

IOWA ADVISORY COMMITTEE
TO THE
U.S. COMMISSION ON CIVIL RIGHTS

A STATEMENT ON SCHOOL SUSPENSIONS IN SELECTED
IOWA SCHOOL DISTRICTS

ATTRIBUTION:

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Iowa Advisory Committee to the
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The Children's Defense Fund has pointed out that suspensions of students from the nation's public schools have reached "mammoth proportions."¹ Moreover, they state:

...the great majority of suspensions do not serve any demonstrated valid interests of children or schools. Instead, they harm the children involved and jeopardize their prospects for securing a decent education. Suspension pushes children and their problems into the street, thereby causing more problems for them and for the rest of us. ...

Finally, suspensions are not necessary, except in a small minority of cases, to maintain order.²

The Fund notes that suspensions of black students have been disproportionate to their share of the student population or to white student suspension rates. The Fund states that:

Some will claim that disproportionate suspension of black children simply reflects their disproportionate misbehavior. We reject this view. All the evidence we have seen--our survey data; our analysis of OCR/Office for Civil Rights of HEW data and school district suspension reports; interviews with school officials, parents, children and community groups; and review of the investigations and literature of other groups on school discipline--makes plain that disproportionate suspension of blacks reflects a pervasive school intolerance for children who are different. ...the incidence of suspension is more a function of school policies and practices than of students' behavior. How else does one explain two districts with similar enrollment sizes, racial compositions and economic and school resource characteristics, where one suspends blacks and whites at the same rate and the other suspends blacks at twice the white rate?³

The Fund points out that:

Discriminatory attitudes and habits once apparent in blatantly dual school systems now simply reflect themselves in the so-called "second generation" desegregation problems involving discriminatory discipline, tracking and special education placement.⁴

The Iowa Advisory Committee to the U.S. Commission on Civil Rights, as part of its function of appraising civil rights developments in the State, decided to undertake a review of racial data regarding the suspension practices of selected Iowa school districts. To do so it reviewed the 1978-1979 Annual Desegregation Reports of

the Iowa Department of Public Instruction (DPI), Federal data on school suspensions and Federal activity. Throughout the DPI reports, the reader is told that suspension rates for minority students exceed their proportion of the school population and the proportion for white students. The Advisory Committee has sought to determine what efforts are being made by the responsible Federal agency, Office for Civil Rights (OCR) of U.S. Department of Health, Education and Welfare, to ensure that any discrimination in discipline is eliminated from the education system.

The Iowa Department of Public Instruction, in its 1979 report, reviews eight school districts: Burlington, Cedar Rapids, Davenport, Des Moines, Mason City, Sioux City, South Tama, and Waterloo. Iowa Department of Public Instruction (DPI) reports disproportionate suspensions of minority students at the Appollo ninth grade center and at the Appollo high school center in Burlington. DPI states, regarding Cedar Rapids school district, that: "There seems to be a disproportionate number of minority suspensions." Regarding Davenport, DPI states that "The high rate of black student suspensions warrants appraisal especially with the statistical information indicating that fighting and teacher-student conflict were the primary basis for suspensions." Regarding Des Moines, DPI states: "There seems to be a disproportionate number of minority suspensions, especially at the elementary level." Discussing Mason City, while noting that most suspensions were in-school, DPI comments that the minority suspension rates were 8.9 percent Hispanic, 4.9 percent black, 0.3 percent Native American. It comments that "The district-wide minority enrollment is 5.7 percent." The suspension rate of 14.6 percent for minority students in the junior high schools of Sioux City "is more than twice the percentage of total number of minorities in the district." DPI comments that the minority suspension rate at South Tama schools is "more than twice" the district-wide minority enrollment of 11.7 percent. Discussing Waterloo, DPI states that "Minority suspension figures at Central High

School (35.8 percent), East High School (38.4 percent), Logan Junior High (70.3 percent), McKinstry Junior High (63.3 percent) were extremely high in proportion to a district-wide minority enrollment figure of 17.1 percent."⁵

Several school districts commented on their efforts to deal with suspensions.

The Sioux City Community School District stated:

We do agree that school suspensions do not serve the interest of children or schools. The suspension process does push children and their problems into the street and, in fact, tends to jeopardize their prospects for a good education.

It was because of these reasons that we developed our In-school Suspension Program, which allows students to stay in school and not miss out on their educational programs. It also keeps them within the school control and does not place them out on the street, thereby causing more problems for them and for the rest of us. The Sioux City Community School District has an In-school Suspension Program in each one of our three high schools and, at the present time, in two of eight junior high schools. We are reducing the junior high school buildings from eight to five for the 1980-81 school year and will expand the In-school Suspension Program into all five of our junior high school buildings. We feel in this way that we are helping those students who definitely need to remain in the school program in order to provide them with a decent education.

