

School Discipline in Arkansas: Reforms Needed to Improve Outcomes



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Introduction

We all want Arkansas schools to be safe, healthy, and orderly environments so every student can learn and thrive. Kids need clear expectations for behavior and logical consequences to grow academically and learn from their mistakes.

However, many outdated school discipline policies and practices in Arkansas can create more problems than they solve. Harsh, arbitrary, or “zero tolerance” policies, such as sending a child home from school for not wearing the correct uniform, are can create an environment counterproductive to learning. The more often students are sent out of the classroom, the further they fall behind.

Research shows that in- or out-of-school suspensions and corporal punishment (spanking) are not only ineffective at improving student behavior and school culture but also have negative long-term effects on mental health, graduation rates, overall academic success, and preparation for the workforce. While school discipline practices in Arkansas and across the country disproportionately impact Black, Indigenous and other People of Color (BIPOC) students; students with disabilities are also more likely to experience corporal punishment or restraining practices than their peers without disabilities.

This brief serves as an update on why school discipline reform still matters, where we stand in Arkansas, and what we can do to improve outcomes for our students.



Why school discipline is important

Acting out in class is often an indicator that a student is struggling to read and perform on grade level in all subjects. When these students are sent to in-school or out-of-school suspension, it becomes even more difficult for them to keep up with classwork and stay in school. Students who are expelled are at a greater risk of not going back to school and graduating than students who aren't expelled. This is even more so the case for students in foster care and students with disabilities.

Ineffective school discipline also takes an emotional toll on kids at a time when their brains are still developing, and they need extra guidance. It can be especially harmful for students who have experienced trauma or have special developmental or emotional needs. In fact, Arkansas ranks 48th in the percentage of children who have experienced two or more Adverse Childhood Experiences, such as abuse and neglect (22.5%).¹ Unfortunately, these are usually the kids who are disciplined the most harshly. They also face barriers to getting the kind of counseling and mentoring that would address the root of behavior problems and help kids make better decisions.



Everyone, whether or not they are raising children, should care about how school discipline is used, because it affects the quality of neighborhood schools, community safety, and costs to taxpayers. Punitive school disciplinary practices such as expulsions and out-of-school suspensions keep kids out of school. Kids can't learn if they are not in the classroom. Unnecessarily harsh, discriminatory, or unhelpful discipline causes kids to be more likely to drop out of school and end up in the juvenile justice system, a trend commonly known as the "school-to-prison pipeline."

The school-to-prison pipeline begins with inadequate resources in our public schools. Overcrowded classrooms; overburdened teachers; and insufficient funding or access to school counselors, licensed mental health providers, and special education services; all contribute to suboptimal educational environments. And a failure to meet educational needs increases disengagement and dropouts, increasing the risk of feeding the school-to-prison pipeline. Some schools have simultaneously adopted zero-tolerance policies that automatically impose severe punishment regardless of circumstances. Under these types of policies, suspension and expulsion are much more common, and disproportionately impact BIPOC students and students with disabilities.

Many under-resourced schools become pipeline gateways by placing increased reliance on police rather than teachers and administrators to maintain discipline. Growing numbers of districts employ school resource officers to patrol school hallways, often with little or no training in working with children. As a result, students are far more likely to

be subject to school-based arrests — the majority of which are for non-violent offenses, such as disruptive behavior — than they were a generation ago. The rise in school-based arrests, the quickest route from the classroom to the jailhouse, most directly exemplifies the criminalization of school children.

State of school discipline in Arkansas



While school districts themselves do not receive special funding for school discipline, they are required to report data on their practices. The University of Arkansas’s Office of Education Policy puts out an annual report that analyzes the data from each school district.² They must report the number of infractions in several categories.

It should be noted, the numbers from the last two academic years are lower than usual due to the use of virtual or hybrid learning that was put into place because of the pandemic. To help illustrate this, in the charts below the 2018-2019 school year is shown for comparison. Additionally, a key limitation to be mindful of when looking at the data below is that we are only able to see what is reported, and there may have been other changes during this time period, like changes in schools’ reporting practices.

