

Colorado Department of Education

**A Brief Analysis of
K-12 Student Discipline Incidents
(2006-2007 school year)**

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A Brief Analysis of K-12 Student Discipline Incident Data

In the fall of 2007, Department staff collaborated on a project to analyze selected sets of school discipline-related data from the 2006-07 school year. The staff is affiliated with the federal “Safe and Drug-Free Schools and Communities” and the “Expelled and At-Risk Student Services” programs in the Prevention Initiatives Unit and the “Safety and Discipline Incident” data collection process in the Data and Research Unit. The project was intended to:

- 1) broaden the perspectives about the nature of behaviors that jeopardize school safety,
- 2) inform the public about school safety and discipline-related matters,
- 3) disclose the number of students engaged in the behavior and how they are disciplined,
- 4) determine policy implications, and
- 5) identify areas for technical assistance.

Statistics and charts and graphs of all the data analyzed can be obtained at the Department’s Website, <http://www.cde.state.co.us/cdereval/RVStudentDisciplineIncidents.htm>, and via links at the conclusion of this report. The information that follows highlights only portions of the data.

School-by-School Data Required to be Reported

The Safe School Act enacted in 2000 requires school districts to annually report to the Colorado Department of Education, on a school-by-school basis, the number of incidents and disciplinary actions taken for certain types of behavior. These behaviors are prohibited by the districts’ local Code of Conduct and/or certain state statutes. Most must occur on school grounds, in school vehicles, or at school activities or sanctioned events and receive disciplinary action in order to be reported. The behaviors are:

- ☛ 1st and 2nd degree and vehicular assaults
- ☛ 3rd degree assaults/disorderly conduct
- ☛ Dangerous weapons
- ☛ Robbery
- ☛ Other felonies
- ☛ Destruction of school property
- ☛ Disobedient/defiant or repeated interference
- ☛ Detrimental behavior
- ☛ Alcohol violations
- ☛ Tobacco violations
- ☛ Drug violations
- ☛ Other violations of Code of Conduct

“Actions taken” include suspensions (classroom, in-school, out-of-school), expulsions, referrals to law enforcement, and “other” action taken.

A list of definitions for the behaviors and actions taken can be found as an addendum to this report.

Undefined Behaviors Grouped as “Other”

Behaviors that are not specifically required to be reported by statute are aggregated and reported in one category called “Other Violations of Code of Conduct.” This category is intended to account for all conduct resulting in disciplinary action so that 100% of incidents are counted. Behaviors could include such things as violations of the dress code, use of inappropriate language, unspecified property crimes (other than felonies), being in the hallway without a pass, gang-related behavior if not captured by one of the other categories, or a multitude of other behaviors. Each school would know which specific behaviors this category captures, unique to a local district’s Code of Conduct.

Other, continued

- The “other violations” category accounted for the most violations statewide, as well as each school level: 50% of high school incidents, 41% of middle school incidents, and 39% of elementary incidents.
- This category also accounts for the most referrals to law enforcement, at 29.1% of all referrals.

The majority of behaviors in the “other” category are generally thought to be less serious in nature, though still taken seriously, because most serious behaviors are captured in the specified categories. And, felonies must be reported in an “other felonies” category if not already specified in order to account for all felonies.

- “Other felonies” accounted for 1% of high school incidents, 0% of middle school incidents, and 1% of elementary incidents.

Further state-level analysis to better understand student behavior is hampered by the vague “other” label and the wide range of possibilities unique to local policies. However, because local data drives local decisions, lack of further state-level analysis does not impede local leaders’ ability to understand their own students and school climates.

Overall Findings

From the 1,771 public schools operating in Colorado during the 2006-2007 school year:

- 89% or 716,425 enrolled students did not behave in a manner that resulted in disciplinary action.
- Serious crimes on school campuses are the least number of disciplined incidents. Of a total of 132,343 incidents, Kindergarten through 12th grade, 1st and 2nd degree and vehicular assaults (combined) accounted for 0.3%, dangerous weapons 0.8%, robbery 0.1%, other felonies 0.5%, and 3rd degree assault/disorderly conduct 4.1%.
- Substance abuse-related incidents are also rare. Of the total disciplined incidents, K-12 statewide, drug violations accounted for 3%, tobacco violations for 1.4%, and alcohol violations for 1%.
- The 2006-07 school year marked the first-ever collection of 3rd degree assaults/disorderly conduct. In regard to school discipline, disorderly conduct is defined by state criminal statutes as “fighting with another in a public place.”
 - Note: Data in the first year of collection should be recognized for potential weakness such as under- or over-reporting due to possible confusion with new definitions, not all local data reporting systems being aligned yet to new state mandates, and staff not yet trained on new procedures. Analysis of this first year of the assaults/disorderly data concludes:
 - Elementary Schools: 1,099 incidents, or 5% of incidents reported
 - Middle/Junior High Schools: 2,387 incidents, or 5% of incidents reported
 - Senior High Schools: 1,898 incidents, or 3% of incidents reported

The above findings support an often-cited assertion that schools are one of the safest places for children and youth. Staff and students in Colorado, overall, maintain a safe and civil learning environment.

