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## K-12 Racial Disparities in School Discipline

Title

Update to Lost Instruction Time in California Schools

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Jan. 8, 2024

**New data: California school administrators dramatically increased disciplinary exclusion of homeless youth to the highest rate in 6 years**

*\*An Update to [Lost Instruction Time in California Schools](#) by Ramon Flores and Dan Losen*

Many educators in California are unaware of just how harmful out of school suspensions can be. When suspended students are barred from attending school, more often than not, the rule broken was some form of minor misconduct.

Today's update of [Lost Instruction Time in California Schools](#)<sup>1</sup> demonstrates that despite the important efforts by the state of California to reduce suspensions, those efforts are seriously insufficient. We know this because the most recent statewide rates of lost instruction due to out of school suspensions<sup>2</sup> show a widespread increase in the days lost per 100 students. The increase in these lost instruction rates, is not large for every group, but the 2023 data reverses a consistent downward 6-year trend.<sup>3</sup> In 2023, nearly every racial and ethnic group, as well as students with disabilities, experienced an increase over their rate of lost instruction from the prior year.

In our report released on October 28, 2023, that covered trends through the 2021-22 school year, the state level analysis showed that progress had slowed to a near stand-still, and that at the district level, many districts with high rates were showing increases in those rates. This update of the statewide numbers documents the first overall increase in rates of lost instruction.<sup>4</sup> This increase in rates cries out for attention, especially considering looming school budget shortfalls for the 2024-25 school year.

Our updated findings, using the recently released data for 2023, show that not only are the rates for homeless youth increasing for every demographic, but they increased far more for Black and Native American homeless youth than any other groups.

Specifically, Black homeless youth are losing an average of 90 school days per 100 enrolled students due to disciplinary removals in the academic year ending in 2023 — an increase of 21 days from the year before (69 days, as reported in our Lost Instruction Report). Native American homeless youth lost 75 days per 100 enrolled in 2023 — an increase of 17 days from the 2022 rate (58 days). These rates of lost instruction are 7 to 10 times higher than the state average for all students, which also increased in 2023.

Our analyses of the data for each racial group demonstrate the large and racially disparate impact on the opportunity to learn for homeless youth, and points to the absurdity of using suspensions frequently to address a wide range of non-criminal non-dangerous misconduct. It is important to keep in mind that these rates of lost instruction only reflect lost days from out-of-school suspensions and do not include days lost due to expulsions, arrests, or disciplinary transfers. These longer types of removals may also be unjustified, but they are more likely than suspensions to be the response to students who engage in serious crimes at school or who pose an ongoing threat to self or others.

We issue this brief update now in hopes that state and local school officials begin 2024, and the process of budgeting for next year, with greater awareness of the profound disparities and increasing rates described herein, and that they take more substantial actions to improve school climate for all students.

Although the vast majority of out of school suspensions only last a day or two, the harms of these removals add up. Meanwhile, there is no requirement that school officials help address the underlying problem. Generally, suspensions are punishments, not constructive interventions. There is no credible research that supports frequently suspending students. Not only does research indicate that punitive suspensions fail to deter future misconduct, but educators also deny the students they suspend the opportunity to learn. That's the most direct and obvious harm.

Extensive research on students in Texas has shown that getting suspended even once in middle school predicts a 5% increase in dropping out and is associated with a tripling in involvement in the juvenile justice system the same year of the suspension. California research conducted by Russ Rumberger, using California student-level data, showed that after accounting for the other primary reasons students didn't graduate high school, suspensions, alone, caused significantly lower graduation rates. This impact from suspensions, therefore, predicted a huge economic cost to both the individual and the community that the school district serves.

Like the abusive corporal punishment, still practiced in many southern state's school systems, many educators in California still cling to using suspension as an every-day tool for controlling their students. These views are contrary to research showing that frequently suspending students undermines efforts to keep students engaged in school and makes it harder to improve high school graduation rates.

