



March 2018

K-12 EDUCATION

Discipline Disparities for Black Students, Boys, and Students with Disabilities

GAO Highlights

Highlights of [GAO-18-258](#), a report to congressional requesters

Why GAO Did This Study

Research has shown that students who experience discipline that removes them from the classroom are more likely to repeat a grade, drop out of school, and become involved in the juvenile justice system. Studies have shown this can result in decreased earning potential and added costs to society, such as incarceration and lost tax revenue. Education and Justice are responsible for enforcing federal civil rights laws that prohibit discrimination in the administration of discipline in public schools.

GAO was asked to review the use of discipline in schools. To provide insight into these issues, this report examines (1) patterns in disciplinary actions among public schools, (2) challenges selected school districts reported with student behavior and how they are approaching school discipline, and (3) actions Education and Justice have taken to identify and address disparities or discrimination in school discipline. GAO analyzed discipline data from nearly all public schools for school year 2013-14 from Education's Civil Rights Data Collection; interviewed federal and state officials, as well as officials from a total of 5 districts and 19 schools in California, Georgia, Massachusetts, North Dakota, and Texas. We selected these districts based on disparities in suspensions for Black students, boys, or students with disabilities, and diversity in size and location. We also reviewed federal laws and a non-generalizable sample of seven recently resolved federal school discipline investigations (selected in part based on the type of alleged discrimination). We incorporated technical comments from the agencies as appropriate.

View [GAO-18-258](#). For more information, contact Jacqueline M. Nowicki at (617) 788-0580 or nowickij@gao.gov.

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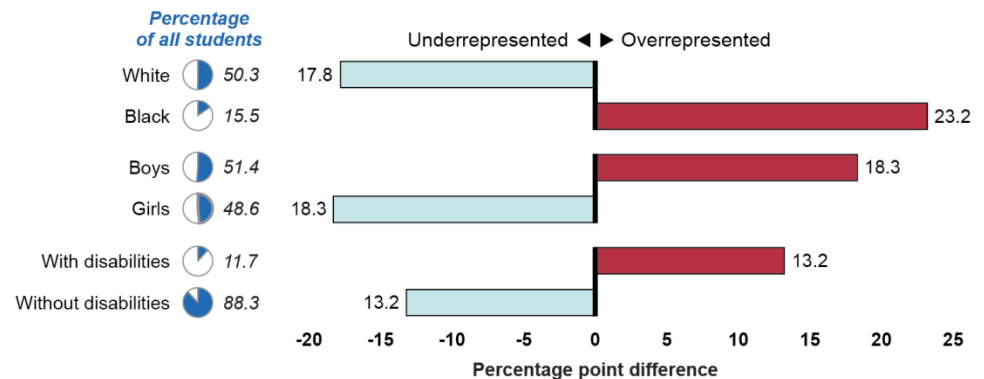
Discipline Disparities for Black Students, Boys, and Students with Disabilities

What GAO Found

Black students, boys, and students with disabilities were disproportionately disciplined (e.g., suspensions and expulsions) in K-12 public schools, according to GAO's analysis of Department of Education (Education) national civil rights data for school year 2013-14, the most recent available. These disparities were widespread and persisted regardless of the type of disciplinary action, level of school poverty, or type of public school attended. For example, Black students accounted for 15.5 percent of all public school students, but represented about 39 percent of students suspended from school—an overrepresentation of about 23 percentage points (see figure).

Students Suspended from School Compared to Student Population, by Race, Sex, and Disability Status, School Year 2013-14

This chart shows whether each group of students was underrepresented or overrepresented among students suspended out of school. For example, boys were overrepresented by about 18 percentage points because they made up about 51% of all students, but nearly 70% of the students suspended out of school.



Source: GAO analysis of Department of Education, Civil Rights Data Collection. | GAO-18-258

Note: Disparities in student discipline such as those presented in this figure may support a finding of discrimination, but taken alone, do not establish whether unlawful discrimination has occurred.

Officials GAO interviewed in all five school districts in the five states GAO visited reported various challenges with addressing student behavior, and said they were considering new approaches to school discipline. They described a range of issues, some complex—such as the effects of poverty and mental health issues. For example, officials in four school districts described a growing trend of behavioral challenges related to mental health and trauma. While there is no one-size-fits-all solution for the issues that influence student behavior, officials from all five school districts GAO visited were implementing alternatives to disciplinary actions that remove children from the classroom, such as initiatives that promote positive behavioral expectations for students.

Education and the Department of Justice (Justice) documented several actions taken to identify and address school discipline issues. For example, both agencies investigated cases alleging discrimination. Further, to help identify persistent disparities among the nation's schools, Education collects comprehensive data on school discipline every other year through its Civil Rights Data Collection effort.

Contents

Letter		1
	Background	4
	Black Students, Boys, and Those with Disabilities Were Disproportionately Disciplined Regardless of Type of Discipline, Level of School Poverty, or Type of School	12
	Five Selected Districts Reported Changing Their Approach to Discipline in Order to Address Student Behavior Challenges	22
	Education and Justice Identify and Address School Discipline Issues by Investigating Cases, Analyzing Data, and Providing Guidance and Support	31
	Agency Comments, Third Party Views, and Our Evaluation	40
Appendix I	Objectives, Scope, and Methodology	42
Appendix II	Maps of Disciplinary Actions by School District	60
Appendix III	Key Federal Resources Related to Student Behavior and School Discipline	66
Appendix IV	Additional Discipline and Discipline-Related Data Tables	70
Appendix V	GAO Contact and Staff Acknowledgments	91
Tables		
	Table 1: Definitions of Public School Types, School Year 2013-14	6
	Table 2: Student Enrollment in K-12 Public Schools, by Level of School Poverty, School Year 2013-14	8
	Table 3: Federal Agencies Responsible for Enforcing Federal Civil Rights Laws in Public Schools	10
	Table 4: Disciplinary Actions Used in Analysis of the Civil Rights Data Collection (CRDC)	44
	Table 5: Race and Ethnicity Variables Used in Analysis of the Civil Rights Data Collection (CRDC)	45

Table 6: Number and Percent of Public School Students and Schools by School Poverty Level, School Year 2013-14	46
Table 7: Definitions of Public School Types, School Year 2013-14	46
Table 8: Number and Percent of Public School Students and Schools by School Type, School Year 2013-14	47
Table 9: Variables Included in Our Regression Model	50
Table 10: Associations of Regression Model Variables with K-12 Public School Disciplinary Outcomes, School Year 2013-14	53
Table 11: Descriptive Information on Selected Public School Districts, School Year 2013-14	56
Table 12: Number and Percent of K-12 Public School Students Who Received Disciplinary Actions, by Student Sex and Race, School Year 2013-14	71
Table 13: Number and Percent of K-12 Public School Students Who Received Disciplinary Actions, by Student Disability Status, School Year 2013-14	73
Table 14: Number and Percent of K-12 Public School Students Who Received Disciplinary Actions, by Level of School Poverty, School Year 2013-14	74
Table 15: Number and Percent of K-12 Public School Students Who Received Disciplinary Actions, by Type of Public School, School Year 2013-14	77
Table 16: Number and Percent of K-12 Public School Students Who Received Disciplinary Actions, by Grade Level, School Year 2013-14	80
Table 17: Number and Percent of Pre-school Public School Students Suspended Out of School, by Student and School Characteristics, School Year 2013-14	81
Table 18: Number and Percent of K-12 Public School Students Who Were Restrained or Secluded, by Student and School Characteristics, School Year 2013-14	83
Table 19: Number and Percent of K-12 Public School Students Who Were Chronically Absent, by Student and School Characteristics, School Year 2013-14	85
Table 20: Number and Percent of K-12 Public Schools Reporting the Presence of a School Counselor or Law Enforcement Officer, by School Characteristics, School Year 2013-14	87
Table 21: Number and Percent of K-12 Public School Students Disciplined for Engaging in Harassment or Bullying, by Student Characteristics, School Year 2013-14	88

Figures

Figure 1: Student Enrollment in K-12 Public Schools, by Sex, Race, and Disability Status, School Year 2013-14	7
Figure 2: Representation of Students Who Received Disciplinary Actions Compared to Overall Student Population, by Student Race or Ethnicity, School Year 2013-14	14
Figure 3: Rates of Out-of-School Suspensions, by Student Race or Ethnicity and Sex, School Year 2013-14	15
Figure 4: Boys' Overrepresentation Among Students Who Received Disciplinary Actions, School Year 2013-14	16
Figure 5: Students with Disabilities' Overrepresentation Among Students Who Received Disciplinary Actions, School Year 2013-14	17
Figure 6: Representation of Students Suspended Out-of-School Compared to Student Population, by Level of School Poverty, School Year 2013-14	19
Figure 7: Representation of Students Suspended Out-of-School Compared to Student Population, by School Type, School Year 2013-14	21
Figure 8: Challenges Influencing Student Behavior or Attendance, Reported by Officials from Selected Sites	24
Figure 9: Examples of School Spaces for Managing Student Behavior at Selected Schools	29
Figure 10: Percentage of Students Suspended Out-of-School, by School District, School Year 2013-14	60
Figure 11: Percentage of Students Suspended In-School, by School District, School Year 2013-14	61
Figure 12: Percentage of Students Referred to Law Enforcement, by School District, School Year 2013-14	62
Figure 13: Percentage of Students Expelled, by School District, School Year 2013-14	63
Figure 14: Percentage of Students Who Received Corporal Punishment, by School District, School Year 2013-14	64
Figure 15: Percentage of Students Who Had a School-Related Arrest, by School District, School Year 2013-14	65

Abbreviations

ACE	adverse childhood experience
ADHD	attention deficit hyperactivity disorder
AWARE	Project Advancing Wellness and Resilience Education
CCD	Common Core of Data
CCDBG	Child Care and Development Block Grant
CRDC	Civil Rights Data Collection
Education	Department of Education
ESSA	Every Student Succeeds Act
FAPE	free appropriate public education
HHS	Department of Health and Human Services
IDEA	Individuals with Disabilities Education Act
IEP	individualized education program
Justice	Department of Justice
LGBTQ	Lesbian, Gay, Bisexual, Transgender, or Questioning
MOU	memorandum of understanding
OCR	Education Office for Civil Rights
OJJDP	Justice Office of Juvenile Justice and Delinquency Prevention
PBIS	positive behavioral interventions and supports
SAMHSA	Substance Abuse and Mental Health Services Administration
SEL	social and emotional learning

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March 22, 2018

The Honorable Robert C. "Bobby" Scott
Ranking Member
Committee on Education and the Workforce
House of Representatives

The Honorable Jerrold Nadler
Ranking Member
Committee on the Judiciary
House of Representatives

Students who face certain types of discipline in school may be affected in profound ways that influence their lives as adults. Starting in pre-school, children as young as 3 and 4 have been suspended and expelled from school, a pattern that can continue throughout a child's education.¹

Research has shown that students who are suspended from school lose important instructional time, are less likely to graduate on time, and are more likely to repeat a grade, drop out of school, and become involved in the juvenile justice system.² The effects of certain discipline events, such as dropping out, can linger throughout an individual's lifetime and lead to individual and societal costs. For example, one study of California youth estimated that students who dropped out of high school due to suspensions would result in about \$2.7 billion in costs for the state, stemming from lost wages and tax revenue, increased crime, and higher

¹U.S. Department of Education, Office for Civil Rights, *2013-14 Civil Rights Data Collection: A First Look* (Washington, D.C.: October 2016), and U.S. Department of Health and Human Services and U.S. Department of Education: *Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings* (November 2016).

²Tony Fabelo et al., *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (2011). The results of this study cannot be generalized and are applicable to Texas only. Also see Russell Skiba et al., *Parsing Disciplinary Disproportionality: Contributions of Infraction, Student, and School Characteristics to Out-of-School Suspension and Expulsion* (2014).

welfare and health costs.³ Another study estimated that Florida high school students who drop out earn about \$200,000 less over their lifetimes than high school graduates.⁴

We were asked to report on the issue of discipline in schools. This report examines (1) the patterns in disciplinary actions among public schools, (2) the challenges selected school districts reported with student behavior and how they are approaching school discipline, and (3) the actions the Department of Education (Education) and the Department of Justice (Justice) have taken to identify and address any disparities or discrimination in school discipline.

To obtain information on the patterns in disciplinary actions among public schools, we analyzed Education's Civil Rights Data Collection (CRDC) for 2013-14 (the most recent available). CRDC collects a range of information, including discipline data, from nearly every public school by student demographics (e.g., race, sex, disability) and school type (e.g., magnet or charter).⁵ The CRDC captures data on six broad categories of discipline: (1) out-of-school suspensions, (2) in-school suspensions, (3) referrals to law enforcement, (4) expulsions, (5) corporal punishment, and (6) school-related arrests. It does not capture data on less severe disciplinary actions, such as detentions. Using the CRDC, we also developed a regression model to explore whether certain school

³This cost estimate was based on 4,621 students who dropped out of high school due to suspensions over a three-year period. Russell Rumberger and Daniel Losen, *The Hidden Costs of California's Harsh School Discipline: And the Localized Economic Benefits From Suspending Fewer High School Students* (2017). The results of the study are limited to California. A separate study reported that there were serious economic costs associated with Texas students being held back a grade due to discipline. The study estimated that it cost the state and its school districts over \$76 million per year. Miner Marchbanks et al., *More than a Drop in the Bucket: The Social and Economic Costs of Dropouts and Grade Retentions Associated with Exclusionary Discipline* (2014). The results of this study are limited to Texas.

⁴Clive R. Belfield, *The Economic Burden of High School Dropouts and School Suspensions in Florida* (2014). The results of the study are limited to Florida. The study takes into account suspensions that lead to dropouts. The earnings difference substantially increased when accounting for the probability of high school graduates attending college.

⁵To examine discipline by school poverty level, we sorted schools into quartiles based on the percentage of low-income students attending the school. We used the percent of students eligible for free or reduced-price lunch as a proxy for school poverty. We further examined discipline by five types of public schools: traditional, magnet, charter, alternative, or special education schools.

characteristics, such as the poverty level of the school, were associated with higher rates of certain disciplinary actions.⁶ Our analyses of these data, taken alone, do not establish whether unlawful discrimination has occurred. We determined these data were sufficiently reliable for the purposes of this report by reviewing documentation, conducting electronic testing, and interviewing Education officials.

To obtain information on how selected school districts are addressing discipline issues, we interviewed state education, school district, and school officials in five states (California, Georgia, Massachusetts, North Dakota, and Texas). We selected one district in each state, and 19 schools within those districts, to serve as illustrative (non-generalizable) examples based on several criteria, including the presence of disparities in suspensions from school for Black students, boys, or students with disabilities, as reported in Education's CRDC data,⁷ size of the district, and geographic diversity.⁸

To determine how Education and Justice are identifying and addressing discipline disparities and discrimination, we interviewed agency officials and reviewed agency documentation, administrative data, federal laws and regulations, and a non-generalizable selection of resolved school discipline investigations undertaken by Education and Justice (which we refer to as cases). We selected four school discipline cases from Education and three from Justice that covered pre-kindergarten through grade 12 students, included a mix of types of alleged discrimination (e.g., based on race or disability status) and types of discipline (e.g., suspension, expulsion, arrest, etc.), and were resolved between 2014 and May 2017. Regarding administrative data, Education provided information from its internal database on the number of complaints received and

⁶A linear regression allowed us to test the association between a given school characteristic and the percentage of students receiving a given disciplinary action, while holding other school characteristics constant. We conducted a generalized linear regression using the 2013-14 CRDC and Common Core of Data.

⁷We use the term discipline disparity to describe instances in which a student group was overrepresented among students receiving discipline. There are various ways to calculate discipline disparities, such as comparing disciplinary rates across student groups, or comparing one student group's representation among those disciplined to that group's representation among all students.

⁸All of our selected school districts had disparities in out-of-school suspensions for Black students, boys, and students with disabilities, according to 2013-14 CRDC data. We used out-of-school suspension data for selection purposes because it was one of the most reported forms of exclusionary discipline.

cases investigated that were categorized as being related to school discipline. We assessed the reliability of this source through discussion with knowledgeable officials and reviewing key documents and determined the data to be reliable for our purposes. See appendix I for detailed information about our scope and methodology.

We conducted this performance audit from November 2016 to March 2018 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Research on Student Behavior and School Discipline

The issue of who gets disciplined and why is complex. Studies we reviewed suggest that implicit bias—stereotypes or unconscious associations about people—on the part of teachers and staff may cause them to judge students' behaviors differently based on the students' race and sex.⁹ Teachers and staff sometimes have discretion to make case-by-case decisions about whether to discipline, and the form of discipline to impose in response to student behaviors, such as disobedience, defiance, and classroom disruption. Studies show that these decisions can result in certain groups of students being more harshly disciplined than others. Further, the studies found that the types of offenses that Black children were disciplined for were largely based on school officials' interpretations of behavior. For example, one study found that Black girls were disproportionately disciplined for subjective interpretations of behaviors, such as disobedience and disruptive behavior. A separate study used eye-tracking technology to show that, among other things, teachers gazed longer at Black boys than other children when asked to

⁹Edward Morris and Brea Perry, *Girls Behaving Badly? Race, Gender, and Subjective Evaluation in the Discipline of African American Girls* (2017). This study was conducted in a large, urban public school district in Kentucky for students in grades 6 through 12 between August 2007 and June 2011. See also Keith Smolkowski et al., *Vulnerable Decision Points for Disproportionate Office Discipline Referrals: Comparisons of Discipline for African American and White Elementary School Students* (2016). This study was conducted using data from the 2011-12 school year, limited to elementary schools, and limited to schools that used a standardized system for tracking discipline referrals.

look for challenging behavior based on video clips. The Department of Health and Human Services (HHS) reported that this research has highlighted implicit bias as a contributing factor in school discipline and may shed some light on the persistent disparities in expulsion and suspension practices, even though the study did not find that teacher gazes were indicative of how they would discipline students.¹⁰

Children's behavior in school may be affected by health and social challenges outside the classroom that tend to be more acute for poor children, including minority children who experience higher rates of poverty.¹¹ Research shows that experiencing trauma in childhood may lead to educational challenges, such as lower grades and more suspensions and expulsions; increased use of mental health services; and increased involvement with the child welfare and juvenile justice systems, according to HHS's Substance Abuse and Mental Health Services Administration (SAMHSA).¹² Further, a substantial share of children nationwide are estimated to have experienced at least one trauma, referred to as an adverse childhood experience (ACE), according to the National Survey of Children's Health.¹³ Additionally, as we recently reported, there has been an increase in certain mental health issues within the school age population.¹⁴ For example, from 2005 to 2014, the suicide rate of youth ages 15 to 19 rose slightly, with older youth having a much higher rate of suicide than younger youth, and since 2007, the

¹⁰ U.S. Department of Health and Human Services, *Addressing Implicit Bias in the Early Childhood System* (Washington, D.C.: December 2016).

¹¹ Liliana Fernandes, Americo Mendes, and Aurora Teixeira, *A Review Essay on the Measurement of Child Well-Being* (2011), The American Academy of Pediatrics, *The Lifelong Effects of Early Childhood Adversity and Toxic Stress* (2012), The American Academy of Pediatrics, *Mediators and Adverse Effects of Child Poverty in the United States* (2016), U.S. Department of Commerce, U.S. Census Bureau, Current Population Survey, 2008 to 2017 Annual Social Economic Supplements, as cited by GAO, *Child Well-Being: Key Considerations for Policymakers Including the Need for a Federal Cross-Agency Priority Goal*, [GAO-18-41SP](#) (Washington, D.C.: November 2017).

¹² SAMHSA and The National Child Traumatic Stress Network, *Understanding Child Trauma*, SMA-15-4923 (2016).

¹³ CD Bethell, MB Davis, N Gombojav, S Stumbo, K Powers, *Issue Brief: A national and across-state profile on Adverse Childhood Experiences among U.S. children and possibilities to heal and thrive*. Johns Hopkins Bloomberg School of Public Health (October 2017). According to the Centers for Disease Control and Prevention, ACEs have wide-ranging health and social consequences.

¹⁴ [GAO-18-41SP](#).

percentage of youth ages 12-17 experiencing a major depressive episode increased.¹⁵

K-12 Students and Discipline

About 50 million students were enrolled in K-12 public schools during the 2013-14 school year, according to the CRDC.¹⁶ About 90 percent of students attended traditional public schools; the remainder were enrolled at public charters, magnets, and other types of schools (see table 1).

Table 1: Definitions of Public School Types, School Year 2013-14

School type (Percent of total students enrolled)	Definition
Traditional school (87.5%)	Not defined in the Civil Rights Data Collection (CRDC).
Magnet school (5.9%)	A program within a public school that offers a special curriculum that may be designed to provide an academic or social focus on a particular theme (e.g., science/math, performing arts, gifted/talented, or foreign language).
Charter school (4.9%)	A nonsectarian public school under contract—or charter—between a public agency and groups of parents, teachers, community leaders or others.
Alternative school (1.0%)	A public elementary or secondary school that addresses the needs of students that typically cannot be met in a regular school program.
Special education school (0.6%)	A public elementary or secondary school that focuses primarily on serving the needs of students with disabilities under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act.

Source: Department of Education, Civil Rights Data Collection and GAO analysis. | GAO-18-258

Note: Definitions come from Education’s CRDC, except where noted. Schools could select multiple school types in the CRDC, such as a school that is both a charter and an alternative school. For purposes of analyzing differences by school type, we developed mutually exclusive categories, using the following hierarchy: (1) schools that selected “Alternative” are coded as such, (2) schools that selected “Special education” are coded as such, except those that also selected “Alternative,” (3)

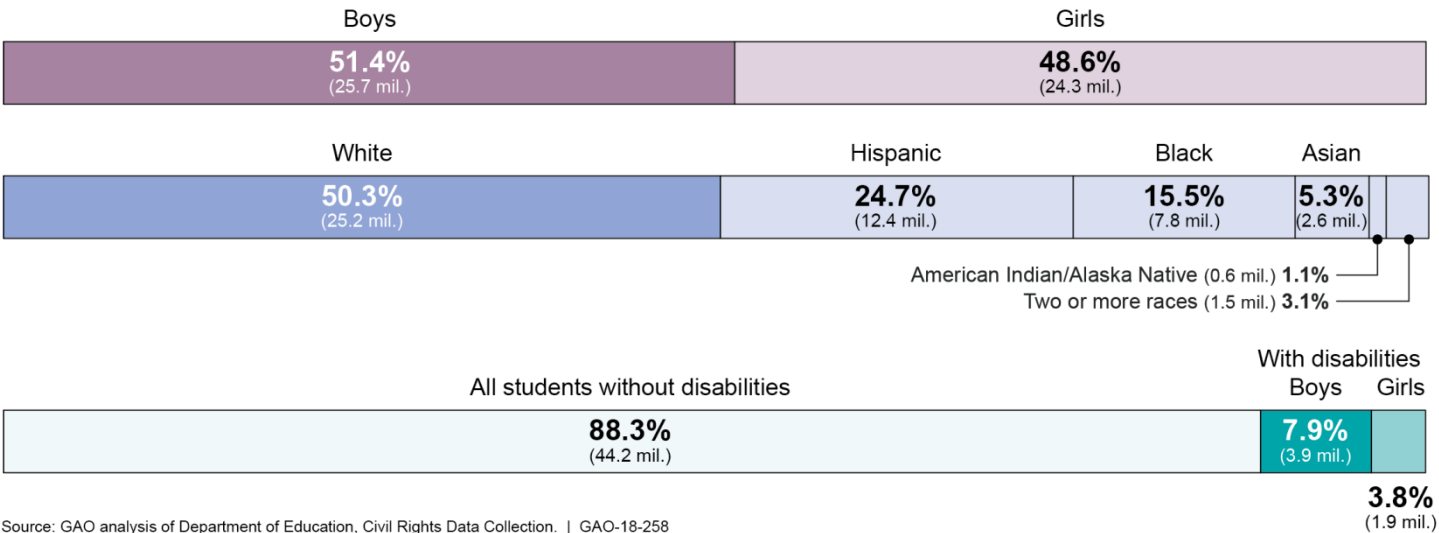
¹⁵U.S. Department of Health and Human Services, *Results from the 2016 National Survey on Drug Use and Health: Detailed Tables* (September 2017) and *Deaths: Leading Causes for 2014*, National Vital Statistics Reports, Vol. 65, Number 5 (June 2016, amended June 2017) per citation in [GAO-18-41SP](#).

¹⁶We used 2013-14 because it was the most recent data available on student discipline and related issues, as captured in the CRDC. Education’s National Center for Education Statistics provides more current student enrollment information, which showed that the projected number of students in public school was about the same in 2016 as the number of students in the 2013-14 CRDC data.

schools that selected "Charter" are coded as such, except those that also selected "Alternative" or "Special education," (4) schools that selected "Magnet" are coded as such, except those that also selected one of the other school types, and (5) "Traditional" public schools include all schools that did not select any of the school types in the CRDC.

About half of all public school students were White and the other half fell into one of several minority groups, with Hispanic and Black students being the largest minority groups (see fig. 1). The number of boys and girls in public schools was almost evenly split. A larger percentage of boys were students with disabilities.¹⁷

Figure 1: Student Enrollment in K-12 Public Schools, by Sex, Race, and Disability Status, School Year 2013-14



Source: GAO analysis of Department of Education, Civil Rights Data Collection. | GAO-18-258

Note: Students with disabilities refers to students served under the Individuals with Disabilities Education Act.

Nearly half of all public school students went to schools where 50 percent or more of the students were low-income, and about a quarter went to schools where 75 percent or more of the students were low-income (see table 2).

¹⁷For the purposes of our analysis throughout this report, students with disabilities included only students served under IDEA. The analysis does not therefore include students with disabilities served only under Section 504 of the Rehabilitation Act of 1973 because the CRDC does not collect data on such students disaggregated by race or ethnicity.

Table 2: Student Enrollment in K-12 Public Schools, by Level of School Poverty, School Year 2013-14

Level of school poverty	Total enrollment	Percent of all students
0 to 25% low-income students	9,892,019	19.8%
25.1 to 49.9% low-income students	13,253,440	26.5%
50 to 74.9% low-income students	13,068,190	26.1%
75 to 100% low-income students	11,500,244	23.0%
Data unavailable	2,321,853	4.6%
All students	50,035,746	100.0%

Source: GAO analysis of Department of Education, Civil Rights Data Collection and Common Core of Data. | GAO-18-258

Note: School poverty level is measured by the percentage of students eligible for free or reduced-price lunch. The category "Data unavailable" refers to schools that either were not included in both the Civil Rights Data Collection and the Common Core of Data or schools that did not report the percentage of students eligible for free or reduced-price lunch for school year 2013-14.

