

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

LITTLE ROCK SCHOOL DISTRICT, *et al.*

PLAINTIFFS

No. 4:82-cv-866-DPM

PULASKI COUNTY SPECIAL SCHOOL  
DISTRICT, JACKSONVILLE/NORTH  
PULASKI SCHOOL DISTRICT, *et al.*

DEFENDANTS

EMILY McCLENDON, TAMARA EACKLES,  
VALERIE STALLINGS, TIFFANY ELLIS,  
and LINDA MORGAN

INTERVENORS

ORDER

The Court is attaching Ms. Powell's third summary report, which covers discipline-related matters at JNPSD. *No 5502 at 2-3*. The Court appreciates her work.

So Ordered.

*D.P. Marshall Jr.*  
D.P. Marshall Jr.  
United States District Judge

*4 November 2019*

## **UPDATE OF THE STATUS OF THE JACKSONVILLE/NORTH PULASKI SCHOOL DISTRICT'S IMPLEMENTATION OF PLAN 2000-DISCIPLINE**

On July 18, 2019, Chief U. S. District Judge D. Price Marshall, Jr., directed the Court Expert to issue written status reports on the remaining areas of the Jacksonville/North Pulaski School Districts' (JNPSD) desegregation plan (Plan 2000) that remain under Court supervision (Doc 5502). This report is number three of eight.

### **DISCIPLINE (Plan 2000-Section F)**

Plan 2000 does not mention the JNPSD, because it did not exist when the plan was written. The Jacksonville/North Pulaski School District was granted independent status in 2016. All of the schools in the JNPSD were originally a part of the Pulaski County Special School District. As a condition for being granted independent status, the JNPSD had to accept being bound by the same provisions of Plan 2000, as those of the PCSSD, that are still under Court supervision.

For the purpose of clarity, with all JNPSD status reports, when citing plan provisions, I substitute JNPSD, where the plan says PCSSD. In addition, some job titles mentioned in the provisions have changed or have been eliminated since Plan 2000 was developed. Paragraphs 3, 4, and 5 under the Discipline section of Plan 2000 were time limited and are not reported in this document.

***Note:** In this desegregation case, for reporting purposes, there are only two racial categories: black and white. There is no "Other" racial category; all non-black individuals are counted as white.*

### **PLAN PROVISION**

The JNPSD will continue to gather data which allows a full assessment of its success in achieving its objective of eliminating racial disparities in the imposition of school discipline. As a foundation for this effort, disciplinary records shall be kept on each student concerning the nature of any discipline imposed (suspension, Saturday school, expulsion, etc.); the teacher and staff member involved; and the school, race, and sex of the student. (F.1 pg.3)

### **FINDINGS**

All of the data reflected in this report were provided by the office of the Assistant Superintendent for Desegregation.

### **2016-2017**

In 2016, the JNPSD was just beginning its first year as an independent school district. As a result, some reporting processes were still in the developmental stage. The discipline data reported for 2016-2017 are not the totals for a complete school year, instead, they represent all of

the data the district was able to provide.

***Note:** The JNPSD has one high school and one middle school. In 2016-2017 and 2017-2018, there were six elementary schools: Arnold Drive, Bayou Meto, Dupree, Pinewood, Taylor, and Tolleson.*

### **SUSPENSIONS**

- At the elementary level, 135 black males, 71 white males, 46 black females and 12 white females were suspended.
- Dupree suspended the greatest number of black students: 46 black males, and 20 black females. Pinewood was second, suspending 44 black males and 8 black females.
- At the middle school, a total of 125 black males and 49 white males were suspended. A total of 103 black females and 22 white females were also suspended.
- At the high school, 119 black males and 34 white males were suspended. Black females received 78 suspensions and 16 white females were suspended.
- Districtwide rates were: black males 47%, white males 19%, black females 28% and white females 6%.

### **IN-SCHOOL SUSPENSIONS**

- At the elementary level, 107 black males, 47 white males, 38 black females and 11 white females were assigned to in-school suspension.
- Pinewood assigned the greatest number of black students to in-school suspensions: 52 black males and 9 black females, followed by Dupree assigning 32 black males and 17 black females to in-school suspension.
- At the middle school, 129 black males, 41 white males, 84 black females and 21 white females received in-school suspension.
- The high school reported 154 black males, 40 white males, 90 black females and 28 white females who were assigned to in-school suspension.
- Districtwide, the in-school suspension rates totaled: black males 49%, white males 16%, black females 27% and white females 8%.