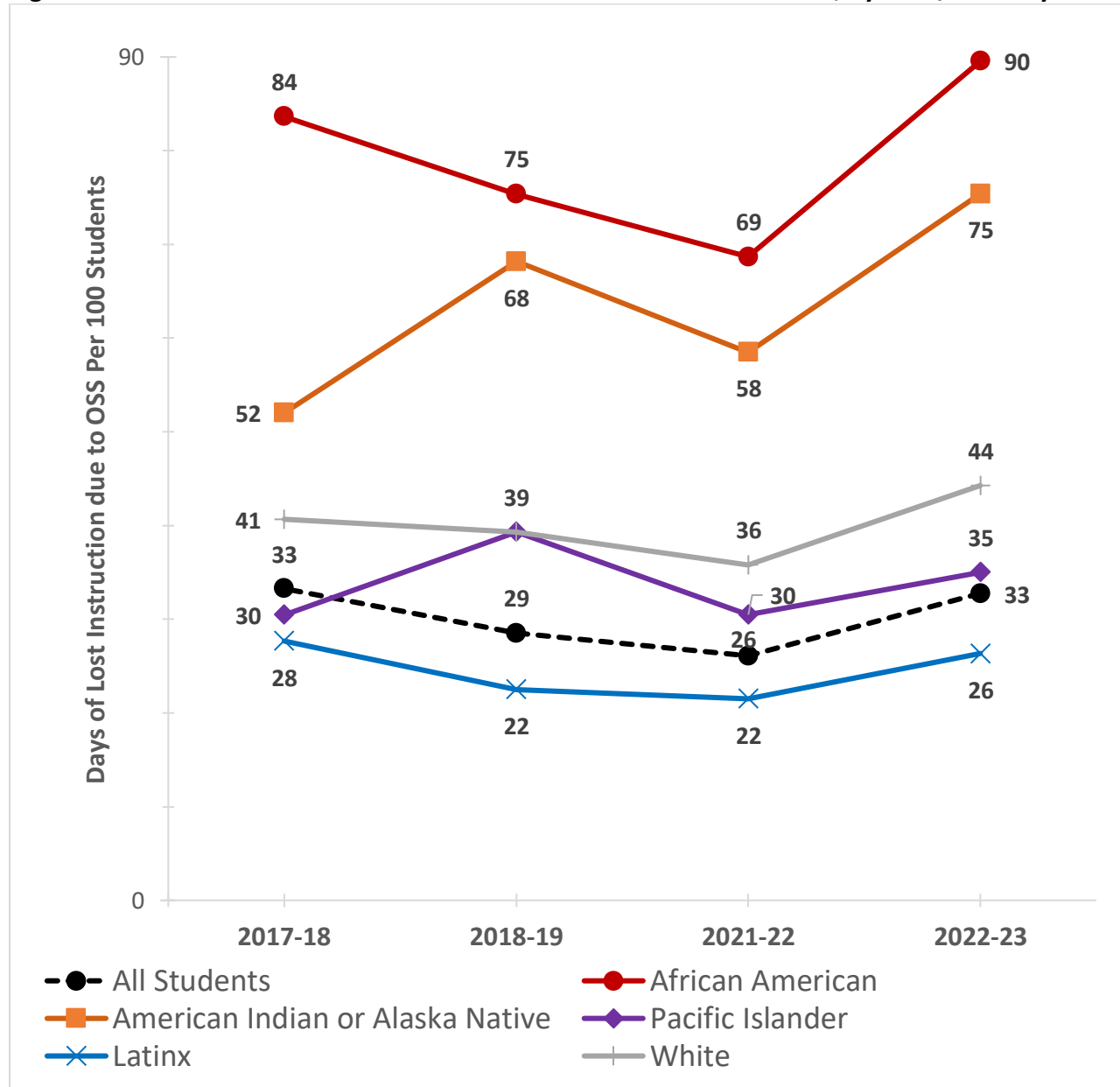
This update highlights the harm and frequent use of suspensions and the absurdity of responding to the misconduct of homeless students by sending them "home." Importantly, it also covers the disturbing general trend of rising rates for all students, and for youth with disabilities, and for youth in the foster system.

**Update on Rates of Lost Instruction due to Out of School Suspensions for Homeless Youth:**

The graph that follows reveals a change in the downward state trend we reported through the year 2022. This update shows that for homeless youth in California, in addition to the dramatic increases for Black and Native America homeless youth noted at the outset, the rates for White

homeless youth also experienced a large increase, and they also are experiencing the highest rate of lost instruction in six years. Each of the other groups of students showed a rate increase over those we calculated for 2022, but their rate in 2023 was not the highest it has been in the last six years.