Table 1 shows the five-highest reported infractions from the 2018-2019, 2019-2020, and 2020-2021 academic years.³ In terms of frequency, the most common type of infraction is labeled “other.” This is where miscellaneous infractions get categorized and can include things like: stealing/theft, harassment/sexual harassment, terroristic threats, public displays of affection, cyberbullying, and cell phones.

Infraction Type	Frequency during the 2018-2019 school year	Frequency during the 2019-2020 school year	Frequency during the 2020-2021 school year
Other	131,823	88,015	49,527
Disorderly Conduct	61,566	42,457	24,616
Insubordination	42,161	29,151	15,525
Fighting	19,163	13,146	8,356
Truancy	15,960	10,284	7,694

Looking at consequences, Table 2 displays their frequency during the 2018-2019, 2019-2020, and 2020-2021 academic years.⁴ Once again, the “other” category is the most reported on average. In this section, “other” can refer to consequences like detention, warning, bus suspension, Saturday school, and a parent conference. Over time, there has been a steady decline in reported reliance on out-of-school suspension and corporal punishment, while “other” consequences have steadily increased.

Consequence Type	Frequency during the 2018-2019 school year	Frequency during the 2019-2020 school year	Frequency during the 2020-2021 school year
Expulsion	913	421	169
Out of School Suspension	50,125	29,467	17,541
In School Suspension	104,221	69,917	42,426
Alternative Learning Environments	290	264	180
Corporal Punishment	13,228	5,239	3,253
Other	120,956	90,142	51,785

The data also shows serious inequities in school discipline. Black students are more likely than White students to be reported to school administration officials for disorderly conduct.⁵ Then, after being written up for infractions, Black students are also much more likely than all other racial groups to receive exclusionary discipline, which can include out-of-school suspension and expulsion. For example, over the last two academic years, 21% of all infractions reported for Black students resulted in exclusionary discipline, which is high relative to other racial groups.⁶ It is also important to note that these disproportionalities are largely driven by larger numbers of infractions that are extremely subjective in nature, such as disorderly conduct, insubordination, and “other.” Given the high occurrence and subjectivity of these reports, there is an opportunity for continued and/or targeted interventions at the school level.

Legislation

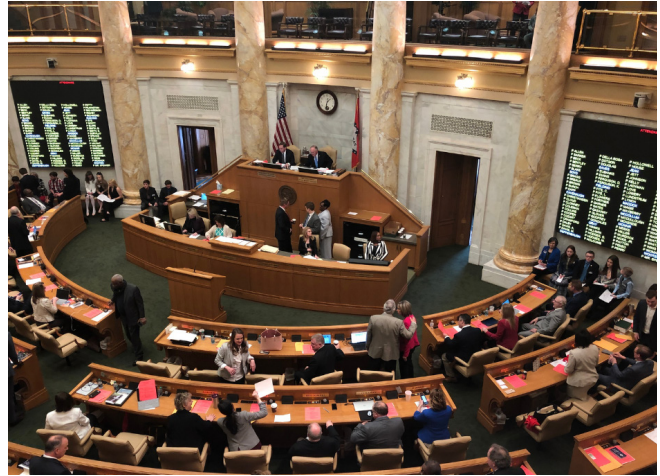
Below is a breakdown of some key existing legislation pertaining to school discipline reform

Act 1329 of 2013 requires school districts to report data on their discipline practices each year, including disparities among student subgroups by race, income, disability status, and whether students are performing at or below “basic” in literacy, math, or end-of-course assessments. The law also requires the Arkansas Department of Education to provide an annual report on school discipline to the State Board of Education and all school districts. The University of Arkansas’s Office for Education Policy has conducted

these studies for the Department since 2014. This Act also banned the use of out of school suspension as a response to truancy.⁷

