility, and options for parents, so that no child is left behind. One section of NCLB regards the state requirement to expand the scope and frequency of student testing and higher accountability standards. Specifically, the new law requires every public school and school district to make demonstrable annual progress in raising the percentage of students proficient in reading/language arts and mathematics in order to narrow the test-score gap between advantaged and disadvantaged students. This requirement of public schools and public school districts to demonstrate annual progress in reading/language arts and mathematics proficiency is known as "Adequate Yearly Progress" (AYP), and is based on whether students achieve "proficiency" on state-administered assessments.

AYP standards are developed individually by each state. However, state definitions must reflect the NCLB objective of 100 percent of students demonstrating proficiency in reading & language arts and mathematics by the end of the school year 2013-2014. Schools that receive federal Title I funds and do not make AYP goals for two consecutive school years are identified as schools in "need of improvement." After a school is found to be in need of improvement, school officials must develop a plan to improve the performance of the children attending the school. In addition to these changes, every student in the school is also to be given the option of transferring to another public school in the district that is not classified as poor performing, and the school district must provide transportation to the transferring children.

Overall, the Hamilton County School District was deemed "in good standing" with NCLB for the 2008-2009 school year. However, 35 percent of Hamilton County Schools failed to make AYP. Although the majority of students in Hamilton County Schools (60 percent) are white, 16 of the 26 schools that failed to make AYP had student populations made up predominately of African American students. For the 2008-2009 school year, the school system failed to meet the AYP benchmarks for Elementary/Middle School African American students for both Math and Reading/Language Arts/Writing. While the school system had an overall graduation rate of nearly 73 percent, the graduation rate was 64 percent for African American students.

Hamilton County Schools has obtained grants from the Benwood Foundation, the Public Education Foundation, and Lynhurst Foundation to address academic achievement among elementary and middle school students. At the high school level, the system has several plans in place that target improving the graduation rate. The Advance Path Program, offered at Howard School, is an extended day program that provides students with an opportunity for "credit recovery" (i.e., an opportunity to make up for missed or failed courses). At several schools, students may recover credit by taking computer-based courses through *Novanet.*

Table 2: Graduation rate for grades 9-12 by race, HCSD, 2008-09 school year

	Graduation Rate
All students	72.6
White	76.4
African American	64.1
Latino	84.6
Male	68.4

Source: Tennessee Advisory Committee from Tennessee Department of Education.

For students whose needs are not met by traditional high school, Hamilton County offers an adult high school and a virtual high school. The adult high school serves students who are 17 years old or older and has an average of 70 to 100 students graduate each semester. Hamilton County is the pilot location for *E4TN* (Education for Tennessee), an internet-based, virtual school. Although students must pay to take online courses through *E4TN,* those receiving free or reduced lunch receive vouchers to cover the cost.

Apart from AYP achievement under NCLB, high school graduation rates are another important indicator of a successful academic program. The State of Tennessee has adopted a goal of a 90 percent graduation rate for all students enrolled in grades 9-12. In school year 2008, the Hamilton County School District with a graduation rate of 72.6 percent was substantially below the goal.

African American students and male students were the groups of students with the lowest graduation rates in the Hamilton County School District. Only 64 percent of African American students in the grades 9-12 cohort graduated, compared to 76 percent of white students and 85 percent of Latino students. Essentially, only two of every three African American students who begin the 9th grade in the Hamilton County School District graduate.

Along gender lines, males have a disproportionately lower graduation rate than females. Female students in Hamilton County have a graduation rate of 77 percent. In contrast, just 68 percent of males graduate from high school in the school district. (See Table 2.) This suggests that African American males are the group of children in the district who are least likely to complete their formal schooling.

