



## Student Discipline in New Hampshire Schools

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Child advocacy,<sup>1</sup> medical,<sup>2</sup> legal rights,<sup>3</sup> social justice,<sup>4</sup> and other organizations have recently raised concerns about the overuse of suspension and expulsion in our public schools in the wake of post-Columbine legislation. They argue that new studies finding negative impacts from the increased use of student discipline, particularly out-of-school suspensions, raise questions about the effectiveness of these actions and the policies guiding their use.

This brief is an introduction to the issue in New Hampshire, using public data from the New Hampshire Department of Education School Safety Survey and other sources.

### Key findings from the 2007–2008 school year

- New Hampshire schools have an out-of-school suspension rate that is higher and an expulsion rate that is lower than the most recently reported national rates.
- Schools from all grade levels report in-school and out-of-school suspensions and expulsions.
- High schools account for over half of all suspensions and 83 percent of the expulsions in the state.
- Both high schools and elementary schools report more out-of-school than in-school suspensions. Almost one-half of the suspensions reported in elementary schools are out-of-school.
- Small schools with high percentages of low-income students also have high discipline rates for suspensions and expulsions combined.
- For 60 percent of the suspension incidents reported by schools, the reason given is “other” rather than one of the serious offenses listed, such as drug or weapons use.

### Background

In the national policy debate about student success in school, attention in the last decade has focused on changing the academic behaviors of students at risk of poor performance and dropping out of school. However, other types of student behaviors impact learning and student achievement as well, particularly those that disrupt the classroom or threaten the safety of students and staff.

Local school districts’ policy response to disruptive behavior has been guided by laws developed at federal and state levels in reaction to a series of notorious shooting incidents in the 1990s. Congress passed the Gun-Free Schools Act<sup>5</sup> in 1994, requiring districts to expel students who bring firearms to school. Many states and local districts, including some in New Hampshire, have enacted tough zero-tolerance policies that require suspension or expulsion for possession of all other weapons, legal prescription and illegal drugs, and other criminal behaviors, such as assault and vandalism.

While these policies protect people and property, they are being criticized for leading to increased student misbehavior and rates of suspension and expulsion, declines in academic performance, rising drop-out rates, denial of children’s right to an education,<sup>6</sup> and delinquency and incarceration in the “school-to-prison pipeline.”<sup>7</sup> In many states, because of racial disparities found in application of the policies,<sup>8</sup> racial bias is a serious concern.

### New Hampshire Law, Policies, and Procedures

New Hampshire has had laws concerning discipline of student misconduct since at least 1969. These laws were substantially revised by the legislature in 1994 in response to federal law. Today New Hampshire law authorizes the use of suspension and expulsion and provides some limited guidance regarding the circumstances in which they can be used. Students may be suspended or expelled for “gross misconduct or for neglect or refusal to conform to the reasonable

rules of the school.”<sup>9</sup> Possible criminal acts may also result in expulsion, although bringing or possessing an unauthorized firearm is the only act in which expulsion is mandated (see sidebar).

Either suspension or expulsion removes a student from the classroom, threatening a student's right to an education, a property right in New Hampshire. For this reason, New Hampshire law also entitles suspended and expelled students to the safeguards of due process.<sup>10</sup>

## Student Discipline in New Hampshire Law

**RSA 193:13 authorizes school districts to suspend or expel students for “gross misconduct or for neglect or refusal to conform to the reasonable rules of the school.” In addition, students may be expelled “for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun, rifle, or paint ball gun.” Expulsion is mandated for any student “who brings or possesses a firearm . . . without written authorization.”**

The law defines the period of suspension (up to ten days initially, with additional time authorized by the school board) and expulsion for possession of a firearm (no attendance for twelve months in any New Hampshire school, although alternative education may be provided and penalties can be adjusted on a case-by-case basis) and requires districts to provide a review and appeal process. RSA 193-D:1-8 (Safe School Zones) further defines “act of theft, destruction, or violence” and other terms of the law, requires state board and local school districts to provide standards and procedures assuring due process regarding suspension and expulsion, and describes reporting requirements.<sup>9</sup>

### Discipline in the Schools

From the general guidelines provided by the law and the additional guidance provided by the New Hampshire Department of Education,<sup>11</sup> each school district develops its own specific policies and procedures for handling student disciplinary incidents. At the school level, teachers and administrators must strike a balance between the constitutional rights of individual students and a safe learning environment for all students. Administrator discretion allows for consideration of individual circumstances and also for personal interpretation of the law and policies.

A sampling of two dozen school handbooks and district Web sites of schools across the state found varying policies and approaches to school discipline. Typically districts

structure a set of progressively more severe disciplinary actions. Some schools have attempted to specify in detail the behaviors that result in particular punishments; others have not. For some schools that are implementing the Positive Behavioral Intervention and Supports program, an approach to school discipline that is schoolwide and data-driven, discipline is described in the context of changing the behavior and climate of an entire school not just the misconduct of a few individuals.<sup>12</sup>

We also found a wide range and variety in the type of punishments and the amount of time they can be applied. Minor punishments can include reprimands or warnings, parent notifications and meetings, behavioral contracts or plans, confiscation of unapproved property (cell phones, for example), referrals to counseling, or revocation of privileges. Repeated or more problematic behavior can lead to giving a student a zero on homework or detentions during lunch, after school, or on Saturdays for an hour or more.