Act 1015 of 2017 rolled back some of the reporting requirements and data elements of the 2013 law.⁸

Act 1059 of 2017, which bans out-of-school suspensions or expulsions in grades K-5 unless a student “poses a physical risk to himself or herself or to others” or “causes a serious disruption that cannot be addressed through other means.” Act 1059 does not prohibit suspensions and expulsions for students in middle and high schools, which can leave these students at greater risk of unsafe behaviors when unsupervised at home.⁹



Act 557 of 2019 prohibits the use of corporal punishment on a child with certain severe disabilities, like those with intellectual disabilities, a child who is non-ambulatory or non-verbal, or a child with autism spectrum disorder.¹⁰

Act 709 of 2019 requires schools to offer alternative ways for students who have been expelled to continue their education, such as online courses.¹¹

Act 640 of 2019 requires schools to improve student engagement and access to education during periods of suspension or expulsion.¹²

Act 182 of 2021 requires additional training for school board members on school safety and student discipline.

Act 1084 of 2021 requires that each public school district implement positive behavioral supports for prevention, strategic intervention, and intensive services or crisis management for students at various stages of exhibiting social, emotional, or behavioral problems or crisis; and places major limits on schools’ use of physical restraints on students and outlines and requires training of school personnel and the adoption of policies concerning the use of physical restraints.¹³

Additional efforts (listed below) were made during the 2021 legislative session to expand school discipline reform but were ultimately unsuccessful.

SB501 of 2021 would have expanded the prohibition against corporal punishment in public schools to include all special education students with an individual education plan (IEP) under the federal Individuals with Disabilities Education Act (IDEA), unless parental consent is obtained.¹⁴

SB502 of 2021 would have expand the existing ban on expulsions and out-of-school suspensions for all students in grades K-5 to also include all children in foster care and special education students with an IEP in grades 6-12 as defined in federal law in IDEA. It would have also kept in place exceptions for when a student poses a harm to himself or others or causes a series disruption that cannot be addressed through other means.¹⁵

One reason for the failure of these bills was a lack of support and consensus from the education community at large. Without support from all key stakeholders, future efforts are just as likely to be unsuccessful. Therefore, we believe that a task force convened by the State Legislature to study the issue of school discipline reform is the best next step. Centering the voices of practitioners and families, this task force could create consensus, recommendations, and clear a path forward for future school discipline reform efforts.

Policy solutions

There are many other proven methods for improving students' behavior and well-being that cost little to no money. Alternative methods can also support teachers in creating learning environments that work for all kids. Two methods, Positive Behavioral Interventions and Supports (PBIS) and restorative justice, are starting to be used more commonly across the state. These methods help children understand how to make good choices, regulate their emotions, and address the root cause of their behavior while keeping kids in school and improving academic and behavioral outcomes.

Growing research shows that restorative justice can and has resulted in lowering suspension rates, especially for BIPOC students.¹⁶ Some studies note a reduction in school misbehavior, as well. Overall, research suggests that restorative justice should be treated as a comprehensive shift in the school's climate in order for it to be the most effective.¹⁷ PBIS also has research demonstrating effectiveness, one study found that children in PBIS schools were 33% less likely to receive an office discipline referral than those in the comparison schools.¹⁸ The effects tended to be strongest among children who were first exposed to PBIS in kindergarten.

Arkansas's Department of Education does provide support for schools interested in PBIS implementation. Training modules with three tiers of support were developed in collaboration with PBIS trainers, consultants from the Center for Community Engagement at Arkansas State University, and content specialists from the Arkansas Department of Education's Division on Elementary and Secondary Education. Currently more than 140 schools are implementing PBIS across Arkansas.¹⁹

Other states, such as Indiana, Massachusetts, and Virginia, have passed laws that attempt to limit the interactions between students and law enforcement officers unless a student's actions are posing an imminent threat to others and to address the quality of student resource officers.²⁰

At the federal level, in July 2022, the U.S. Department of Education released new guidance on discriminatory discipline practices for students with disabilities.²¹ The guidance, which covers the responsibilities of state education agencies and school districts to adhere to IDEA, including protecting the rights of students with disabilities to receive a free and appropriate education without discrimination, does not change any regulations or statutes surrounding the law. However, this guidance reiterates that children with disabilities must be guaranteed a free appropriate public education, and that schools are also required provide reasonable modifications to their disciplinary policies and provides guidance on practices that are necessary to avoid disability discrimination.