Discipline of students dropped between 2011-12 and 2013-14 over the six broad categories of discipline reported in Education's CRDC, which were (1) out-of-school suspensions, (2) in-school suspensions, (3) referrals to law enforcement, (4) expulsions, (5) corporal punishment, and (6) school-related arrests. For example, in school year 2011-12 about 3.4 million (or 6.9 percent) of K-12 public school students were suspended out-of-school at least once, and in school year 2013-14 these suspensions fell to about 2.8 million (or 5.7 percent). Other disciplinary actions affected a much smaller portion of the student body—specifically, less than 0.5 percent of all K-12 public school students were expelled, referred to law enforcement, had a school-related arrest, or experienced corporal punishment in 2013-14, according to Education's reported data.

Education and Justice Enforcement Responsibilities

Education's Office for Civil Rights and Justice's Civil Rights Division are responsible for enforcing a number of civil rights laws, which protect students from discrimination on the basis of certain characteristics (see table 3). As part of their enforcement responsibilities, both agencies conduct investigations in response to complaints or reports of possible discrimination. Education also carries out agency-initiated investigations, which are called compliance reviews and which target problems that

Education has determined are particularly acute.¹⁸ Education may also withhold federal funds if a recipient is determined to be in violation of the civil rights laws and the agency is unable to reach agreement with the parties involved.¹⁹ In addition, Justice has the authority to file suit in federal court to enforce the civil rights of students in public education.

Education and Justice have also issued guidance to assist public schools in meeting their obligations under federal law to administer school discipline without unlawfully discriminating against students on the basis of race, color, or national origin.²⁰ According to the guidance, public schools are prohibited by federal law from discriminating in the administration of student discipline based on protected characteristics. Further, Education and Justice have noted in their guidance that disciplinary policies and practices can result in unlawful discrimination based on race, for example, in two ways: first, if students are intentionally subject to different treatment on account of their race; and second, if a policy is neutral on its face but has a disproportionate and unjustified effect on students of a particular race, referred to as disparate impact.²¹

¹⁸Both agencies also have regulations requiring that they conduct periodic reviews of recipients of federal funding for compliance with certain laws they enforce. See, for example, 34 C.F.R. § 100.7 and 28 C.F.R. § 42.107, requiring Education and Justice, respectively, to periodically review the practices of recipients of federal funding to determine whether they are complying with Title VI requirements.

¹⁹Agency officials told us that this rarely happens. Before withholding of federal funds can occur, a recipient, among other things, has the right to request a hearing. GAO, *K-12 Education: Better Use of Information Could Help Agencies Identify Disparities and Address Racial Discrimination*, [GAO-16-345](#) (Washington, D.C.: April 21, 2016).

²⁰U.S. Department of Education and U.S. Department of Justice, Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline (January 2014). This guidance states that although it explicitly addresses only race discrimination, much of the analytical framework laid out in the guidance also applies to discrimination on other prohibited grounds, such as by sex or disability status.

²¹According to guidance issued by Education and Justice, districts would intentionally violate federal law, for example, if they issued a policy discriminatory on its face, such as explicitly calling for students of one race to be disciplined differently from students of another race. The guidance also states that districts would violate federal law if they evenhandedly implemented facially neutral policies and practices that, although not adopted with the intent to discriminate, nonetheless have an unjustified effect of discriminating against students on the basis of race. Education's Title VI regulations specifically state, for example, that recipients of federal financial assistance from the Department may not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color or national origin (see 34 C.F.R. § 100.3(b)(2)).

According to Education and Justice guidance, significant and unexplained racial disparities in student discipline give rise to concerns that schools may be engaging in racial discrimination that violates federal civil rights laws; however, data showing such disparities, taken alone, do not establish whether unlawful discrimination has occurred.

Table 3: Federal Agencies Responsible for Enforcing Federal Civil Rights Laws in Public Schools

Federal civil rights laws	Federal agency responsible for enforcement^a
Title IV of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, national origin, sex, and religion in public schools and institutions of higher learning. Title IV of the Act also authorizes Justice to file suit in federal court to enforce the civil rights of students in public education. ^b	Justice
Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs or activities that receive federal financial assistance. ^c	Education and Justice
Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs or activities that receive federal financial assistance. ^d	Education and Justice
Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs or activities that receive federal financial assistance. ^e	Education and Justice
Equal Educational Opportunities Act of 1974 which, among other things, prohibits states from denying equal educational opportunity to individuals, including deliberate segregation of students on the basis of race, color, or national origin. ^f	Justice
Age Discrimination Act of 1975 prohibits discrimination based on age in programs or activities that receive federal financial assistance. ^g	Education
Title II of the Americans with Disabilities Act of 1990 prohibits discrimination by public entities, whether or not they receive federal financial assistance. ^h	Education and Justice
Boy Scouts of America Equal Access Act prohibits public schools, districts, and states that receive Education funding from denying certain youth groups equal access to school facilities for meetings. ⁱ	Education

Source: Department of Education (Education) and Department of Justice (Justice). | GAO-18-258

^aJurisdiction under the same law does not necessarily indicate that the agencies have identical responsibilities under those laws. In addition, there is a memorandum of understanding (MOU) between the Department of Education Office for Civil Rights, and the Department of Justice Civil Rights Division, regarding the agencies' enforcement of Title IX, although the MOU states that "the offices recognize the immeasurable value of transparency, communication, and collaboration and shall continue to confer in all areas of their shared enforcement authority to protect students from discrimination."

^bTitle IV of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000c - 2000c-9.

^cTitle VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d - 2000d-7.

^dTitle IX of the Education Amendments of 1972, 20 U.S.C. § 1681.

^eSection 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

^fEqual Educational Opportunities Act of 1974, 20 U.S.C. §§ 1701 - 1721.

^gAge Discrimination Act of 1975, 42 U.S.C. §§ 6101 - 6107.

^hTitle II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131 - 12134.

ⁱBoy Scouts of America Equal Access Act, 20 U.S.C. § 7905.

Selected Recently Enacted Federal Laws with Provisions Related to School Discipline

Two significant, recently enacted laws include provisions related to school discipline: the Every Student Succeeds Act (ESSA)²² and the Child Care and Development Block Grant Act of 2014 (CCDBG Act of 2014).²³ ESSA, enacted in December 2015, amended Title I program requirements to allow states' accountability systems to use multiple indicators of success, which can include measures of school climate and safety.²⁴ As we previously reported in 2017, some states were considering measures related to suspension rates or school attendance.²⁵ Additionally, ESSA amended the Elementary and Secondary Education Act of 1965 to authorize the Student Support and Academic Enrichment Program, under which school districts may use grant funding to, among other things, design and implement a locally-tailored plan to reduce exclusionary discipline practices in elementary and secondary schools.²⁶ These grants also allow the use of funding to expand access to school-based mental health services, including counseling.

In addition, the CCDBG Act of 2014 allows states to use certain funds to support the training and professional development of child care workers through activities such as behavior management strategies and training that promote positive social and emotional development and reduce challenging behaviors, including reducing expulsions of young children for those behaviors.²⁷

²² Pub. L. No. 114-95, 129 Stat. 1802 (2015). ESSA reauthorized and amended the Elementary and Secondary Education Act of 1965.

²³ Pub. L. No. 113-186, 128 Stat. 1971.

²⁴ 20 U.S.C. § 6311(c)(4)(B)(v). Title I of the Elementary and Secondary Education Act provides grants to local educational agencies to improve the academic achievement of disadvantaged students. States are required to annually measure, for all students and for all student subgroups, four academic indicators. In addition, states are also required to have, for all public schools, at least one statewide indicator of school quality or student success that meets certain criteria.

²⁵ GAO, *Every Student Succeeds Act: Early Observations on State Changes to Accountability Systems*, [GAO-17-660](#) (Washington, D.C.: July 13, 2017).

²⁶ 20 U.S.C. § 7118(5)(F).

²⁷ 42 U.S.C. § 9858e(b)(1)(c). The CCDBG Act of 2014 reauthorized the Child Care and Development Block Grant Act of 1990, which provides discretionary funding to states for child care subsidies. This funding, along with mandatory and matching funding authorized under Section 418 of the Social Security Act, compose the Child Care and Development Fund, which provides funding to states, territories, and tribes to improve the affordability, availability, and quality of child care.

Black Students, Boys, and Those with Disabilities Were Disproportionately Disciplined Regardless of Type of Discipline, Level of School Poverty, or Type of School

Black students, boys, and students with disabilities were disproportionately disciplined in K-12 public schools, according to our analysis of Education’s most recent CRDC data.²⁸ This pattern of disproportionate discipline persisted regardless of the type of disciplinary action, level of school poverty, or type of public school these students attended.²⁹

Type of Disciplinary Action

Across each disciplinary action, Black students, boys, and students with disabilities experienced disproportionate levels of discipline. Black students were particularly overrepresented among students who were suspended from school, received corporal punishment, or had a school-related arrest (see fig. 2).³⁰ For example, Black students represented 15.5 percent of all public school students and accounted for 39 percent of

²⁸We used the term “disproportionate” to describe instances in which a student group was overrepresented among those disciplined compared to their representation in the overall student population. For example, boys accounted for 51.4 percent of all K-12 public school students, but represented 73.6 percent of students expelled in 2013-14. Therefore, boys were overrepresented among students expelled by about 22 percentage points. Our analyses of Education’s data throughout this report showed disparities across a range of different areas. These analyses, taken alone, should not be used to make conclusions about the presence or absence of unlawful discrimination.

²⁹As stated above, the 2013-14 CRDC—the most recent data available—captured data on six broad categories of discipline: (1) out-of-school suspensions, (2) in-school suspensions, (3) referrals to law enforcement, (4) expulsions, (5) corporal punishment, and (6) school-related arrests. In that year, about 2.8 million students were suspended out-of-school at least once, and a similar number of students received an in-school suspension. Each of the other four disciplinary actions affected less than half of a percent of all K-12 public school students. During our visits to selected school districts, we discussed other forms of discipline or behavior management, such as detentions and taking away student privileges, for example, a student’s ability to eat lunch with their peers.

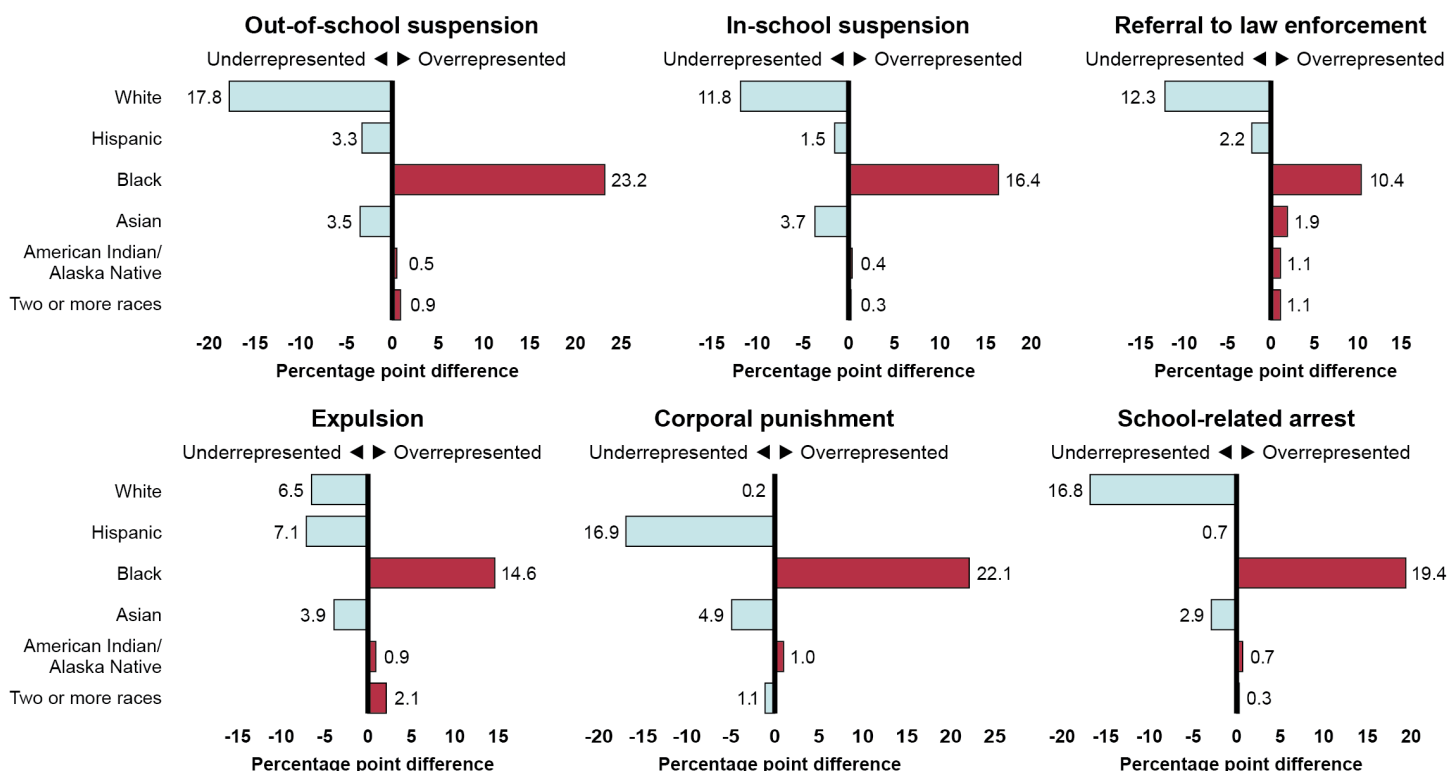
³⁰Throughout this section, we use the phrase “suspended from school” to refer to students who received an out-of-school suspension.

students suspended from school, an overrepresentation of about 23 percentage points. Differences in discipline were particularly large between Black and White students. Although there were approximately 17.4 million more White students than Black students attending K-12 public schools in 2013-14, nearly 176,000 more Black students than White students were suspended from school that school year. See appendix IV, table 12 for additional data on the disciplinary experiences of different racial or ethnic groups.³¹ For example, American Indian and Alaska Native students had higher than average rates of receiving each of the six disciplinary actions.

³¹In appendix IV, we present further information on the prevalence of disciplinary actions, organized by student and school characteristics, as well as data on topics related to school discipline, such as chronic absenteeism, restraint, seclusion, and bullying in K-12 public schools.

Figure 2: Representation of Students Who Received Disciplinary Actions Compared to Overall Student Population, by Student Race or Ethnicity, School Year 2013-14

This chart shows whether each race or ethnicity was underrepresented or overrepresented among students who received six types of discipline. For example, White students were underrepresented among students suspended out of school by approximately 18 percentage points, as shown in the chart, because they made up about 50% of the overall K-12 student population, but 32% of the students suspended out of school.

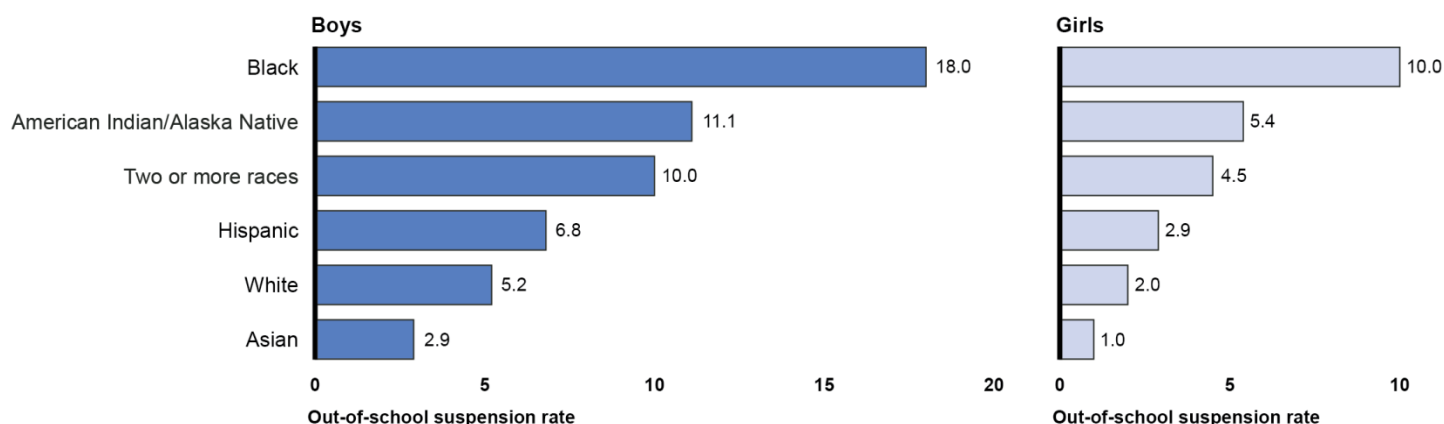


Source: GAO analysis of Department of Education, Civil Rights Data Collection. | GAO-18-258

Note: Disparities in student discipline such as those presented in this figure may support a finding of discrimination, but taken alone, do not establish whether unlawful discrimination has occurred.

This pattern of disproportionate discipline affected both Black boys and Black girls—the only racial group for which both sexes were disproportionately disciplined across all six actions. For example, Black girls were suspended from school at higher rates than boys of multiple racial groups and every other racial group of girls (see fig. 3).

Figure 3: Rates of Out-of-School Suspensions, by Student Race or Ethnicity and Sex, School Year 2013-14



Source: GAO analysis of Department of Education, Civil Rights Data Collection. | GAO-18-258

Note: Disparities in student discipline such as those presented in this figure may support a finding of discrimination, but taken alone, do not establish whether unlawful discrimination has occurred.

Disparities in Public Pre-schools

Disparities in discipline for Black students and boys appeared as early as pre-school, according to the Department of Education's Civil Rights Data Collection for school year 2013-14.

- Black students accounted for 19 percent of all public pre-school students, but represented 47 percent of students suspended from pre-school.
- Boys were 54 percent of all public pre-school students, but 78 percent of those suspended from pre-school.
- Pre-school students with disabilities were not disproportionately suspended from public pre-schools.

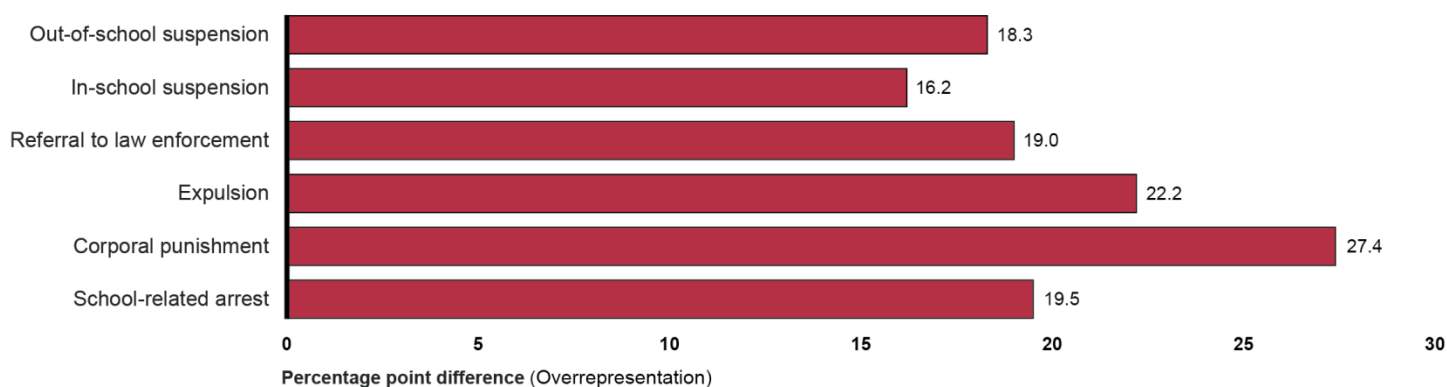
Source: GAO analysis of Department of Education, Civil Rights Data Collection, and Department of Education, 2013-14 Civil Rights Data Collection: A First Look (Washington, D.C.: October 2016). | GAO-18-258

Further, boys as a group were overrepresented, while girls were underrepresented among students disciplined across each action. Specifically, boys accounted for just over half of all public school students, but were at least two-thirds of students disciplined across each of the six actions, according to our analysis of Education's school year 2013-14 data. Boys were particularly overrepresented among students who received corporal punishment, by about 27 percentage points (see fig. 4).³² These kinds of disparities presented as early as pre-school (see sidebar). Additional information about discipline for pre-school students is in appendix IV, table 17.

³²Some states allow corporal punishment in schools, while other states ban its use. In addition, according to Justice, school districts in some states may need parental consent for corporal punishment.

Figure 4: Boys' Overrepresentation Among Students Who Received Disciplinary Actions, School Year 2013-14

This chart shows that boys were overrepresented among students who received six types of discipline. For example, boys were overrepresented among students referred to law enforcement by about 19 percentage points, as shown in the chart, because they made up about 51% of the overall K-12 student population, but about 70% of the students referred to law enforcement.



Source: GAO analysis of Department of Education, Civil Rights Data Collection. | GAO-18-258

Note: In contrast, girls were underrepresented among students who received each disciplinary action. For example, girls were underrepresented among students referred to law enforcement by the same amount that boys were overrepresented, i.e., 19.0 percentage points. Disparities in student discipline such as those presented in this figure may support a finding of discrimination, but taken alone, do not establish whether unlawful discrimination has occurred.

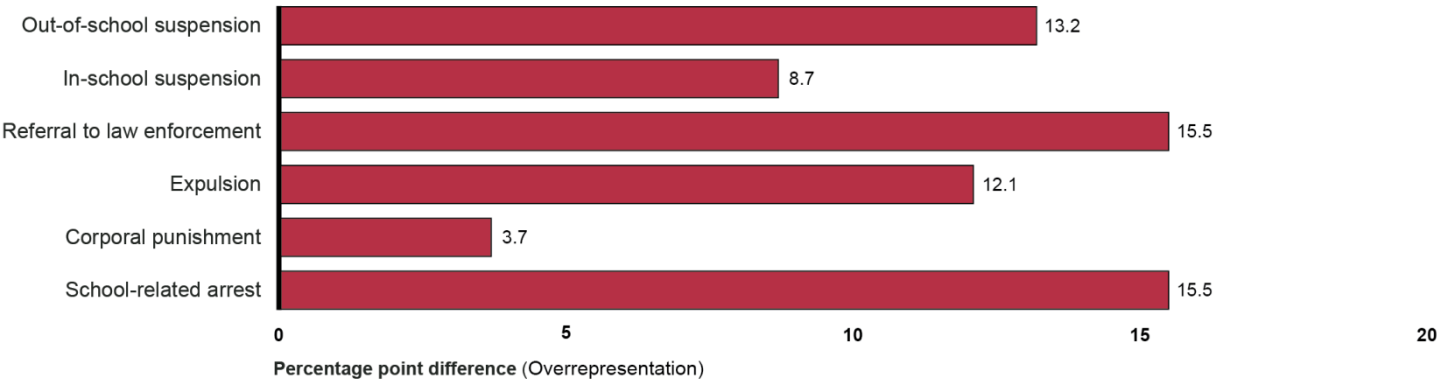
For students with disabilities, the same pattern of disproportionately higher rates of discipline compared to their peers without disabilities was evident, according to Education's school year 2013-14 data (see fig. 5).³³ Students with disabilities represented approximately 12 percent of all public school students, and accounted for nearly 25 percent or more of students referred to law enforcement, arrested for a school-related incident, or suspended from school (an overrepresentation of roughly 15.5 percentage points for referrals to law enforcement and school-related arrests, and 13 percentage points for out-of-school suspensions). Further, our analysis of discipline for students with disabilities by both race and sex showed that Black students with disabilities and boys with disabilities were disproportionately disciplined across all six actions. For example, Black students with disabilities represented about 19 percent of all K-12 students with disabilities, and accounted for nearly 36 percent of students with disabilities suspended from school (about 17 percentage

³³For the purposes of our analysis, throughout this report students with disabilities include students served under the Individuals with Disabilities Education Act (IDEA). This analysis does not therefore include students with disabilities served only under Section 504 of the Rehabilitation Act of 1973 because the CRDC does not collect data on such students disaggregated by race or ethnicity.

points above their representation among students with disabilities). See appendix IV, table 13 for additional data on discipline by student disability status, including data organized by sex and race or ethnicity.

Figure 5: Students with Disabilities’ Overrepresentation Among Students Who Received Disciplinary Actions, School Year 2013-14

This chart shows that students with disabilities were overrepresented among students who received six types of discipline. For example, students with disabilities were overrepresented among students suspended out of school by approximately 13 percentage points, as shown in the chart, because they made up about 12% of the overall K-12 student population, but 25% of the students suspended out of school.



Source: GAO analysis of Department of Education, Civil Rights Data Collection. | GAO-18-258

Note: In contrast, students without disabilities were underrepresented among students who received each disciplinary action. For example, students without disabilities were underrepresented among students suspended from school by the same amount that students with disabilities were overrepresented, i.e., 13.2 percentage points. Disparities in student discipline such as those presented in this figure may support a finding of discrimination, but taken alone, do not establish whether unlawful discrimination has occurred.

Level of School Poverty

Regardless of the level of school poverty, Black students, boys, and students with disabilities were suspended from school at disproportionately higher rates than their peers (see fig. 6).³⁴ This was particularly acute for Black students in high-poverty schools, where they were overrepresented by nearly 25 percentage points in suspensions from school.³⁵ This pattern persisted across all six disciplinary actions, as

³⁴We focused on out-of-school suspensions in this section because more students received this type of exclusionary discipline than any other type captured in the 2013-14 CRDC. The findings of disproportionality in these suspensions for Black students, boys, and students with disabilities regardless of school poverty level were generally consistent across all disciplinary actions. Appendix IV, table 14 contains additional data on the prevalence of all disciplinary actions by school poverty level.

³⁵In this section, we used the phrase “low-poverty schools” to refer to schools where 0 to 25 percent of the students were low-income and we used the phrase “high-poverty schools” to refer to schools where 75-100 percent of the students were low-income.

well. A similar pattern emerged for boys and students with disabilities. However, unlike Black students, boys and students with disabilities were particularly overrepresented among students suspended from low-poverty public schools (poverty less than 25 percent).