School Discipline policies in the Hamilton County School District and other school districts in the South disproportionate to African American students

> *"Even if poverty and lack of discipline at home were causes of bad behavior, is the answer to use discipline tactics that are not effective? It does not make economic sense overall. We have reduced the number individuals who participate in the workforce and increased the spending on the criminal justice system.*
>
> *"We know that there are more effective options than suspensions, expulsions, and alternative schools, such as positive behavior intervention and supports, better cultural training for teachers, and more effective student discipline. Ineffective discipline policies results in warehousing a large number of children. This is not only morally wrong, but it is also an economic waste.*
>
> *"As to the argument that schools cannot solve all social ills, I sympathize, but most state constitutions require schools to provide an adequate education for all students. We cannot decide that we cannot deal with 20 to 30 percent of the population. That is not constitutional; and it is not smart. Education should be sufficient to equip all students to participate in our political and economic systems. The reality is that we are losing a lot of our kids."*[35]
>
> *--Rob Rhodes, director, Appleseed Center for Law & Justice*

1. Principals in the Hamilton County School District have wide discretion to administer discipline

The Board of Education sets discipline policies for HCSD in accordance with federal and state laws. HCSD's 'Zero Tolerance' policy requires the suspension or expulsion of students who have a dangerous weapon in their possession on school property or at school sponsored events. In addition to Zero Tolerance offenses, other major offenses that may result in suspension or expulsion include possession of alcohol, arson, assault/battery, fighting, gang-related activity, interference with government operations (e.g., bomb threats, setting off the fire alarm), robbery, sexual assault, threats, and vandalism.

Other student misconduct may result in discipline at the discretion of the principal. According to the *Code of Acceptable Behavior and Discipline,* behaviors considered to be misconduct include: truancy, tardiness, smoking, use of profanity, being disrespectful to teachers, littering, and violation of the dress code. Misconduct also includes 'improper behavior', which is not defined by the code, and 'off-campus conduct' that is loosely defined as any behavior away from school that may cause a disruption at school.

Board policy mandates that prior to administering discipline, school personnel must make a "reasonable inquiry to determine the truth of what happened." For offenses that may result in suspension or expulsion, the student must be "advised of the nature of his/her misconduct, questioned about it, and be allowed to give an explanation."

Students who have been expelled or received a long-term suspension—one more than 10 days have the right to appeal the discipline decision. For non-zero tolerance offenses the appeal is made to a committee of three school administrators who report to the superintendent. Zero Tolerance offense appeals are made directly to the superintendant. Further appeal for Zero Tolerance offenses are made to the school board. Students who have received fewer than 10 days suspension do not have a right to appeal.

Washington School in HCSD serves as the district's alternative school for middle and high school students who have been removed from the regular classroom for disciplinary reasons. Two elementary schools in the district also have alternative education programs. Students are sent to these three schools as an "alternative" to expulsion or long-term suspension. Many of the expulsions that are upheld are students 18 years old or older, and these students are allowed to enter adult education programs in the district.

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[35] Interview, Rob Rhodes, director, Appleseed Center for Law & Justice, with Katherine Waller, Southern Regional Office, U.S. Commission on Civil Rights, Apr. 10, 2010.

Table 3: Student discipline by race in the HCSD, 2008-09 school year

	Whites	African American
Student Population (Percent)	60	33
Office Discipline Referrals (Percent)	40	57
Out-of-School Suspensions (Percent)	36	61
Expulsions (Percent	30	67
Referrals to Alternative Education	16	83

Source: Tennessee Advisory Committee from Hamilton County School District Data.

2. African American Students in HCSD are disproportionately disciplined

African American students in HCSD are disproportionately disciplined. One of the challenges faced by HCSD is the high concentration of poverty in schools with a majority of African American students. Most of the African American students suspended, expelled, or sent to alternative school are from a small number of schools in the district.

According to Lesley Farmer, director of the civil rights division of the Tennessee Department of Education, told the Tennessee Committee that discipline definitely plays a role in pushing children out of school and towards prison. "We have an issue of disproportionality regarding discipline in Tennessee that we are trying to address. I have read research that suggests that disproportionate discipline referrals could be based on subconscious issues between the teacher and students. If students feel they are being treated unfairly, this could lower morale.