Actions Taken for All Incidents

Eleven percent or 77,601 students were disciplined during the 2006-07 school year for a total of 132,343 incidents.

- The most frequent action taken was *out-of-school* suspension at 49% (64,737). In-school suspensions were second at 31% (41,252).
- Expulsions are the least form of disciplinary action taken at 2% (2,247) of all actions taken.
- A total of 8,065, or 6% of all incidents, were referred to law enforcement officials. Of these referrals, the four categories referred the most were:
 - “Other” violations - 29.1%
 - Drug violations - 24.1%,
 - Detrimental behavior - 13.4%
 - 3rd degree assaults/disorderly conduct - 12.1%

Outcomes of referrals to law enforcement are not collected so number of actual arrests is unknown.

State law requires that students be provided an opportunity to make up school work during the period of suspension.

Incident Data vs. Prevalence Data

It is important to note that “disobedient” behaviors are visible behaviors, such as being insubordinate to authority figures during interpersonal interactions. Conduct such as possession of substances and weapons is more hidden and difficult to discover. The actual number of students that use drugs may exceed the number of students that act in a defiant manner. Therefore, numbers may not always reflect the actual number of behavioral incidents, rather, the number of behavioral incidents that were caught and acted upon.

Disproportionate Disciplinary Actions Depicted by Race and Ethnicity

A disproportionate number of Black and Hispanic students were disciplined in 2006-07. The table below shows that Black students represented 6.0% of the total student population, however, they represented 12.02% of the students who were disciplined. Hispanic students represented 27.6% of the student population, but accounted for 35.08% of students disciplined. Furthermore, 19.7% of the Black student population were disciplined, as compared to 7.8% of White students.

Race/Ethnicity	Percent of Total Student Population	Percent of Total Students Disciplined	Number of Students Disciplined	Percent within Race/Ethnicity Disciplined
Black	6.0	12.02	9,326	19.7
American Indian or Alaskan Native	1.2	1.57	1,222	13.2
Hispanic	27.6	35.08	27,225	12.4
White	61.9	49.54	38,441	7.8
Asian, Pacific Islander	3.3	1.79	1,387	5.2

Gender

Female students made up 48.7% of the total 2006-07 student population with 386,687 enrolled. The number disciplined was 22,966 or 6% of enrolled female students.

Males were 51.3% of the student population with 407,339 enrolled. The number disciplined was 54,635 or 13% of the enrolled male students.

Behaviors by School Level and Actions Taken

It is important to disaggregate the data across elementary, middle, and senior high school levels in order to more fully understand student behavior from a child and adolescent developmental point of view. This more narrow focus enables program planners to identify areas in need of priority attention and match appropriate strategies from a developmentally age appropriate perspective.

Elementary School

There were a total of 21,474 disciplined incidents reported by Colorado's 1,026 elementary schools during the 2006-07 school year.

- ☛ 39% of disciplined incidents were reported as "other violations."
- ☛ The second most disciplined behavior, at 33% or 7,012 incidents, was detrimental behavior.
- ☛ The third most disciplined behavior, at 20% or 4,339 incidents, was disobedient/defiant or repeated interference.
- ☛ Of the 21,474 elementary incidents statewide, the most common action taken was out-of-school suspension, at 54%, followed by in-school suspension at 28%.

Middle/Junior High School

There were a total of 51,405 disciplined incidents reported by Colorado's 285 middle/junior high schools during the 2006-07 school year.

- ☛ 41% of disciplined incidents were reported as "other violations."
- ☛ The second most disciplined behavior, at 29% or 14,887 incidents, was disobedient/defiant or repeated interference.
- ☛ The third most disciplined behavior, at 21% or 10,895 incidents, was detrimental behavior.
- ☛ Substance abuse-related incidents, combined, accounted for 2% of disciplinary actions, or 1,290 incidents. Specific percentages are: Alcohol - 0%, Tobacco - 1%, and Drugs - 1%.
- ☛ Possession of dangerous weapons accounted for only 1% (299 incidents) of middle/junior high violations, statewide.
- ☛ Of the 51,405 middle school incidents statewide, the most common action taken was out-of-school suspension, at 47%, followed by in-school suspension at 39%.

