



## Using Federal Stimulus Dollars to Reduce Suspension Rates Taby Ali and Cyd Oppenheimer, J.D.

May 2009

In 2007, the Connecticut General Assembly passed Public Act 07-66, “An Act Concerning In-School Suspensions,” which, as of July 1, 2009, would raise the threshold on the types of behaviors that could result in an out-of-school suspension. In 2009, the federal government passed the American Recovery and Reinvestment Act (ARRA), which, among other things, provides funds to local school districts for short-term investments designed to improve academic achievement and school system capacity. School districts have significant discretion over how these funds should be spent. Connecticut school districts should take advantage of these funds to support their implementation of the 2007 suspension law by investing these dollars in proven strategies that improve school climate and student behavior. Spending funds in this way has the mutual benefit of meeting the goals of the ARRA and helping Connecticut schools promote school discipline and improve academic performance by keeping children in school.

The intention of the 2007 suspension law is to reduce schools’ reliance on out-of-school suspensions, which can lead to reduced student engagement and achievement. Governor M. Jodi Rell, when signing the proposal into law, explained:

“Students should be removed from the school setting only under the most exceptional circumstances. Student learning takes place primarily when students are in school... Keeping children out of school is a direct line to delinquent behavior. Students get farther behind in their course work. They lose hope of catching up. It’s a recipe for failure.”<sup>1</sup>

Connecticut’s 2007 suspension law represents a common-sense solution to the well-documented

problem of too many children -- including young children -- being denied educational opportunity as a result of minor disciplinary infractions. According to the 2007-2008 Connecticut discipline data, the majority (58%) of out-of-school suspensions are issued for relatively minor offenses, primarily attendance violations and showing disrespect.<sup>2</sup> Connecticut’s school suspension law represents a more productive discipline policy, one that keeps children in school and improves behavior.

Connecticut school districts should allocate a portion of ARRA funds, particularly Title I, Part A or IDEA (Part B), toward strategies that reduce suspensions. **The passage of ARRA has made available \$70.71 million in Title I, Part A and \$132.97 million in IDEA (Part B) federal education funding to Connecticut school districts.**<sup>3</sup> Title I, Part A and IDEA federal funds are distributed annually to state education agencies to ensure that all students meet certain academic standards. Title I, Part A funds are intended for districts serving high percentages of poor children,<sup>4</sup> while IDEA (Part B) funds are intended for special education students.<sup>5</sup> Both of the populations supported by Title I, Part A and IDEA (Part B) are overrepresented among Connecticut’s suspended students. Districts that receive Title I funds have the highest suspension rates in the state,<sup>6</sup> while special education students are suspended at disproportionately greater rates than their peers.<sup>7</sup> The availability of Title I, Part A and IDEA (Part B) ARRA grants offers an important opportunity to address Connecticut’s suspension rates.

Strategies that reduce out-of-school suspension rates are in accordance with the “supplement, not supplant” and “maintenance of effort” restrictions that accompany the federal stimulus funds,<sup>8</sup> and meet federal *and* state guidance on how to spend these

funds. The U.S. Department of Education has strongly recommended that the stimulus money not be invested in ways that will result in unsustainable continuing commitments after the federal funding expires, but rather put to uses that will have long-term benefits, such as “scaling-up” positive behavioral supports to improve outcomes for students with disabilities.<sup>9</sup> Similarly, the Connecticut State Department of Education (SDE) has suggested that a portion of the IDEA (Part B) ARRA funds be used to “implement evidence based practices to curb high rates of in- and out-of-school suspensions that lead to significant loss of school time.”<sup>10</sup> This guidance from the federal and state education agencies sends a clear and powerful message about the urgent need to reduce the practice of out-of-school suspensions.

Positive Behavioral Supports (PBS) is an example of a strategy that reduces out-of-school suspension rates and meets federal and state ARRA guidance. PBS is an evidence-based, data-driven framework shown to reduce disciplinary incidents, increase a school’s sense of safety, and support improved academic outcomes.<sup>11</sup> PBS is a model of discipline management that aims to reward positive behavior and adjust problem behavior without inadvertently reinforcing it. The theory behind PBS is that poor behavior is a function of a child’s social skills, environment, and reinforcement. Therefore, schools first need to create a system that prevents serious misbehavior and then create targeted interventions that address the cause of a student’s disruptive behavior. The effectiveness of PBS relies on a well-trained staff of educators who are equipped with the skills to manage their classroom, de-escalate conflict, and develop tailored behavioral management plans.