Farmer commented that the lack of diversity in the school professional staff might account for some of the disparity observed in discipline. "In a lot of schools there is a lack of diversity in the teacher and administrative staffs. Sometimes the only diversity an African American child sees is with the cooking or cleaning staff. Adding to that, teachers need more diversity training so that they will be able to identify with the problems that students have. Diversity training should address more than just race. It should address sex, socio-economic status, and other cultural differences. Often training is limited to administrators. Schools need to conduct more professional development for teachers as well."[36]

HCSD acknowledges there is a problem with the effectiveness of its discipline policies. To address the issue, in several inner-city elementary schools and one middle school, the system is implementing a Positive Behavior Interventions and Supports (PBIS) behavior policy. The district plans to expand PBIS to other middle schools during the 2010-11 school year.

a. In HCSD, African American students are about one-third of the student body yet receive nearly 60 percent of all out-of-classroom discipline referrals

During the 2008-2009 school year in HCSD, there were 48,740 out-of-classroom referrals of students for disciplinary reasons. This reflects a high level of formal discipline on the part of the school district. This rate of formal discipline referral is a 1:1 student–to-formal discipline correspondence. In other words, for every child in the school district there is a formal disciplinary action taken.

Clearly, the above statistic does not imply that every child in the Hamilton County School District was referred to the principal's office for a disciplinary reason. The same child could receive multiple "office referrals" in the course of a school year. Nevertheless, even accounting for the double-counting of some children, the observed 1:1 correspondence in office referral discipline suggests that students in the district are referred out-of-the classroom for disciplinary purposes at a very high rate.

[36] Interview, Lesley Farmer, director, civil rights division, Tennessee Department of Education, with Katherine Waller, Southern Regional Office, U.S. Commission on Civil Rights, Apr. 10, 2010.

In addition to the high rate of discipline activity, discipline falls moat heavily on African American students. In the 2008-09 school year there were 27,798 discipline referrals for the 13,823 African American students in the district. This is a 2:1 correspondence; for every African American child in the school district there were two formal discipline actions taken.

Put another way, African American students are 33 percent of the total population. Absent other factors, it would therefore be expected that in a race neutral environment African American students would receive about one-third of all disciplines. Yet African American students in HCSD receive nearly 60 percent of all out-of-classroom discipline referrals.[37]

b. In HCSD, African American students are about one-third of the student body yet receive nearly two-thirds of all out-of-school suspensions

Similar to the disproportionate numbers of out-of-classroom discipline referrals, African American students also receive a disproportionate number of short-term suspensions, suspensions less than 10 days. An out-of-school suspension removes the child from the educational setting, and can severely retard prospects for future academic success.

During the 2008-09 school year, 5,551 short-term out-of-school suspensions were administered in HCSD. Again, this is a high rate of suspension, suggesting that 1 of 8 children in the district is suspended during the course of a school year.

African American students in the district were much more likely to be suspended. Overall, white students received about 1 of 3 suspensions though they are two-thirds of the student population. In contrast, African American students are about one-third of the student body and received nearly two-thirds of all out-of-school suspensions.

Tennessee state law defines 'expulsion' as suspension for more than 10 days. It is a strong discipline measure, and often has lasting consequences for the future educational opportunity of the child. A total of 449 students were expelled from HCSD schools during the 2008-2009 school year. This is a high number, as it indicates that more than 1 percent of all students are expelled, and although African American students are just 3 of every 10 students, 6 of every 10 students expelled are African Americans.

c. In HCSD, African American students are 83 percent of all students assigned to an alternative education setting

Placement in alternative education programs is an option to expulsion that at least allows for the child to continue in some form of an educational setting. As previously reported, however, there is widespread concern that alternative education settings are less educational settings and more controlled confinement.

In HCSD, a total of 1,484 students, or 3 percent of the total student population, were placed in an alternative school program during the 2008-2009 school year. Again, African American students were disproportionately affected. Of the total number of students assigned to an alternative education program, just 16 percent were white student referrals; 83 percent were African Americans.

Moreover, nearly 10 percent of all African American students in the district were assigned to an alternative school setting at some time during the school year. In sharp contrast, only 1 of every 100 white students in the district received an alternative school assignment.

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[37] $X^2 = 4{,}261$, $p=0.0001$.