Senior High School

There were a total of 59,464 disciplined incidents reported by Colorado's 425 senior high schools during the 2006-07 school year.

- ☛ 50% of disciplined incidents were reported as "other violations."
- ☛ The second most disciplined behavior, at 21% or 12,617 incidents, was reported as "disobedient/defiant or repeated interference."

Senior High, continued

- ☛ The third most common behavior, at 13% or 7,715 incidents, was reported as detrimental behavior.
- ☛ Substance abuse-related incidents, combined, accounted for 10% of disciplinary actions, or 5,717 incidents. Specific percentages are: Alcohol - 2%, Tobacco - 3%, and Drugs - 5%.
- ☛ Possession of dangerous weapons accounted for only 1% (478 incidents) of senior high violations, statewide.
- ☛ Of the 59,464 senior high incidents statewide, the most common action taken was out-of-school suspension, at 49%, followed by in-school suspension at 26%.

Discrepancies Between Mandated Expulsions and Actual Action Taken

Education-related state statutes mandate expulsion for the four behaviors identified below. Yet, actions taken do not indicate that expulsions occur in all cases. The most common actions taken for these behaviors were:

- ☛ 1st and 2nd degree assault
 - Of 350 incidents statewide, 60% or 213 incidents resulted in out-of-school suspensions; 23% or 81 resulted in in-school suspensions.
 - It should be noted that vehicular assault has been combined with 1st and 2nd degree assaults for reporting purposes, but is not mandated for expulsion. It is believed, however, that vehicular assaults on school grounds are very rare.
- ☛ Dangerous weapons
 - Of 1,051 incidents statewide, 50% or 518 incidents resulted in expulsion; 44% or 460 resulted in out-of-school suspensions
 - Firearms are a subset of the dangerous weapons category. Per the federal Gun-Free Schools Act, possessing or bringing firearms to school is a mandatory expulsion for no less than 365 calendar days and referral to the criminal justice system. School superintendents may modify the length of expulsion but cannot avoid the expulsion. During the 2006-07 school year, a total of 48 students were expelled per the Gun-Free Schools Act as follows: 4 elementary, 12 middle/jr. high, and 32 high school.
- ☛ Sale of controlled substances
 - Data specific to only the sale of, and only for controlled substances, is not collected. This data is a subset of the broader drug-related incidents (excluding alcohol and tobacco.) Therefore, it is not possible to determine if each sale of a controlled substance resulted in the mandated expulsion. For the 3,910 drug incidents statewide, 14% or 546 resulted in expulsion; 82% or 3,197 resulted in out-of-school suspensions.
- ☛ Robbery
 - Of only 155 incidents statewide, 3% or 5 incidents resulted in expulsion; 69% or 107 resulted in out-of-school suspensions

Districts are instructed to report the most serious action taken. Definitions are provided. However, definitions tied to state criminal statutes can be very technical and difficult for school-based personnel to apply to various situations. And, as with the "sale of a controlled substance" mandated for expulsion by the education-related statutes, it is not mandated to be collected specifically as that. More information is needed to determine why more mandatory expulsions do not take place.

Conclusions and Recommendations

The vast majority of school disciplinary problems are not for serious crimes or violence. However, this is not to say that students do not occasionally jeopardize one another's safety or never disrupt the learning environment. Although the majority of incidents were reported in the nondescript "other violations" category, the "detrimental behavior" and "disobedient/defiant or repeated interference" categories combined account for the majority of all elementary and middle school incidents.

Disciplinary data is complex and technical. To maintain its integrity schools have to consistently refer behavior to the appropriate authorities, record all incidents uniformly, and report accurately all incidents and actions taken. To fairly and consistently apply Code of Conduct policies, schools must standardize staff's application of discretionary decision-making authority through ongoing training and guidance. Some of data's great utility is its ability to validate reality, educate and inspire leaders to action, and suggest areas needing change for the better when adequately analyzed and shared with interested stakeholders.

Serious questions must be posed and answered to address why there is such an over-representation of students who are disciplined across race and ethnic populations. The connection between behavior and learning suggests that achievement gaps cannot be closed to the degree necessary without focusing on the whole child – social, emotional, behavioral and academic.

Regarding discrepancies between mandatory expulsions and actions taken, areas to explore might include whether or not all staff responsible for discipline:

1. utilize Code of Conduct policies that are strictly aligned to state statutes
2. consistently apply their own Code of Conduct policies and disciplinary actions,
3. understand reporting definitions and guidance intended to reduce subjective discretion or guide case-by-case decisions for fair and consistent enforcement, and
4. have philosophical belief systems that either believe in the validity of "zero tolerance" laws or are in conflict with the law.