The data on the effectiveness of positive behavior support programs are well documented. Schools that effectively implement PBS demonstrate:

- Reductions in rates of office referrals, suspensions, and expulsions per year;
- Improved attendance rates; and
- Improved academic achievement.<sup>12</sup>

The Connecticut State Department of Education (SDE) distributes Title I, Part A funds to school districts based on a formula accounting for the percentage of low-income children in the district; school districts allocate these funds to schools based on the percentage of low-income children in the school.<sup>13</sup> IDEA funds are distributed to students

based on a formula accounting for the number of special education students and children living in poverty in the district.<sup>14</sup> SDE received \$35.4 million in Title I, Part A funds and \$66.5 million in IDEA (Part B) ARRA funding on April 2, 2009.<sup>15</sup> It will receive the other half of these federal stimulus funds by September 30, 2009.<sup>16</sup> Estimations of ARRA distributions by district are available at [www.sde.ct.gov/sde/lib/sde/pdf/arra/stimulus.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/arra/stimulus.pdf). School districts must complete applications and submit them to SDE in order to access the Title I and IDEA federal stimulus funds.<sup>17</sup> According to federal guidance, school districts should obligate the majority of these funds during school years 2008-2009 and 2009-2010, and the remainder during school year 2010-2011.<sup>18</sup> These funds must be obligated by September 30, 2011.<sup>19</sup>

The need to address Connecticut educators’ persistent over-reliance on disciplining students with an out-of-school suspension is great. This type of discipline has been linked to lowered academic achievement,<sup>20</sup> academic disengagement,<sup>21</sup> and future dropout.<sup>22</sup> In Connecticut, our most academically vulnerable students—including non-white students, special education students, and students living in low-income communities—are suspended at disproportionately greater rates than their peers.<sup>23</sup> By leveraging federal stimulus dollars to fund alternative disciplinary strategies, schools will be able to improve student discipline while keeping children in school, where they learn best.

<sup>1</sup> Governor M. Jodi Rell. Signing Statement for In-School Suspensions Law (June 28, 2007) available at: [www.ct.gov/Governorrell/cwp/view.asp?A=2791&Q=385306](http://www.ct.gov/Governorrell/cwp/view.asp?A=2791&Q=385306).

<sup>2</sup> Connecticut State Department of Education, “Statewide Disciplinary Offense Report” (2007-2008).

<sup>3</sup> U.S. Department of Education, “Funds for State Formula-Allocated and Selected Student Aid Programs” (April 15, 2009) at p. 15 available at [www.ed.gov/about/overview/budget/statetables/09stbystate.pdf](http://www.ed.gov/about/overview/budget/statetables/09stbystate.pdf).

<sup>4</sup> U.S. Department of Education. “American Recovery and Reinvestment Act 2009: Title I, Part A, Part A Grants to Local Education Agencies” (April 1, 2009) available at: [www.ed.gov/policy/gen/leg/recovery/factsheet/title-i.html](http://www.ed.gov/policy/gen/leg/recovery/factsheet/title-i.html).

<sup>5</sup> U.S. Department of Education. “American Recovery and Reinvestment Act 2009: IDEA Recovery Funds for Services to Children with Disabilities” (April 1, 2009) available at: [www.ed.gov/policy/gen/leg/recovery/factsheet/idea.html](http://www.ed.gov/policy/gen/leg/recovery/factsheet/idea.html).

<sup>6</sup> Connecticut students in districts with lower socioeconomic status indicators are more than four times as likely than their peers to be out-of-school suspended.

<sup>7</sup> Connecticut special education students are more than twice as likely than their peers to be out-of-school suspended.

<sup>8</sup> In other words, a local education agency may not use these funds for an activity that it provided last year with non-federal funds (to do so would be considered “supplanting”). *See* “Guidance: Funds under Title I, Part A, Part A of the Elementary and Secondary Education Act of 1965 Made Available Under The American Recovery and Reinvestment Act of 2009” (April 2009) at p.28, available at [www.ed.gov/policy/gen/leg/recovery/guidance/title-i.pdf](http://www.ed.gov/policy/gen/leg/recovery/guidance/title-i.pdf).

<sup>9</sup>See “American Recovery and Reinvestment Act of 2009: IDEA Recovery Funds for Services to Children and Youth with Disabilities” (April 1, 2009) available at [www.ed.gov/policy/gen/leg/recovery/factsheet/idea.html](http://www.ed.gov/policy/gen/leg/recovery/factsheet/idea.html).