3. HCSD is similar to other district urban school district in the South in its discipline practices and the difficult educational challenges it faces

To gain a comparative perspective of disciplinary practices in the Hamilton County School District, HCSD was examined in contrast to four other urban school districts in the South: Atlanta, GA (Atlanta Public School District); Charlotte, NC (Charlotte-Mecklenburg County School District); Louisville, KY (Jefferson County School District); and Jacksonville, FL (Duval County School District). The educational challenges faced by HCSD appear to be similar to those faced by the four comparison school districts, and the disparity in discipline along racial lines is also common to all five school districts. The five school districts share common educational challenges: (1) high poverty, (2) high percentages of minority children, and (3) district-wide isolation of African American students from white students.

The high percentage of poor students attending public schools in HCSD is not that different from other urban school districts in the South of similar size. For example, the poverty rate for students in the Jacksonville, FL, school district is 34 percent, 20 percent for the Louisville, KY, school district, and 40 percent for the Atlanta City School district. The poverty rate in the Charlotte-Mecklenburg County (NC) schools is only 10 percent, which is a rate substantially lower than the other districts.

The percent of African American students in HCSD at 33 percent is substantially higher than their proportion of the population nationally, 15 percent. Similarly, the percentage of African American students in the Atlanta, Charlotte, Jacksonville, and Louisville school district is substantially higher than the national average. In Atlanta, African American students are 90 percent of total enrollment; in Charlotte they are 40 of all students; and in Jacksonville and Louisville, African Americans comprise 34 and 36 percent of all students, respectively.

Similar to the four comparison school districts, HCSD has a high level of racial segregation in its schools. It was previously reported that HCSD had an integration Index of 65 among its regular elementary schools—an indication of a high degree of racial segregation. The other four school districts share a similar pattern of a high degree of racial separation in their schools. In Charlotte, the Index of segregation is 78, in Jacksonville it is 50, and in Louisville it is 59. Atlanta is a school district that is 90 percent African American, so essentially the entire district is segregated from the Fulton County School District.

It is now fairly well established that there is a causal relationship between the age or grade where disruptive behavior and formal school discipline commences and the likelihood of academic failure and future involvement with the juvenile justice system. Early behavioral problems in school are highly predictive of future failure in the school setting. It becomes imperative, therefore, for schools trying to maximize the academic success of children from disadvantaged circumstances that efforts be engaged early for children displaying disruptive behaviors. Similar to other school districts, HCSD's discipline policy appears to be more reactive than positive-based. Discipline referral rates were found to be highest in Jacksonville and lowest in Charlotte. Nevertheless, disciplinary rates for the five public school districts were found to be similar. That suggests that the HCSD is not alone grappling with the problem of disproportionate discipline of children of color.

Specifically, the overall number of office discipline referrals per student was calculated for each school district examined to determine the frequency students from each district are being disciplined. The Hamilton County Public School district had the second highest number of office discipline referrals per student when compared with the other four selected school districts.[38]