Many problem behaviors can be prevented when students are taught appropriate behavioral expectations that are developmentally age appropriate. Safe school climates can be created and maintained by a consensus of parents, students, staff, and community-based partners.

Web links to Graphs and Charts

<http://www.cde.state.co.us/cdereval/RVStudentDisciplineIncidents.htm>

1. All of the graphs and charts, listed below, combined into one 19-page document.
2. 2006-2007 State Total, School Discipline Incidents Reported (Percentages of All Incidents by Type)
3. 2006-2007 State Total, All Incidents Reported by Action Taken
4. 2006-2007 Incidents Referred to Law Enforcement by Type
5. Students Disciplined by Race/Ethnicity – Trend Line from 2003 – 2007
6. Discipline Information for State Total – Males and Females; Males and Females by Each Ethnicity
7. 2006-2007 School Disciplined Incidents and Actions Taken by School Level (Elementary, Middle/Jr. High, and Senior High)
8. 2006-2007 State Totals for Incidents Mandated for Expulsions

Pertinent Colorado Revised Statutes

<http://www.cde.state.co.us/cdereval/RVStudentDisciplineIncidents.htm>

The "Safe School Act" –CRS 22-32-109.1

Suspension, Expulsion, and Denial of Admission – CRS 22-33-105

Grounds for Suspension, Expulsion, and Denial of Admission – CRS 22-33-106

Educational Alternatives for Expelled Students – CRS 22-33-203

Resources and Information at the Colorado Department of Education Website

- ☛ Education Statistics, such as graduation, dropout, and truancy rates, student population demographics, staff statistics, etc., managed by the Data and Research Unit:
 - http://www.cde.state.co.us/index_stats.htm
- ☛ “Safe and Drug-Free Schools and Communities” federal grant program, administered by the Prevention Initiatives Unit:
 - http://www.cde.state.co.us/cdeprevention/pi_safedrugfree.htm
- ☛ “Expelled and At-Risk Student Services” state grant program administered by the Prevention Initiatives Unit:
 - http://www.cde.state.co.us/cdeprevention/pi_expelled_grant.htm
- ☛ Positive Behavior Supports, administered by the Exceptional Student Leadership Unit:
 - <http://www.cde.state.co.us/pbs/>

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Addendum: Definitions

The following definitions are current as of the 2006-07 school year. These pertain to the annual school reports of incidents to the Colorado Department of Education via the Automated Data Exchange.

Definitions of Violations

Alcohol Violations

Use, possession or sale of alcohol on school grounds, in school vehicles, or at school activities or sanctioned events.

Assaults - 1st, 2nd Degree or Vehicular

Commission of an act on school grounds that if committed by an adult, would be considered First Degree Assault, as described in Section 18-3-202, C.R.S., Second Degree Assault, as described in section 18-3-203, C.R.S., or Vehicular Assault, as described in Section 18-3-205, C.R.S.

Clarification: *In keeping with the requirements of C.R.S. 22-32-109.1(b)(IV)(F), this category includes acts considered first and second degree assault, as defined by state statutes or municipal ordinances, but does not include acts considered third degree assault, (22-32-109.1(2) (b) (IV) (F) (C.R.S.). Fights and other third degree assaults in violation to the local code of conduct should be reported in the "3rd Degree Assaults/Disorderly Conduct" category. If unsure what type of event constitutes which degree assault, consult the language of the cited state statutes, and contact the school district's legal counsel, local law enforcement officials or municipal attorneys for assistance.*

18-3-202. Assault in the First Degree.

- (1) A person commits the crime of assault in the first degree if:
 - (a) With intent to cause serious bodily injury to another person, he causes serious bodily injury to any person by means of a deadly weapon; or
 - (b) With intent to disfigure another person seriously and permanently, or to destroy, amputate, or disable permanently a member or organ of his body, he causes such an injury to any person; or
 - (c) Under circumstances manifesting extreme indifference to the value of human life, he knowingly engages in conduct which creates a grave risk of death to another person, and thereby causes serious bodily injury to any person;

Refer to the statute for more specifics about assaults against peace officers, fire fighters, employees of the court and detention centers, or other youth service providers. First degree assault is almost always a felony.

18-3-203. Assault in the Second Degree.