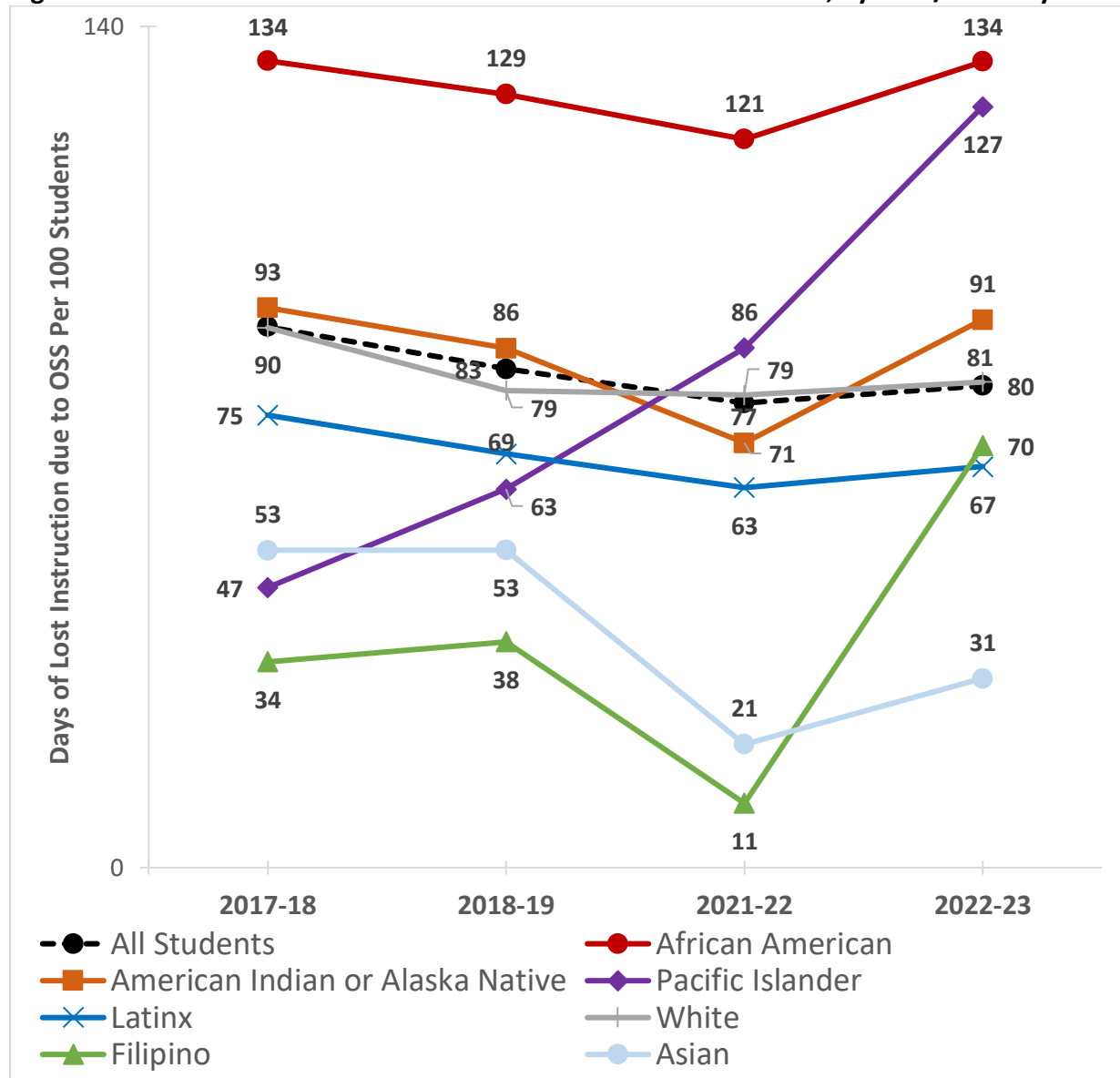
**Figure 1. Statewide Trends of Lost Instruction Rates for Homeless Youth, by Race/Ethnicity**



**Update on Rates of Lost Instruction due to Out of School Suspensions for Foster Youth:** The next set of trend lines presented in Figure 2 depicts the racially disaggregated rates for youth in the foster system. The rates experienced by foster youth are the highest in the state for Black foster youth. In 2023, with an astronomical rate of 134 days lost per 100 students, Black foster youth have also experienced a dramatic increase of 13 days over their rate for the prior year.