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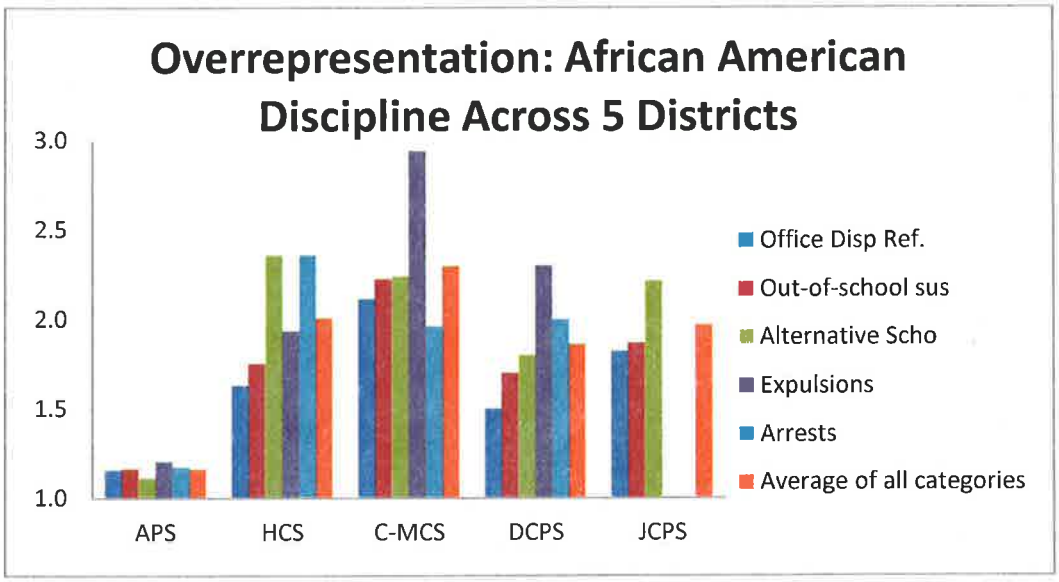
[38] Data received upon request from Atlanta Public Schools (APS), Duval County Public Schools/Jacksonville (DCPS), Jefferson Public Schools/Louisville, Hamilton County Schools/Chattanooga, and Charlotte-Mecklenburg County Schools for the 2008-2009 school year. For exact discipline referral numbers in Jacksonville-Duval County School District, see Florida Advisory Committee to the U.S. Commission on Civil Rights, *School Discipline in Florida: Discipline practices leave many children behind*, November 2010 (hereafter referred to as *School Discipline in Florida*). For exact discipline referral numbers in Louisville-Jefferson County School District, see Kentucky Advisory Committee to the U.S. Commission on Civil Rights, *School Discipline: School discipline practices push too many disadvantaged children out of school*, February 2011 (hereafter *School*

Figure 1: Comparison of discipline over-representation for African American students in Hamilton County schools and four comparison school districts



Source: Tennessee Advisory Committee

Note 1: A value of 1 represents no disparity; values greater than 1 represents an over-representation.

Note 2: Atlanta Public Schools (APS), Duval County Public Schools/Jacksonville (DCPS), Jefferson Public Schools/Louisville (JCPS), Hamilton County Schools/Chattanooga (HCS), and Charlotte-Mecklenburg County Schools (C-MCS)

Employing a Disparity Index and contrasting across five categories of discipline: (i) office referrals, (ii) out of school suspension, (iii) alternative school placement, (iv) expulsion, and (v) arrest, there is a shared pattern of disparity against African Americans in disciplinary actions.[39] Except for the Atlanta School District, the compared school districts all show noticeable discipline disparities against African American students. For example, with respect to office discipline referrals, HCSD has an Index of 1.6, similar to DCPS at 1.5. The Indexes for C-MCS and JCPS are about 2.

For out-of-school suspensions, apart from Atlanta, HCSD and DCPS the Disparity Indexes are a bit lower than the other school districts, but all four comparison school districts hover around an Index of 2—an indication that African American students receive out-of-school suspension at a rate twice that expected.

The disparate placement of African American student into alternative educational programs is also common to the comparison school districts, except in Atlanta. For alternative school placements, HCSD as well as C-MCS and JCPS have Disparity Indexes well over 2, while DCPS approaches 2. So for four comparison districts, African American students are twice as likely to be placed into an alternative school programs as expected from their percentage of total enrollment.

These data suggest that the Hamilton County School District is not alone grappling with the problems of disproportionately disciplining African American students. It is a pattern that is observed in other large urban school districts of the South with similar racial and poverty demographics.

Discipline in Kentucky). For exact discipline referral numbers in Charlotte-Mecklenburg County School District, see North Carolina Advisory Committee to the U.S. Commission on Civil Rights, *School Discipline in North Carolina: School discipline in Charlotte-Mecklenburg County schools falls disproportionately on African American students*, March 2011, (hereafter referred to as *School Discipline in North Carolina*).

[39] The Disparity Index is calculated by: percent of disciplines against group X / student population of group X. If there is no disparity, the percentage of discipline is equal to the group's percentage of the student population, i.e., 1.

Findings

1. Multiple factors beyond the control of school districts, such as poverty, neighborhood environment, gang activity, drugs, and poor home environment, have a negative affect on a child's ability to function well academically. Clearly many African American children living in urban areas face such multiple disadvantages that impede their academic success.