Effect of School Poverty on Discipline

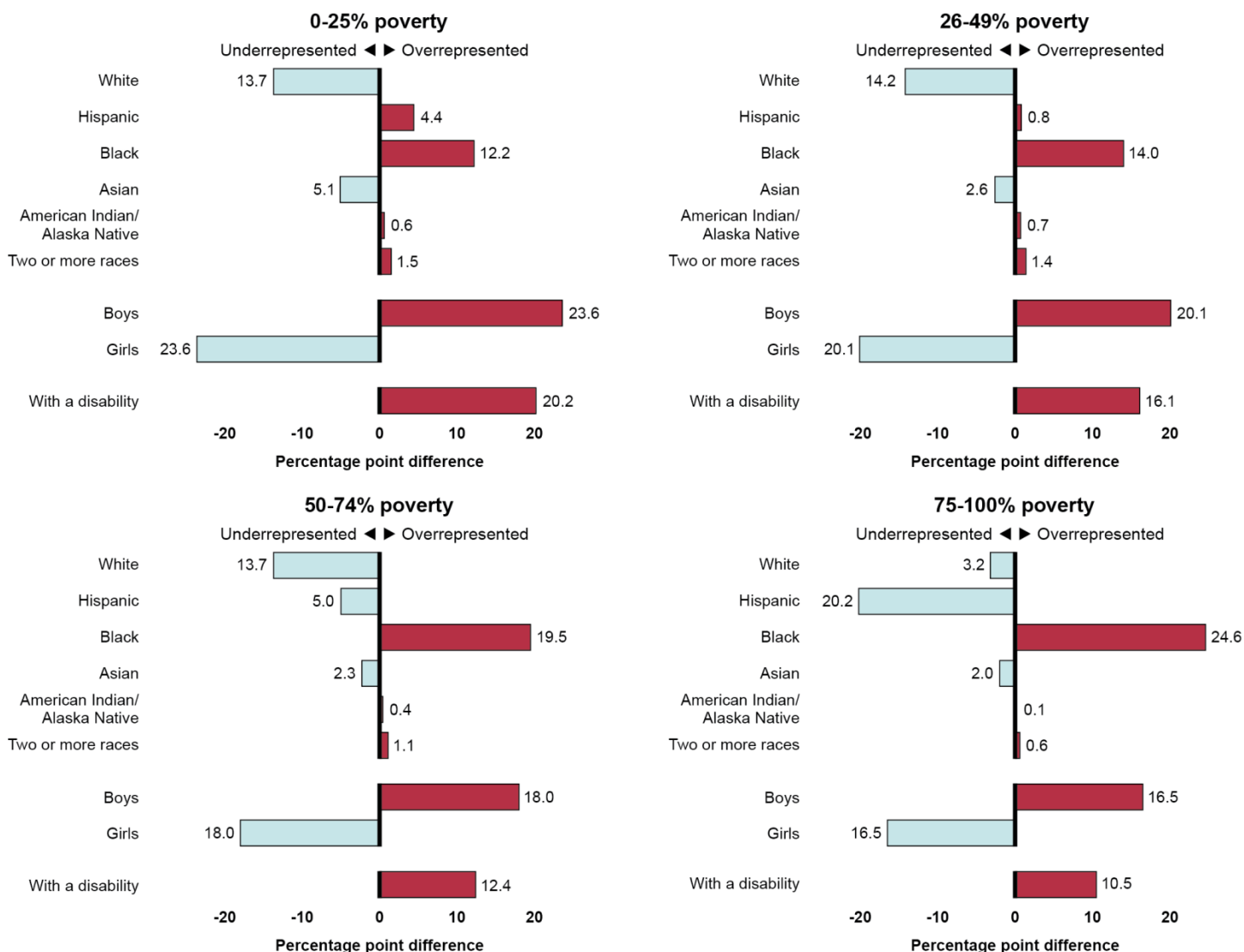
GAO used a regression model to examine the independent effect of school poverty on discipline in school year 2013-14. The model showed that increases in the percentage of low-income students in a school were generally associated with significantly higher rates for each of the six disciplinary actions GAO reviewed (in-school and out-of-school suspensions, referrals to law enforcement, expulsions, corporal punishment, and school-related arrests).

Source: GAO analysis of Department of Education, Civil Rights Data Collection, and Common Core of Data. | GAO-18-258

In these schools, boys and students with disabilities were overrepresented by approximately 24 and 20 percentage points, respectively. See appendix IV, table 14 for more information on discipline by the poverty level of the school. In addition, see sidebar for regression results that were relevant to poverty and school discipline. Full results from our regression model are in appendix I, table 10.

Figure 6: Representation of Students Suspended Out-of-School Compared to Student Population, by Level of School Poverty, School Year 2013-14

This chart shows whether each group of students was underrepresented or overrepresented among students suspended out of school based on the poverty level of the school. For example, boys were overrepresented among students suspended out of low-poverty schools by about 24 percentage points, as shown in the chart, because they made up about 51% of all students in those schools, but 75% of the students suspended out of school.



Source: GAO analysis of Department of Education, Civil Rights Data Collection and Common Core of Data. | GAO-18-258

Note: School poverty level is measured by the percentage of students eligible for free or reduced-price lunch. Disparities in student discipline such as those presented in this figure may support a finding of discrimination, but taken alone, do not establish whether unlawful discrimination has occurred.

Type of Public School

Effect of School Type on Discipline

GAO used a regression model to examine the independent effect of attending different types of public schools on disciplinary outcomes. The model showed several significant associations between school type and the likelihood of receiving discipline. For example, attending an alternative school was associated with a significantly higher likelihood of being suspended (in-school or out-of-school), expelled, referred to law enforcement, or arrested for a school-related incident, compared to attending a traditional public school. The model also showed that students were significantly less likely to be suspended (in-school or out-of-school) if they attended a magnet, charter, or special education school as compared to a traditional public school.

Source: GAO analysis of Department of Education, Civil Rights Data Collection, and Common Core of Data. | GAO-18-258

Regardless of the type of public school a student attended—traditional, magnet, charter, alternative, or special education—Black students, boys, and students with disabilities were disciplined at disproportionately higher rates than their peers, with few exceptions (see fig. 7).³⁶ For example, Black students were disproportionately suspended from all types of public schools, and this was particularly acute in charter schools. That is, although they represented about 29 percent of all students in charter schools, Black students accounted for more than 60 percent of the students suspended from charter schools (about 32 percentage points higher than their representation in those schools). Boys and students with disabilities were particularly overrepresented among students suspended from traditional public schools (roughly 19 and 14 percentage points, respectively, above their representation in traditional public schools).

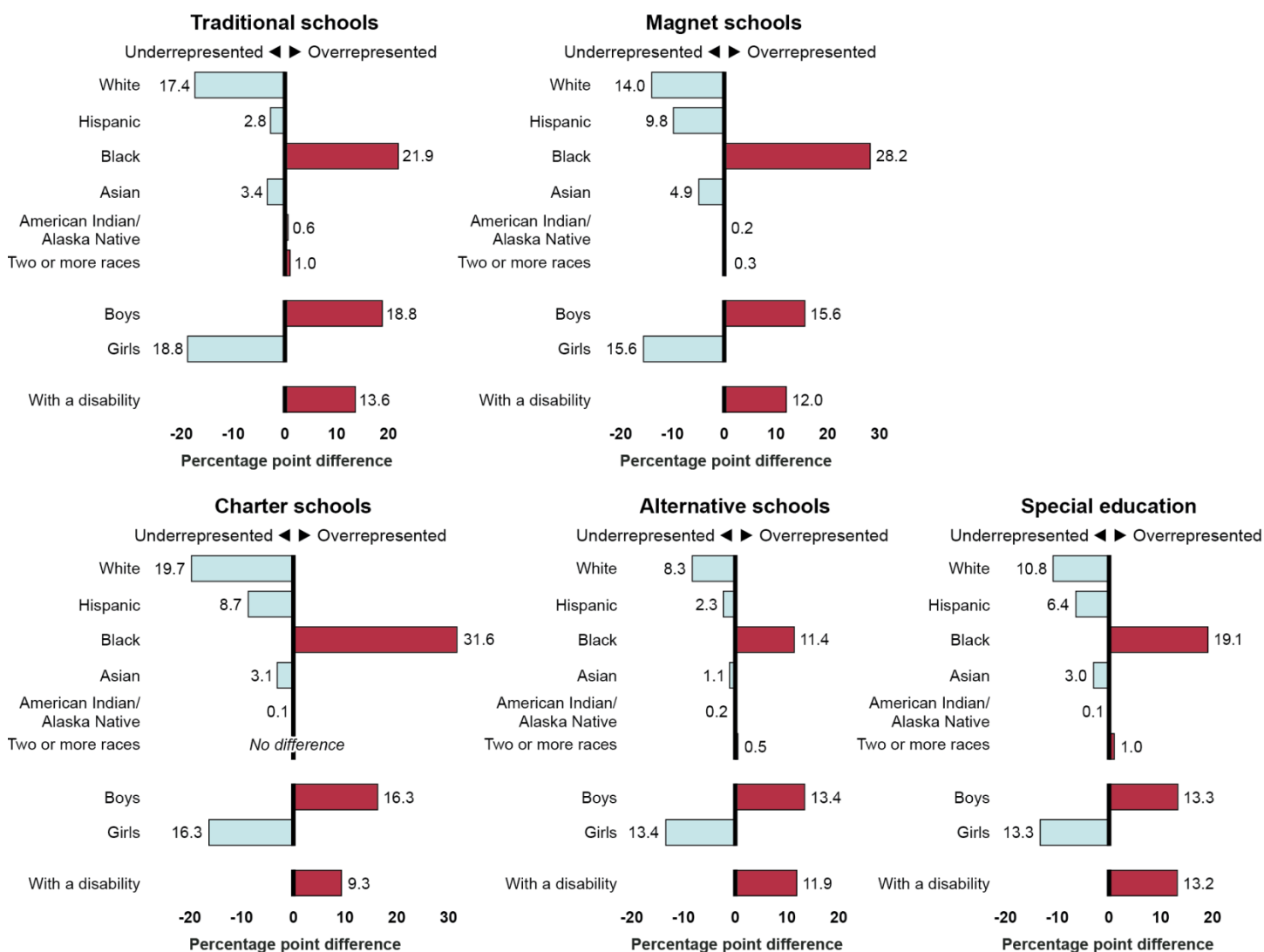
We found a few exceptions to the general pattern of Black students, boys, and students with disabilities receiving disproportionately high rates of discipline by school type. For example, Black students attending special education schools did not receive corporal punishment at disproportionate levels. See appendix IV, table 15 for additional information on discipline by the type of public school. In addition, see sidebar for regression results that were relevant to school type and school discipline. Full results from our regression model are in appendix I, table 10. We also found a regional component to discipline in public schools. For example, corporal punishment generally occurred in southern states. See appendix II for maps showing the rates of disciplinary actions by public school district.³⁷

³⁶See appendix I, table 7 for the definitions of each type of public school in our analysis. In this section, we focused on out-of-school suspensions because more students received this type of exclusionary discipline than any other type captured in the 2013-14 CRDC. Unless otherwise noted, the findings of disproportionality in these suspensions for Black students, boys, and students with disabilities were consistent across all disciplinary actions and school types we reviewed. Appendix IV, table 15 contains additional data on the prevalence of all disciplinary actions by type of public school.

³⁷Several factors could affect a school district's use of the disciplinary actions captured in the CRDC, including state laws and district policies.

Figure 7: Representation of Students Suspended Out-of-School Compared to Student Population, by School Type, School Year 2013-14

This chart shows whether each group of students was underrepresented or overrepresented among students suspended out of school based on type of public school. For example, Black students were overrepresented among students suspended out of charter schools by nearly 32 percentage points, as shown in the chart, because they made up nearly 29% of all charter school students, but about 60% of the students suspended out of those schools.



Source: GAO analysis of Department of Education, Civil Rights Data Collection. | GAO-18-258

Note: Disparities in student discipline such as those presented in this figure may support a finding of discrimination, but taken alone, do not establish whether unlawful discrimination has occurred.

Five Selected Districts Reported Changing Their Approach to Discipline in Order to Address Student Behavior Challenges

Selected School District and School Officials Said Complex Issues Confronting Students Make It Challenging to Address Student Behavior

We spoke with school officials at five school districts about how they are addressing discipline, including challenges they face in responding to student conduct given the complex issues influencing student behavior. Several school officials noted a range of issues, including complex issues such as the effects of poverty, mental health issues, and family dysfunction, that they said contributed to behavior that leads to discipline (see fig. 8). For example, officials at a high-poverty Georgia high school said that their students have additional responsibilities, such as raising or watching siblings or working to support their family, which may cause students to be late to, or skip, class. This observation is consistent with our recent report on child well-being, which cited research showing that children in poverty are more likely to face academic and social challenges than their peers, and with our analysis of CRDC data, which showed that rates of chronic absenteeism (being absent 15 or more days in a school year), were higher in high-poverty schools.³⁸ See appendix IV, table 19 for detailed data on chronic absenteeism. At one high school in Georgia, officials said that attendance issues were the reason for a majority of disciplinary actions at their school. They said that if students were

³⁸Children who experience poverty are often more likely to face academic and social challenges, live in adverse conditions, and have poorer health than children who grow up in higher-income families. From 2007 to 2016, the estimated percentage of all children living in poverty in the United States remained about the same at 18 percent, with Black and Hispanic children having experienced poverty at significantly higher rates than White children during this time period. [GAO-18-41SP](#), U.S. Department of Commerce, U.S. Census Bureau, Current Population Survey, 2008 to 2017 Annual Social and Economic Supplements, Liliana Fernandes, Americo Mendes, and Aurora Teixeira, A Review Essay on the Measurement of Child Well-Being (2011), The American Academy of Pediatrics, The Lifelong Effects of Early Childhood Adversity and Toxic Stress (2012), and The American Academy of Pediatrics, Mediators and Adverse Effects of Child Poverty in the United States (2016).

repeatedly late to school or did not get to their next class within the set amount of time, students could amass enough infractions to warrant suspension from school. In contrast, an official at an elementary school in Georgia said that they usually do not discipline their students for being late to school, as they have found that it was often due to circumstances beyond the child's control. According to several school officials, some groups such as homeless youth,³⁹ American Indian,⁴⁰ or Lesbian, Gay, Bisexual, Transgender, or Questioning (LGBTQ) students have had greater attendance problems than others. For example, education officials in California said that homeless and foster youth frequently miss school because of all the transitions and instability in their lives.⁴¹ In a school in Texas, officials also reported attendance issues with students who are homeless or in foster care because they lack transportation and clothing. Similarly, we previously reported that American Indian students face school attendance challenges, including access to reliable transportation.⁴² In addition, American Indian and Alaska Native students had the highest rates of chronic absenteeism in school year 2013-14, compared to students of other races, according to our analysis of CRDC data (see appendix IV). LGBTQ students are at a high risk of suicide and other emotional issues during adolescence, and often feel disconnected from their peers and families, according to county education officials in

³⁹In school year 2014-15 there were 1.26 million homeless students reported as enrolled in public school districts, which is an increase from school year 2005-06, when there were fewer than 1 million. [GAO-18-41SP](#).

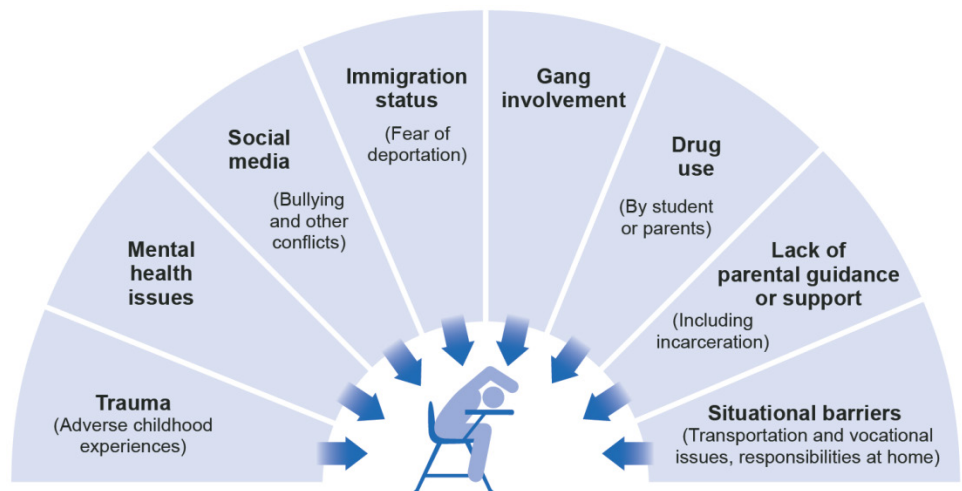
⁴⁰In school year 2013-14 there were about 550,000 American Indian and Alaska Native students enrolled in public elementary and secondary schools in the United States, not counting Bureau of Indian Education schools. GAO, *Tribal Transportation: Better Data Could Improve Road Management and Inform Indian Student Attendance Strategies*, [GAO-17-423](#) (Washington, D.C.: May 22, 2017).

⁴¹We previously reported that thousands of foster children have an incarcerated parent. GAO, *Child Welfare: More Information and Collaboration Could Promote Ties Between Foster Care Children and Their Incarcerated Parents*, [GAO-11-863](#) (Washington, D.C.: September 26, 2011).

⁴² [GAO-17-423](#).

California. According to these officials, this can contribute to attendance problems.⁴³

Figure 8: Challenges Influencing Student Behavior or Attendance, Reported by Officials from Selected Sites



Source: GAO analysis of school official narrative responses. | GAO-18-258

Officials in our five selected school districts also described what they perceived as a growing trend of behavioral challenges or provided examples related to mental health and trauma, such as increased anxieties, thoughts of and attempts at suicide, and depression among

⁴³One study found that actual or perceived sexual orientation and/or gender identity affects discipline experiences in school and noted that the use of exclusionary discipline was biased against LGBTQ youth. According to examples in that study, this can result in disproportionate punishment for student displays of affection, self-expression, appearance, and unequal enforcement of school policies. Shannon Snapp et al., *Messy, Butch, and Queer: LGBTQ Youth and the School-to-Prison Pipeline* (2015). Nationwide, gay, lesbian, and bisexual students had a higher prevalence than heterosexual students of having been threatened or injured with a weapon, in a physical fight, electronically bullied and bullied on school property, and having avoided school due to feeling unsafe, according to the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance System survey conducted in 2015.

students.⁴⁴ For example, state education officials in Georgia said they viewed a growing number of their students as being “trauma complex.” Officials at one school in Massachusetts said that they involve the mental health clinicians or social worker for additional support when students are dealing with traumatic experiences, depression, or are struggling to self-regulate. Further, officials at another school in Massachusetts said that many of their students have experienced trauma and this may lead to more aggressive behaviors at the elementary school level, and to more self-destructive behaviors at the middle school level.⁴⁵ Specifically, these officials said that children who have experienced trauma may kick, bite, and punch others when they are younger and cut themselves or become suicidal when older. Similarly, officials at a school in Texas said that they have seen a growth in suicidal ideation and self-harm among the students. Some school officials also said that they felt ill-equipped or that schools lacked resources to deal with the increase in students with mental health issues and the associated behaviors.

School officials in all five of the selected states also said that social media results in conflicts or related behavioral incidents among students, such as related bullying and arguments. Officials at a school in Georgia said that social media arguments can cause students who were not part of the original situation to be pulled in, creating classroom disruptions that end in discipline for a larger group. Moreover, officials in a North Dakota middle school said that disagreements on social media last for longer periods of time. They said that social media has also been used to facilitate the purchase of illegal drugs, which can result in students being arrested in school and expelled.

⁴⁴About one in six school-age youth experience impairments due to mental illness, and the most prevalent mental illnesses in school-age youth include attention deficit hyperactivity disorder (ADHD), behavioral or conduct problems, anxiety, and depression, according to SAMHSA. They further reported that mental illness can lead to thoughts of suicide, and an estimated 17 percent of U.S. high school students seriously considered attempting suicide during 2013-14, and an estimated 8 percent of students attempted suicide one or more times in the previous 12 months. The confidence interval for these estimates is 95 percent.

⁴⁵Officials at a school in Georgia provided examples of trauma common to students, such as students who are homeless, have been taken from their parents, been through violent situations, or have been neglected. According to a 2015 U.S. Department of Justice report, an estimated 70 percent of youth age 14-17 had been assaulted during their lifetimes and a similar proportion witnessed violence during their lifetimes. David Finkelhor, Heather Turner, Anne Shattuck, Sherry Hamby, and Kristen Kracke, *Children’s Exposure to Violence, Crime, and Abuse: An Update* (2015).

Use of Corporal Punishment in School for Five Selected States

California, Massachusetts, and North Dakota: Corporal punishment in schools is prohibited.

Texas: If a school district adopts a policy to permit corporal punishment, school staff may use corporal punishment unless the student's parent has provided a written, signed statement prohibiting it. None of the schools GAO visited used corporal punishment, according to officials.

Georgia: Boards of education are authorized to determine policies related to corporal punishment, including allowing school staff, at their discretion, to administer corporal punishment in order to maintain discipline. However, none of the schools GAO visited used corporal punishment, according to officials.

Source: GAO analysis of state statutes. | GAO-18-258

School district officials from three of the five selected districts we visited stated that officials at individual schools generally have a lot of discretion in determining what discipline a student receives. In several schools, officials said they often try other avenues first to address behavior, such as detention, alerting or having a discussion with the parent, or taking away certain privileges such as making the student eat lunch with the teacher instead of with their friends.⁴⁶ However, for certain offenses, officials in most districts said that discipline was automatically more severe. Gun possession, for example, prompts an automatic expulsion at most of the school districts we visited.⁴⁷ In another example, school district officials in Texas said drug-related incidents, physical assault of a teacher or student, or extreme sexual behaviors can result in a student being placed in an alternative school. School officials at one alternative school we visited stated that 80 to 90 percent of their students are there due to drug-related incidents. Officials in several of the school districts said their districts had School Resource Officers who only become involved in school disciplinary issues when requested by school administrators. In a Texas high school with over 3,800 students, a school official said School Resource Officers patrol school grounds, monitor gang activity, and may become involved when there are illegal drug issues. Officials also said that School Resource Officers sometimes provide trainings for students, parents, or school staff on subjects such as safety, good decision making, substance abuse, and peer pressure.⁴⁸ Further, although corporal punishment was legal in two of the five states we visited (see sidebar), the school district officials with whom we spoke in those states said it was not used anymore in their districts. Our

⁴⁶According to school officials we spoke with and local policy documents we reviewed, responding to student behavior issues generally starts with the classroom teacher addressing the behavior in the classroom or sending the student to a different classroom. The next level may involve contacting the parents, referring the student to higher-level school staff, or issuing a detention. In some cases, at this level, school officials also told us they remove privileges (such as participating in sports) or require students to make up work at Saturday school. Above that level, schools may offer the options of suspension either in or from school for intervals of hours or days, and finally, placement in an alternative school (schools specifically designed to work with students with behavioral issues), or expulsion.

⁴⁷Each of the selected school districts' student code of conduct, or state education law, requires a disciplinary hearing before expulsion occurs.

⁴⁸With regard to gang issues, some school officials said that gang activity in the neighborhood may be a factor in why students skip school. For example, an official at one alternative school reported that the route students take to school may be unsafe, and this can negatively affect attendance.

analysis of schools nationwide using school year 2013-14 data showed that corporal punishment tended to be most prevalent in southern states (see maps in appendix II).

All Selected School Districts Described Changing Their Approach to Discipline

While there is no one-size-fits-all solution to addressing challenging student behavior, or to the evident disparities in discipline for certain student groups, officials in two school districts we visited told us they recognize the importance of finding alternatives to discipline that unnecessarily removes children from the learning environment. Some school officials said they have begun to specifically address disparities for certain student groups. Officials in all selected school districts reported they are implementing efforts to better address student behavior or reduce the use of exclusionary discipline. For example, officials in all school districts said that they are implementing alternative discipline models that emphasize preventing challenging student behavior and focus on supporting individuals and the school community, such as positive behavioral interventions and supports (PBIS), restorative justice practices, and social emotional learning (SEL) (see sidebar). For example, officials at a selected school district in Texas said they have implemented a classroom management model that uses positive behavior techniques. Texas state law allows schools to develop and implement positive behavior programs as disciplinary alternatives for very young students.⁴⁹ This was also true in California, where state law specifically lists suggested alternatives to suspension, including restorative justice, a positive behavior support approach with tiered interventions, and enrollment in programs that teach positive social behavior or anger management.⁵⁰

⁴⁹See Tex. Code Ann. § 37.0013(a).

⁵⁰See Cal. Ed. Code § 48900.5(b)(6).

Examples of Alternatives to Discipline that Removes Students from the Classroom

Positive Behavioral Interventions and Supports (PBIS): A school-wide framework that focuses on positive behavioral expectations. By teaching students what to do instead of what not to do, the school can focus on the preferred behaviors. All of the selected school districts used some form of positive behavioral intervention and supports. One school official told us that PBIS has significantly reduced their discipline referral numbers and provided teachers more tools to get behavior situations under control.

Restorative Justice Practices: This approach focuses on repairing harm done to relationships and people. The aim is to teach students empathy and problem-solving skills that can help prevent inappropriate behavior in the future. For example, according to officials we interviewed at one school, their restorative practices help students take ownership of their actions and work collaboratively to restore relationships that may have been strained. Officials at another school said schools use mediation techniques as alternatives to suspensions.

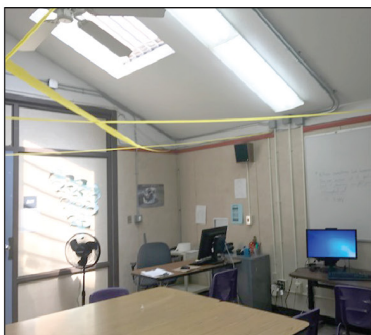
Social and Emotional Learning (SEL): SEL enhances students' abilities to deal effectively and ethically with daily tasks and challenges. SEL integrates the following five core competencies: self-awareness, self-management, social awareness, relationship skills, and responsible decision making. At a school implementing this model, officials said that they are strengthening their SEL program to improve the whole child instead of treating discipline and mental and behavioral health separately.

Source: GAO analysis of examples provided by selected school districts and related documentation. | GAO-18-258

With regard to directly addressing disparities in school discipline, officials at one school district in California said they created a new leadership team for equity, culture, and support services, and developed a district-wide equity plan that includes mandatory training on implicit bias for principals. Officials from that district also said they had recently changed a policy to increase the consistency of discipline actions across the district's schools. Similarly, officials at a school district in Massachusetts reported they were working to build awareness among school leadership to address racial bias and the achievement gap through multiyear trainings. Officials we spoke with at a school within that district said they conduct trainings for staff on implicit bias and other related issues to reduce school discipline disparities. As some of the schools and districts we visited have begun implementing alternative discipline models and efforts to reduce the use of exclusionary discipline in recent years, we heard from officials in two districts that there has been difficulty with implementation due to limited resources, staffing turnover, and resistance on the part of some parents.