Suspensions and expulsions are reserved for the most serious or chronic offenses and, as noted above, require schools to follow a number of legal notification and other procedures. In-school suspension typically moves the student out of the classroom temporarily and into another supervised room for a day or more. Out-of-school suspension removes the student from the school to home or to an alternative program off campus for one or more days. In either type of suspension, keeping up with schoolwork is typically expected. Expulsion, the last resort and most severe punishment, results in disenrollment for a period of time. Depending on the offense, schools may also file criminal charges, require community service, or ask for restitution.

### Statewide Data on Student Discipline

Each school in New Hampshire collects data annually on student misconduct and discipline for its own purposes and for the New Hampshire Department of Education School Safety Survey. How these data are collected and recorded is determined by each district.

The New Hampshire Department of Education developed the School Safety Survey to comply with federal reporting requirements for states under the Safe and Drug-Free Schools and Communities Act.<sup>13</sup> For this survey, schools must provide the total counts of incidents of in-school and out-of-school suspensions and expulsions and the reasons for them but not counts of minor disciplinary actions such as detentions.

Incidents are defined by the survey's instructions in this way: “Count each time a student is suspended or expelled as one incident regardless of the length of the suspension (i.e., count incidents and not days). Report each disciplinary action only once for each student. If the offense involved more than one of the types listed, report the incident only once, under the more serious offense.”<sup>14</sup> The resulting counts are

not unduplicated numbers of individual students receiving discipline. One student may be involved in multiple incidents, with each incident recorded separately, and multiple students may be involved in the same incident, with an incident presumably recorded for each. A high number of suspensions could describe a small number of repeat offenders or could accurately reflect a large number of students committing incidents.

The present study uses the data from the 2007–2008 School Safety Survey to summarize the “discipline incidents,” meaning suspensions and expulsions only, that occurred in that school year. We also report on the reasons given for suspensions and expulsions, which include only the more serious offenses committed as reported by schools. However, we also present the results of an analysis of a catch-all response category referred to as “other” that is included in the survey for offenses not itemized.

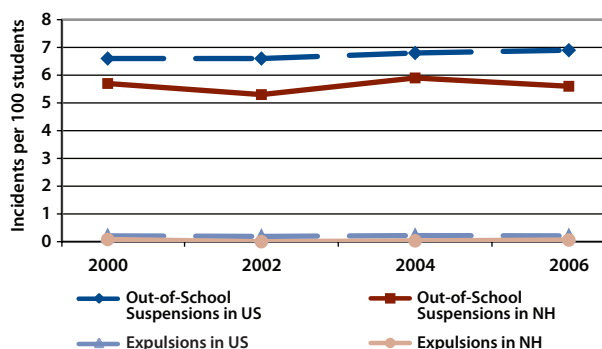
Findings are presented for the numbers of incidents and by their rates. Rates are the numbers of incidents reported divided by enrollment and are presented either as percentages or as number of incidents per 100 students.

## Suspensions and Expulsions in New Hampshire

Compared to most states and the United States overall, findings from the most recent national survey (2006) by the U.S. Department of Education Office of Civil Rights<sup>15</sup> found that New Hampshire schools, on average, have low out-of-school suspension and expulsion rates (see Figure 1).

- The student out-of-school suspension<sup>16</sup> rate for New Hampshire in 2006 was estimated at 5.6 percent, or 5.6 incidents per 100 students.
- The estimate for the expulsion rate was .06 percent.

**FIGURE 1. AVERAGE STUDENT SUSPENSION AND EXPULSION RATES IN THE UNITED STATES AND NEW HAMPSHIRE FROM 2000–2006**



Source: U.S. Department of Education, Office of Civil Rights

The annual New Hampshire Department of Education School Safety Survey, which collects data more frequently than the national survey and from all 486 public schools<sup>17</sup> in the state rather than from a sample, provides more recent and probably more accurate information. Table 1 summarizes the data from the survey for the 2007–2008 school year.