2. Public schools have a responsibility to maintain safe, orderly schools regardless of challenging or difficult environments. However, as set out in the No Child Left Behind Act, schools also have the responsibility for educating every student who walks through their doors.

3. African American students in the Hamilton County Public Schools receive a highly disproportionate amount of all discipline. Although this finding by itself does not imply discriminatory disciplinary action on the part of the Hamilton County Schools, it does highlight the need for vigilance on the part of the school district to ensure its discipline polices are being administered fairly and without racial bias.

4. Exclusionary disciplinary policies that include: (i) out-of-school suspension, (ii) expulsion, and (iii) placement into alternative school settings, contribute to a higher risk for a student to drop out of school. African American students in the Hamilton County Public Schools receive significantly more exclusionary disciplinary and are the overwhelming population of students placed into the district's alternative education programs.

5. Dropping out of school is a known high risk-factor for future incarceration. Evidence suggests that an over-reliance on exclusionary disciplinary practices by a school district may unnecessarily serve to lead many children into a self destructive pattern of behavior that not only places many of them at a high risk for future incarceration but also with minimal prospects for self-supporting life style.

Recommendations

1. The tragic state of affairs that finds so many disadvantaged African American children being disciplined and eventually leaving school is not an inevitable scenario. Public schools have the opportunity to successfully intervene and allow for many of these disadvantaged children to succeed socially and academically. 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.

The Tennessee Advisory Committee commends the Hamilton County Public Schools for its recent efforts to systematically examine the effectiveness of its exclusionary and zero-tolerance discipline policies to ensure such policies provide for a safe school environment while not unnecessarily pushing deserving children out of school. In particular, we applaud the effort of the district to implement a system of Positive Behavior Interventions and Supports (PBIS) in several inner-city elementary schools and one middle school, and its intent to expand PBIS to other middle schools.

We urge the district going forward to consider:

- Is there a poverty component that affects the discipline that is meted out?
- Is there a cultural gap between the teacher and student that affects the administration of discipline?
- Is there a role for incentives to encourage parents to be more involved in keeping their children in school?
- Is there a role for teachers and administrators to use more positive or different discipline strategies in place of punitive actions?

2. Although African American students in Hamilton County Public Schools receive a disproportionate amount of discipline, this fact by itself does not imply discriminatory disciplinary action on the part of the Hamilton County Schools. However, this situation merits vigilance. The Tennessee Committee recommends that the School Board of the Hamilton County School District endorse and put in place a policy that will regularly monitor discipline by race in order to ensure that there will be constant and ongoing attention to ensure discipline is meted out in a race-neutral manner.

3. Public schools are public institutions that have an enormous impact on the general welfare of the entire community. The Tennessee Advisory Committee recommends that the general community give its support to its public schools in order to help schools prevent disadvantaged children from leaving school and becoming more of a burden on society than a benefit. This includes parents as well as those in the community without children in the public school system, as the life of every person in the community is affected by the performance of the public schools. Such support implies community involvement with the schools both in their instructional programs as well as a backing for support services necessary to help disadvantaged children with exceptional needs. Public schools should not be left adrift by the general public to fend for themselves in addressing the pressing challenges of educating children with social and economic disadvantages.

4. The Tennessee Advisory Committee recommends that the U.S. Department of Education, the U.S. Commission on Civil Rights, and the State of Tennessee Department of Education replicate this study in other areas of the state and country to learn to what extent school discipline policies and practices are most effective in promoting academic success and best serve to allow promising children from disadvantaged circumstances to succeed in school.

Appendix 1 -- Comments of the Hamilton County School District

The Hamilton County Department of Education (HCDE) currently has an identified economically disadvantaged student rate of 61% across the system. The challenges that these students bring to the classroom are varied and require a comprehensive educational program to address the many needs.

Several initiatives are in place at the elementary level to provide instructional support. In 2001, the Benwood Foundation and the Public Education Foundation partnered with HCDE to launch a landmark initiative known as the Benwood Initiative to improve nine of our high poverty elementary schools that were among the lowest performing elementary schools in the state of Tennessee. Due to its success in improving student achievement and transforming these schools, a second phase was initiated in eight additional schools in 2007. This initiative has received national attention from researchers across the country. The school system administration is currently working to institutionalize the best practices of the Benwood Initiative into HCDE's next 5-year strategic plan.