During our visits to schools, we observed classroom spaces that school officials used to manage student behavior, including through various alternative approaches to discipline (see fig. 9). Officials in two school districts said they are moving away from exclusionary discipline because it decreases the amount of academic instruction. Officials at one school district in Georgia said that the district had a history of overusing exclusionary discipline and they understood that schools cannot "suspend their way out of behavioral and discipline issues." Officials at that district said they are currently rolling out PBIS to their schools, although progress has been slow. While they said discipline rates have decreased and they have received fewer parent and staff complaints, change is difficult because of limited resources, staff turnover, and some resistance to alternative discipline versus punitive discipline on the part of both some school staff and parents.

Figure 9: Examples of School Spaces for Managing Student Behavior at Selected Schools



Room used for restorative justice activities at a California high school.



Padded room used for cool down and reset purposes for special education students at a N. Dakota middle school.



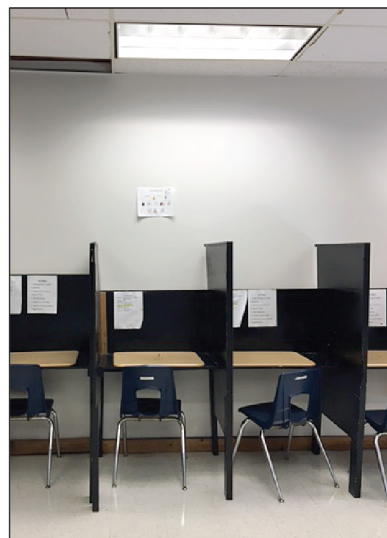
Room used for Positive Behavioral Intervention and Supports (PBIS), preventative discipline, and counseling activities at a Texas elementary school.



"Mindful Moments room" used as a quiet space for students who need a break from academics to self-regulate, at a Massachusetts alternative high school.



"Personal Break Space" room used for de-escalation purposes at a Massachusetts school serving kindergarten to 8th grade.



Room used for In-School Suspension (ISS) at a Georgia middle school.

Source: GAO photos of selected schools and descriptions of spaces and documents provided by school officials. | GAO-18-258

Note: This figure shows examples of spaces selected schools used for managing student behavior through discipline or alternative behavioral supports. GAO observed these spaces in person at the selected schools and took the photos or received them from school personnel. Regarding the "cool down" room pictured above, school officials in North Dakota stated that such rooms could be part of a de-escalation process for students as needed. GAO has not evaluated whether any of the observed spaces were effective.

**Every Student Succeeds Act (ESSA)
School Quality/Student Success Indicators
for Five Selected States**

The five states selected by GAO have submitted their Title I state plans to Education for approval and plan to include the following measures of school quality:

California: suspension rate

Georgia: chronic absenteeism, in combination with literacy, college and career readiness, success in enrichment classes, college level course credit, career pathway completion, and science and social studies achievement

Massachusetts: chronic absenteeism, in combination with math and science achievement, student engagement, success in coursework, and dropout rate

North Dakota: student engagement

Texas: academic achievement based on assessment outcomes, graduation rate, English language proficiency, and (for high schools) college, career, and military readiness

Source: Department of Education, ESSA State Plan Submissions, and GAO analysis. | GAO-18-258

State education officials in all five states said that changes to state law were made or considered related to school discipline in the past several years. For example, California officials said that state law now prohibits suspensions and expulsions for children in grades K-3 for willful defiance.⁵¹ For all ages suspensions may only be used when other means of correction fail to bring about proper conduct.⁵² Similarly, Massachusetts law requires that during a student meeting or a hearing to decide disciplinary consequences for a student, school administrators consider ways to re-engage students in the learning process and that expulsion only be used after other remedies and consequences have failed.⁵³ Massachusetts also revised its state law effective July 2014 to require that schools provide educational services for expelled students. Georgia state law includes a preference for reassignment of disruptive students to alternative educational settings in lieu of suspending or expelling such students.⁵⁴ In addition, most of the selected states plan to include school discipline or absenteeism as measures of school quality in their state ESSA Title I plans (see sidebar).

⁵¹Cal. Ed. Code § 48900(k)(2). Under the statute, this provision will become inoperative on July 1, 2018, unless that date is deleted or extended by a subsequently enacted statute.

⁵²Cal. Ed. Code § 48900.5(a).

⁵³Mass. Gen. Laws ch. 71, § 37H¾(b).

⁵⁴Ga. Code Ann. § 20-2-735(f).

Education and Justice Identify and Address School Discipline Issues by Investigating Cases, Analyzing Data, and Providing Guidance and Support

Education Has Investigated and Found Instances of Discrimination and Disparities in School Discipline

Key Federal Efforts to Address School Discipline Issues

- Investigations
- Guidance
- Technical assistance
- Grants
- Data collection

Source: GAO analysis. | GAO-18-258

According to administrative data from Education, the Office for Civil Rights (OCR) resolved over 2,500 K-12 school discipline cases between 2011 and summer 2017 through several means, including voluntary resolution (leading to agreed-upon actions and subsequent monitoring), dismissal, or closure due to insufficient evidence.⁵⁵ These cases stemmed both from external complaints and reviews self-initiated by Education.⁵⁶ When we analyzed a non-generalizable sample of resolved cases, we found that most of them focused on alleged racial

⁵⁵During this timeframe, Education received about 1,500 complaints of discrimination based on race, color, or national origin (filed under Title VI of the Civil Rights Act); about 1,500 based on disability (filed under Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act); and just over 200 based on sex discrimination (filed under Title IX of the Education Amendments)—all related to K-12 school discipline, according to Education's administrative records. These numbers do not reflect the total number of complaints received because some complaints are filed under more than one statute.

⁵⁶See <https://ocrcas.ed.gov/> for information on how to file a complaint with OCR. In June 2017, OCR changed the investigative approach it had been using since 2014. The new instructions to the OCR field offices regarding the scope of complaints removed the requirement to use a systemic approach and assess multiple years of data when investigating complaints of discrimination in discipline based on race. Instead, investigators are now allowed to determine the appropriate scope on a case-by-case basis. Several OCR investigators we spoke with in regional offices said that caseloads were a substantial challenge, and a few noted that this policy change could help them process cases more efficiently. At the time of our review, it was too soon to evaluate the results of this internal policy change.

discrimination or disability status.⁵⁷ In the four cases we selected for more in-depth review, the school districts agreed to address discipline issues by, for example, designating a discipline supervisor, training staff, revising district policies, holding student listening sessions, and regularly reviewing data to identify disparities (see case descriptions below).⁵⁸ Some of these remedies are designed to reduce exclusionary discipline or improve overall school climate, and others are more directly focused on addressing disparities in school discipline. For example, having school leadership regularly review data, particularly when disaggregated by race and other student characteristics, would increase awareness of disparities.

Education Case 1: Race and Exclusionary Discipline in a Mississippi School District.⁵⁹ OCR's 2014 investigation of the Tupelo Public School District found that Black students were disproportionately disciplined in nearly all categories of offenses. These commonly included subjective behaviors like disruption, defiance, disobedience, and "other misbehavior as determined by the administration." The consequences for "other misbehavior" in high school could be severe, ranging from detention to referral to an alternative school. Once at the alternative school, students were searched thoroughly each day upon entry, escorted by security officers when changing classes, and not allowed to carry purses or book bags. OCR concluded that the district's discipline codes afforded administrators broad discretion, and found different treatment of Black students when looking at specific disciplinary records. For example, among several students who were disciplined for the first offense of using profanity, Black students were the only ones who were suspended from school, while White students received warnings and detention for substantially similar behavior. To address these issues, the district

⁵⁷We searched K-12 discipline cases that had resolution agreements between 2014 and May 2017. None of the cases that met our criteria involved sex discrimination. As of January 2018, there were about 30 pending investigations of sex discrimination related to K-12 school discipline, which were opened between 2010 and 2017.

⁵⁸Nine cases from Education met our selection criteria, and from them we selected four for in-depth review based on, the range of types of discipline that were used (suspension, expulsion, arrest, etc.), and a mix of the type of alleged discrimination (e.g., race or disability). See appendix I for more information on our methodology for selecting cases. These case descriptions reflect Education's findings and the agreed-to remedies, and are taken from agency documents. The summaries provided here are not intended to be exhaustive of all the issues involved in each case.

⁵⁹For more details about Education's findings in this Mississippi case, see: <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/06115002-a.pdf>.

entered into a voluntary resolution agreement whereby it committed to taking specific actions to ensure that all students have an equal opportunity to learn in school. It agreed, among other things, to revise its student discipline policies, practices, and procedures to include clear and objective definitions of misconduct, eliminate vague and subjective offense categories, and describe criteria for selection within the range of possible penalties when imposing sanctions. The district also agreed to require that alternatives to suspension and other forms of exclusionary discipline be considered in all cases except where immediate safety of students or staff is threatened, and where the behavior in question is such that the disruption to the educational environment can only be remedied by removal, or where the student's removal is a result of the district's progressive discipline policy.

Education Case 2: Disability and Restraint & Seclusion in a Non-Public California School.⁶⁰ This 2016 OCR investigation focused on restraint and seclusion of a student with disabilities who was placed at the non-public school with which Oakland Unified School District contracted to provide the student with certain services, including developing and implementing behavior intervention plans. OCR found the use of prone restraint on this student to be severe, persistent, and pervasive: staff held the student face-down 92 times over a period of 11 months, with the longest duration of a single face-down restraint being 93 minutes. Examples of behaviors that led to the use of restraint included disruptive behavior, not following directions, pushing desks, and ripping up assignments. Staff said that the student wanted to be disciplined and understood prone restraint to be disciplinary. OCR determined that the district allowed the student to be treated differently for non-dangerous behavior on the basis of disability. The district entered into a resolution agreement, committing to resolve these issues by offering individual relief to the student—arranging for an evaluation of the student for adverse effects of the restraint and seclusion, with recommendations for addressing areas of harm—and implementing district-wide policy changes related to restraint and seclusion.⁶¹ The latter included establishing a protocol for responding to any contracted non-public schools' reports of

⁶⁰For more details about Education's findings in this California case, see: <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/09141465-a.pdf>

⁶¹Although the student was restrained by non-public school staff, Education noted in its analysis that the district could not "contract away," among other things, its responsibility under the law to ensure that its students are provided an education that is free from discrimination on the basis of disability.

restraining or secluding district students, and providing training on positive interventions.

Excerpt from Christian County, KY Case

An African American 10th grader was assigned 1-day out-of-school suspension for skipping school. In comparison, a white 12th grader was assigned a conference with the principal for skipping school. The African American student had 19 previous disciplinary referrals, while the white student had 28 previous disciplinary referrals. Education reported that it would be difficult for the district to demonstrate how excluding a student from attending school in response to the student's efforts to avoid school meets an important educational goal.

Source: Department of Education. | GAO-18-258

Education Case 3: Race and Exclusionary Discipline in a Kentucky School District.⁶² In this 2014 case, OCR found that Christian County School District disciplined Black students more frequently or harshly than similarly situated White students. Specifically, Black students were more than 10 times more likely than White students to receive out-of-school suspension for disorderly conduct, and Black students were more likely to be assigned to an "Isolated Classroom Environment" when discipline was for a violation that afforded discretion. OCR also found that the district's discipline code did not define 61 types of violations, including ones that involve interpretation, such as disorderly conduct, failure to follow directions, deliberate classroom disruption, and profanity. OCR found that administrators had wide discretion in determining the consequences for such actions, and noted that the discipline code allowed for virtually every type of sanction, including expulsion, for each type of violation. OCR also found inconsistencies in treatment of students in different racial groups when looking at individual records (see sidebar). Although district officials said they were aware of the higher rates of discipline for Black students, OCR found that there were no safeguards to ensure that discretion would be exercised in a nondiscriminatory manner. To resolve these issues, the district agreed to ensure as much as possible that misbehavior is addressed in a way that avoids exclusionary discipline, collaborate with experts on research-based strategies to prevent discrimination in discipline, and provide support services to decrease behavioral difficulties, among other things.

Education Case 4: Race and Informal Removals in a California Charter School.⁶³ In this 2015 case, OCR investigated whether Black students were disproportionately disciplined at a charter school which emphasizes Hmong culture and language.⁶⁴ The complaint noted that the student's parents had been asked to take him home on a few occasions because he was disruptive in class. School administrators confirmed the

⁶²For more details about Education's findings in this Kentucky case, see: <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/03115002-a.pdf>

⁶³For more information on Education's findings in this California case, see: <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/09141170-a.pdf>

⁶⁴The Hmong are an indigenous group originally from the mountainous regions of Southeast Asia.

practice of “early dismissal” in response to misbehavior, but said they did not consider the dismissal to be disciplinary. Because the school did not maintain records of these removals, OCR was unable to determine if the student was subjected to discriminatory discipline. However, OCR noted that the practice of removing students from school for disciplinary reasons without appropriate recordkeeping and due process makes it almost impossible for the school to assess whether it is fully meeting its duty of ensuring nondiscrimination with respect to discipline. To resolve these issues, the school agreed, among other things, to revise its discipline policies, provide due process and alternatives to exclusionary discipline, and clearly prohibit the kinds of informal suspensions that OCR observed.

Justice Has Investigated Discrimination in School Discipline Based on Long-standing Desegregation Orders and Public Complaints

Justice also investigates discrimination in school discipline based on complaints filed under federal civil rights statutes and as part of monitoring desegregation orders.⁶⁵ Three recently-resolved cases investigated exclusionary discipline or restraint and seclusion for students of color and those with disabilities (see case descriptions below).⁶⁶

Justice Case 1: Race and Exclusionary Discipline in an Arkansas School District.⁶⁷ This Justice case, originally stemming from a desegregation order, focused on whether the Watson Chapel School District was discriminating against Black students in its administration of school discipline.⁶⁸ Justice found that the district suspended and expelled Black students at significantly higher rates than White students, and that

⁶⁵See <https://www.justice.gov/crt/how-file-complaint> for information on how to file a complaint with Justice’s Civil Rights Division. Complainants may file under statutes such as Title IV of the Civil Rights Act and Title II of the Americans with Disabilities Act, for example.

⁶⁶ Justice’s documentation of case investigations follows a different format and provides a different level of information than the documentation from Education. The case descriptions here reflect Justice’s findings and the agreed-to remedies, and are taken from agency documents. The summaries are not intended to be exhaustive of all the issues involved in each case. We selected Justice cases to review based on their relevance to K-12 school discipline issues and having resolution dates between 2014 and May 2017. We reviewed three of the most recently-resolved cases that met these criteria. See appendix I for more information on our methodology for selecting cases.

⁶⁷For more information on Justice’s findings in this Arkansas case, see: <https://www.justice.gov/crt/case-document/file/916471/download>.

⁶⁸ This Justice case originated with a desegregation order dating from 1970. In 2012, Justice notified the Watson Chapel School District that it was focusing on school discipline because the district had complied with the remainder of its desegregation obligations.

district policies and procedures were responsible for this difference. The parties signed a Consent Order in 2016, under which the school district agreed to implement positive interventions and supports, transition away from exclusionary discipline, revise the code of conduct to list specific levels of disciplinary infractions and consequences, prohibit corporal punishment, establish a memorandum of agreement with any law enforcement agency that supplies school resource officers, and provide training to staff. In addition, the district agreed to provide due process before students receive out-of-school suspensions, expulsions, or referrals to the alternative education program because of disruptive behavior.

Justice Case 2: Race and Disability in a Maryland School District.⁶⁹

Justice investigated complaints that discipline policies in the Wicomico County Public School District resulted in the discriminatory suspension of Black and Latino students and students with disabilities. After the investigation, Justice and the district negotiated and entered into a voluntary out-of-court settlement agreement in January 2017. The district agreed to hire a consultant to implement positive behavioral interventions and supports and restorative practices, revise the code of conduct to include objective definitions of behavioral infractions and incorporate alternatives to exclusionary discipline, establish clear guidelines for when law enforcement intervention is appropriate, and provide appropriate due process procedures.

Justice Case 3: Race and Restraint & Seclusion in a Kentucky School District.⁷⁰

This 2017 Justice case investigated whether Covington Independent Schools' disciplinary practices, including the use of exclusionary discipline, restraint, and seclusion, discriminated on the basis of race, national origin, or disability.⁷¹ The parties agreed to negotiate a settlement agreement under which the district agreed to develop a process to regularly identify students who disproportionately had disciplinary referrals, with a focus on offenses that may be the result of unaddressed behavioral needs such as disruptive behavior or

⁶⁹For more information on Justice's findings in this Maryland case, see: <https://www.justice.gov/crt/case-document/file/930511/download>.

⁷⁰For more information on Justice's findings in this Kentucky case, see: <https://www.justice.gov/crt/case-document/file/928961/download>.

⁷¹This case was investigated under the jurisdiction of Title IV of the Civil Rights Act and Title II of the Americans with Disabilities Act.

aggression, defiance, and being “beyond control.” The district also agreed to discontinue the use of “calm rooms” (where students are isolated during an episode of misbehavior) and prohibit the use of physical restraint except in the case of imminent danger that could not be addressed through de-escalation techniques. The district agreed to adopt an intervention procedure to meet the needs of students with disabilities who may need support beyond the standard discipline policies. In addition, if parents of students with disabilities were asked to come to the school to become involved in an ongoing instance of misbehavior, the district could no longer require the parent to take the student home unless the student had been assigned an out-of-school suspension or expulsion.

Education and Justice Provide Guidance and Resources on School Discipline and Related Issues, Including How to Identify and Address Disparities

Excerpts from Discipline Guiding Principles

- Train all school staff to apply school discipline policies in a fair and equitable manner.
- Use proactive, data-driven, and continuous efforts to prevent, identify, reduce, and eliminate discriminatory discipline and unintended consequences.
- Create policies that include appropriate procedures for students with disabilities and due process for all students.
- Remove students from the classroom only as a last resort, and return students to class as soon as possible.
- Ensure that any school-based law enforcement officers' roles focus on improving school safety and reducing inappropriate referrals to law enforcement.

Source: Department of Education Guiding Principles for Improving School Climate and Discipline. | GAO-18-258

Education and Justice collaborated on a “Rethink Discipline” campaign in 2014 to address what they viewed as widespread overuse of suspensions and expulsions. This awareness campaign included comprehensive guidance to help states and schools implement alternatives to exclusionary discipline, reduce discrimination, and identify root causes of disparities (see sidebar).⁷² The agencies have also collaborated to provide guidance encouraging school districts that use school resource officers to formalize partnerships with local law enforcement agencies and clarify that school resource officers should not administer discipline in schools.

Education has also issued special guidance related to the discipline of students with disabilities, including an explanation of the requirement to provide appropriate strategies to address behavior in students' individualized education programs (IEPs).⁷³ This guidance stated that when a student with a disability is regularly sent home early from school for behavior reasons, it is likely that the child's opportunity to make progress in the general education curriculum is significantly impeded (see sidebar). The guidance states that being sent home regularly in this way constitutes a disciplinary removal, which comes with statutory reporting

⁷²See the complete Rethink Discipline package at <https://www2.ed.gov/policy/gen/guid/school-discipline/index.html>. This guidance is non-binding.

⁷³The guidance noted that providing behavioral interventions and supports to students with disabilities is part of ensuring a free, appropriate public education (FAPE) and placement in the least restrictive environment. See Dear Colleague Letter from August 2016: <https://www2.ed.gov/policy/gen/guid/school-discipline/files/dcl-on-pbis-in-ieps--08-01-2016.pdf>.

obligations and other considerations. For further information on available federal guidance related to discipline in public schools, see appendix III.

Excerpt from Discipline Guidance for Students with Disabilities

- Failure to make behavioral supports available could result in an inappropriately restrictive placement.
- When done with fidelity [evidence-based behavioral supports], often serve as effective alternatives to unnecessary disciplinary removals, increase participation in instruction, and may prevent the need for more restrictive placements.
- Schools should note that recent research demonstrates that disciplinary measures such as short-term removals from the current placement (e.g., suspension), or other exclusionary disciplinary measures that significantly impede the implementation of the individualized education program (IEP), generally do not help to reduce or eliminate reoccurrence of the misbehavior.

Source: Department of Education. | GAO-18-258

Education and other federal entities have also awarded grants and established special initiatives related to student behavior and school discipline, many of which started around the same time as the federal Rethink Discipline campaign and were designed to be complementary. For example, Education awarded about \$130 million from 2014-2016 to states and school districts through the School Climate Transformation Grant, which was established in 2014 to support districts taking steps to improve behavioral outcomes. According to Education, nearly 3,000 schools have worked to implement these behavioral support systems through the grant, and preliminary outcomes data have shown increased student attendance and fewer disciplinary referrals. In addition, Education awarded about \$68 million for fiscal years 2015-2019 to over 20 school districts under Project Prevent—a grant to promote conflict resolution skills in students, particularly when they have been exposed to pervasive violence. According to the districts' grant summary documents, these districts have experienced nearly 10,000 fewer violent behavioral incidents and have provided access to mental health services for over 5,000 students. Justice's research arm, the National Institute of Justice, also started the Comprehensive School Safety Initiative in 2014 and has since provided about \$84 million to fund nearly 40 research projects and interventions that address school discipline and safety, such as implementing restorative practices and studying the root causes of the school-to-prison pipeline. More recently, Education collaborated with HHS to fund the Pyramid Equity Project for early learning programs, which is designed to address implicit bias in school discipline, implement culturally responsive practices in addressing student behavior, and use data systems to understand equity issues.⁷⁴

For ongoing technical assistance related to student behavior and school discipline, Education sponsors centers on supportive learning environments, improving student engagement and attendance, and

⁷⁴Since 2014, HHS has issued Project Advancing Wellness and Resilience Education (AWARE) grants to 20 state education agencies and 100 school districts to expand or implement access to mental health services, behavioral supports, and youth violence prevention strategies. Project AWARE grantees at the local level that also received School Climate Transformation Grants were encouraged to partner with local juvenile and family courts that would be eligible to apply for coordinated funding through Justice's School Justice Collaboration Program—Keeping Kids in School and Out of Court—beginning in 2014.

implementing positive behavioral interventions and supports (PBIS).⁷⁵ For example, the National Center on Safe Supportive Learning Environments provides information and resources on addressing school discipline, mental health, substance abuse, physical safety, student engagement, and other related issues. Justice funds a technical assistance center on school-justice partnerships that works to enhance collaboration among schools, mental and behavioral health specialists, and law enforcement officials. This center recently published a bulletin on the intersection of exclusionary school discipline and the juvenile justice system, which offers tips for judges who handle school-related cases and information on successful efforts to reduce the number of school-based referrals to law enforcement. For a list of other technical assistance centers related to student behavior or discipline, see appendix III.

Lastly, to help identify discipline disparities among the nation's schools, Education collects comprehensive data on school discipline every other year through the CRDC. The agency publicly releases highlights from these data through their "First Look" documents and in annual reports, which typically focus on a limited number of disciplinary actions (primarily suspensions) and student demographics (usually race and disability status). Education's public analyses of school discipline data have not included school characteristics like poverty level or type of school. Education encourages districts and schools to disaggregate their data by various student demographics and examine it for disparities. In addition, Education's Office of Special Education and Rehabilitative Services recently examined racial and ethnic disparities for students with disabilities using data collected under IDEA, Part B. This IDEA report provides the public with information on whether districts had significant

⁷⁵According to the PBIS technical assistance center, over 25,000 schools have implemented this approach.

disproportionality on the basis of race or ethnicity in the discipline of students with disabilities.⁷⁶

Agency Comments, Third Party Views, and Our Evaluation

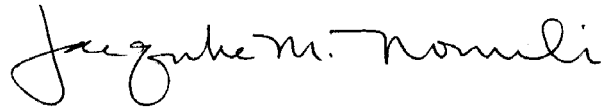
We provided a draft of this report to the Departments of Education and Justice for review and comment. These agencies provided technical comments, which we incorporated as appropriate. We also provided selected draft excerpts relevant to officials we interviewed in state agencies, school districts, and school officials. We received technical comments from those officials in four of our five selected states, which we incorporated as appropriate.

As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the appropriate congressional committees, the Secretary of Education, the Secretary of Health and Human Services, the Attorney General, and other interested parties. In addition, the report will be available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (617) 788-0580 or nowickij@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last

⁷⁶ U.S. Department of Education, *Racial and Ethnic Disparities in Special Education: A Multi-Year Disproportionality Analysis by State, Analysis Category, and Race/Ethnicity* (2016). Education's analysis in this report uses example thresholds for identifying disproportionality, and notes that there were limitations to the data used. For example, local-level data files did not undergo data quality procedures. The term "significant disproportionality" is used in IDEA to refer to the overrepresentation of racial and ethnic groups in special education, although it is not defined. Under IDEA, a school district is required to reserve 15 percent of its IDEA, Part B funds for early intervening services if that district is found to have significant disproportionality in special education based on race and ethnicity with respect to the incidence, duration, and type of disciplinary actions, including suspensions and expulsions, among other things. GAO, *Individuals with Disabilities Education Act: Standards Needed to Improve Identification of Racial and Ethnic Overrepresentation in Special Education*, [GAO-13-137](#) (Washington D.C.: February 27, 2013).

page of this report. GAO staff who made key contributions to this report are listed in appendix V.

A handwritten signature in black ink, reading "Jacqueline M. Nowicki". The signature is written in a cursive, flowing style.

Jacqueline M. Nowicki, Director
Education, Workforce, and Income Security Issues

Appendix I: Objectives, Scope, and Methodology

The objectives of this report were to examine (1) the patterns in disciplinary actions among public schools, (2) the challenges selected school districts reported with student behavior and how they are approaching school discipline, and (3) the actions the Department of Education (Education) and the Department of Justice (Justice) have taken to identify and address any disparities or discrimination in school discipline.

To conduct this work we (1) analyzed federal discipline data by student demographics and school characteristics; (2) visited five school districts to provide illustrative examples of approaches to school discipline; and (3) interviewed federal agency officials and reviewed agency documentation, federal laws, regulations and policies, selected state laws, and a selection of resolved school discipline cases. To inform all aspects of our work, we interviewed representatives from several nonfederal civil rights organizations and advocacy organizations that represent parents and families, individuals with disabilities, and people from specific racial or ethnic backgrounds, such as Hispanic, African-American, and American Indian communities. We also met with academic subject matter experts to discuss issues related to school discipline, including disparities in school discipline and initiatives intended to reduce exclusionary discipline. In addition, we reviewed two dozen articles containing research that had been published since 2010 to further understand the context of school discipline issues and programs. We evaluated the methods used in the research and eliminated the research if we felt the methods were not appropriate or rigorous. The following sections contain detailed information about the scope and methodology for this report.