Most notable is that the rate for Pacific Islander foster students' rose from 47 days lost per 100 to 127 days lost per 100. Although their rate remains lower than for Black foster youth, Pacific Islander students, as well as Filipino foster youth, have experienced the steepest rate increases among foster youth. The largest one-year increases in rates were of 41 days per 100 for Pacific Islanders and of 59 days per 100 for Filipino foster youth.

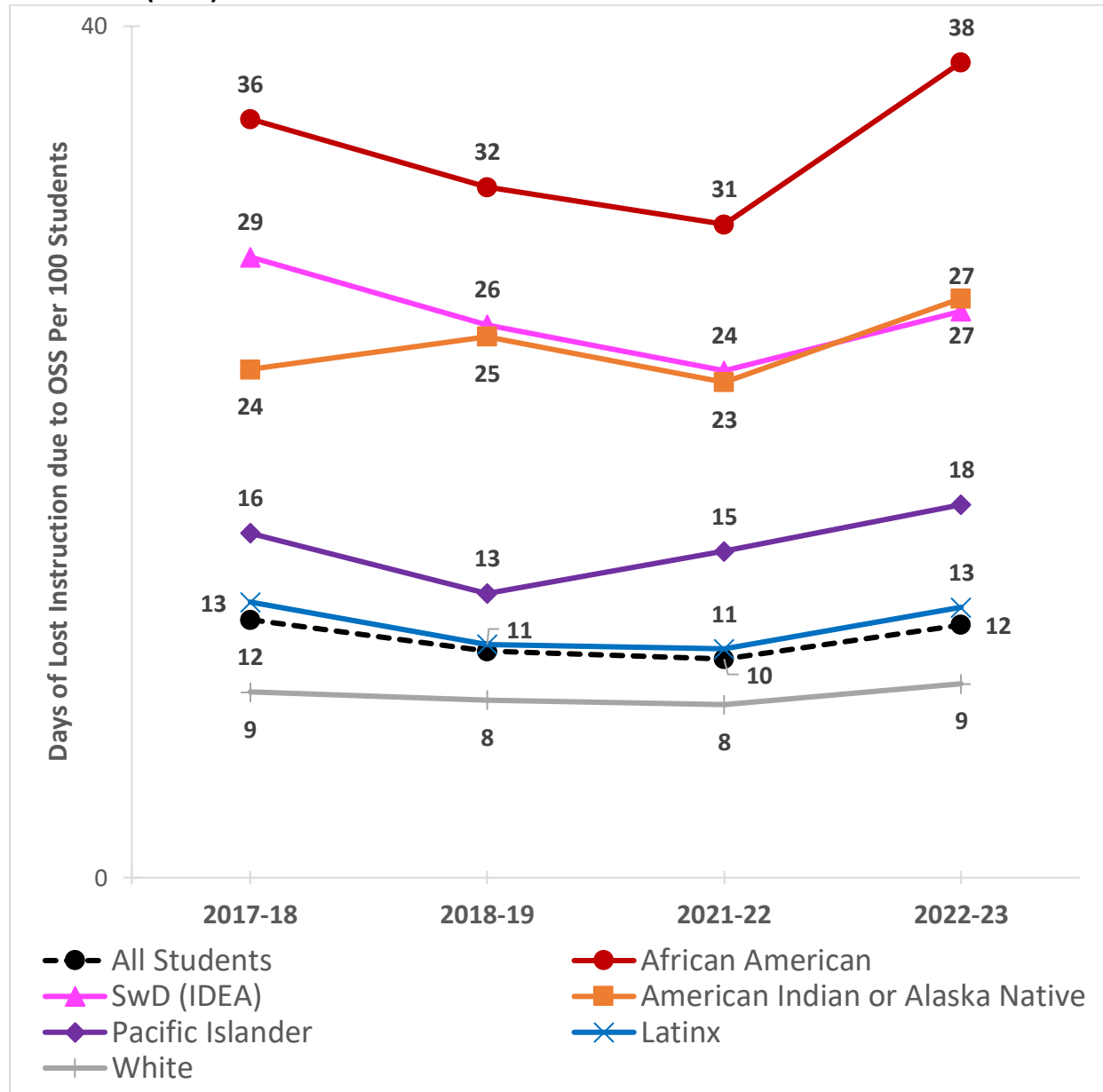
**Figure 2. Statewide Trends of Lost Instruction Rates for Foster Youth, by Race/Ethnicity**