**TABLE 1. STUDENT DISCIPLINE INCIDENTS IN NEW HAMPSHIRE PUBLIC SCHOOLS BY TYPE OF INCIDENT DURING THE 2007–2008 SCHOOL YEAR**

Discipline incidents	In-school suspensions	Out-of-school suspensions	Expulsions	Total
<b>Number of schools reporting</b>	316	356	28	486
<b>Total number</b>	11,531	16,743	84	28,358
<b>Rate: incidents per 100 students</b>	5.7	8.3	0.04	14.1
<b>Range: smallest to largest number</b>	0 to 519	0 to 1,055	0 to 33	0 to 1,055
<b>Median number</b>	8	12	1	10

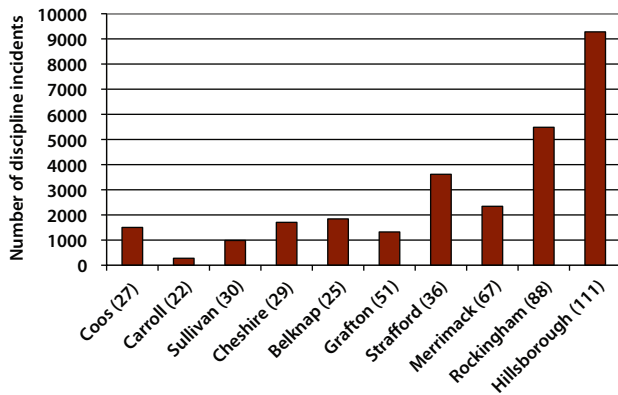
Source: New Hampshire Department of Education

- Out-of-school suspensions were 59 percent of the total suspension incidents reported.
- The out-of-school suspension rate of 8.3 percent was higher than the national rate of 6.9 percent reported by the Office of Civil Rights for 2006.
- Sixty-eight (19 percent) of the schools reporting out-of-school suspensions reported rates higher than the state rate of 8.3 percent.
- Ninety-two (29 percent) of the schools reporting in-school suspensions reported rates higher than the state rate of 5.7 percent.
- Eighty-six percent of the schools reporting expulsions stated either one or two incidents, and one school reported 33 expulsions, or 39 percent of the total.

Examination of this particular school's data for the previous school year, 2006–2007, found zero expulsions, suggesting that 2007–2008 was an aberrant year. This finding raises an important point about these data: the numbers and therefore incident rates, particularly in small schools, fluctuate substantially from year to year. For this and other reasons (see Data Used in this Report), we do not present findings for individual schools.

To deal with the problem of small schools but still look at the data in more detail, the following analyses use data aggregated by groups of schools. We look at suspension and expulsion incidents by geography, grade level, size of school, and student poverty. These analyses are exploratory; they are an effort to obtain some insight into the conditions in which suspensions and expulsions occur in the state.

**FIGURE 2A. NUMBER OF DISCIPLINE INCIDENTS (SUSPENSIONS AND EXPULSIONS) IN NEW HAMPSHIRE PUBLIC SCHOOLS BY COUNTY\* FOR THE 2007–2008 SCHOOL YEAR**



\*Number of schools reporting shown in parentheses.

Source: New Hampshire Department of Education

### Suspensions and Expulsions by County

One way of looking at where suspensions and expulsions are occurring at a more local level without identifying individual schools is to combine the data from all the schools within each county. Figures 2a and 2b present the findings for all discipline incidents, that is, in-school and out-of-school suspensions and expulsions, for each county. Counties are ordered from left to right by smallest to largest student enrollment.

Figure 2a shows the counts of total suspensions and expulsions across the state.

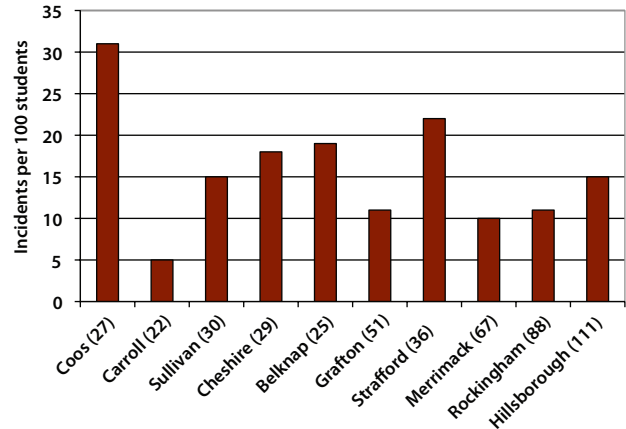
- Schools in Hillsborough, Rockingham, Strafford, and Merrimack Counties reported the highest numbers of discipline incidents. These four counties are the southernmost and most populous counties in the state, with the largest school enrollments.

In Figure 2b, the rates of total combined suspensions and expulsions for each county are shown. Although Coos County, with the smallest student enrollment of all the counties, had the highest rate of discipline incidents, there was no relationship between county school enrollment and rate of discipline incidents.

If the data on suspensions alone are divided into in-school and out-of-school,<sup>18</sup> the two types can be compared to see the predominance of each by county (see Figure 3).

- Schools in all counties except Belknap and Grafton reported more out-of-school than in-school suspensions.