Analysis of School Discipline National Data

To determine the patterns in disciplinary actions among public schools, we used Education's Civil Rights Data Collection (CRDC) to analyze discipline data from all public schools by student demographics (e.g., race, sex, disability) and school characteristics (e.g., school type, such as charter or magnet school). Our analyses of this data, taken alone, do not establish whether unlawful discrimination has occurred. The CRDC is a biennial survey that is mandatory for every public school and district in the United States.¹ Conducted by Education's Office for Civil Rights, the

¹ The Assistant Secretary for Civil Rights in the Department of Education is authorized "to collect or coordinate the collection of data necessary to ensure compliance with civil rights laws within the jurisdiction of the Office for Civil Rights [OCR]." 20 U.S.C. 3413(c)(1). OCR has been collecting this data since 1968. See <https://ocrdata.ed.gov/>.

survey collects data on the nation's public schools (pre-K through 12th grade), including disciplinary actions as well as student characteristics and enrollment, educational and course offerings, and school environment, such as incidents of bullying.² CRDC data are self-reported by districts and schools, and consequently there is potential for misreporting of information.³ In school years 2011-12 and 2013-14, the CRDC collected data from nearly every public school in the nation (approximately 17,000 school districts, 96,000 schools, and 50 million students in school year 2013-14).⁴ Using the public-use data file of the CRDC, we focused our analysis primarily on data for school year 2013-14, the most recent data available at the time of our analysis. We also compared disciplinary data from school years 2011-12 and 2013-14 to analyze how discipline may have changed over that period.

The 2013-14 CRDC collected data on six broad types of disciplinary actions: (1) out-of-school suspensions, (2) in-school suspensions, (3) referrals to law enforcement, (4) expulsions, (5) corporal punishment, and (6) school-related arrests. The CRDC did not collect data on less severe forms of discipline, such as detentions, Saturday school, or removing privileges to engage in extracurricular activities, such as athletic teams or field trips.⁵ As shown in table 4, we combined related variables for out-of-

²Other federal surveys have also collected data relevant to school discipline; however, for the purposes of our analysis the CRDC had several advantages over these other surveys, including that the CRDC collected data on several disciplinary actions beyond suspensions and expulsions, and collected data from the universe of K-12 public schools in school year 2013-14, rather than a sample of schools.

³Education has put in place quality control mechanisms to attempt to reduce misreporting of information in the CRDC; however, the potential for misreporting remains. For example, officials from two schools we visited indicated that the 2013-14 CRDC data for their schools were incorrect for certain variables, such as instances of corporal punishment, possibly due to data entry errors. After reviewing their CRDC data, school districts can submit revised data to Education. From June 2016 to June 2017, Education released multiple versions of the 2013-14 public-use CRDC dataset that incorporated revised data from several school districts.

⁴These were the most recent CRDC data available at the time of our analysis. The response rates for this mandatory data collection were 99.2 percent for school year 2013-14 and 98.4 percent for school year 2011-12.

⁵We used the term "Saturday school" to refer to the form of discipline whereby students are required to come to the school building on the weekend as punishment for misbehavior that occurred at school. This does not include "Saturday school" programs that function to help students address academic credit deficiencies.

school suspension and expulsion; we also provide a crosswalk of discipline variables used in this report and those captured in the CRDC.⁶

Table 4: Disciplinary Actions Used in Analysis of the Civil Rights Data Collection (CRDC)

GAO category	CRDC category
One or more out-of-school suspensions	Only one out-of-school suspension
	More than one out-of-school suspension
One or more in-school suspensions	One or more in-school suspensions
Referred to a law enforcement agency or official	Referred to a law enforcement agency or official
Expulsion	Expulsion with educational services
	Expulsion without educational services
Corporal punishment	Corporal punishment
School-related arrest	School-related arrest

Source: GAO analysis. | GAO-18-258

Analysis by type of discipline

For each of the six disciplinary actions in our review, we examined discipline counts and rates both overall and disaggregated by student demographic characteristics. Specifically, we examined counts and rates for each disciplinary action by student sex (boy or girl), race or ethnicity (see table 5), disability status (students with or without disabilities),⁷ and English Language Learners. Using the CRDC, we also examined race and sex intersectionally, for example, disciplinary rates for Black boys or White girls.

⁶The CRDC also collected data on expulsions under zero-tolerance policies; however, these data overlap with data on students expelled with or without educational services. Consequently, we do not report specific data on students expelled under zero-tolerance policies. Nationally, 0.04 percent of all students were expelled under zero tolerance policies in 2013-14.

⁷Our analysis of students with disabilities included only those students served under the Individuals with Disabilities Education Act. We excluded students served only under Section 504 of the Rehabilitation Act of 1973 from our analysis of discipline for students with disabilities because the CRDC does not collect data on these students disaggregated by race or ethnicity.

Table 5: Race and Ethnicity Variables Used in Analysis of the Civil Rights Data Collection (CRDC)

GAO category	CRDC category
White	White
Hispanic	Hispanic or Latino of any race
Black	Black or African American
Asian	Asian
	Native Hawaiian or Other Pacific Islander
American Indian or Alaska Native	American Indian or Alaska Native
Two or more races	Two or more races

Source: GAO analysis. | GAO-18-258

Analysis by poverty

In order to analyze discipline counts and rates by the poverty level of the school, we pulled in data on free or reduced-price lunch eligibility from the 2013-14 Common Core of Data (CCD), and matched it to schools in the 2013-14 CRDC, which did not collect eligibility data. The CCD is administered by Education’s National Center for Education Statistics, and annually collects nonfiscal data about all public schools in the nation. A student is generally eligible for free or reduced-price lunch based on federal income eligibility guidelines that are tied to the federal poverty level and the size of the family.⁸ State education agencies supply these data for their schools and school districts.

We then sorted schools into quartiles based on the percentage of students eligible for free or reduced-price lunch as follows: 0 to 25 percent, 25.1 to 49.9 percent, 50 to 74.9 percent, and 75 to 100 percent (see table 6). The poverty thresholds and measure of poverty discussed

⁸Education’s National Center for Education Statistics uses eligibility for free or reduced-price lunch as a measure of poverty. The Department of Agriculture’s National School Lunch Program provides low-cost or free lunches to children in schools. Students are eligible for free lunches if their household income is at or below 130 percent of federal poverty guidelines or if they meet certain automatic eligibility criteria, such as eligibility for the Supplemental Nutrition Assistance Program (food stamps). Students are eligible for reduced-price lunches if their household income is between 130 percent and 185 percent of federal poverty guidelines. Recent changes in the program may change how some schools implement it and how they report counts of eligible students. These changes could affect data analysis using free or reduced-price lunch eligibility as a proxy for poverty. We do not have evidence that these changes substantively affected our analysis for school year 2013-14. See, for example, Department of Education, *Free and Reduced-Price Lunch Eligibility Data in EDFacts: A White Paper on Current Status and Potential Changes* (2012).

here and throughout this report were commonly used in the literature and also aligned with how Education analyzed its data.

Table 6: Number and Percent of Public School Students and Schools by School Poverty Level, School Year 2013-14

School Poverty Level	Students		Schools	
	Number	Percent of all students	Number	Percent of all schools
0 to 25%	9,892,019	19.8%	16,421	17.2%
25.1 to 49.9%	13,253,440	26.5%	24,145	25.3%
50 to 74.9%	13,068,190	26.1%	25,798	27.0%
75 to 100%	11,500,244	23.0%	22,511	23.6%
Data unavailable	2,321,853	4.6%	6,632	6.9%
Total	50,035,746	100%	95,507	100%

Source: GAO analysis of Department of Education, Civil Rights Data Collection, and Common Core of Data. | GAO-18-258

Note: School poverty level is measured by the percentage of students eligible for free or reduced-price lunch. The category “Data unavailable” refers to schools that either were not included in both the Civil Rights Data Collection and the Common Core of Data or schools that did not report the percentage of students eligible for free or reduced-price lunch for school year 2013-14.

Analysis by school type

To analyze discipline counts and rates by the type of public school a student attended, we sorted schools into mutually exclusive categories and reviewed disciplinary data by student demographic information. The 2013-14 CRDC allowed schools to self-identify as special education, magnet, charter, and alternative schools (see table 7).

Table 7: Definitions of Public School Types, School Year 2013-14

School type	Definition in the Civil Rights Data Collection
Alternative school	A public elementary or secondary school that addresses the needs of students that typically cannot be met in a regular school program. The school provides nontraditional education services as an adjunct to a regular school, and falls outside the categories of regular education, special education, or vocational education.
Charter school	A nonsectarian public school under contract—or charter—between a public agency and groups of parents, teachers, community leaders or others who want to create alternatives and choice within the public school system. A charter school creates choice for parents and students within the public school system, while providing a system of accountability for student achievement. In exchange for increased accountability, a charter school is given expanded flexibility with respect to select statutory and regulatory requirements.
Magnet school	A magnet program is a program within a public school that offers a special curriculum capable of attracting substantial numbers of students of different racial/ethnic backgrounds, which may also reduce, prevent, or eliminate minority group isolation. The program may be designed to provide an academic or social focus on a particular theme (e.g., science/math, performing arts, gifted/talented, or foreign language). A public school is considered a magnet school if it operates a magnet program for all students or some students within the school.

School type	Definition in the Civil Rights Data Collection
Special education school	A public elementary or secondary school that focuses primarily on serving the needs of students with disabilities under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act.
Traditional school	Not defined in the Civil Rights Data Collection.

Source: Department of Education, Civil Rights Data Collection, and GAO analysis. | GAO-18-258

The categories of public schools in the CRDC were not mutually exclusive; that is, schools could select multiple school types to describe their school, such as a charter school that was also an alternative school. To create mutually exclusive categories for analytical purposes, we applied the following criteria:

- Alternative school: all schools that selected “alternative” as the school type in the CRDC, even if they selected other types as well.
- Special education school: schools that selected “special education” as the school type in the CRDC, except those schools that also selected the alternative school type.
- Charter school: schools that selected “charter” as the school type in the CRDC, except those schools that also selected the alternative school type and/or the special education school type.
- Magnet school: schools that selected “magnet” as the school type in the CRDC, except those schools that also selected the alternative school type, the special education school type, and/or the charter school type.
- Traditional school: schools that did not select any other school type in the CRDC.

Table 8 provides the breakdown of students and schools captured in the 2013-14 CRDC after applying these criteria.

Table 8: Number and Percent of Public School Students and Schools by School Type, School Year 2013-14

School Type	Students		Schools	
	Number	Percent of all students	Number	Percent of all schools
Traditional	43,800,055	87.5%	79,618	83.4%
Magnet	2,939,149	5.9%	3,616	3.8%
Charter	2,470,354	4.9%	5,726	6.0%
Alternative	501,496	1.0%	4,519	4.7%
Special Education	324,692	0.6%	2,028	2.1%
Total	50,035,746	100%	95,507	100%

Source: GAO analysis of Department of Education, Civil Rights Data Collection. | GAO-18-258

For each of our school discipline analyses, we also examined disparities in disciplinary rates by student demographics. Specifically, we compared each student groups' representation among students disciplined to their representation in the overall student population. For example, if boys accounted for 50 percent of all K-12 public school students, but represented 75 percent of students that received a given disciplinary action, then boys would be overrepresented among students that received that type of discipline by 25 percentage points. We also compared disciplinary rates across student groups and similarly examined disparities based on school poverty level and school type for all students.

We also analyzed CRDC data on discipline of pre-school students. The disciplinary data for pre-school students that was collected in the CRDC for school year 2013-14 was different than disciplinary data collected for K-12 students. Specifically, data on pre-school discipline was limited to out-of-school suspensions and expulsions. Findings from our analysis of pre-school discipline data are included where applicable in the report and additional data are provided in appendix IV, table 17.

In addition to analyzing data on school discipline, we also analyzed data on chronic absenteeism, which was defined as students who were absent 15 or more days during the school year for any reason, which could include for suspensions and expulsions.⁹ The CRDC also collected data on instances in which students were restrained—both physically and mechanically—or secluded at school. Education has provided a resource document with principles to school districts that indicates restraint and seclusion should only be used in instances where a student's "behavior poses imminent danger of serious physical harm to self or others," and should never be used as punishment or discipline.¹⁰ However, multiple sources, including civil rights complaints filed with Education, news stories, and other reports have alleged that these practices have been used in response to student misbehavior, in particular for students with disabilities. We included data on chronic absenteeism and restraint and

⁹For the purposes of calculating chronic absenteeism, absences could be for excused reasons, such as a medical appointment, or for unexcused reasons, such as cutting class or skipping school.

¹⁰U.S. Department of Education, *Restraint and Seclusion: Resource Document* (Washington, D.C.: May 2012). <https://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>

seclusion in our analyses, and present related findings in appendix IV, tables 18 and 19.

We determined that the data we used from the CRDC and CCD were sufficiently reliable for the purposes of this report by reviewing technical documentation, conducting electronic testing, and interviewing officials from Education's Office for Civil Rights and National Center for Education Statistics. For our analysis of the 2013-14 CRDC, we used the final data file that was publicly available as of June 2017 because it corrected errors in the original data previously submitted by several school districts.¹¹

Regression Analysis

We conducted a generalized linear regression using the 2013-14 CRDC and CCD data to explore whether and to what extent certain school-level characteristics were associated with higher rates of each disciplinary action.¹² Such a model allowed us to test the association between a given school characteristic and the percentage of students receiving a given disciplinary action, while holding other school characteristics constant. We selected different school characteristics (our independent variables) for the regression based on factors that Education's Office for Civil Rights and other researchers have identified as potential drivers of school discipline rates (our dependent, or outcome variables).¹³ Table 9 lists the variables we included in our regression model.¹⁴ We conducted a

¹¹According to the Department of Education Office for Civil Rights, the 2013-14 CRDC data file released in June 2017 contained corrections from 16 school districts for a variety of data issues, including pre-school enrollment, suspensions and expulsions, chronic student absenteeism, teacher absenteeism, referrals to law enforcement, school-related arrests, expulsions, harassment or bullying, and advanced placement enrollment. For more information see <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-2013-14.html>.

¹²We used a generalized linear regression for this analysis because the data on disciplinary outcomes represent counts of students who received different disciplinary actions, and are therefore not appropriate for a traditional normal linear model. In addition, we used a negative binomial regression instead of a Poisson regression because negative binomial models are appropriate for count analyses with observed over-dispersion (i.e., when the variance of the count variable is much larger than the mean of that variable). In our analysis, the variance was several magnitudes larger than the mean of the number of students suspended.

¹³We excluded data on the percent of the student population that are English Language Learners because we found it to be collinear with the variable capturing the percent of the student population that are Hispanic.

¹⁴In addition to the variables listed in table 9, we used the total number of students enrolled as an exposure variable to account for differences in school size.

separate regression for each of the six disciplinary actions listed as an outcome variable.

Table 9: Variables Included in Our Regression Model

Independent variables	Outcome (or dependent) variables
Percent of the student population that are: boys, girls, White, Hispanic, Black, Asian, American Indian/Alaska Native, two or more races, students with disabilities, and students eligible for free or reduced-price lunch	Percent of students receiving the following disciplinary actions: <ul style="list-style-type: none">• out-of-school suspension• in-school suspension• referral to law enforcement• expulsion• corporal punishment• school-related arrest
School Type: Alternative (Yes/No), Special Education (Yes/No), Charter (Yes/No), Magnet (Yes/No), Traditional (Yes/No)	
School Personnel: Presence of a sworn law enforcement officer, presence of a school counselor, and percent of teachers with 2 or fewer years of experience	
Grades offered: Grade 6 or above, or grade 5 and below only	
Population density: Rural, Suburban, Urban	
Interactions between student demographic variables: percent of the student population that are: Hispanic boys, Black boys, Asian boys, American Indian/Alaska Native boys, or two or more races boys	
Fixed effects: state-level fixed effects to help account for differences in state law, policy, or other factors that may affect school discipline	

Source: GAO analysis. | GAO-18-258

Note: Including state-level fixed effects in the regression model helped control for unobserved differences in school discipline that could result from laws, policies, or other factors that may be specific to a given state.

We excluded some schools from our regression model. Specifically, we excluded schools that met one or more of the following criteria:

- Data were not available in both the CRDC and CCD data sets, and therefore we were unable to determine the percentage of students

eligible for free or reduced-price lunch in these schools or whether these schools were located in rural, suburban, or urban areas.¹⁵

- School was listed as “ungraded” in the CRDC because we could not determine if these schools offered grade 6 or above.
- School only offered pre-school because pre-school disciplinary data were reported separately and differently than K-12 disciplinary data in the CRDC.
- School identified as a juvenile justice facility in the CRDC. In the 2013-14 CRDC, schools could identify as a juvenile justice facility, and select one of the other school types in our analysis (i.e., traditional, magnet, charter, alternative, and special education schools). Due to this overlap, and because it is reasonable to expect discipline within a juvenile justice facility could function differently than discipline in other schools, we excluded these schools from our regression model.
- School had less than 10 students enrolled because in smaller schools minor fluctuations in the numbers of students receiving a given disciplinary action could have a large effect on disciplinary rates.

In the 2013-14 data, these exclusions reduced the total number of public schools in our regression model from a universe of 95,507 public schools to 86,769 public schools.

All regression models are subject to limitations and for this model the limitations included:

- Data we analyzed were by school rather than student. Consequently, we were not able to describe the association between our independent variables and a student’s rate of different disciplinary actions, while controlling for characteristics of an individual student, such as sex, race or ethnicity, disability status, or grade level. Instead, the school-level nature of the CRDC data limited our description of the associations between school characteristics and disciplinary rates to whether there was an increase, decrease, or no effect on disciplinary

¹⁵Though both the CRDC and the CCD collected data on the universe of public schools in 2013-14, and each had a high response rate, there are several reasons why a school may not have reported data for each survey. For example, school districts are the primary respondents to the CRDC, whereas state education agencies are the primary respondents to the CCD. Differences between school records at the state and district level could result in data for a given school being reported to one collection and not the other in a given year.

rates for schools with a given characteristic, controlling for other characteristics of the entire school's population, such as percent of students who are boys or are Black.

- Some variables that may be related to student behavior and discipline are not available in the data. For example, in this context, it could be that parent education or household type (single- versus multiple-headed household) could be related to student behaviors, such as those that lead to receiving the six disciplinary actions we analyzed.
- Results of our analyses are associational and do not imply a causal relationship because, for example, CRDC data were not gathered by a randomized controlled trial, where students would be randomized to attend schools with certain characteristics.

Typically, a generalized linear regression model provides an estimated incidence rate ratio, where a value greater than one indicates a higher or positive association, in this case, between the disciplinary outcome and the independent variable of interest, such as being a charter school or having a higher percentage of Black students. An estimated incidence rate ratio less than one indicates a lower incidence of a given disciplinary action when a factor is present.

Given the limitations of our model as described above, we present the results of our regression model in table 10 by describing the direction of the associations, rather than an estimated rate (incidence) of disciplinary outcomes. For categorical variables in table 10, we provided the comparison school characteristic in brackets and italics. For example, the results in this table should be interpreted as students attending alternative schools were significantly more likely than students attending traditional schools to be suspended out of school. For continuous variables (i.e., those starting with "Percent"), the results in this table should be interpreted as the likelihood of receiving a given disciplinary action as the percentage of students in the school with a given characteristic increased. For example, as the percentage of students eligible for free or reduced-price lunch increased, we found that the likelihood of receiving each of the six disciplinary actions also increased.

It should be noted that interactions (i.e., where we combine both race and sex variables) should be interpreted differently than other variables in table 10. Though an interaction may be "negative," it does not necessarily imply that the group presented in the interaction was significantly less likely to receive the given disciplinary action because interactions are interpreted relative to the main effect of each variable in the interaction. For example, as shown in table 10, the interaction for percentage of Black

boys was negative for out-of-school suspensions; however, the estimated incidence of out-of-school suspensions for a school with a higher than average percentage of Black students and a higher than average percentage of boys was positive. Since the contribution for an interaction coefficient is relative, in this example the contribution of the main effects outweighed that of the interaction, resulting in a positive effect altogether, despite the negative interaction.

Table 10: Associations of Regression Model Variables with K-12 Public School Disciplinary Outcomes, School Year 2013-14

School Characteristic [comparison variable]	Association related to likelihood of students receiving discipline					
	Out-of-school suspension	In-school suspension	Referral to law enforcement	Expulsion	Corporal punishment	School-related arrests
School Type [Traditional schools]						
Alternative	Positive	Positive	Positive	Positive	Insignificant	Positive
Special Education	Negative	Negative	Insignificant	Positive	Insignificant	Positive
Charter	Negative	Negative	Negative	Positive	Insignificant	Negative
Magnet	Negative	Negative	Positive	Negative	Negative	Positive
Student Demographics						
Percent Boys	Positive	Positive	Positive	Positive	Insignificant	Positive
Percent Black students	Positive	Positive	Positive	Positive	Positive	Positive
Percent Hispanic students	Negative	Negative	Negative	Negative	Negative	Insignificant
Percent Asian students	Negative	Negative	Negative	Negative	Negative	Negative
Percent American Indian/Alaska Native students	Positive	Positive	Positive	Positive	Insignificant	Positive
Percent two or more races students	Positive	Positive	Insignificant	Positive	Insignificant	Insignificant
Percent students with disabilities (IDEA)	Positive	Positive	Positive	Negative	Insignificant	Positive
Percent eligible for free or reduced-price lunch	Positive	Positive	Positive	Positive	Positive	Positive
Grades Offered [Grade 5 or below only]						
Grade 6 or above	Positive	Positive	Positive	Positive	Positive	Positive
Staffing						
Percent teachers with 2 or fewer years of experience	Positive	Positive	Positive	Positive	Positive	Insignificant
Presence of a sworn law enforcement officer	Positive	Positive	Positive	Positive	Negative	Positive
Presence of a school counselor	Positive	Positive	Positive	Positive	Positive	Positive

School Characteristic [comparison variable]	Association related to likelihood of students receiving discipline					
	Out-of-school suspension	In-school suspension	Referral to law enforcement	Expulsion	Corporal punishment	School-related arrests
Locale/Population Density [Urban]						
Rural	Negative	Positive	Negative	Positive	Positive	Negative
Suburban	Negative	Insignificant	Negative	Positive	Insignificant	Negative
Interactions						
Percent Black boys	Negative	Negative	Insignificant	Positive	Not applicable	Insignificant
Percent Hispanic boys	Positive	Positive	Positive	Positive	Not applicable	Positive
Percent Asian boys	Insignificant	Insignificant	Insignificant	Insignificant	Not applicable	Insignificant
Percent American Indian/Alaska Native boys	Insignificant	Insignificant	Positive	Insignificant	Not applicable	Insignificant
Percent two or more races boys	Insignificant	Insignificant	Insignificant	Positive	Not applicable	Positive

Source: GAO analysis of Department of Education, Civil Rights Data Collection, and Common Core of Data. | GAO-18-258

Note: Cells marked "Positive" indicate instances where we found school characteristics were associated with a significantly higher likelihood of students receiving the given disciplinary action. Cells marked "Negative" indicate a significantly lower likelihood of students receiving a given disciplinary action. Cells marked "Insignificant" indicate no association between the given school characteristic and the likelihood of students in such schools receiving a given disciplinary action. Significance is indicated by a p value of less than 0.05.

School District Site Visits

To obtain information on how selected school districts are addressing discipline issues, including any challenges they face in doing so, we selected five school districts to serve as illustrative examples. To select school districts, we used CRDC data to sort school districts into categories based on district size; the presence of disparities in out-of-school suspension rates for boys, Black students, or students with disabilities; and whether the out-of-school suspension rate was increasing or decreasing between the two most recent CRDC collections. With regard to size, we collapsed several categories that Education has previously used into three groupings, each with roughly one-third of all students attending public schools in school year 2013-14:¹⁶

- **Large School District:** 25,000 or more students (34.7% of all students in 2013-14)

¹⁶In publications using the CCD, Education has grouped school districts into the following categories: (1) 25,000 or more students; (2) 10,000-24,999 students; (3) 5,000-9,999 students; (4) 2,500-4,999 students; (5) 1,000-2,499 students; (6) 600-999 students; (7) 300-599 students; (8) 1 to 299 students. See, for example, Department of Education, *Digest of Education Statistics 2015* (Washington, D.C.: December 2016).

- **Medium School District:** 5,000 to 24,999 students (33.2% of all students in 2013-14)
- **Small School District:** Less than 5,000 students (32.1% of all students in 2013-14)

Further, we focused on out-of-school suspensions for selection purposes because this disciplinary action was one of the most frequently reported disciplinary actions employed by schools in Education's two most recent data collection efforts on the issue (2011-12 and 2013-14 CRDC). Moreover, out-of-school suspensions are an exclusionary disciplinary action; that is, they remove or exclude students from the usual instructional or learning environment. Selecting districts with a range of out-of-school suspension rate was intended to generate a mix of districts that commonly use exclusionary discipline, as well as those that may employ alternatives.

For site selection, we used out-of-school suspension data in two ways. First, we excluded districts that did not have a disparity in out-of-school suspension rates for Black students, boys, or students with disabilities. Prior GAO work and Education's data showed that these groups were particularly vulnerable to discipline disparities, and the purpose of this research objective was to understand district efforts to identify and address such disparities. Second, we grouped school districts by whether their out-of-school suspension rate increased or decreased between 2011-12 and 2013-14. Exploring school districts that changed in different ways over time was intended to help us identify successful efforts to reduce suspensions as well as challenges districts face in addressing disparate discipline.

Using the above criteria, we grouped school districts into the following categories:

- **Category 1 and 2:** Large school district and out-of-school suspension rate that increased (or decreased) from 2011-12 to 2013-14
- **Category 3 and 4:** Medium school district and out-of-school suspension rate that increased (or decreased) from 2011-12 to 2013-14
- **Category 5 and 6:** Small school district and out-of-school suspension rate that increased (or decreased) from 2011-12 to 2013-14.

After sorting school districts into the above categories, we randomized the list within each category to improve the methodological rigor of selecting school districts. In addition, we applied a series of post-checks to our list

of districts in each grouping to ensure we had appropriate variety to consider other key factors in school discipline. Specifically, we checked for variety in:

- types of public schools in the district,
- geographic diversity both in terms of region of the country and population density,
- use of corporal punishment in the district, and
- use of restraint or seclusion in the district.