<sup>10</sup> Connecticut State Department of Education, “IDEA (Part B) Children with Disabilities age 3-21, IDEA (Part B) Preschool Grants” at page 2 available at: [www.sde.ct.gov/sde/lib/sde/pdf/arra/ideaonlysheetsupt.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/arra/ideaonlysheetsupt.pdf)

<sup>11</sup> Southern Poverty Law Center, “Positive Behavior Supports, A Wise Investment in Economic Stimulus Funds” (2009) citing Robert Horner et al, “A Randomized, Wait-List Controlled Effectiveness Trial Assessing School-Wide Positive Behavior Support in Elementary Schools,” *Journal of Positive Behavior Interventions* (forthcoming 2009); Jeffrey R. Sprague & Robert H. Horner, “School Wide Positive Behavioral Supports, in *The Handbook of School Violence and School Safety: From Research to Practice*” (Shane R. Jimerson & Michael J. Furlong, eds., 2007).

<sup>12</sup> Southern Poverty Law Center, “Positive Behavior Supports, A Wise Investment in Economic Stimulus Funds” (2009).

<sup>13</sup> Danielle Ewen, Jennifer Mezey, and Hannah Matthews, “Missed Opportunities? The Possibilities and Challenges of Funding High-Quality Preschool through Title I of the NO Child Left Behind Act,” (Center for Law and Social Policy: March 2005) at 3, available at [www.clasp.org/publications/missed\\_opp.pdf](http://www.clasp.org/publications/missed_opp.pdf).

<sup>14</sup> Code of Federal Regulations: 34CFR300.705 available online at: [edocket.access.gpo.gov/cfr\\_2008/julqtr/34cfr300.705.htm](http://edocket.access.gpo.gov/cfr_2008/julqtr/34cfr300.705.htm).

<sup>15</sup> U.S. Department of Education, “American Recovery and Reinvestment Act: Initial Release of Funds” (April 2, 2009), available at [www.ed.gov/about/overview/budget/budget09/09recoveryinitialrelease.pdf](http://www.ed.gov/about/overview/budget/budget09/09recoveryinitialrelease.pdf).

<sup>16</sup> U.S. Department of Education, Office of Special Education and Rehabilitative Services, “Guidance: Funds for Part B of the Individuals with Disabilities Education Act Made Available Under The American Recovery and Reinvestment Act of 2009” (April 2009) at 7, available at [www.ed.gov/policy/gen/leg/recovery/guidance/idea-b.pdf](http://www.ed.gov/policy/gen/leg/recovery/guidance/idea-b.pdf).

<sup>17</sup> State Department of Education, “Title IA, Education of the Disadvantaged” (March 2009), available at [www.sde.ct.gov/sde/lib/sde/pdf/arra/finaltitleiatemplate.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/arra/finaltitleiatemplate.pdf) and State Department of Education, “IDEA (Part B) Children with Disabilities age 3-21 and IDEA (Part B) Preschool Grants” (March 2009), available at [www.sde.ct.gov/sde/lib/sde/pdf/arra/ideaonlysheetsupt.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/arra/ideaonlysheetsupt.pdf). Note that SDE announced at the end of March that these applications should be available by the end of April (based on its website, the applications do not appear to be available as of this writing, in mid-May).

<sup>18</sup> U.S. Department of Education, “American Recovery and Reinvestment Act of 2009: IDEA Recovery Funds for Services to Children and Youth with Disabilities” (April 1, 2009) at 2,

available at [www.ed.gov/print/policy/gen/leg/recovery/factsheet/idea.html](http://www.ed.gov/print/policy/gen/leg/recovery/factsheet/idea.html).

<sup>19</sup> *Ibid*.

<sup>20</sup>In every grade tested by the Connecticut Mastery Test, suspended or expelled students scored below proficiency in reading and math at higher rates when compared to the entire grade. *See* Connecticut State Department of Education, “Presentation to the Juvenile Jurisdiction Policy and Operations Coordinating Council,” Presentation (November 15, 2007), slide 13. PowerPoint available at: [www.housedems.ct.gov/jjpooc/JJPOCCfinalppt3.pdf](http://www.housedems.ct.gov/jjpooc/JJPOCCfinalppt3.pdf).

<sup>21</sup> W. Jordan, J. Lara, and J. McPartland. “Exploring the Complexity of Early Dropout Casual Structures,” Johns Hopkins University Center for Research on Effective Schooling for Disadvantaged Students, Issue 48 (1994).

<sup>22</sup> *See generally* Connecticut State Board of Education, “A Review of Programs for Reducing the Dropout and Suspension Rates of Those Students at Risk of Dropping Out or Being Suspended from School,” (March 2007), pp. 13-15.

<sup>23</sup> Connecticut State Department of Education, “Unduplicated Count of Students Suspended” (2006-2007). Special request of data provided to Connecticut Voices for Children.