**FIGURE 2B. RATE OF DISCIPLINE INCIDENTS (SUSPENSIONS AND EXPULSIONS) IN NEW HAMPSHIRE PUBLIC SCHOOLS BY COUNTY\* FOR THE 2007–2008 SCHOOL YEAR**

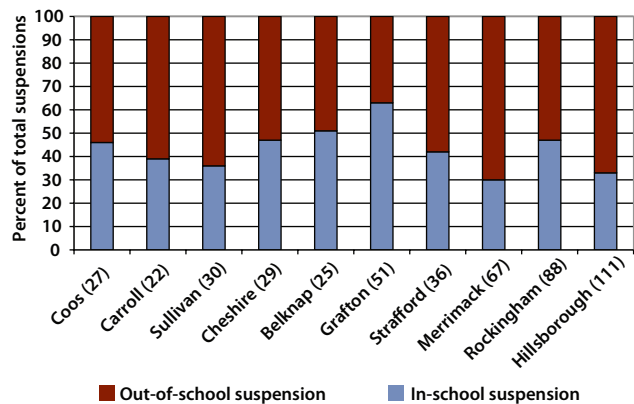


\*Number of schools reporting shown in parentheses.

Source: New Hampshire Department of Education

- Merrimack County schools (70 to 30 percent) and Hillsborough County schools (67 to 33 percent) reported the highest ratio of out-of-school to in-school suspensions.
- The lowest ratio of out-of-school to in-school suspensions was reported by Grafton County schools (37 to 63 percent).

**FIGURE 3. RATIO OF IN-SCHOOL TO OUT-OF-SCHOOL SUSPENSIONS IN NEW HAMPSHIRE PUBLIC SCHOOLS BY COUNTY\* DURING THE 2007–2008 SCHOOL YEAR**



Source: New Hampshire Department of Education

Each county's numbers represent an aggregate of many schools of all types: high schools, middle and junior high schools, and elementary schools, including those with pre-schools and kindergartens. The numbers are not averaged across the schools but added together to describe the entire county. Consequently, one school district or even one school potentially can account for most of the suspensions reported for an entire county.

### Discipline Incidents by Grade Level

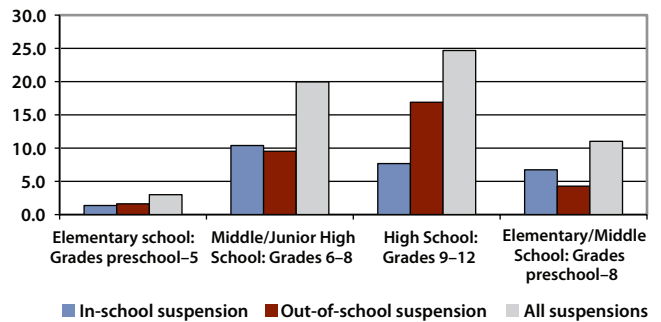
All schools, no matter the grade level, are required to report suspension and expulsion incidents to the state. To look at these incidents by grade level, we categorized schools into three discrete groups—elementary (preschool through fifth grade), middle school/junior high (sixth through eighth grade), and high school (ninth through twelfth grade). However, many New Hampshire schools do not fit neatly into these three categories and instead have overlapping elementary and middle/junior high school grade levels. To include these schools in our analyses, we created a fourth “mixed,” category, which, at its most inclusive, has schools with preschool through sixth or eighth grade, and at its least, includes schools serving only fifth and sixth graders. Looking at the numbers of incidents reported by grade level across the state, we found the following:

- Three of the four groups—elementary, middle and junior high, and high school—reported both suspension and expulsion incidents; the mixed group had no expulsions.
- High schools accounted for over one-half (57 percent) of all incidents reported in the survey, or 16,208 incidents. Out of these, 70 were expulsions (83 percent of the total expulsions reported).
- Twenty-one percent, or 6,034 incidents were reported by middle and junior high schools, including nine expulsions.
- The elementary group reported 7 percent, or 2,053 of the total incidents with one expulsion, while the mixed group had almost twice that number of incidents (3,927, or 14 percent—all suspensions).

Figure 4 shows the average rates of in-school and out-of-school suspension for the four grade-level groupings.

- High schools reported the highest average overall suspension rate at 24.7 percent and an out-of-school suspension rate at 16.9 percent.
- The middle/junior high school group reported the highest average rate of in-school suspensions at 10.4 percent.

**FIGURE 4. AVERAGE RATE OF SUSPENSION INCIDENTS IN NEW HAMPSHIRE PUBLIC SCHOOLS BY GRADE LEVEL DURING THE 2007–2008 SCHOOL YEAR**



Source: New Hampshire Department of Education

- Both the high school and elementary school groups reported more out-of-school suspensions than in-school.<sup>19</sup>
- Fifty-four percent, or 1,111 of the elementary school suspensions were out-of-school.

The mixed group suspension rates reflected its range of grades:

- More in-school than out-of-school suspensions were in the middle/junior high group.
- The elementary school group, with average rates for each category of suspensions, was lower than either the middle/junior high or high school groups.