To select specific districts, we started with the district in each category that was at the top of the randomized list and then applied the above post-checks. We then conducted outreach to district superintendents or their designees via telephone and email to obtain their agreement to participate in this review. When school districts were unresponsive to our outreach or unwilling to participate, we contacted additional districts that had similar characteristics in order to achieve variety in our final selections. This resulted in the selection of five schools districts, one each in California, Georgia, Massachusetts, North Dakota, and Texas (see table 11).¹⁷

Table 11: Descriptive Information on Selected Public School Districts, School Year 2013-14

State	District-level information		
	Approximate enrollment	Locale	Out-of-school suspension rate (National average: 5.7%)
California	40,000 students	Large suburb	6.4%
Georgia	30,000 students	Midsized city	18.8%
Massachusetts	60,000 students	Large city	6.5%
North Dakota	10,000 students	Small city	2.5%
Texas	30,000 students	Midsized city	6.9%

Source: GAO analysis of Department of Education Civil Rights Data Collection and Common Core of Data. | GAO-18-258

Note: Enrollment in this table is rounded to the nearest 10,000 students.

¹⁷Though we originally grouped school districts into six categories, the five selected school districts provided sufficient variety to serve as illustrative examples for the purposes of our analysis.

We visited each district and interviewed district-level officials involved in school discipline and school climate initiatives. These officials included superintendents, assistant superintendents, program managers, and directors of applicable district departments (e.g., student support services and special education). We also reviewed district-level discipline data, school district discipline policies, and relevant state laws related to school discipline to better understand the local context in each selected district.

In the five districts we visited, we also interviewed officials at a total of 19 schools. At each school, we typically met with principals and/or assistant principals, and in some instances, spoke with other personnel at the school, such as counselors, attendance coordinators, school resource officers (i.e., law enforcement officers), and teachers. In each district, we selected a variety of schools to visit based on grade level, school type, and disciplinary data.

For each selected district, we also interviewed officials from the state educational agency that oversees that district to better understand the statewide context around discipline, such as state laws that may affect district disciplinary policies, statewide initiatives related to discipline, and state-level monitoring of district-level disciplinary actions. In California, we also met with the county office of education that oversees the district we selected because, in that state, counties have a primary role in the local school district accountability structure.

Because we selected these school districts judgmentally, we cannot generalize the findings about these districts' approaches to discipline, and the challenges they face, to all school districts and schools nationwide.

Review of Federal Actions

To determine the extent to which, and in what ways, Education and Justice are identifying and addressing discipline disparities and discrimination, we interviewed agency officials at headquarters and regional offices, reviewed agency documentation and administrative data, reviewed federal laws and regulations, and reviewed a non-generalizable sample of seven recently resolved school discipline investigations undertaken by Education and Justice (which we refer to as cases). With both agencies, we interviewed officials about each agency's responsibilities with respect to federal civil rights laws and regulations, as well as the actions the agencies took to enforce them. We also discussed each agency's guidance, support to school districts on these issues (e.g., grants and technical assistance), and data collection activities. In addition, we collected and reviewed relevant agency procedures and

guidance documents. We also requested and reviewed Education's data on the number of civil rights complaints received and cases related to school discipline investigated from 2011 to August 2017 to better understand the scope of the agency's efforts. Education provided these data from their internal database, where investigators categorized cases as being related to school discipline. We assessed the reliability of this source through discussion with knowledgeable officials and reviewing key documents and determined the data to be reliable for our purposes.

To select resolved school discipline cases to review, we searched Education's and Justice's respective online repositories of resolved investigations and compliance reviews, as well as Education's annual reports, to create a list of resolved cases related to school discipline. We then narrowed the list to cases resolved in approximately the past 3 years (from 2014 to May 2017) and excluded long-standing cases that were opened several decades ago to help ensure the information in the cases reflected recent policies and practices in each agency. We also excluded cases regarding institutions of higher education because they were outside the scope of this review. This resulted in a list of 12 relevant resolved cases—9 for Education and 3 for Justice. From this list, we selected 7 cases to review in depth to better understand Education's and Justice's investigatory processes and resolutions with regard to school discipline cases in pre-K through 12th grade, and to provide illustrative examples in our report. We selected 4 cases from Education that provided a mix of the type of alleged discrimination (e.g., race or disability) and type of discipline (e.g., suspension, expulsion, arrest, etc.). We selected all 3 relevant cases from Justice.¹⁸ For each case, we reviewed the type of investigation (complaint investigation or compliance review); the reason for the investigation; any applicable findings or recommendations; and the ultimate resolution of the investigation, such as a voluntary agreement with the school district or remedies to address findings. In all instances, we are presenting Education's and Justice's findings and do not reach any independent conclusions regarding the cases.

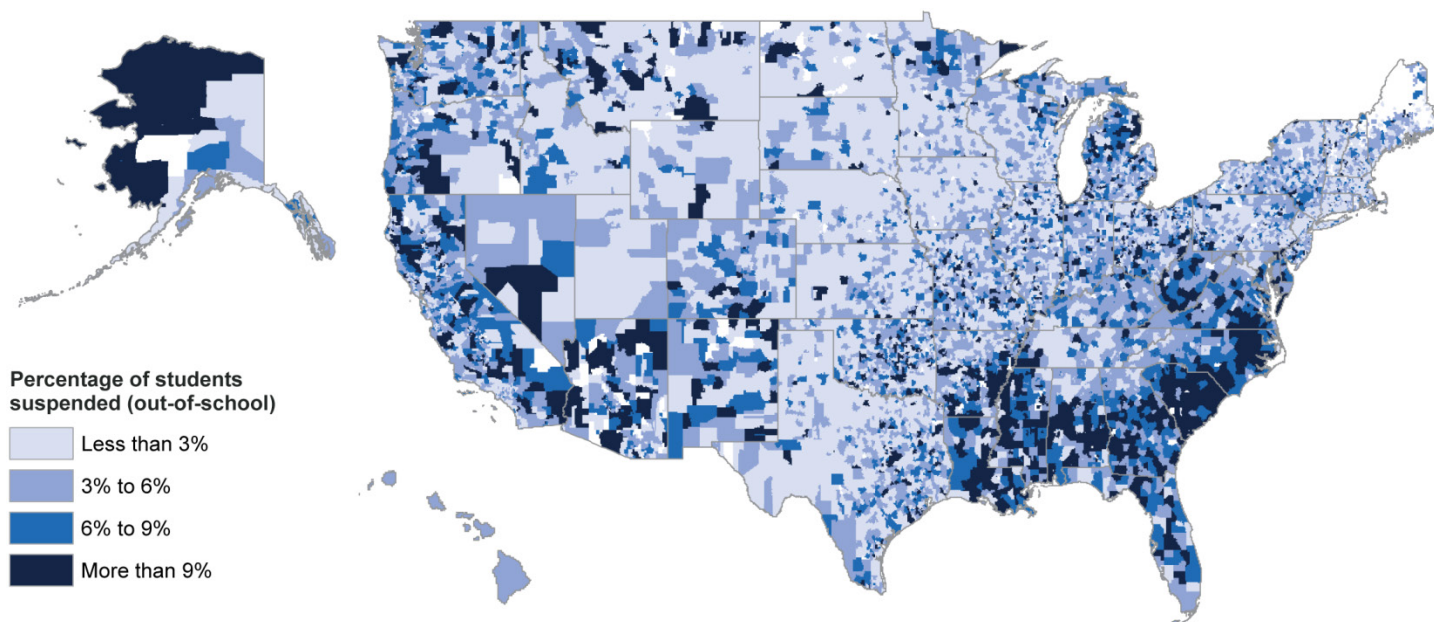
¹⁸There were no relevant pre-K-12 school discipline cases at Education or Justice in which the alleged discrimination was based on the student's sex. Education officials told us that they do not commonly receive complaints of discrimination based on sex in school discipline; however, some complaints may include a student's sex in addition to another protected category. For example, the complaint may allege that a student received disparate treatment in school discipline because of being a Black boy.

We conducted this performance audit from November 2016 to March 2018 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Maps of Disciplinary Actions by School District

This appendix contains maps showing rates of disciplinary actions by school district for each of the six disciplinary actions captured in the Department of Education's Civil Rights Data Collection for school year 2013-14.

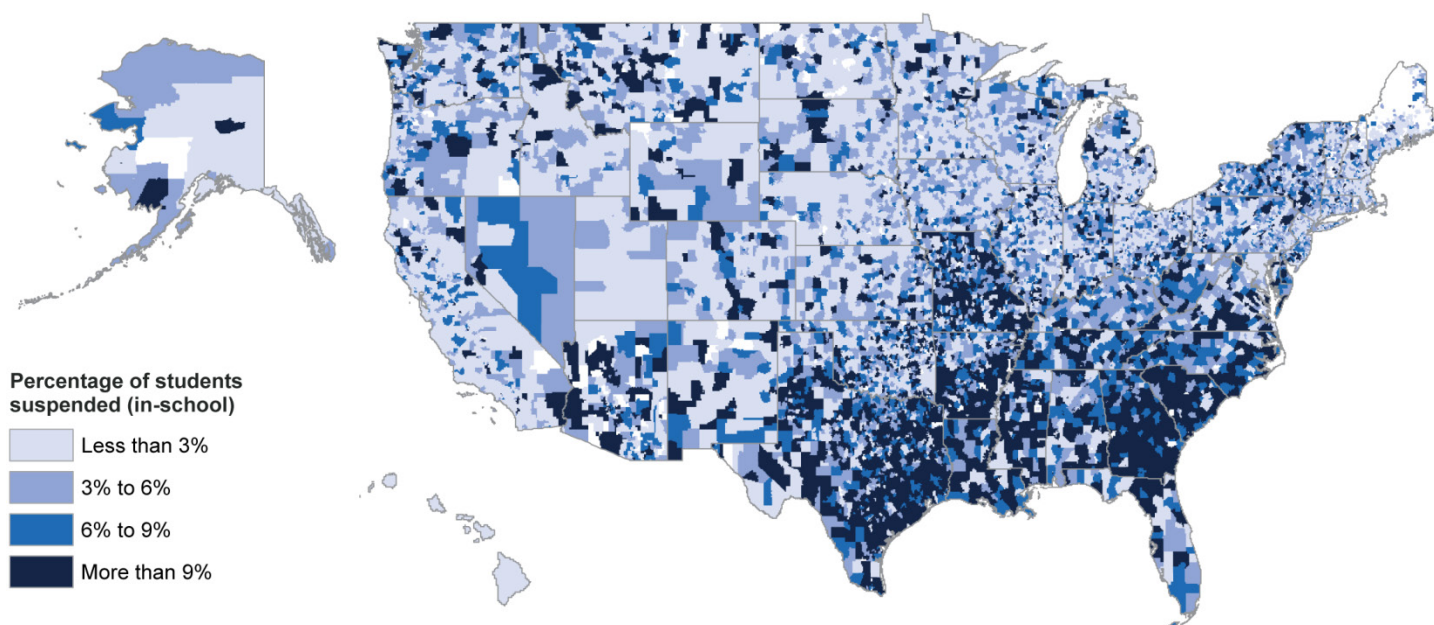
Figure 10: Percentage of Students Suspended Out-of-School, by School District, School Year 2013-14



Source: GAO analysis of Department of Education, Civil Rights Data Collection; MapInfo (map). | GAO-18-258

Note: In 2013-14, approximately 2.83 million students, or 5.7 percent of all K-12 public school students, were suspended from school at least one time. In this map, white space indicates locations where school district data were unavailable, or school district locations did not align with the mapping software used to generate the map.

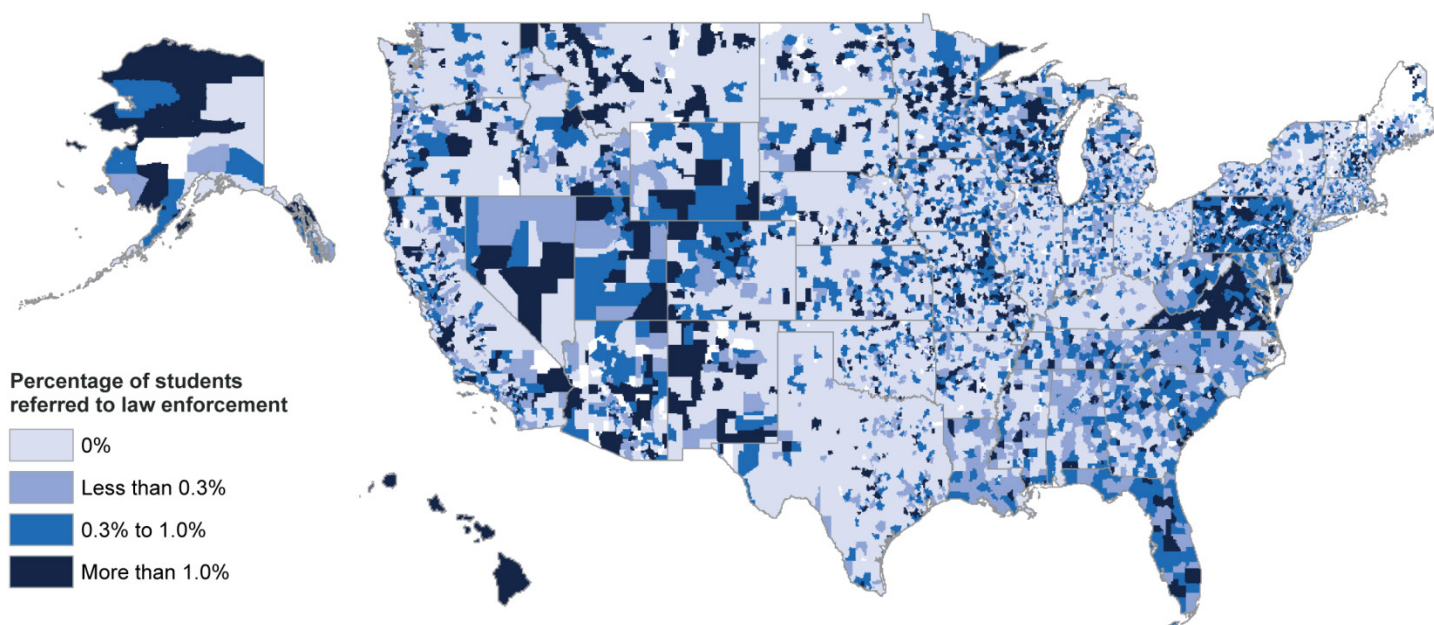
Figure 11: Percentage of Students Suspended In-School, by School District, School Year 2013-14



Source: GAO analysis of Department of Education, Civil Rights Data Collection; MapInfo (map). | GAO-18-258

Note: In 2013-14, approximately 2.77 million students, or 5.5 percent of all K-12 public school students, were suspended in school at least one time. In this map, white space indicates locations where school district data were unavailable, or school district locations did not align with the mapping software used to generate the map.

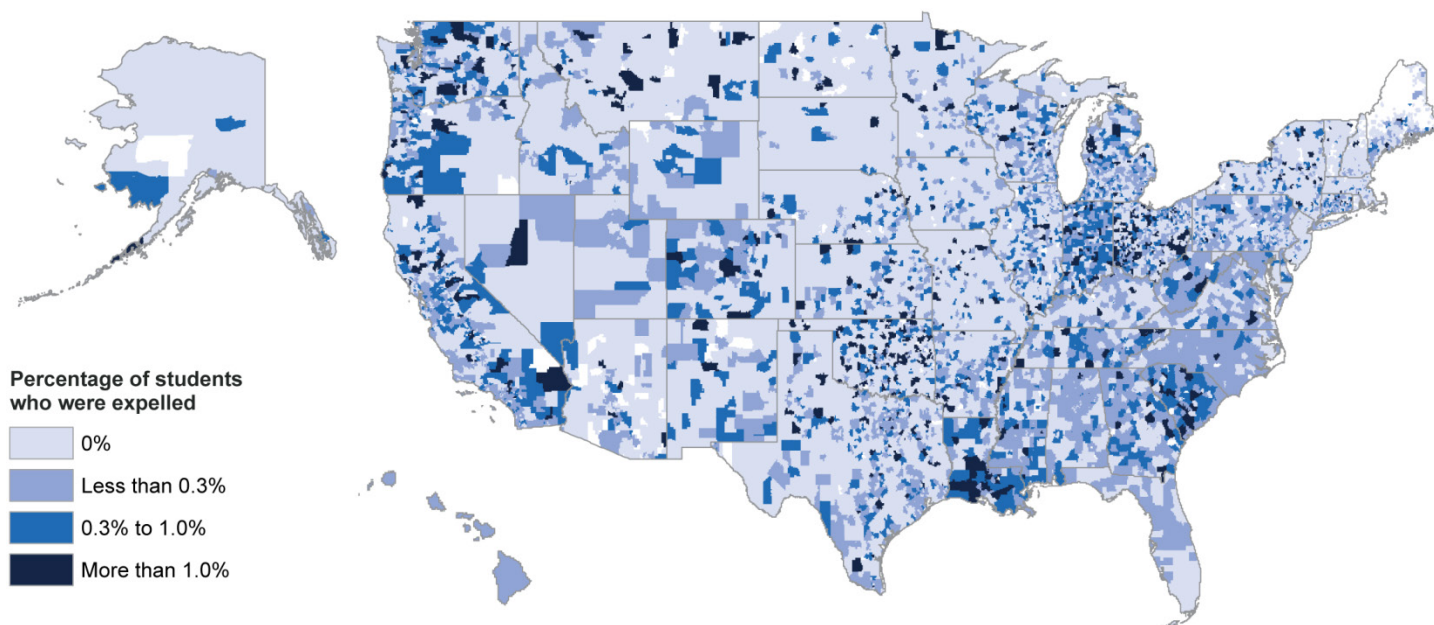
Figure 12: Percentage of Students Referred to Law Enforcement, by School District, School Year 2013-14



Source: GAO analysis of Department of Education, Civil Rights Data Collection; MapInfo (map). | GAO-18-258

Note: In 2013-14, approximately 224,000 students, or 0.4 percent of all K-12 public school students, were referred to law enforcement. In this map, white space indicates locations where school district data were unavailable, or school district locations did not align with the mapping software used to generate the map.

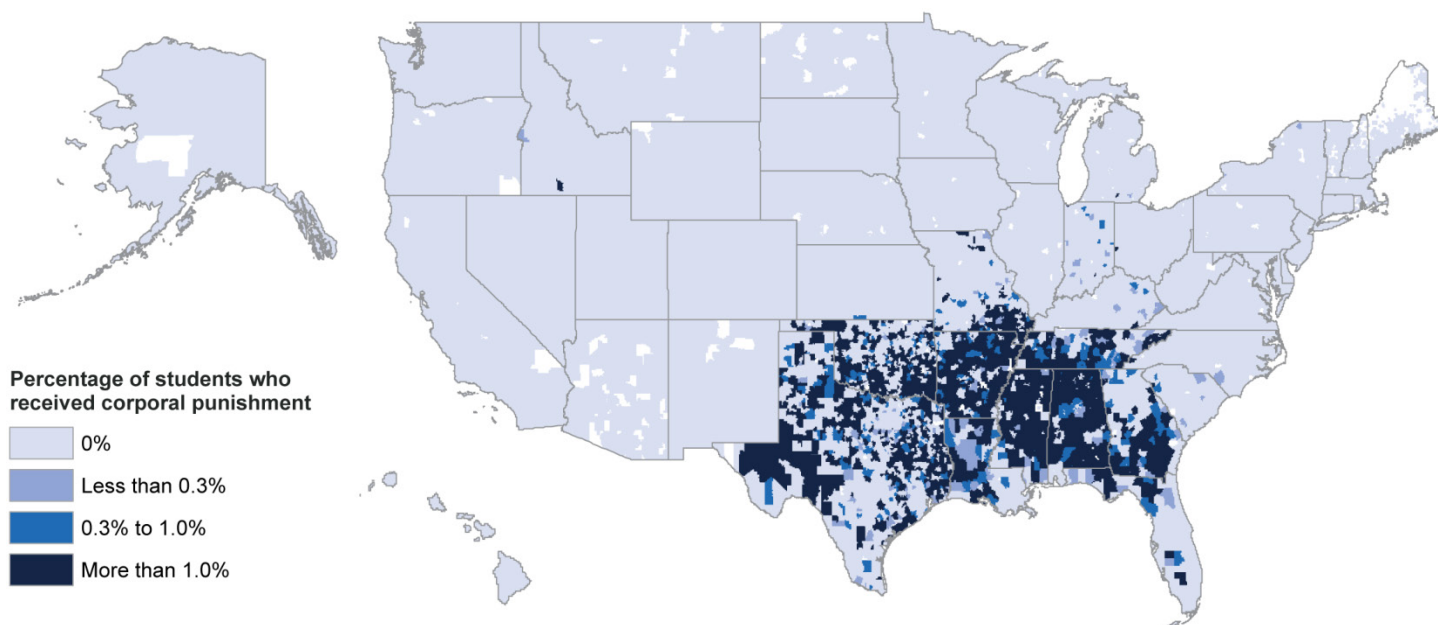
Figure 13: Percentage of Students Expelled, by School District, School Year 2013-14



Source: GAO analysis of Department of Education, Civil Rights Data Collection; MapInfo (map). | GAO-18-258

Note: In 2013-14, approximately 130,000 students, or 0.3 percent of all K-12 public school students, were expelled. In this map, white space indicates locations where school district data were unavailable, or school district locations did not align with the mapping software used to generate the map.

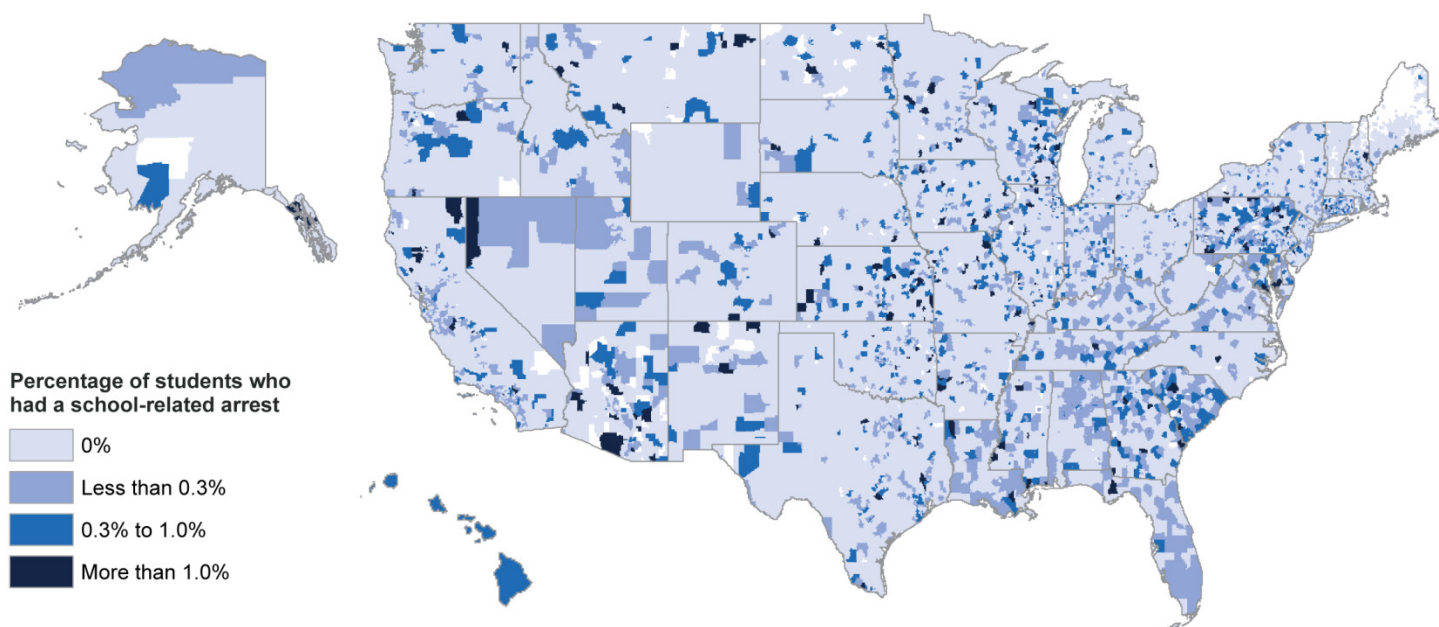
Figure 14: Percentage of Students Who Received Corporal Punishment, by School District, School Year 2013-14



Source: GAO analysis of Department of Education, Civil Rights Data Collection; MapInfo (map). | GAO-18-258

Note: In 2013-14, approximately 110,000 students, or 0.2 percent of all K-12 public school students, received corporal punishment. In this map, white space indicates locations where school district data were unavailable, or school district locations did not align with the mapping software used to generate the map. Differences in the incidence of corporal punishment may reflect differences in state laws. GAO did not do a comprehensive review of state laws in this area, but rather reviewed state corporal punishment laws only for the five states selected for site visits.

Figure 15: Percentage of Students Who Had a School-Related Arrest, by School District, School Year 2013-14



Source: GAO analysis of Department of Education, Civil Rights Data Collection; MapInfo (map). | GAO-18-258

Note: In 2013-14, approximately 65,000 students, or 0.1 percent of all K-12 public school students, were arrested for a school-related incident. In this map, white space indicates locations where school district data were unavailable, or school district locations did not align with the mapping software used to generate the map.

Appendix III: Key Federal Resources Related to Student Behavior and School Discipline

Technical Assistance Centers

Funded by Department of Education (Education):

- **National Center on Safe Supportive Learning Environments:** offers information and technical assistance focused on improving student supports and academic enrichment. This includes resources on using positive approaches to discipline, as well as promoting mental health for students and ensuring the safety and effectiveness of physical learning environments. <https://safesupportivelearning.ed.gov/>.
- **National Student Attendance, Engagement, and Success Center:** a center that disseminates evidence-based practices and facilitates communities of practice to help students attend school every day, be engaged in school, and succeed academically, so that they graduate high school prepared for college, career, and civic life. It offers webinars on identifying the root causes of chronic absence, linking school climate and exclusionary discipline to absenteeism, and improving attendance for vulnerable students. <http://new.every1graduates.org/nsaesc/>
- **National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth:** provides technical assistance to state agencies with Title I, Part D programs and works to improve education services for children and youth who are neglected, delinquent, or at risk. This includes running the Supportive School Discipline Communities of Practice, which brings together education and justice leaders for knowledge-sharing events and offers webinars on discipline initiatives such as restorative practices. <https://www.neglected-delinquent.org/>
- **Positive Behavioral Interventions and Supports Technical Assistance Center:** funded by Education's Office of Special Education Programs, this center supports implementation of a multi-tiered approach to social, emotional and behavior support. In addition, it offers resources on cultural responsiveness, addressing discipline disproportionality, and interconnecting mental health with behavior support systems, among other issues. <https://www.pbis.org/>.