Statistics can be very misleading and the ways the number game is played can also contribute to misunderstandings. Let's assume that we had two minority students in our entire school population. If one of these students was suspended, you could contend that 50 percent of our minority student body was being suspended. I think sometimes statistics are used in that manner and unfairly for both the minority population, students involved, and school districts. I think the following data gives a better perspective of the Sioux City schools than the data mentioned in the report and shows the efforts we are making to solve this problem of school suspension in our district.

During the 1978-79 school year, the school district had a total of 540 in-school suspension cases. Of that number, 33 students were minorities. During this same period of time, the out-of-school suspensions were 302 cases and this involved 34 minority students. In our junior high schools, as I mentioned earlier, we have two that participate in the In-school Suspension Program. In these two schools, we had 21 cases of in-school suspensions and none of these involved minority students. In the other six junior high schools, we had 260 cases of suspension (out-of-school suspension), which involved 30 minorities. In an effort to continue with the In-school Suspension Program, as I mentioned earlier, we will be

expanding the in-school part of the suspension program to all junior high schools for the 1980-81 school year. I think it is important for people to understand that in-school suspensions certainly are different than out-of-school suspensions. By keeping them in our schools, we are not placing them out on the streets, but are, in fact, giving them an opportunity to continue with their school work while being on in-school suspension.⁶

The Cedar Rapids Community School District stated:

We agree that the statistics identifying the percentage of minority suspensions in proportion to the percentage for majority students suspended is statistically significant. The District will be attempting to identify the reasons for this apparently disparate proportion of suspensions and if necessary develop strategies to alleviate the behavior that may be causing those situations.

The Cedar Rapids Community School District has been at the forefront in the development and implementation of programs to reduce minority isolation. I can only assure you that we will continue to affirmatively pursue methods to alleviate any alleged discrimination.⁷

The Fort Dodge Community School District commented:

We would further like to point out that in order to establish a conducive educational environment and maintain order in our public schools, that there are certain infractions of discipline that must be dealt with in a consistent manner. For example: 35.74 percent of our out of school suspensions dealt with truancy; 25.9 percent - fighting; 12.6 percent - smoking (which is a violation of our State of Iowa code); and 9.8 percent - disruptive behavior in the classroom and in other school areas.

I would further like to point out that of the 428 total out of school suspensions, 91.3 percent were white students and 7.47 percent were black students. ...

Each and every out-of-school suspension has been thoroughly investigated, due process has been afforded all parties and all suspensions have been thoroughly documented and placed on file.

It is our position that students must be held accountable for their actions and that all infractions of school discipline are evaluated by their principal in accordance with School Discipline Policy #5131, as revised 8/26/77.⁸

The Davenport Community School District stated:

...Davenport was investigated by HEW and the Office for Civil Rights and they concluded in their Brief dated September 21, 1978,

that: "the evidence produced from our review of the issues relating to student assignments, student disciplinary practices, and involuntary teacher transfers did not indicate that the District had violated the provisions of Title VI."

The problems of suspensions are not easily defined nor prevented by simply making absolute statements such as those made by the Children's Defense Fund. It requires a total effort by a community in which the schools can play an important role.

We here in the Davenport Community School District are making an intensive effort by trying out two different pilot programs to reduce suspensions, as well as asking parents their feelings (minority/majority study) and doing a comprehensive dropout study.

You may be interested in some minority/majority results. Parents in schools where there was a high minority/low majority enrollment, stated that they were very happy (96.7%) with the school discipline....

I hope the District, in another year or two, can utilize some new approaches in the areas of suspension and dropout prevention, hopefully dropping the low rates even lower.⁹

Table 1 summarizes the suspension data for 10 school districts supplied to the Advisory Committee by the Office for Civil Rights. At least one minority group suspension rate in each of the districts is double the rate for whites. While the Advisory Committee does not believe that this "proves" discrimination, it agrees with the Iowa Department of Public Instruction that suspension policies/practices should be carefully reviewed to ensure that none has occurred, whether intentionally or accidentally.

The Advisory Committee asked what OCR was prepared to do, as required under Title VI of the 1964 Civil Rights Act, as amended, to ensure that there be no discrimination in federally funded programs.