The Benwood Initiative includes the following high impact strategies and best practices:

- Build leadership capacity through school administrator network meetings and the Principal Leadership Academy.
- Provide professional development to administrators and teachers to include data analysis and a focus on guided reading instruction, writing and English Language learner needs. Quality professional development is aligned to school needs.
- Improve teacher effectiveness by providing incentives for placement in hard-to-staff schools, as well as the support of embedded peer assistance by model classroom teachers to provide focused support in core subject areas.
- Use data to inform instructional decisions to improve student achievement including measurements of effectiveness by tracking teacher retention and student growth by school.

HCDE oversees 44 pre-kindergarten programs that include business partner sites as well as 22 state-funded sites. This early intervention to provide social and academic skills in order to prepare economically disadvantaged students to enter kindergarten ready to learn is beneficial in deterring other unwanted behaviors.

HCDE is currently piloting a model for a new teacher evaluation system that is required to be implemented through the Race to the Top/First to the Top school reform plan. One of the side benefits that has been identified, especially by secondary school administrators, is that student behavior has improved with the more frequent approach to principal observations in the classroom.

HCDE has a Board approved Student Assignment Plan which is generally based on zones for student enrollment. However, the school system continues to operate 13 magnet schools throughout the county which are open through lottery admission to all students. These magnet schools foster a diverse student body and boast some of the highest achievement scores in the district.

Residential demographics are mirrored in our zoned student enrollment in schools other than the magnet programs. (See attached ethnicity by school report.) High concentrations of economically disadvantaged students attend our schools in the heart of Chattanooga and also live in those areas. Students are also provided a choice to transfer schools if their current school status is identified on the NCLB high priority list. It is important to note that out of 2,000 students eligible to choose to attend a non-high priority school this year, only 68 chose to do so.

Through a concentrated effort to increase the number of students who graduate in Hamilton County, our 2009-2010 graduation rate is 80.2% which reflects a significant increase. As mentioned in the report, we have credit recovery programs plus the *Novanet* computer-based offering designed to allow students to get back on track to graduate. The 2010 event dropout rate for HCDE is the lowest in years.

As noted in the report, Zero Tolerance policies are included in our Student Code of Acceptable Behavior and Discipline. Zero Tolerance is state law and addresses three offenses:

1) possession of a firearm, explosive, poison gas device, bomb or similar device,
2) illegal possession of a controlled substance or drug, and
3) striking a teacher, principal, administrator or any other employee of HCDE, or a School Resource Officer.

State law mandates the disciplinary action for these offenses to be expulsion for one year, unless modified by the superintendent.

In an effort to apply positive action to negative student behaviors, HCDE has instituted *School Wide Positive Behavior Support (SWPBS)* in 12 elementary schools and 3 middle schools. Our Hamilton County team has been asked to present at the Annual Special Education Conference in Nashville on implementation of *School Wide Positive Behavior.* We have seen early successes through this effort. Attached is a file containing suspension data from 2004-2010 by ethnicity, income status and grade level for the system and for individual schools. While we are aware that we still have many challenges, we are encouraged that the 2009-2010 numbers reflect a significant decrease in the incident count.

In the attached suspension/expulsion comparison table of Tennessee systems that are similar to Hamilton County, our counts and percentages are in line with their statistical results. These systems fall under the same state guidelines regarding Zero Tolerance law and other state approved policies.

TN School System Comparison 2009-2010 Report Card				
	Hamilton	Metro Nashville	Knox	Memphis
# of African American Suspensions	2,232	6,688	1,759	20,987
% of Total Suspensions	16.4%	18.7%	21.0%	22.8%
# of African American Expulsions	262	221	--	3,812
% of Total Expulsions	1.9%	0.6%		4.1%

HCDE staff continues to make a conscious effort to improve student achievement for all of our students while addressing those areas of inequity among economically disadvantaged students and their peers. We understand the challenges and the need for the skills and resources to apply best practices equitably across the system.