Schools should continue to be encouraged to adopt policies to increase student engagement and keep students in the classroom. While Arkansas Act 182 of 2021 was a good start in getting school board members trained in school safety and disciplinary measures, school administrators and educators should also be required to be trained in the use of positive alternatives to suspensions and corporal punishment, like PBIS, restorative justice, as well as trauma-informed care.

Arkansas Advocates for Children and Families and the Arkansas Out-of-School Network have long advocated for quality out-of-school programs, which are proven to improve student behavior and keep students out of trouble and engaged in learning outside of the regular school day. The state should invest in these programs through the Positive Youth Development Grant Program Act. This bipartisan legislation was passed in 2011 to help local communities partner with schools to create or scale up these programs; however, the program has yet to be funded.

Our children are also facing a mental health crisis that has been exacerbated by the pandemic. The American Academy of Pediatrics declared a national emergency in child and adolescent mental health, citing soaring rates of visits to the emergency department for mental health emergencies and the disproportionate impact on BIPOC children. Students who have experienced trauma and stress during the pandemic are more likely to act out in class and show other potentially disruptive behaviors. When these behaviors occur, school leaders must prioritize positive and safe learning environments that keep kids in classrooms, instead of harsh discipline that further isolates them.

We know that our school counselors play many roles and often have such high student ratios that they are not able to provide the kind of support our students need, and school-based licensed mental health professionals are in short supply as well. Additional funding is needed so we can train and place more mental health professionals in schools to work with students and their families.

How to advocate for your student

School districts in Arkansas can set their own discipline policies if they comply with state and federal laws and regulations. You can find your school district's policy on their website; it may be under a tab called "state required information" or in the student handbook.

The state has outlined that parents, students, and staff should be involved in the development of a school district's school discipline policies, and that these policies be reviewed on an annual basis by the district's committee on personnel policies.²² The Arkansas Department of Education also has staff who can aid school districts with their discipline policies and oversee the state's equity assistance center.

If your child is a student with disabilities, there are additional resources available to them. Disability Rights Arkansas's Parent's Guide to Special Education outlines your school's responsibility to help address inappropriate behaviors and what steps you can take to ensure your child is protected from exclusionary measures.²³

Expulsion can be extremely disruptive to a student's education, and state law allows schools to refuse to admit students expelled from another school until the period of expulsion ends. However, if your student is being expelled, they have a right to a hearing before expulsion. It is important that you take steps to request a hearing. The procedures for that hearing may vary depending on your district; however, the student is always allowed to bring someone to represent them. This person can be a lawyer. During the hearing, the student may provide evidence about the case, or present letters from family, friends, teachers, or clergy members. A neutral decision maker will determine the final course of action, which can include expulsion or a lesser punishment if appropriate.

Conclusion

There are many low- and no-cost approaches the state and schools can take to improve discipline policies and practices and keep more kids in the classroom, ready to learn. These policies can help keep kids safe, learn the social and emotional skills they need to succeed in school and the workforce, receive mental health support, and reach their full potential.

Students must have the freedom to make the right choices, the responsibility to accept the consequences, and the opportunity to grow and learn from their mistakes. Newer, research-based methods of discipline do not excuse poor decision making or tolerate violent behavior. Instead, they redirect behavior in a positive way, reinforce good decisions, and help students (and teachers) learn healthy ways of processing strong emotions. Without effectively addressing students' social and emotional needs at an early age, Arkansas's families, communities, and workforce will ultimately pay the price.

Endnotes

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