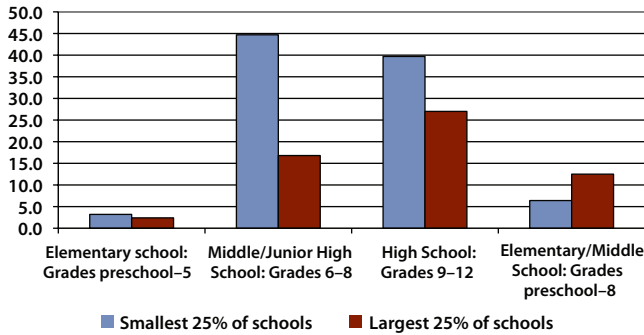
### Discipline Incidents by Size of School

In New Hampshire, the smallest schools tend to be the elementary schools or the mixed-group schools that combine elementary and middle or junior high grades. High schools are typically the largest schools because they enroll students from multiple smaller elementary, middle, or junior high schools and often from multiple school districts.

To explore the relationship between size of school, grade level, and discipline incidents, we used the grade-level groups described above and compared their overall rates of discipline incidents (suspensions plus expulsions) for the smallest 25 percent and largest 25 percent of schools in each group (see Figure 5).

- Across all grade-level groups except the mixed elementary/middle school group, the average rate of discipline for the smallest schools was higher than for the largest schools.
- The average rate for the smallest middle school group was almost twice that of the largest schools.

**FIGURE 5. AVERAGE RATE OF ALL DISCIPLINE INCIDENTS FOR NEW HAMPSHIRE PUBLIC SCHOOLS BY GRADE LEVEL AND SIZE OF SCHOOL DURING THE 2007–2008 SCHOOL YEAR**



Source: New Hampshire Department of Education

### Discipline Incidents and Poverty

The New Hampshire Department of Education’s School Safety Survey does not collect characteristics of individual students involved in discipline incidents, including the student’s economic status. However, this relationship can be explored indirectly by comparing schools’ reports of discipline incidents in the survey to their student poverty rates, as measured by the percentage of students eligible for the federal Free and Reduced School Lunch Program (FRL) reported to the state (see Figure 6).

Schools with the highest rates of FRL-eligible students averaged more than four times as many discipline incidents (20.6 percent) as schools with the lowest rates (4.9 percent).

The schools with the highest rates of FRL-eligible students and high discipline rates also, on average, had smaller enrollments than the schools with low poverty and low rates of discipline incidents.

An examination of the schools in this group found that all ten counties are represented (see Figure 7) and that the schools are located in both rural and urban areas of the state. Elementary, middle, junior high, and high schools are all represented in this group.

## Causes of Suspension and Expulsion Incidents

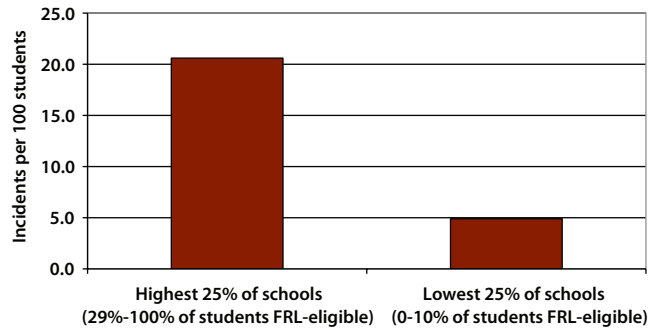
In addition to reporting on the numbers of suspension and expulsion incidents, the School Safety Survey asks schools to categorize each incident according to its cause.

### Causes for Suspensions

Figure 8 shows the suspension incidents reported during the 2007–2008 school year for the state by each of the reasons schools can use to categorize suspensions.

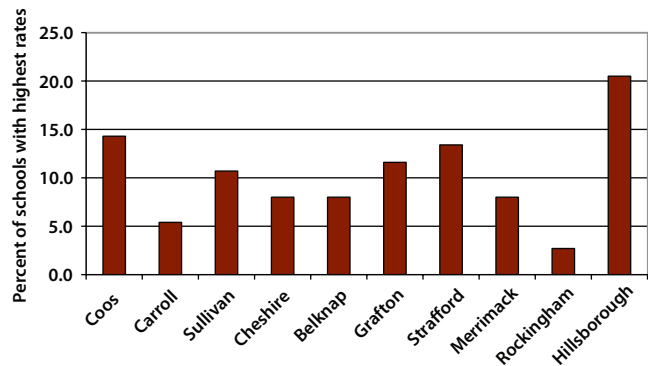
- Verbal behavior and violence against persons combined accounted for 31 percent of the suspensions reported statewide.
- Tobacco, alcohol, and other drug-related offenses were 7 percent of the suspensions in the state.
- Sixty percent of suspensions were categorized by schools as “other.”