Funded by Department of Health and Human Services (HHS):

- **Center of Excellence for Infant and Early Childhood Mental Health Consultation:** supports states, tribes, and communities in

promoting mental health and school readiness. It provides training to leaders in early childhood education around mental health and school readiness issues. <https://www.samhsa.gov/iecmhc>

- **Center for School Mental Health:** works to strengthen policies and programs in school mental health to improve learning and promote success for youth. This center is supported in full by HHS's Maternal and Child Health Bureau, Division of Child, Adolescent and Family Health Adolescent Health Branch in the Health Resources and Service Administration. <http://csmh.umaryland.edu/>
- **National Center for Trauma-Informed Care and Alternatives to Seclusion and Restraint:** works to develop approaches to eliminate the use of seclusion, restraints, and other coercive practices and to further advance the knowledge base related to implementation of trauma-informed approaches. <https://www.samhsa.gov/nctic>
- **National Child Traumatic Stress Network:** works to improve access to care, treatment, and services for children and adolescents exposed to traumatic events. The group provides a comprehensive focus on childhood trauma by collaborating with the health, mental health, education, law enforcement, child welfare, juvenile justice, and military family service systems. <http://nctsn.org/>
- **National Resource Center for Mental Health Promotion and Youth Violence Prevention:** offers resources and technical assistance to states, tribes, territories, and local communities to promote overall child wellness and prevent youth violence. <http://www.healthysafechildren.org/>
- **Now Is the Time Technical Assistance Center:** provides national training and technical assistance to recipients of the Healthy Transitions (youth access to mental health) and Project Advancing Wellness and Resilience Education (AWARE) grants. <https://www.samhsa.gov/nitt-ta/about-us>

Funded by Department of Justice (Justice):

- **School-Justice Partnership National Resource Center:** provides trainings and webinars, and partners with stakeholders in the law enforcement, juvenile justice, mental health, and public education

arenas. The National Council of Juvenile and Family Court Judges operates this center. <https://schooljusticepartnership.org/>

- **Office of Juvenile Justice and Delinquency Prevention (OJJDP) National Training and Technical Assistance Center:** provides training and technical assistance resources for juvenile justice practitioners and supports state and local efforts to build capacity and expand the use of evidence-based practices. The center offers assistance in various subject areas, including bullying and alternatives to detention. <https://www.ojjdp.gov/programs/tta.html>

Key Federal Guidance

- Reducing Exclusionary Discipline
 - Guiding Principles: A Resource Guide for Improving School Climate and Discipline:
<https://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>
 - Rethink School Discipline: School District Leader Summit on Improving School Climate and Discipline, Resource Guide for Superintendent Action:
<https://www2.ed.gov/policy/gen/guid/school-discipline/rethink-discipline-resource-guide-supt-action.pdf>
 - Reducing Expulsions in Preschool:
<https://www.acf.hhs.gov/occ/resource/im-2016-03>
 - Reducing Expulsions in Head Start:
<https://eclkc.ohs.acf.hhs.gov/policy/im/acf-im-hs-16-01>
 - Directory of Federal School Climate and Discipline Resources:
<https://www2.ed.gov/policy/gen/guid/school-discipline/appendix-1-directory.pdf>
- Discrimination and Disparities in School Discipline
 - Dear Colleague Letter:
<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>
 - Addressing the Root Causes of Disparities in School Discipline: An Educator's Action Planning Guide
<https://safesupportivelearning.ed.gov/addressing-root-causes-disparities-school-discipline>
 - Disciplinary Disparities Risk Assessment Tool:
<https://safesupportivelearning.ed.gov/sites/default/files/RiskAssessmentTool508.xlsx>

- Behavioral Supports for Students with Disabilities:
<https://www2.ed.gov/policy/gen/guid/school-discipline/files/dcl-on-pbis-in-ieps—08-01-2016.pdf>
- School Resource Officers
 - Dear Colleague Letter:
<https://www2.ed.gov/policy/gen/guid/school-discipline/files/ed-letter-on-sros-in-schools-sept-8-2016.pdf>
 - Policy rubric:
<https://www2.ed.gov/documents/press-releases/secure-policy.pdf>
- Corporal Punishment:
<https://www2.ed.gov/policy/gen/guid/school-discipline/files/corporal-punishment-dcl-11-22-2016.pdf>
- Restraint and Seclusion
 - Dear Colleague Letter:
<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>
 - Resources:
<https://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>
- Chronic Absenteeism:
<https://www2.ed.gov/policy/elsec/guid/secletter/151007.html>
- Supporting Transgender Students:
<https://www2.ed.gov/about/offices/list/oese/oshs/emergingpractices.pdf>

Other Related Resources

- Education’s “What Works Clearinghouse” reviews existing research on different programs and policies in education to provide educators with the information they need to make evidence-based decisions.
<https://ies.ed.gov/ncee/wwc/>
- HHS’ Substance Abuse and Mental Health Services Administration provides the National Registry of Evidence-Based Programs and Practices to provide the public with reliable information on mental health and substance use interventions.
<https://www.samhsa.gov/nrepp>

Appendix IV: Additional Discipline and Discipline-Related Data Tables

This appendix contains several tables that show the underlying data used throughout this report, as well as additional analyses we conducted using the Department of Education's Civil Rights Data Collection (CRDC) and Common Core of Data (CCD) for school year 2013-14.¹ Our analyses of Education's data, as reflected in these tables, taken alone, do not establish whether unlawful discrimination has occurred. The following tables and information are included in this appendix:

- **Table 12:** students who received disciplinary actions captured in the CRDC, disaggregated by student sex, race or ethnicity, and English Language Learner status.
- **Table 13:** students with or without disabilities who received disciplinary actions captured in the CRDC, disaggregated by student sex and race or ethnicity.
- **Table 14:** students who received disciplinary actions captured in the CRDC, disaggregated by the poverty level of the school and other student characteristics.
- **Table 15:** students who received disciplinary actions captured in the CRDC, disaggregated by the type of public school and other student characteristics.
- **Table 16:** students who received disciplinary actions captured in the CRDC, disaggregated by the grades offered in the school and other student characteristics.
- **Table 17:** pre-school students who were suspended from school, disaggregated by student sex and race or ethnicity, as well as the poverty level of school and the type of public school.²
- **Table 18:** students who were restrained—mechanically or physically—or secluded, disaggregated by student sex, race or ethnicity, and disability status as well as the poverty level of school and the type of public school.

¹Data for school year 2013-14 were the most recent available for the CRDC. For consistency, we also used data from school year 2013-14 for our analysis of the CCD.

²We also analyzed data on pre-school expulsions. Nationwide, there were 131 pre-school students expelled in school years 2013-14, representing 0.01 percent of all pre-school students that year. We do not present those data in this table because most counts were less than 30 when disaggregated by student and school characteristics.

- **Table 19:** students who were chronically absent, disaggregated by student sex, race or ethnicity, and disability status, as well as the poverty level of school and the type of public school.
- **Table 20:** schools that reported having access to a school counselor or sworn law enforcement officer, disaggregated by the poverty level of school and the type of public school.
- **Table 21:** students disciplined for harassment or bullying, disaggregated by student sex, race or ethnicity, and disability status.

Table 12: Number and Percent of K-12 Public School Students Who Received Disciplinary Actions, by Student Sex and Race, School Year 2013-14

		Out-of-school suspension	In-school suspension	Referral to law enforcement	Expulsion	Corporal punishment	School-related arrest	Total enrollment
All students	Number	2,828,564	2,769,460	223,747	130,397	110,296	65,405	50,035,746
	Percent	5.7%	5.5%	0.4%	0.3%	0.2%	0.1%	
Sex								
Boys	Number	1,972,012	1,872,811	157,546	95,978	86,941	46,357	25,711,953
	Percent	7.7%	7.3%	0.6%	0.4%	0.3%	0.2%	
Girls	Number	856,552	896,649	66,201	34,419	23,355	19,048	24,323,793
	Percent	3.5%	3.7%	0.3%	0.1%	0.1%	0.1%	
Race or Ethnicity								
White	Number	918,440	1,065,405	85,098	57,101	55,277	21,886	25,167,453
	Percent	3.6%	4.2%	0.3%	0.2%	0.2%	0.1%	
Boys	Number	680,877	762,760	61,915	42,967	45,486	16,037	12,993,277
	Percent	5.2%	5.9%	0.5%	0.3%	0.4%	0.1%	
Girls	Number	237,563	302,645	23,183	14,134	9,791	5,849	12,174,176
	Percent	2.0%	2.5%	0.2%	0.1%	0.1%	0.05%	
Black	Number	1,094,214	883,371	58,045	39,259	41,463	22,812	7,754,355
	Percent	14.1%	11.4%	0.7%	0.5%	0.5%	0.3%	
Boys	Number	713,322	558,080	38,998	27,501	30,653	15,369	3,964,347
	Percent	18.0%	14.1%	1.0%	0.7%	0.8%	0.4%	
Girls	Number	380,892	325,291	19,047	11,758	10,810	7,443	3,790,008
	Percent	10.0%	8.6%	0.5%	0.3%	0.3%	0.2%	
Hispanic	Number	605,761	642,992	50,334	23,035	8,651	15,711	12,378,645
	Percent	4.9%	5.2%	0.4%	0.2%	0.1%	0.1%	
Boys	Number	429,055	431,439	35,603	17,625	6,910	11,403	6,343,579
	Percent	6.8%	6.8%	0.6%	0.3%	0.1%	0.2%	
Girls	Number	176,706	211,553	14,731	5,410	1,741	4,308	6,035,066

**Appendix IV: Additional Discipline and
Discipline-Related Data Tables**

		Out-of-school suspension	In-school suspension	Referral to law enforcement	Expulsion	Corporal punishment	School- related arrest	Total enrollment
Asian	Percent	2.9%	3.5%	0.2%	0.1%	0.03%	0.1%	
	Number	50,973	43,659	16,107	1,730	392	1,554	2,634,715
	Percent	1.9%	1.7%	0.6%	0.1%	0.01%	0.1%	
Boys	Number	38,416	31,555	11,393	1,403	319	1,170	1,343,060
	Percent	2.9%	2.3%	0.8%	0.1%	0.02%	0.1%	
Girls	Number	12,557	12,104	4,714	327	73	384	1,291,655
	Percent	1.0%	0.9%	0.4%	0.03%	0.01%	0.03%	
American Indian/ Alaska Native	Number	47,399	42,047	4,929	2,607	2,365	1,225	568,837
	Percent	8.3%	7.4%	0.9%	0.5%	0.4%	0.2%	
Boys	Number	32,398	27,847	3,389	1,818	1,880	870	291,614
	Percent	11.1%	9.5%	1.2%	0.6%	0.6%	0.3%	
Girls	Number	15,001	14,200	1,540	789	485	355	277,223
	Percent	5.4%	5.1%	0.6%	0.3%	0.2%	0.1%	
Two or more races	Number	111,777	91,986	9,234	6,665	2,148	2,217	1,531,741
	Percent	7.3%	6.0%	0.6%	0.4%	0.1%	0.1%	
Boys	Number	77,944	61,130	6,248	4,664	1,693	1,508	776,076
	Percent	10.0%	7.9%	0.8%	0.6%	0.2%	0.2%	
Girls	Number	33,833	30,856	2,986	2,001	455	709	755,665
	Percent	4.5%	4.1%	0.4%	0.3%	0.1%	0.1%	
English Language Learners	Number	210,466	182,547	15,708	7,516	2,323	4,575	4,964,636
	Percent	4.2%	3.7%	0.3%	0.2%	0.05%	0.09%	
Boys	Number	157,830	131,137	11,867	5,990	1,908	3,483	2,662,667
	Percent	5.9%	4.9%	0.4%	0.2%	0.07%	0.1%	
Girls	Number	52,636	51,410	3,841	1,526	415	1,092	2,301,969
	Percent	2.3%	2.2%	0.2%	0.1%	0.02%	0.05%	

Source: GAO analysis of Department of Education, Civil Rights Data Collection. | GAO-18-258

**Appendix IV: Additional Discipline and
Discipline-Related Data Tables**

Table 13: Number and Percent of K-12 Public School Students Who Received Disciplinary Actions, by Student Disability Status, School Year 2013-14

		Out-of-school suspension	In-school suspension	Referral to law enforcement	Expulsion	Corporal punishment	School- related arrest	Total enrollment
All students with disabilities	Number	704,373	563,874	60,873	31,043	16,963	17,781	5,851,455
	Percent	12.0%	9.6%	1.0%	0.5%	0.3%	0.3%	
Boys with disabilities	Number	543,966	427,827	47,129	24,966	14,026	13,752	3,938,567
	Percent	13.8%	10.9%	1.2%	0.6%	0.4%	0.3%	
Girls with disabilities	Number	160,407	136,047	13,744	6,077	2,937	4,029	1,912,888
	Percent	8.4%	7.1%	0.7%	0.3%	0.2%	0.2%	
White students with disabilities	Number	262,963	236,832	24,106	14,630	9,057	6,347	3,112,821
	Percent	8.4%	7.6%	0.8%	0.5%	0.3%	0.2%	
Black students with disabilities	Number	252,028	174,807	17,318	8,854	5,843	6,236	1,086,327
	Percent	23.2%	16.1%	1.6%	0.8%	0.5%	0.6%	
Hispanic students with disabilities	Number	138,241	115,753	12,473	5,266	1,202	3,957	1,357,823
	Percent	10.2%	8.5%	0.9%	0.4%	0.1%	0.3%	
Asian students with disabilities	Number	8,657	6,037	3,172	218	-	264	115,324
	Percent	7.5%	5.2%	2.8%	0.2%	-	0.2%	
American Indian/ Alaska Native students with disabilities	Number	11,819	9,239	1,201	538	536	308	58,859
	Percent	20.1%	15.7%	2.0%	0.9%	0.9%	0.5%	
Two or more races students with disabilities	Number	30,665	21,206	2,603	1,537	-	669	120,301
	Percent	25.5%	17.6%	2.2%	1.3%	-	0.6%	
All students without disabilities	Number	2,124,191	2,205,586	162,874	99,354	93,333	47,624	44,184,291
	Percent	4.8%	5.0%	0.4%	0.2%	0.2%	0.1%	
Boys without disabilities	Number	1,428,046	1,444,984	110,417	71,012	72,915	32,605	21,773,386
	Percent	6.6%	6.6%	0.5%	0.3%	0.3%	0.1%	
Girls without disabilities	Number	696,145	760,602	52,457	28,342	20,418	15,019	22,410,905
	Percent	3.1%	3.4%	0.2%	0.1%	0.1%	0.1%	
White students without disabilities	Number	655,477	828,573	60,992	42,471	46,220	15,539	22,054,632
	Percent	3.0%	3.8%	0.3%	0.2%	0.2%	0.1%	
Black students without disabilities	Number	842,186	708,564	40,727	30,405	35,620	16,576	6,668,028
	Percent	12.6%	10.6%	0.6%	0.5%	0.5%	0.2%	
Hispanic students without disabilities	Number	467,520	527,239	37,861	17,769	7,449	11,754	11,020,822
	Percent	4.2%	4.8%	0.3%	0.2%	0.1%	0.1%	
Asian students without disabilities	Number	42,316	37,622	12,935	1,512	366	1,290	2,519,391
	Percent	1.7%	1.5%	0.5%	0.1%	0.01%	0.1%	

**Appendix IV: Additional Discipline and
Discipline-Related Data Tables**

		Out-of-school suspension	In-school suspension	Referral to law enforcement	Expulsion	Corporal punishment	School- related arrest	Total enrollment
American Indian/ Alaska Native students without disabilities	Number	35,580	32,808	3,728	2,069	1,829	917	509,978
	Percent	7.0%	6.4%	0.7%	0.4%	0.4%	0.2%	
Two or more races students without disabilities	Number	81,112	70,780	6,631	5,128	1,849	1,548	1,411,440
	Percent	5.7%	5.0%	0.5%	0.4%	0.1%	0.1%	

Source: GAO analysis of Department of Education, Civil Rights Data Collection. | GAO-18-258

Note: Numbers and percentages based on counts less than 30 students are not presented in this table and instead are replaced with a "-" due to the small number of incidents.

Table 14: Number and Percent of K-12 Public School Students Who Received Disciplinary Actions, by Level of School Poverty, School Year 2013-14

Level of School Poverty		Out-of-school suspension	In-school suspension	Referral to law enforcement	Expulsion	Corporal punishment	School- related arrest	Total enrollment
0 to 25% low- income students	Number	217,072	235,486	26,463	13,296	736	6,551	9,892,019
	Percent	2.2%	2.4%	0.3%	0.1%	0.01%	0.1%	
Boys	Number	162,352	171,557	19,062	10,022	644	4,694	5,060,790
	Percent	3.2%	3.4%	0.4%	0.2%	0.01%	0.1%	
Girls	Number	54,720	63,929	7,401	3,274	92	1,857	4,831,229
	Percent	1.1%	1.3%	0.2%	0.1%	0.002%	0.0%	
White	Number	128,502	147,501	16,226	8,013	480	3,746	7,208,337
	Percent	1.8%	2.0%	0.2%	0.1%	0.01%	0.1%	
Black	Number	37,458	36,025	3,558	2,407	155	1,191	497,624
	Percent	7.5%	7.2%	0.7%	0.5%	0.03%	0.2%	
Hispanic	Number	29,599	32,118	3,556	1,602	65	1,025	914,184
	Percent	3.2%	3.5%	0.4%	0.2%	0.01%	0.1%	
Asian	Number	8,647	8,159	1,459	302	-	217	895,800
	Percent	1.0%	0.9%	0.2%	0.03%	-	0.02%	
American Indian/ Alaska Native	Number	2,332	2,335	353	100	-	93	47,361
	Percent	4.9%	4.9%	0.7%	0.2%	-	0.2%	
Two or more races	Number	10,534	9,348	1,311	872	-	279	328,713
	Percent	3.2%	2.8%	0.4%	0.3%	-	0.1%	
Students with disabilities	Number	66,316	58,654	7,621	3,507	94	1,990	1,022,457
	Percent	6.5%	5.7%	0.7%	0.3%	0.01%	0.2%	

**Appendix IV: Additional Discipline and
Discipline-Related Data Tables**

Level of School Poverty		Out-of-school suspension	In-school suspension	Referral to law enforcement	Expulsion	Corporal punishment	School- related arrest	Total enrollment
25.1 to 49.9% low-income students	Number	596,139	704,774	67,832	34,344	12,889	16,910	13,253,440
	Percent	4.5%	5.3%	0.5%	0.3%	0.1%	0.1%	
Boys	Number	425,501	486,748	47,819	25,533	10,548	12,130	6,794,461
	Percent	6.3%	7.2%	0.7%	0.4%	0.2%	0.2%	
Girls	Number	170,638	218,026	20,013	8,811	2,341	4,780	6,458,979
	Percent	2.6%	3.4%	0.3%	0.1%	0.04%	0.1%	
White	Number	311,281	394,195	35,660	21,034	8,812	8,632	8,808,534
	Percent	3.5%	4.5%	0.4%	0.2%	0.1%	0.1%	
Black	Number	139,202	145,811	11,893	5,891	1,905	3,939	1,241,215
	Percent	11.2%	11.7%	1.0%	0.5%	0.2%	0.3%	
Hispanic	Number	94,558	115,805	11,319	4,574	1,648	2,824	1,997,388
	Percent	4.7%	5.8%	0.6%	0.2%	0.1%	0.1%	
Asian	Number	12,771	12,066	4,470	565	77	509	634,050
	Percent	2.0%	1.9%	0.7%	0.1%	0.01%	0.1%	
American Indian/ Alaska Native	Number	9,712	9,691	1,370	443	131	287	125,131
	Percent	7.8%	7.7%	1.1%	0.4%	0.1%	0.2%	
Two or more races	Number	28,615	27,206	3,120	1,837	316	719	447,122
	Percent	6.4%	6.1%	0.7%	0.4%	0.1%	0.2%	
Students with disabilities	Number	164,119	152,701	18,577	8,688	2,012	5,003	1,517,675
	Percent	10.8%	10.1%	1.2%	0.6%	0.1%	0.3%	
50 to 74.9% low-income students	Number	874,555	966,263	66,495	42,801	51,732	18,935	13,068,190
	Percent	6.7%	7.4%	0.5%	0.3%	0.4%	0.1%	
Boys	Number	606,648	645,415	46,593	31,321	41,821	13,252	6,718,720
	Percent	9.0%	9.6%	0.7%	0.5%	0.6%	0.2%	
Girls	Number	267,907	320,848	19,902	11,480	9,911	5,683	6,349,470
	Percent	4.2%	5.1%	0.3%	0.2%	0.2%	0.1%	
White	Number	312,638	384,598	23,578	19,205	32,251	6,556	6,468,519
	Percent	4.8%	5.9%	0.4%	0.3%	0.5%	0.1%	
Black	Number	317,018	312,210	17,213	12,332	12,543	6,553	2,186,178
	Percent	14.5%	14.3%	0.8%	0.6%	0.6%	0.3%	
Hispanic	Number	175,917	207,113	13,988	7,550	4,415	4,142	3,276,874
	Percent	5.4%	6.3%	0.4%	0.2%	0.1%	0.1%	
Asian	Number	15,010	12,548	6,988	515	186	499	518,448
	Percent	2.9%	2.4%	1.3%	0.1%	0.04%	0.1%	
American	Number	15,715	15,385	1,693	931	1,177	475	183,931

**Appendix IV: Additional Discipline and
Discipline-Related Data Tables**

Level of School Poverty		Out-of-school suspension	In-school suspension	Referral to law enforcement	Expulsion	Corporal punishment	School- related arrest	Total enrollment
Indian/ Alaska Native	Percent	8.5%	8.4%	0.9%	0.5%	0.6%	0.3%	
Two or more races	Number	38,257	34,409	3,035	2,268	1,160	710	434,240
	Percent	8.8%	7.9%	0.7%	0.5%	0.3%	0.2%	
Students with disabilities	Number	216,326	188,737	17,463	9,841	8,511	4,927	1,610,349
	Percent	13.4%	11.7%	1.1%	0.6%	0.5%	0.3%	
75 to 100% low-income students	Number	1,048,852	772,133	52,836	34,558	43,698	21,384	11,500,244
	Percent	9.1%	6.7%	0.5%	0.3%	0.4%	0.2%	
Boys	Number	713,310	507,067	37,016	25,151	32,922	15,080	5,924,710
	Percent	12.0%	8.6%	0.6%	0.4%	0.6%	0.3%	
Girls	Number	335,542	265,066	15,820	9,407	10,776	6,304	5,575,534
	Percent	6.0%	4.8%	0.3%	0.2%	0.2%	0.1%	
White	Number	134,855	107,905	7,159	6,588	13,038	2,344	1,844,738
	Percent	7.3%	5.8%	0.4%	0.4%	0.7%	0.1%	
Black	Number	562,395	356,611	20,975	16,459	26,396	10,459	3,338,395
	Percent	16.8%	10.7%	0.6%	0.5%	0.8%	0.3%	
Hispanic	Number	288,498	266,779	18,819	8,647	2,481	7,471	5,486,014
	Percent	5.3%	4.9%	0.3%	0.2%	0.05%	0.1%	
Asian	Number	13,160	8,478	2,923	308	119	309	370,083
	Percent	3.6%	2.3%	0.8%	0.1%	0.03%	0.1%	
American Indian/ Alaska Native	Number	18,218	13,091	1,405	1,039	1,039	344	185,461
	Percent	9.8%	7.1%	0.8%	0.6%	0.6%	0.2%	
Two or more races	Number	31,726	19,269	1,555	1,517	625	457	275,553
	Percent	11.5%	7.0%	0.6%	0.6%	0.2%	0.2%	
Students with disabilities	Number	232,405	139,781	13,590	7,746	6,164	5,297	1,344,563
	Percent	17.3%	10.4%	1.0%	0.6%	0.5%	0.4%	

Source: GAO analysis of Department of Education, Civil Rights Data Collection and Common Core of Data. | GAO-18-258

Note: School poverty level is measured by the percentage of students eligible for free or reduced-price lunch. Numbers and percentages based on counts less than 30 students are not presented in this table and instead are replaced with a "-" due to the small number of incidents.