To review Federal efforts, Committee staff met with Judith Banks, the director, Elementary and Secondary Education (ESE) Division, Office for Civil Rights of the U.S. Department of Health, Education and Welfare, Kansas City regional office. She stated that what is to be investigated by ESE division is determined in Washington in an annual operating plan. In addition to compliance reviews assigned from six

Table 1
1978 OCR Report (1977-1978 School Year)
Suspension Rates

(Number of pupils from ethnic group suspended as a proportion of all pupils from that ethnic group enrolled)

| | Total | American Indian | Hispanic | Black | White |
|----------------|-------|--------------------|----------|-------|-------|
| Burlington | 3.6 | - | 4.9 | 10.3 | 3.2 |
| N= | 241 | - | 4 | 33 | 204 |
| Cedar Rapids | 3.8 | 2.6 | 3.8 | 13.2 | 3.4 |
| N= | 810 | 1 | 5 | 103 | 700 |
| Council Bluffs | 4.7 | 7.6 | 6.0 | 7.8 | 4.7 |
| N= | 560 | 4 | 13 | 9 | 532 |
| Davenport | 2.9 | 3.3 | 2.4 | 7.7 | 2.4 |
| N= | 616 | 2 | 15 | 145 | 453 |
| Des Moines | 6.0 | 6.9 | 4.0 | 12.4 | 5.4 |
| N= | 2128 | 12 | 26 | 452 | 1629 |
| Fort Dodge | 7.35 | 33.3 | 5.48 | 12.45 | 7.21 |
| N= | 428 | 1 | 4 | 32 | 391 |
| Mason City | 3.3 | - | 7.4 | 4.8 | 3.2 |
| N= | 183 | - | 16 | 3 | 164 |
| Muscatine | 1.7 | - | 1.2 | 3.9 | 1.7 |
| N= | 104 | - | 4 | 2 | 98 |
| South Tama | 4.0 | 7.9 | - | - | 3.5 |
| N= | 88 | 20 | - | - | 68 |
| Waterloo | 8.0 | 12.5 | - | 17.2 | 6.3 |
| N= | 1178 | 3 | - | 409 | 764 |

NOTE: Columns do not sum by row to the total because Asian and Pacific Island student suspensions were excluded from the table. The numbers of suspensions from these groups are too small for analysis. Our figures on percent suspended vary somewhat from those included in the DPI report. They were using different data in which, according to the Cedar Rapids director of staff and community relations, DPI asked for number of incidents rather than number of students.

Fort Dodge revised their OCR form 102 submissions and those have been used.

SOURCE: OCR form 102 Data on file in CSRO. The table was prepared by CSRO.

priority concerns, the elementary and secondary schools division of the OCR regional office is required to do a certain number of school desegregation and bilingual education reviews, pursuant to court orders. In addition, ESE division investigates complaints. In Fiscal Year 1979 (Oct. 1, 1978-Sept. 30, 1979), 20 complaints from Iowa, Kansas, Missouri and Nebraska reached ESE division alleging discrimination by schools in their discipline policies. In 15 of these the division reviewed an entire school or school district for suspension practices. Four of the complaints were found to be Title VI violations. The matters were successfully conciliated. ESE division also investigates disparate suspensions when it conducts pre-award desk reviews prior to making grants under the Emergency School Aid Act to desegregating school districts. The division also does compliance field reviews. While discipline was reviewed in four such investigations conducted by the division, none involved race--the reviews were based on concerns by OCR about discrimination based on handicap or sex.¹⁰

In the past five years the Kansas City office has reviewed discipline in three Iowa school districts and 17 districts in Kansas, Missouri and Nebraska. In FY 1980 the Kansas City office will conduct three reviews, one of which will be of student discipline. However, districts in Kansas, Missouri and Nebraska have been determined by survey analysis to have a higher priority for discipline review.¹¹

In OCR's Analysis of Selected Civil Rights Issues (July 1978), it discusses 15 issues, one of which is disparate suspensions. Only the Waterloo schools is included among the 100 most significant districts in the nation for analysis of suspensions. Out of 6,069 districts in the nation it ranked 424th worst for excess of suspensions of minority students (by percentage of suspensions).¹² Nine Iowa school districts are ranked in a special table for Federal Region VII. These are: Waterloo, Des Moines, Cedar Rapids, Davenport, Fort Dodge, Burlington, Sioux City, Ottumwa and Oskaloosa. Of these, Des Moines, Cedar Rapids, Davenport, Burlington and Sioux City are among 25

districts in the region marked as "OCR 'High Interest' " districts. "High interest" is one of 10 codes. The others are: 1) statistically drawn, 2) voluntary plan, 3) court order, 4) litigation, 5) ESAA, 6) ESAA/Voluntary Plan, 7) ESAA/Court Order, 8) ESAA/Litigation, 9) ESAA/OCR "High Interest".¹³

OCR states that:

The Office for Civil Rights is committed to investigating all complaints and conducting compliance reviews. It is also our intent to operate a balanced compliance program relating to issues of discrimination on the basis of race, sex and handicap.