**FIGURE 6. AVERAGE RATE OF ALL DISCIPLINE INCIDENTS FOR NEW HAMPSHIRE PUBLIC SCHOOLS BY STUDENT ELIGIBILITY FOR THE FREE AND REDUCED LUNCH (FRL) PROGRAM DURING THE 2007–2008 SCHOOL YEAR**



Source: New Hampshire Department of Education

**FIGURE 7. PERCENTAGE OF GROUP OF SCHOOLS WITH HIGHEST DISCIPLINE RATES IN EACH COUNTY DURING THE 2007–2008 SCHOOL YEAR**



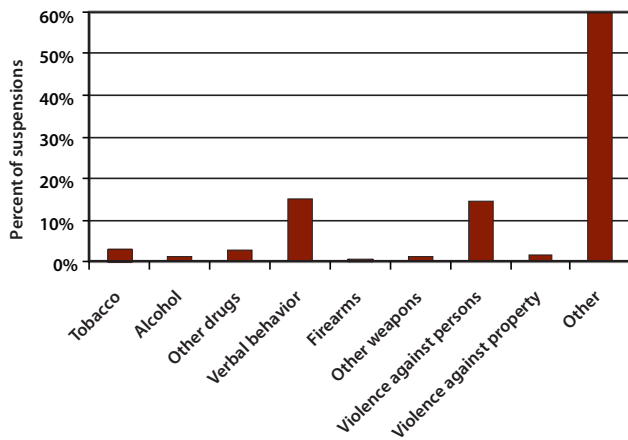
Source: New Hampshire Department of Education

TABLE 2. NUMBER OF SUSPENSIONS BY CAUSE OF INCIDENT FOR STATE AND COUNTY IN NEW HAMPSHIRE PUBLIC SCHOOLS DURING THE 2007–2008 SCHOOL YEAR

County	Tobacco	Alcohol	Other Drugs	Verbal Behavior	Firearms	Other Weapons	Violence against persons	Violence against Property	Other	Total
NH	815	351	806	4398	4	394	4150	500	16856	28274
Coos	30	2	9	251	0	12	267	23	907	1501
Carroll	22	10	26	129	0	8	55	10	17	277
Sullivan	28	10	7	257	0	5	222	21	429	979
Cheshire	61	25	41	397	1	22	127	35	994	1703
Belknap	49	14	46	185	0	19	182	21	1326	1842
Grafton	40	34	42	381	0	23	257	22	514	1313
Strafford	130	30	63	442	2	45	588	69	2243	3612
Merrimack	72	27	61	369	0	59	415	42	1263	2308
Rockingham	159	71	169	566	1	70	574	100	3768	5478
Hillsborough	224	128	342	1421	0	131	1463	157	5395	9261

Source: New Hampshire Department of Education

FIGURE 8. PERCENTAGE OF SUSPENSIONS BY CAUSE OF INCIDENT IN NEW HAMPSHIRE PUBLIC SCHOOLS DURING THE 2007–2008 SCHOOL YEAR



Source: New Hampshire Department of Education

Table 2 presents these same data by number of suspension incidents for each county.

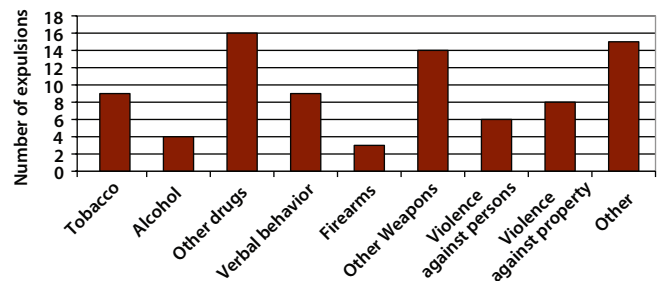
### Causes of Expulsions

Figure 9 presents the number of expulsions reported by all of the schools. Students were most likely to be expelled for weapons and drug-related offenses.

- Over one-third (36 percent) of the total 84 expulsions in the state were due to offenses related to drugs other than tobacco and alcohol and weapons-related offenses.

- The second most frequent (18 percent) reason reported for expulsion was “other.”
- The least reported reason for expulsion was firearms, the only offense for which expulsion is mandatory.

FIGURE 9. NUMBER OF EXPULSIONS BY CAUSE OF INCIDENT IN NEW HAMPSHIRE PUBLIC SCHOOLS DURING THE 2007–2008 SCHOOL YEAR



Source: New Hampshire Department of Education

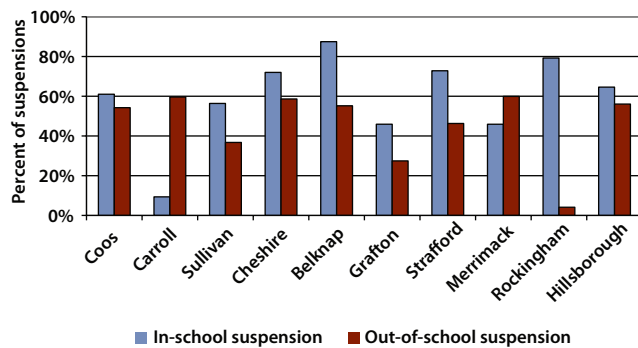
### Reporting Incidents as “Other”

The large percentage of both suspensions and expulsions reported by the schools as “other” raises the question as to what type of incidents are included in this category. The New Hampshire Department of Education School Safety Survey form does not provide any guidance as to what these incidents are; presumably, any incidents not counted under the specified categories are reported under “other.” Many of these incidents probably fall under the broad category described by RSA 193:13 as “gross misconduct” or “neglect or refusal to conform to the reasonable rules of the school.”<sup>20</sup> Whether these incidents are minor or major violations of school rules cannot be determined from the data.