- (1) A person commits the crime of assault in the second degree if:
 - (a) Repealed.
 - (b) With intent to cause bodily injury to another person, he or she causes such injury to any person by means of a deadly weapon; or
 - (c) With intent to prevent one whom he or she knows, or should know, to be a peace officer or firefighter from performing a lawful duty, he or she intentionally causes bodily injury to any person; or
 - (d) He recklessly causes serious bodily injury to another person by means of a deadly weapon; or
 - (e) For a purpose other than lawful medical or therapeutic treatment, he intentionally causes stupor, unconsciousness, or other physical or mental impairment or injury to another person by administering to him, without his consent, a drug, substance, or preparation capable of producing the intended harm;

18-3-205 Vehicular Assault

(1) (a) If a person operates or drives a motor vehicle in a reckless manner, and this conduct is the proximate cause of serious bodily injury to another, such person commits vehicular assault.

(b) (l) If a person operates or drives a motor vehicle while under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, and this conduct is the proximate cause of a serious bodily injury to another, such person commits vehicular assault. This is a strict liability crime.

Refer to the statute for more specifics about assaults against peace officers, fire fighters, employees of the court and detention centers, and other youth service providers.

3rd Degree Assaults/Disorderly Conduct

Commission of an act on school grounds that, if committed by an adult would be considered third degree assault, as described below in section 18-3-204, C.R.S., or Disorderly Conduct, as described below in section 18-9-106 (1) (d), C.R.S. referring to fights.

Note: In keeping with legislative intent, if the behavior fits these descriptions, it is to be reported even if no police report or charges were filed.

18-3-204. Assault in the third degree.

A person commits the crime of assault in the third degree if he knowingly or recklessly causes bodily injury to another person or with criminal negligence he causes bodily injury to another person by means of a deadly weapon. Assault in the third degree is a class 1 misdemeanor.

18-9-106. Disorderly conduct.

(1) A person commits disorderly conduct if he or she intentionally, knowingly, or recklessly:

(d) Fights with another in a public place except in an amateur or professional contest of athletic skill;

Dangerous Weapons

This could be a firearm, whether loaded or unloaded, or a firearm facsimile that could reasonably be mistaken for an actual firearm; - Any pellet or BB gun or other device, whether operational or not designed to propel projectiles by spring action or compressed air; - It also includes a fixed blade knife with a blade that measures longer than three inches in length or a spring-loaded knife or a pocket knife with a blade longer than three and one-half inches; or, - That could be any object, device, instrument, material, or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury.

Disobedient/Defiant or Repeated Interference

Being willfully disobedient or openly and persistently defiant or repeatedly interfering with the school's ability to provide educational opportunities to, and a safe environment for, other students.

Destruction of School Property

Willful destruction or defacement of school property.

Detrimental Behavior

Behavior on school property that is detrimental to the welfare or safety of other students or of school personnel, including behavior that creates a threat of physical harm to the student or to other students.

Drug Violations

Use, possession, or sale of drugs or controlled substances on school grounds, in school vehicles, or at school activities or sanctioned events.

Habitually Disruptive Students

A child who has been temporarily removed from school (suspended) three times during the course of the school year for being a disruption in the classroom, on school grounds, on school vehicles, or at school activities and events, because of behavior that was initiated, willful and overt on the part of the child. These students are not included in the Safety and Discipline Total Incidents Reported.

Other Felonies

Commission of an act on school grounds that, if committed by an adult, would be considered a felony.

Other Violations of Code of Conduct

Other violations of the Local Board of Education's code of conduct that resulted in suspensions, expulsions or resulting referrals to law enforcement, not already reported in other reported categories. These violations may or may not be documented in a student's record (22-32-109(1) (2) (B)).

Robbery

Commission of an act on school grounds that, if committed by an adult, would be considered robbery. Robbery is a class four felony.

18-4-301. Robbery.

(1) A person who knowingly takes anything of value from the person or presence of another by the use of force, threats, or intimidation commits robbery.

Tobacco Violations

Use, possession or sale of tobacco on school grounds, in school vehicles, or at school activities or sanctioned events. If possession of tobacco products is not a violation of the district codes of conduct, then no tobacco possession incidents were reported.

Definitions of Actions Taken

Expulsion

A student who is not allowed to attend school for the remainder of the school year because of violations of the district's discipline policy.

In School Suspension

Students suspended from classroom to another location in the school in accordance with Local Board Policy and any students suspended following the classroom suspension/teacher removal process provided by Senate Bill 133 (Safe School Legislation).

Out of School Suspension

Student suspended from school grounds in accordance with Local Board Policy.

Referred to Law Enforcement

Includes situations in which a student was referred to a school resources officer; a police report was filed; and/or police were called, but no report was filed.

Other Action Taken

Other extremely serious disciplinary actions, according to local board policy, and not covered by the In/Out of School Suspensions, Expulsion, and Referred to Law Enforcement Action Taken categories.

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