The Annual Operating Plan for fiscal year 1980 for the Office for Civil Rights indicates that staff resources will enable us to conduct 36 compliance reviews in elementary and secondary schools in the nation. Five of the 36 reviews will relate to student discipline. One of these is to be done in Region VII. The remaining reviews will relate to the following:

1. The provision of equal education services to students who have limited or no ability to speak English.
2. Assignment of students on the basis of race, national origin, sex and/or handicap to courses, classrooms, special education programs and ability groups.
3. Access, admissions and services provided to students in vocational education programs and courses on the basis of race, national origin, sex and handicap.
4. Admissions, accessibility and services provided in State administered special purpose schools on the basis of race, national origin, sex and handicap.
5. Assignment of students to public schools on the basis of race and national origin.

I am sure you would agree that each of these issues is equally as important as student discipline.¹⁴

We recognize that there are limits to the resources available to the regional office and hope that the national office will allow additional resources so that disparate suspensions can be given added attention.

The State Department of Public Instruction has publicized the issue of disparate suspension rates through a review of annual desegregation reports submitted by some school districts and has recommended that those districts with disproportionate

numbers of minority suspensions study this problem in order to identify the causes and possible solutions. We believe that this action by DPI is an important first step. DPI has suggested that a cooperative effort be made between it and OCR.

This effort might include the following:

1. Sharing the data that is collected to avoid duplication;
2. Keeping each other abreast of the progress that is being made by the districts to address the issue;
3. Setting up any other arrangements to facilitate a cooperative relationship between the two agencies.¹⁵

In this statement the Advisory Committee has reviewed the published data on suspensions which shows that whites and non-whites are suspended at markedly different rates. The statement and the comments from some school districts show the limits of that approach to an analysis of the problem. The material collected by the Advisory Committee shows that DPI, OCR and some school districts are concerned about the potential for discrimination in suspensions. The Advisory Committee hopes that DPI, and Iowa school districts will continue to review suspensions in light of disparate rates to ensure that suspensions are not discriminatory. The Advisory Committee stands ready to assist all concerned in this effort. It will continue to monitor the activity of the districts, DPI desegregation studies of suspensions and Region VII OCR suspension reviews to ensure that all that can be done is done.

Notes

1. Children's Defense Fund, School Suspensions: Are They Helping Children? (Washington, D.C.: Children's Defense Fund, 1975), p. 9.
2. Ibid., pp. 9-10.
3. Ibid., p. 13.
4. Ibid., p. 14.
5. Iowa Department of Public Instruction, Annual Desegregation Reports (Des Moines: DPI, Aug. 31, 1979).
6. Mel D. Grell, superintendent of schools, Sioux City Community School District, letter to staff, Jan. 8, 1980.

The Children's Defense Fund has commented that programs such as those described can be helpful. The Fund states that:

Temporary programs located inside schools can alleviate one-time flare-ups or disruptive incidents. They provide students a cooling-off time after a fight and give teachers an outlet during a particularly trying day. They provide relief while not denying students access to their normal educational program. (Children's Defense Fund, School Suspensions..., p. 100.)

7. Thomas R. White, Executive Director, Staff and Community Relations, Cedar Rapids Community School District, letter to Lee B. Furgerson, Jan. 11, 1980.
8. Dr. Earl O. Berge, superintendent of schools, Fort Dodge Community Schools, letter to staff, Jan. 10, 1980.
9. Dr. Ted W. Gray, superintendent of schools, Davenport Community School District, letter to Lee B. Furgerson, Jan. 14, 1980.
10. Judith Banks, interview in Kansas City, Nov. 1, 1979.
11. Jesse High, Director, OCR, Region VII, letter to Lee Furgerson, Jan. 11, 1980.
12. Department of Health, Education and Welfare, Office for Civil Rights (OCR), Analysis of Selected Civil Rights Issues: Report on Ranked Districts for the Nation (July 1978), Section K.
13. OCR, Analysis of Selected Civil Rights Issues: Report on Ranked Districts for Region VII (Washington, D.C.: HEW, July 1978), Section K.
14. Jesse High, letter to Lee Furgerson, Jan. 11, 1980.
15. Ron Cox, Associate Superintendent, Instructional and Professional Education, DPI, letter to Lee B. Furgerson, Jan. 18, 1980.