Figure 10 shows how in-school and out-of-school suspensions that are categorized as “other” incidents are reported by schools in each county.

- In-school suspension is more often the outcome for “other” incidents in all but two counties: Merrimack and Carroll.
- Schools in Rockingham County are most likely to report in-school suspension for “other” incidents.
- Carroll County schools are least likely to report in-school suspension as “other.”

**FIGURE 10. PERCENT OF IN-SCHOOL AND OUT-OF-SCHOOL SUSPENSIONS CATEGORIZED AS “OTHER” BY COUNTY DURING THE 2007–2008 SCHOOL YEAR**



Source: New Hampshire Department of Education

These variations across the counties highlight different use or different interpretation of the “other” category. A handful of interviews we conducted with school administrators suggest, anecdotally, that there are not only wide variations in what schools include in this category but also in the way they interpret and count suspension incidents. However, because the specifics of each discipline incident are known only to the local school and are not reported to the state, learning what this large category of discipline incidents consists of and how it is being used and any other details of the use of discipline in the schools will require further research on individual schools and/or school districts around the state.

## Summary and Conclusions

Disciplining students for misbehavior in New Hampshire schools is a process that is largely left to local school districts. Following state law and using New Hampshire Department of Education guidelines, each school district develops its own policies and procedures that may or may not clearly define misconduct and the consequences for it other than what is required by law. The schools and individual administrators use the state and district policies to decide the approach to discipline and techniques they will use within their school. Suspension and expulsion are legally endorsed options for the most serious, chronic, or criminal of offenses, with expulsion mandated for firearms possession.

Each school or district also determines how to collect and record the data on these offenses. The New Hampshire Department of Education requires schools to report only the most serious discipline incidents, those that result in in-school and out-of-school suspensions and expulsions. The most recent data, from the 2007–2008 school year, shows an expulsion rate for New Hampshire that is lower than the rate for the country reported by the U.S. Office of Civil Rights. However, New Hampshire’s out-of-school suspension rate is higher than the national rate.

Schools in New Hampshire are suspending thousands of students each year. Although many of these incidents are for the serious offenses, such as the use of alcohol, tobacco, and other drugs and weapons and violence-related behaviors, as many as 59 percent of all suspensions and 18 percent of expulsions are reported only as “other” to the state without further explanation. Only the local schools and their districts know the reasons for many of the suspensions and expulsions occurring in the state. Legally this is a problem because there is no way to know if students are being removed from their normal classroom environment to spend days, or possibly weeks, being denied their right to an education. Student handbooks indicate, however, that suspended students are expected to keep up with their schoolwork.

Although the state’s survey data on suspension and expulsion incidents cannot provide much information about the “other” incidents themselves and none about the students that are involved, they do reveal some interesting patterns about the extent of suspension and expulsion incidents across the state. For example, although we know that policies about school discipline vary from school to school, these data demonstrate that the practice of suspension and expulsion also varies widely across the state and not always in ways that might be expected.

For the annual School Safety Survey, schools report only the most serious kinds of discipline incidents, involving offenses like possession of drugs, weapons, or violent behav-



iors. Not surprisingly, high schools were found to have the highest numbers and rates of suspensions and expulsions of all the grade levels. Elementary schools had the lowest numbers and rates, and middle and junior high schools fell somewhere in between. However, schools of all grade levels reported both suspensions and expulsions, and the use of out-of-school suspension, typically the most severe punishment short of expulsion, was found in the lower grades. In the elementary schools, over one-half of the suspensions reported were out-of-school.

When incident rates were compared across counties with different enrollments, discipline was not related to size of enrollment. Thus, both Coos County, a county with a small student population, and Strafford County, a county with a large population, had high incidence rates. This finding suggests that there are other factors that may better explain the high discipline rates in these schools.

The other factors we examined included the size of schools and their rates of poverty as measured by students' eligibility for the federal Free and Reduced School Lunch Program (FRL) program. The smallest schools in the state had higher discipline rates on average than the largest schools. Schools with high poverty rates also had higher discipline rates on average than the more affluent schools.

Looking at these two groups together, we found that the schools reporting the highest rates of suspensions and expulsions are the smallest and also have the highest percentage of students in poverty. These schools represent all grade levels and all counties and are located in the cities, larger towns, and rural communities of the state.

Without knowing more about what other factors may be at work in these small schools with many low-income students, we can only speculate on the reasons for their higher rates of suspensions and expulsions. Further investigations could look at conditions within the school and community, resources for educators and schools, and characteristics of the student population. Although we cannot say what the high rates—or, for that matter, low rates in other schools—mean without such context, the patterns in these data suggest that they do have meaning.