**Appendix IV: Additional Discipline and
Discipline-Related Data Tables**

Table 15: Number and Percent of K-12 Public School Students Who Received Disciplinary Actions, by Type of Public School, School Year 2013-14

Type of public school		Out-of-school suspension	In-school suspension	Referral to law enforcement	Expulsion	Corporal punishment	School-related arrest	Total enrollment
Traditional schools	Number	2,342,566	2,433,969	191,161	112,036	107,329	52,761	43,800,055
	Percent	5.3%	5.6%	0.4%	0.3%	0.2%	0.1%	
Boys	Number	1,645,800	1,655,290	134,342	82,814	84,617	37,243	22,522,725
	Percent	7.3%	7.3%	0.6%	0.4%	0.4%	0.2%	
Girls	Number	696,766	778,679	56,819	29,222	22,712	15,518	21,277,330
	Percent	3.3%	3.7%	0.3%	0.1%	0.1%	0.1%	
White	Number	830,558	998,249	76,836	52,984	54,348	19,343	23,130,336
	Percent	3.6%	4.3%	0.3%	0.2%	0.2%	0.1%	
Black	Number	837,211	727,195	45,465	30,461	39,795	17,328	6,057,162
	Percent	13.8%	12.0%	0.8%	0.5%	0.7%	0.3%	
Hispanic	Number	491,809	547,787	41,099	18,759	8,401	11,828	10,437,091
	Percent	4.7%	5.2%	0.4%	0.2%	0.1%	0.1%	
Asian	Number	44,177	39,116	15,231	1,514	384	1,348	2,312,907
	Percent	1.9%	1.7%	0.7%	0.1%	0.02%	0.1%	
American Indian/ Alaska Native	Number	42,498	39,075	4,436	2,372	2,302	1,046	511,268
	Percent	8.3%	7.6%	0.9%	0.5%	0.5%	0.2%	
Two or more races	Number	96,313	82,547	8,094	5,946	2,099	1,868	1,351,291
	Percent	7.1%	6.1%	0.6%	0.4%	0.2%	0.1%	
Students with disabilities	Number	588,920	496,610	50,630	27,239	16,487	13,945	5,068,630
	Percent	11.6%	9.8%	1.0%	0.5%	0.3%	0.3%	
Magnet schools	Number	225,246	214,997	18,586	6,255	1,845	7,507	2,939,149
	Percent	7.7%	7.3%	0.6%	0.2%	0.1%	0.3%	
Boys	Number	148,293	136,051	12,899	4,551	1,427	5,225	1,477,007
	Percent	10.0%	9.2%	0.9%	0.3%	0.1%	0.4%	
Girls	Number	76,953	78,946	5,687	1,704	418	2,282	1,462,142
	Percent	5.3%	5.4%	0.4%	0.1%	0.03%	0.2%	
White	Number	33,393	36,245	3,639	1,019	481	1,134	847,552
	Percent	3.9%	4.3%	0.4%	0.1%	0.1%	0.1%	
Black	Number	125,901	103,982	8,266	3,402	1,146	3,573	813,708
	Percent	15.5%	12.8%	1.0%	0.4%	0.1%	0.4%	
Hispanic	Number	53,756	64,977	5,434	1,384	133	2,389	988,950
	Percent	5.4%	6.6%	0.5%	0.1%	0.01%	0.2%	
Asian	Number	3,523	2,907	433	93	-	148	189,993

**Appendix IV: Additional Discipline and
Discipline-Related Data Tables**

Type of public school		Out-of-school suspension	In-school suspension	Referral to law enforcement	Expulsion	Corporal punishment	School-related arrest	Total enrollment
American Indian/ Alaska Native	Percent	1.9%	1.5%	0.2%	0.05%	-	0.1%	16,238
	Number	1,606	1,181	173	74	52	82	
	Percent	9.9%	7.3%	1.1%	0.5%	0.3%	0.5%	
Two or more races	Number	7,067	5,705	641	283	-	181	82,708
	Percent	8.5%	6.9%	0.8%	0.3%	-	0.2%	
Students with disabilities	Number	50,805	39,441	5,026	1,460	297	1,739	309,312
	Percent	16.4%	12.8%	1.6%	0.5%	0.1%	0.6%	
Charter schools	Number	156,880	74,884	3,458	4,854	660	710	2,470,354
	Percent	6.4%	3.0%	0.1%	0.2%	0.03%	0.03%	
Boys	Number	103,295	49,120	2,404	3,191	525	499	1,224,086
	Percent	8.4%	4.0%	0.2%	0.3%	0.04%	0.04%	
Girls	Number	53,585	25,764	1,054	1,663	135	211	1,246,268
	Percent	4.3%	2.1%	0.1%	0.1%	0.01%	0.02%	
White	Number	22,729	14,597	1,052	1,149	184	185	843,999
	Percent	2.7%	1.7%	0.1%	0.1%	0.02%	0.02%	
Black	Number	94,777	37,447	1,101	2,597	372	305	711,999
	Percent	13.3%	5.3%	0.2%	0.4%	0.1%	0.04%	
Hispanic	Number	31,768	18,826	822	860	90	159	714,868
	Percent	4.4%	2.6%	0.1%	0.1%	0.01%	0.02%	
Asian	Number	1,920	1,125	283	-	-	-	106,463
	Percent	1.8%	1.1%	0.3%	-	-	-	
American Indian/ Alaska Native	Number	1,134	782	63	-	-	-	20,589
	Percent	5.5%	3.8%	0.3%	-	-	-	
Two or more races	Number	4,552	2,107	137	179	-	-	72,436
	Percent	6.3%	2.9%	0.2%	0.2%	-	-	
Students with disabilities	Number	28,599	12,363	901	902	60	207	221,695
	Percent	12.9%	5.6%	0.4%	0.4%	0.003%	0.1%	
Alternative schools	Number	82,270	34,176	8,412	6,637	279	3,674	501,496
	Percent	16.4%	6.8%	1.7%	1.3%	0.1%	0.7%	
Boys	Number	58,549	23,986	6,237	4,948	232	2,793	289,805
	Percent	20.2%	8.3%	2.2%	1.7%	0.1%	1.0%	
Girls	Number	23,721	10,190	2,175	1,689	47	881	211,691
	Percent	11.2%	4.8%	1.0%	0.8%	0.02%	0.4%	
White	Number	23,304	11,086	2,690	1,701	111	961	183,499
	Percent	12.7%	6.0%	1.5%	0.9%	0.1%	0.5%	

**Appendix IV: Additional Discipline and
Discipline-Related Data Tables**

Type of public school		Out-of-school suspension	In-school suspension	Referral to law enforcement	Expulsion	Corporal punishment	School-related arrest	Total enrollment
Black	Number	28,574	11,608	2,465	2,594	140	1,304	117,022
	Percent	24.4%	9.9%	2.1%	2.2%	0.1%	1.1%	
Hispanic	Number	24,848	9,415	2,648	1,959	-	1,206	163,243
	Percent	15.2%	5.8%	1.6%	1.2%	-	0.7%	
Asian	Number	1,123	386	116	74	-	36	12,292
	Percent	9.1%	3.1%	0.9%	0.6%	-	0.3%	
American Indian/ Alaska Native	Number	1,447	471	225	116	-	68	9,829
	Percent	14.7%	4.8%	2.3%	1.2%	-	0.7%	
Two or more races	Number	2,974	1,210	268	193	-	99	15,611
	Percent	19.1%	7.8%	1.7%	1.2%	-	0.6%	
Students with disabilities	Number	20,985	8,971	2,492	1,188	86	1,235	68,309
	Percent	30.7%	13.1%	3.6%	1.7%	0.1%	1.8%	
Special Education schools	Number	21,602	11,434	2,130	615	183	753	324,692
	Percent	6.7%	3.5%	0.7%	0.2%	0.1%	0.2%	
Boys	Number	16,075	8,364	1,664	474	140	597	198,330
	Percent	8.1%	4.2%	0.8%	0.2%	0.1%	0.3%	
Girls	Number	5,527	3,070	466	141	43	156	126,362
	Percent	4.4%	2.4%	0.4%	0.1%	0.03%	0.1%	
White	Number	8,456	5,228	881	248	153	263	162,067
	Percent	5.2%	3.2%	0.5%	0.2%	0.1%	0.2%	
Black	Number	7,751	3,139	748	205	-	302	54,464
	Percent	14.2%	5.8%	1.4%	0.4%	-	0.6%	
Hispanic	Number	3,580	1,987	331	73	-	129	74,493
	Percent	4.8%	2.7%	0.4%	0.1%	-	0.2%	
Asian	Number	230	125	44	-	-	-	13,060
	Percent	1.8%	1.0%	0.3%	-	-	-	
American Indian/ Alaska Native	Number	714	538	32	-	-	-	10,913
	Percent	6.5%	4.9%	0.3%	-	-	-	
Two or more races	Number	871	417	94	64	-	45	9,695
	Percent	9.0%	4.3%	1.0%	0.7%	-	0.5%	
Students with disabilities	Number	15,064	6,489	1,824	254	33	655	183,509
	Percent	8.2%	3.5%	1.0%	0.1%	0.02%	0.4%	

Source: GAO analysis of Department of Education, Civil Rights Data Collection. | GAO-18-258

Note: Numbers and percentages based on counts less than 30 students are not presented in this table and instead are replaced with a “-” due to the small number of incidents.

**Appendix IV: Additional Discipline and
Discipline-Related Data Tables**

Table 16: Number and Percent of K-12 Public School Students Who Received Disciplinary Actions, by Grade Level, School Year 2013-14

Grades Offered		Out-of-school suspension	In-school suspension	Referral to law enforcement	Expulsion	Corporal punishment	School-related arrest	Total enrollment
Grade 5 or below								
All students	Number	420,310	305,760	16,222	9,644	33,473	1,615	17,084,429
	Percent	2.5%	1.8%	0.1%	0.1%	0.2%	0.01%	
Boys	Number	330,913	234,911	12,848	7,783	26,442	1,298	8,815,621
	Percent	3.8%	2.7%	0.1%	0.1%	0.3%	0.01%	
Girls	Number	89,397	70,849	3,374	1,861	7,031	317	8,268,808
	Percent	1.1%	0.9%	0.04%	0.02%	0.1%	0.004%	
White	Number	132,161	115,850	5,204	4,699	16,229	512	8,390,558
	Percent	1.6%	1.4%	0.1%	0.1%	0.2%	0.01%	
Black	Number	180,175	106,992	4,674	2,811	13,196	671	2,662,876
	Percent	6.8%	4.0%	0.2%	0.1%	0.5%	0.03%	
Hispanic	Number	73,714	59,182	3,037	1,175	2,604	320	4,383,284
	Percent	1.7%	1.4%	0.1%	0.03%	0.1%	0.01%	
Asian	Number	5,427	4,190	1,914	80	156	-	862,487
	Percent	0.6%	0.5%	0.2%	0.01%	0.02%	-	
American Indian/ Alaska Native	Number	5,577	4,370	292	203	448	-	169,345
	Percent	3.3%	2.6%	0.2%	0.1%	0.3%	-	
Two or more races	Number	23,256	15,176	1,101	676	840	67	615,879
	Percent	3.8%	2.5%	0.2%	0.1%	0.1%	0.01%	
Students with disabilities	Number	121,662	70,137	4,998	2,859	5,517	488	1,949,913
	Percent	6.2%	3.6%	0.3%	0.1%	0.3%	0.03%	
Grade 6 or above								
All students	Number	2,407,828	2,463,538	207,493	120,739	76,823	63,774	32,909,674
	Percent	7.3%	7.5%	0.6%	0.4%	0.2%	0.2%	
Boys	Number	1,640,828	1,637,800	144,682	88,183	60,499	45,051	16,871,173
	Percent	9.7%	9.7%	0.9%	0.5%	0.4%	0.3%	
Girls	Number	767,000	825,738	62,811	32,556	16,324	18,723	16,038,501
	Percent	4.8%	5.1%	0.4%	0.2%	0.1%	0.1%	
White	Number	786,172	949,516	79,878	52,400	39,048	21,368	16,759,190
	Percent	4.7%	5.7%	0.5%	0.3%	0.2%	0.1%	
Black	Number	913,772	776,258	53,363	36,436	28,267	22,133	5,079,269
	Percent	18.0%	15.3%	1.1%	0.7%	0.6%	0.4%	
Hispanic	Number	532,005	583,810	47,293	21,860	6,047	15,391	7,986,771

Appendix IV: Additional Discipline and
Discipline-Related Data Tables

Grades Offered		Out-of-school suspension	In-school suspension	Referral to law enforcement	Expulsion	Corporal punishment	School- related arrest	Total enrollment
Asian	Percent	6.7%	7.3%	0.6%	0.3%	0.1%	0.2%	
	Number	45,544	39,469	14,193	1,650	236	1,527	1,770,820
	Percent	2.6%	2.2%	0.8%	0.1%	0.01%	0.1%	
American Indian/ Alaska Native	Number	41,818	37,677	4,635	2,404	1,917	1,207	398,621
	Percent	10.5%	9.5%	1.2%	0.6%	0.5%	0.3%	
Two or more races	Number	88,517	76,808	8,131	5,989	1,308	2,148	915,003
	Percent	9.7%	8.4%	0.9%	0.7%	0.1%	0.2%	
Students with disabilities	Number	582,451	493,674	55,859	28,178	11,446	17,287	3,890,043
	Percent	15.0%	12.7%	1.4%	0.7%	0.3%	0.4%	

Source: GAO analysis of Department of Education, Civil Rights Data Collection. | GAO-18-258

Note: Numbers and percentages based on counts less than 30 students are not presented in this table and instead are replaced with a “-” due to the small number of incidents.

Table 17: Number and Percent of Pre-school Public School Students Suspended Out of School, by Student and School Characteristics, School Year 2013-14

		Out-of-school suspension	Total enrollment
All students	Number	6,751	1,441,057
	Percent	0.5%	
Sex			
Boys	Number	5,235	775,858
	Percent	0.7%	
Girls	Number	1,516	665,199
	Percent	0.2%	
Race or Ethnicity			
White students	Number	1,866	594,902
	Percent	0.3%	
Boys	Number	1,510	329,332
	Percent	0.5%	
Girls	Number	356	265,570
	Percent	0.1%	
Black students	Number	3,167	280,218
	Percent	1.1%	
Boys	Number	2,351	146,583
	Percent	1.6%	

**Appendix IV: Additional Discipline and
Discipline-Related Data Tables**

Out-of-school suspension			Total enrollment
Girls	Number	816	133,635
	Percent	0.6%	
Hispanic students	Number	1,290	428,225
	Percent	0.3%	
Boys	Number	1,043	225,547
	Percent	0.5%	
Girls	Number	247	202,678
	Percent	0.1%	
Asian students	Number	-	59,313
	Percent	-	
Boys	Number	50	32,267
	Percent	0.2%	
Girls	Number	-	27,046
	Percent	-	
American Indian/ Alaska Native students	Number	-	22,531
	Percent	-	
Boys	Number	81	12,052
	Percent	0.7%	
Girls	Number	-	10,479
	Percent	-	
Two or more races students	Number	266	55,868
	Percent	0.5%	
Boys	Number	200	30,077
	Percent	0.7%	
Girls	Number	66	25,791
	Percent	0.3%	
School poverty level			
0 to 25% low income students	Number	212	151,896
	Percent	0.1%	
25.1 to 49.9% low income students	Number	605	245,466
	Percent	0.2%	
50 to 74.9% low income students	Number	1,833	362,700
	Percent	0.5%	
75 to 100% low income	Number	3,929	557,121

Appendix IV: Additional Discipline and Discipline-Related Data Tables

		Out-of-school suspension	Total enrollment
students	Percent	0.7%	
Type of public school			
Traditional	Number	5,796	1,283,222
	Percent	0.5%	
Magnet	Number	261	58,560
	Percent	0.4%	
Charter	Number	666	45,860
	Percent	1.5%	
Alternative	Number	-	5,048
	Percent	-	
Special Education	Number	-	48,367
	Percent	-	

Source: GAO analysis of Department of Education, Civil Rights Data Collection, and Common Core of Data. | GAO-18-258

Note: School poverty level is measured by the percentage of students eligible for free or reduced-price lunch. Numbers and percentages based on counts less than 30 students are not presented in this table and instead are replaced with a “-” due to the small number of incidents. Additional numbers may also be suppressed in this table if they would allow for calculating a suppressed number.

Table 18: Number and Percent of K-12 Public School Students Who Were Restrained or Secluded, by Student and School Characteristics, School Year 2013-14

		Mechanical restraint	Physical restraint	Seclusion	Total enrollment
All students	Number	7,001	61,440	33,578	50,035,746
	Percent	0.01%	0.1%	0.1%	
Sex					
Boys	Number	5,220	48,530	25,682	25,711,953
	Percent	0.02%	0.2%	0.1%	
Girls	Number	1,781	12,910	7,896	24,323,793
	Percent	0.01%	0.1%	0.03%	
Race or Ethnicity					
White students	Number	2,322	33,320	19,870	25,167,453
	Percent	0.01%	0.1%	0.1%	
Boys	Number	1,802	26,657	15,387	12,993,277
	Percent	0.01%	0.2%	0.1%	
Girls	Number	520	6,663	4,483	12,174,176
	Percent	0.004%	0.1%	0.04%	
Black students	Number	2,346	15,200	7,449	7,754,355
	Percent	0.03%	0.2%	0.1%	

**Appendix IV: Additional Discipline and
Discipline-Related Data Tables**

		Mechanical restraint	Physical restraint	Seclusion	Total enrollment
Boys	Number	1,616	11,564	5,481	3,964,347
	Percent	0.04%	0.3%	0.1%	
Girls	Number	730	3,636	1,968	3,790,008
	Percent	0.02%	0.1%	0.1%	
Hispanic students	Number	1,980	8,161	3,430	12,378,645
	Percent	0.02%	0.1%	0.03%	
Boys	Number	1,538	6,511	2,682	6,343,579
	Percent	0.02%	0.1%	0.04%	
Girls	Number	442	1,650	748	6,035,066
	Percent	0.01%	0.03%	0.01%	
Asian students	Number	-	904	437	2,634,715
	Percent	-	0.03%	0.02%	
Boys	Number	41	754	357	1,343,060
	Percent	0.003%	0.1%	0.03%	
Girls	Number	-	150	80	1,291,655
	Percent	-	0.01%	0.01%	
American Indian/ Alaska Native students	Number	106	886	562	568,837
	Percent	0.02%	0.2%	0.1%	
Boys	Number	84	704	424	291,614
	Percent	0.03%	0.2%	0.1%	
Girls	Number	-	182	138	277,223
	Percent	-	0.1%	0.05%	
Two or more races students	Number	194	2,969	1,830	1,531,741
	Percent	0.01%	0.2%	0.1%	
Boys	Number	139	2,340	1,351	776,076
	Percent	0.02%	0.3%	0.2%	
Girls	Number	55	629	479	755,665
	Percent	0.01%	0.1%	0.1%	
Students with disabilities					
All students with disabilities	Number	2,376	46,435	19,857	5,851,455
	Percent	0.04%	0.8%	0.3%	
Boys	Number	1,920	37,379	16,002	3,938,567
	Percent	0.05%	0.9%	0.4%	
Girls	Number	456	9,056	3,855	1,912,888
	Percent	0.02%	0.5%	0.2%	
School poverty level					
0 to 25% low income students	Number	343	8,694	4,762	9,892,019

**Appendix IV: Additional Discipline and
Discipline-Related Data Tables**

		Mechanical restraint	Physical restraint	Seclusion	Total enrollment
	Percent	0.003%	0.1%	0.05%	
25.1 to 49.9% low income students	Number	1,660	16,080	9,610	13,253,440
	Percent	0.01%	0.1%	0.1%	
50 to 74.9% low income students	Number	1,917	17,910	10,177	13,068,190
	Percent	0.01%	0.1%	0.1%	
75 to 100% low income students	Number	2,004	14,169	6,347	11,500,244
	Percent	0.02%	0.1%	0.1%	
Type of public school					
Traditional	Number	5,555	48,088	27,150	43,800,055
	Percent	0.01%	0.1%	0.1%	
Magnet	Number	558	1,891	939	2,939,149
	Percent	0.02%	0.1%	0.03%	
Charter	Number	126	1,648	474	2,470,354
	Percent	0.01%	0.1%	0.02%	
Alternative	Number	641	2,822	1,231	501,496
	Percent	0.1%	0.6%	0.2%	
Special Education	Number	121	6,991	3,784	324,692
	Percent	0.04%	2.2%	1.2%	

Source: GAO analysis of Department of Education, Civil Rights Data Collection, and Common Core of Data. | GAO-18-258

Note: School poverty level is measured by the percentage of students eligible for free or reduced-price lunch. Numbers and percentages based on counts less than 30 students are not presented in this table and instead are replaced with a “-” due to the small number of incidents. Additional numbers may also be suppressed in this table if they would allow for calculating a suppressed number.

Table 19: Number and Percent of K-12 Public School Students Who Were Chronically Absent, by Student and School Characteristics, School Year 2013-14

		Chronic absenteeism	Total enrollment
All students	Number	7,101,843	50,035,746
	Percent	14.2%	
Sex			
Boys	Number	3,634,536	25,711,953
	Percent	14.1%	
Girls	Number	3,467,307	24,323,793
	Percent	14.3%	
Race or Ethnicity			
White students	Number	3,194,191	25,167,453
	Percent	12.7%	
Boys	Number	1,621,276	12,993,277

Appendix IV: Additional Discipline and
Discipline-Related Data Tables

		Chronic absenteeism	Total enrollment
	Percent	12.5%	
	Number	1,572,915	12,174,176
	Percent	12.9%	
Black students	Number	1,428,327	7,754,355
	Percent	18.4%	
Boys	Number	745,109	3,964,347
	Percent	18.8%	
Girls	Number	683,218	3,790,008
	Percent	18.0%	
Hispanic students	Number	1,861,071	12,378,645
	Percent	15.0%	
Boys	Number	952,010	6,343,579
	Percent	15.0%	
Girls	Number	909,061	6,035,066
	Percent	15.1%	
Asian students	Number	239,721	2,634,715
	Percent	9.1%	
Boys	Number	124,732	1,343,060
	Percent	9.3%	
Girls	Number	114,989	1,291,655
	Percent	8.9%	
American Indian/ Alaska Native students	Number	128,804	568,837
	Percent	22.6%	
Boys	Number	65,512	291,614
	Percent	22.5%	
Girls	Number	63,292	277,223
	Percent	22.8%	
Two or more races students	Number	249,729	1,531,741
	Percent	16.3%	
Boys	Number	125,897	776,076
	Percent	16.2%	
Girls	Number	123,832	755,665
	Percent	16.4%	
Students with disabilities			
All students with disabilities	Number	1,212,631	5,851,455
	Percent	20.7%	
Boys	Number	785,487	3,938,567

Appendix IV: Additional Discipline and Discipline-Related Data Tables

		Chronic absenteeism	Total enrollment
Girls	Percent	19.9%	1,912,888
	Number	427,144	
	Percent	22.3%	
School poverty level			
0 to 25% low income students	Number	931,068	9,892,019
	Percent	9.4%	
25.1 to 49.9% low income students	Number	1,742,062	13,253,440
	Percent	13.1%	
50 to 74.9% low income students	Number	2,028,505	13,068,190
	Percent	15.5%	
75 to 100% low income students	Number	1,901,757	11,500,244
	Percent	16.5%	
Type of public school			
Traditional	Number	6,022,547	43,800,055
	Percent	13.8%	
Magnet	Number	463,766	2,939,149
	Percent	15.8%	
Charter	Number	333,082	2,470,354
	Percent	13.5%	
Alternative	Number	207,454	501,496
	Percent	41.4%	
Special Education	Number	74,994	324,692
	Percent	23.1%	

Source: GAO analysis of Department of Education, Civil Rights Data Collection, and Common Core of Data. | GAO-18-258

Note: School poverty level is measured by the percentage of students eligible for free or reduced-price lunch.

Table 20: Number and Percent of K-12 Public Schools Reporting the Presence of a School Counselor or Law Enforcement Officer, by School Characteristics, School Year 2013-14

		Presence of a school counselor	Presence of a sworn law enforcement officer	Total number of schools
All schools	Number	68,288	27,531	95,507
	Percent	71.5%	28.8%	
School poverty level				
0 to 25% low income students	Number	11,103	3,947	16,421
	Percent	67.6%	24.0%	
25.1 to 49.9% low income students	Number	18,840	7,122	24,145
	Percent	78.0%	29.5%	

**Appendix IV: Additional Discipline and
Discipline-Related Data Tables**

		Presence of a school counselor	Presence of a sworn law enforcement officer	Total number of schools
50 to 74.9% low income students	Number	19,363	7,937	25,798
	Percent	75.1%	30.8%	
75 to 100% low income students	Number	15,335	6,051	22,511
	Percent	68.1%	26.9%	
Type of public school				
Traditional schools	Number	60,092	23,901	79,618
	Percent	75.5%	30.0%	
Magnet schools	Number	2,747	1,430	3,616
	Percent	76.0%	39.5%	
Charter schools	Number	2,664	653	5,726
	Percent	46.5%	11.4%	
Alternative schools	Number	2,103	1,178	4,519
	Percent	46.5%	26.1%	
Special Education schools	Number	682	369	2,028
	Percent	33.6%	18.2%	

Source: GAO analysis of Department of Education, Civil Rights Data Collection, and Common Core of Data. | GAO-18-258

Note: School poverty level is measured by the percentage of students eligible for free or reduced-price lunch. There were 6,632 schools in school year 2013-14 for which data on school-level poverty were not available. Those schools are not included in the school poverty level section of this table, but are included in the overall total number of schools, as well as in the type of public school section of this table.

Table 21: Number and Percent of K-12 Public School Students Disciplined for Engaging in Harassment or Bullying, by Student Characteristics, School Year 2013-14

		Students disciplined for engaging in harassment or bullying			
		Based on sex	Based on race, color, or national origin	Based on disability status	Total enrollment
All students	Number	93,334	47,289	23,263	50,035,746
	Percent	0.2%	0.1%	0.05%	
Sex					
Boys	Number	66,490	33,232	15,984	25,711,953
	Percent	0.3%	0.1%	0.1%	
Girls	Number	26,844	14,057	7,279	24,323,793
	Percent	0.1%	0.1%	0.03%	
Race or Ethnicity					
White students	Number	39,397	22,887	11,555	25,167,453
	Percent	0.2%	0.1%	0.05%	

**Appendix IV: Additional Discipline and
Discipline-Related Data Tables**

		Students disciplined for engaging in harassment or bullying			
		Based on sex	Based on race, color, or national origin	Based on disability status	Total enrollment
Boys	Number	29,007	16,768	8,264	12,993,277
	Percent	0.2%	0.1%	0.1%	
Girls	Number	10,390	6,119	3,291	12,174,176
	Percent	0.1%	0.1%	0.03%	
Black students	Number	18,615	11,001	5,249	7,754,355
	Percent	0.2%	0.1%	0.1%	
Boys	Number	13,749	7,227	3,460	3,964,347
	Percent	0.3%	0.2%	0.1%	
Girls	Number	4,866	3,774	1,789	3,790,008
	Percent	0.1%	0.1%	0.05%	
Hispanic students	Number	28,494	9,670	4,795	12,378,645
	Percent	0.2%	0.1%	0.04%	
Boys	Number	18,679	6,675	3,157	6,343,579
	Percent	0.3%	0.1%	0.05%	
Girls	Number	9,815	2,995	1,638	6,035,066
	Percent	0.2%	0.05%	0.03%	
Asian students	Number	2,478	1,160	566	2,634,715
	Percent	0.1%	0.04%	0.02%	
Boys	Number	1,759	829	361	1,343,060
	Percent	0.1%	0.1%	0.03%	
Girls	Number	719	331	205	1,291,655
	Percent	0.1%	0.03%	0.02%	
American Indian/ Alaska Native students	Number	1,333	1,010	300	568,837
	Percent	0.2%	0.2%	0.1%	
Boys	Number	1,033	673	213	291,614
	Percent	0.4%	0.2%	0.1%	
Girls	Number	300	337	87	277,223
	Percent	0.1%	0.1%	0.03%	
Two or more races students	Number	3,017	1,561	798	1,531,741
	Percent	0.2%	0.1%	0.1%	
Boys	Number	2,263	1,060	529	776,076
	Percent	0.3%	0.1%	0.1%	
Girls	Number	754	501	269	755,665
	Percent	0.1%	0.1%	0.04%	

Appendix IV: Additional Discipline and
Discipline-Related Data Tables

Students disciplined for engaging in harassment or bullying					
		Based on sex	Based on race, color, or national origin	Based on disability status	Total enrollment
Students with disabilities					
All students with disabilities	Number	16,136	7,673	4,865	5,851,455
	Percent	0.3%	0.1%	0.1%	
Boys	Number	13,068	6,062	3,785	3,938,567
	Percent	0.3%	0.2%	0.1%	
Girls	Number	3,068	1,611	1,080	1,912,888
	Percent	0.2%	0.1%	0.1%	

Source: GAO analysis of Department of Education, Civil Rights Data Collection. | GAO-18-258

Appendix V: GAO Contact and Staff Acknowledgments

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Staff Acknowledgments

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