**Update on Rates of Lost Instruction due to Out of School Suspensions For all youth by racial/ethnic group and distinctly for youth with disabilities.** Each group included in figure 3 showed a marked increase in their rate of lost instruction compared to 2022. Similarly, the trend lines for Black, American Indian, and Pacific Islander students shows that each experienced their highest rate of lost instruction in 2023. The rate for all students did show a small increase over

the rate in 2022 by 2 days per 100. These trend data for all the largest subgroups by race/ethnicity and by disability are consistently up compared to 2022. However, when rates of lost instruction are not rounded off to whole numbers, they indicate that despite the overarching reversal and dramatic rise for some subsets of students, the “All Students” rates in 2023 are the second highest in the six-year period as many are still slightly below the rates from the 2017-2018 school year.

**Figure 3. Statewide Trends of Lost Instruction Rates, by Race/Ethnicity and for Students with Disabilities (IDEA).**



**Recommendations:** We issue this brief update to our *Lost Instruction* report now out of concern that the trend reversal could be overlooked, especially that the groups most likely to

be suspended had the most dramatic increases. We urge state and local school officials to begin 2024 by grappling with two questions specific to homeless youth: First, what is the logic behind sending students “home” from school when the educators know, or should know, that the student is homeless, or where the suspension risks adding stress to an already highly unstable home environment? Second, why are we seeing such a dramatic one-year increase in suspensions for Black and Native American homeless youth in California?

This descriptive update does not answer these questions. Instead, we urge the California Department of Education along with local educators in districts showing increasing rates to devote additional time and resources to better understand and then address the concerns raised herein.

We urge all stakeholders to use this information in their efforts to make state and district education leaders accountable for the disparities in educational opportunity and life outcomes that result from unjustifiable discipline policies and practices. We believe that a much higher degree of accountability will be needed from CDE to get back on the track of reducing rates.

A corresponding infusion of state resources is needed, along with greater CDE oversight, to ensure that educators fulfill their obligation to protect California’s highest-need students (especially homeless and foster youth of color) from discriminatory school discipline.

**Conclusion:** Ultimately, the data in this update adds new urgency to the argument supported by our October 2023 report on lost instruction. The California Department of Education must do much more to improve school climate. Further, many school leaders are failing to meet the needs of homeless students in violation of the requirements of the federal McKinney Vento Act. Specifically, the evidence of a systemic failure to adequately meet the needs of the state’s homeless students should prompt the California Department of Education to take substantial remedial actions in 2024.

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<sup>1</sup> See, Flores & Losen, *Lost Instruction Time in California Schools: The Disparate Harm from Post-Pandemic Punitive Suspensions*, October 2023, available at <https://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/lost-instruction-time-in-california-schools-the-disparate-harm-from-post-pandemic-punitive-suspensions>.

<sup>2</sup> Given that this document is intended as an update to our recently released report we note that we followed the same methods described in detail therein. Specifically, for each group, we take the total number of days lost and divide by the corresponding enrollment and multiply by 100 to produce comparative rates of lost instruction that track the impact of out of school suspension on instructional time. The formula used here is the same method as used to calculate percentages.

<sup>3</sup> CDE did not publicly report the raw counts of days lost due to out of school suspensions for any years prior to the year ending in 2018. For the enrollment we use the data reported by the CDE and reported to the public under “enrollment.” The reason we use the CA enrolment count published in the enrollment file (and not cumulative enrollment) is well justified and explained in detail in the appendix to the *Lost Instruction* Report.

<sup>4</sup> All the data on days lost and are found in the CDE downloadable data files on chronic absenteeism and the full citations and links to these data sources can be found in our Lost Instruction Report. As described in detail in our full report, we omit analyses of the academic years 2020 and 2021 because the COVID necessitated closure of in-person education for all or part of those academic years, which make them unsuitable for a direct comparison to years in which most schools provided in-person education for the full academic year.