This study finds that too little is known about why so many suspensions and expulsions are being used in New Hampshire's schools. Since research tells us that education is critical to changing the life chances of low income, disadvantaged children, hours spent away from the classroom in suspension or expulsion means time out of class or out of school that may never be recovered. In the long run, these disciplinary actions can have consequences for the entire community.

## Policy Recommendations

- **Improve the discipline data currently collected statewide.** Add several questions to amplify the existing School Safety Survey, including space for a written explanation of all incidents categorized as “other,” the number of students involved in an incident, the number of days a student is suspended or expelled, and so on. Information on the minor discipline actions taken leading up to suspension would also be valuable. Formal training of school staff either in person or via technology could improve the quality of the data that the state is currently collecting.
- **Develop an improved system for collecting discipline data in the future.** In the last few years, the New Hampshire Department of Education has implemented a new system for accumulating data on individual students based on the State Assigned Student Identifier (SASID). Currently the system collects disciplinary information only on the number of full days an individual student has been disciplined with an in-school or out-of-school suspension. With the system still early in its development, the opportunity exists to add data elements that expand the state's information about student discipline. More detailed and accurate student discipline information tracked over time and across districts could be analyzed along with data already collected, such as student achievement test data, producing information that would be useful to the development of both policy and practice in the schools.
- **Clarify the state law regarding the appropriate circumstances for suspensions and expulsions.** Although this study had no direct evidence that schools are using suspensions and expulsions for less than the most serious offenses, schools' choice of “other” as the reason for suspension and expulsion incidents on the School Safety Survey could indicate that at least some of the incidents were for minor offenses.
- **Require school districts to develop and disseminate discipline policies and procedures that are explicit and detailed,** describing the specific behaviors that are not allowed and the discipline steps that will be taken in response to each. The New Hampshire Department of Education should develop a statewide set of standards and best practices regarding school discipline and provide models for school districts. Some larger school districts already have documents in place that could be models for the other districts.
- **Encourage further research and investigation into the circumstances of suspension and expulsion in local schools.** Findings in this report are first round and need

more data to really understand how and when discipline is being used and with what types of students. In particular, it is important to learn why the discipline rates are so high in small, lower-income schools and what conditions, either within or outside the school, contribute to these high rates.

- **Encourage and provide funding to support innovation among schools to address discipline issues.** This could mean school-wide interventions such as Positive Behavioral Interventions and Support (PBIS) or other alternatives to traditional discipline. Another approach is to involve the larger community, collaborating with local community organizations, which could be a cost-effective way to deliver more prevention and intervention programming.

## Data Used In This Report

The 2007–2008 school year data for this brief were collected by the New Hampshire Department of Education from schools and school districts. A comparison with the previous year's 2006–2007 School Safety Survey data found that the numbers of incidents reported by the schools in the two data sets were, in general, comparable, although there were expected variations in reports by schools from one year to the next.

The extent of variation from one year to the next in any given school, but particularly in small schools, could be quite large. Any incident rate for a school calculated on one year's data, consequently, could be misleading. For this reason primarily, we chose not to report on individual schools, protecting them from generalizations that might be made based on unusually high or low numbers reported in any one year. If in the future there is interest in publishing rates at the level of the individual school, we recommend that at least three years of data be averaged to overcome these problems.

Anecdotally, from interviews we conducted with a small number of administrators, we found considerable variation in the way they were answering the School Safety Survey forms, including the way they interpreted the term *incident* and what they assigned to the survey's "other" category. Based on these comments, we believe there may be some misreporting occurring. While we recommend that the specific numbers and rates be interpreted with caution, we also believe that the larger patterns presented in our conclusions are accurate.

## ENDNOTES

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10. See *Goss v. Lopez*, 419 U.S. 565 (1975). Thanks to Dr. Todd DeMitchell, professor of school law in the University of New Hampshire Department of Education, for this point.
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12. Number of New Hampshire schools actively participating in the Positive Behavioral Interventions and Support (PBIS) system as of June 20, 2008, was 107. Information on PBIS is available through the New Hampshire Center for Effective Behavioral Interventions and Supports (NH CEBIS) Web site at [http://nhcebis.seresc.net/pbis\\_nh](http://nhcebis.seresc.net/pbis_nh).

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16. The Office of Civil Rights Survey does not ask about in-school suspensions.

17. The New Hampshire Department of Education reports that there are actually 479 schools in the state, but for administrative purposes, some schools are divided into two schools for reporting.

18. The small number of expulsions in the data limited most county analyses to the suspension data.

19. The differences, although they appear small for the elementary schools, were statistically significant for both groups at  $p < 0.05$ .

20. New Hampshire RSA 193:13 and RSA 193-D:1-8, <http://www.gencourt.state.nh.us/rsa/html/XV/193/193-1.htm> and <http://www.gencourt.state.nh.us/rsa/html/XV/193-D/193-D-mrg.htm> (accessed August 3, 2009).

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