### **BUS SUSPENSIONS**

- At the elementary level, 56 black males, 32 white males, 30 black females and 11 white females were suspended from the buses.
- There were no middle school bus suspensions reported.
- At the high school, 4 black males and 2 black females were suspended from the buses.
- Districtwide rates were: black males (44%); white males (24%); black females (24%) and white females 8%.

### **EXPULSIONS**

- At the elementary level, Dupree expelled 2 students: 1 black female and 1 white male. Tolleson expelled 1 white male.
- The middle school expelled 3 black males, 2 white males and 5 black females.
- The high school expelled 11 black males, 3 white males, 8 black females and 2 white females.

- Districtwide totals were: black males 38%, white males 19%, black females 38% and white females 5%.

### **2017-2018**

#### **SUSPENSIONS**

- At the elementary level, 140 black males, 54 white males, 27 black females, and 12 white females were placed on out of school suspension. Taylor suspended the greatest number of black students: 55 black males and 12 black females, followed by Dupree with 33 black males and 3 black females.
- At the middle school, 122 black males, 51 white males, 79 black females, and 23 white females.
- The high school suspended 118 black males, 33 white males, 78 black females and 26 white females
- Districtwide, rates were: black males 50%, white males 18%, black females 24%, and white females 8%.

#### **IN-SCHOOL SUSPENSIONS**

- At the elementary level, 175 black males, 53 white males, 68 black females, and 19 white females, received in-school suspensions.
- Taylor assigned the greatest number of black students to in-school suspension: 49 black males and 29 black females. Dupree followed with 55 black males and 17 black females receiving in-school suspensions.
- Districtwide, in-school suspension rates were: black males 49%; white males 28%; black females 15%; and white females 8%.

#### **BUS SUSPENSIONS**

- At the elementary level, 59 black males, 19 white males, 18 black females, and 13 white females received bus suspensions. By far, Dupree suspended the largest number of black students from the buses: 26 black males and 8 black females.
- The middle school had 2 bus suspensions: 1 white male and 1 white female.
- The high school suspended 6 black males, 2 white males, 1 black female, and 1 white female from the buses.
- Districtwide, bus suspension rates were: black males 54%; white males 16%; black females 18%; and white females 12%.

#### **EXPULSIONS**

- At the elementary level, Dupree expelled 1 white female; Pinewood expelled 1 black male and 1 white male and, Tolleson expelled 4 black males.
- The middle school expelled 1 black male, 5 white males, and 4 black females.
- The high school had a total of 15 expulsions: 9 black males, 4 white males, and 2 white females.
- Districtwide, expulsion rates were: black males 47%; white males 31%; black females 13%; and white females 9%

**2018-2019**

***Note:** In 2018, the JNPSD closed two elementary schools: Arnold Drive and Tolleson. Students who lived in those two attendance zones were reassigned to the newly built Bobby G. Lester Elementary School.*

**SUSPENSIONS**

- At the elementary level, 84 black males, 26 white males, 34 black females, and 4 white females received out-of-school suspensions.
- Of the elementary schools, Taylor suspended significantly more black students than any other elementary school in the JNPSD: 40 black males and 24 black females.
- At the middle school, 118 black males, 65 white males, 70 black females, and 28 white females received out-of-school suspensions.
- At the high school 118 black males, 26 white males, 73 black females, and 21 white females were placed on out-of-school suspension.
- Districtwide out-of-school suspension rates were: black males 50%; white males 15%; black females 27%; and white females 8%.

**IN-SCHOOL SUSPENSIONS**

- At the elementary level, 177 black males, 52 white males, 83 black females, and 20 white females were assigned to in-school suspension.
- Taylor topped the list of elementary schools with respect to the number of black students placed in-school suspension: 65 black males, and 45 black females. Dupree came in second with 60 black males and 12 black females receiving in-school suspensions
- At the middle school, 102 black males, 40 white males, 76 black females, and 20 white females were assigned to in-school suspension.
- At the high school, 117 black males, 36 white males, 85 black females, and 18 white females received in-school suspensions.
- Districtwide in-school suspension rates were: black males 48%; white males 15%, black females 30%, and white females 7%.

**BUS SUSPENSIONS**

- At the elementary level, 44 black males, 13 white males, 10 black females, and 7 white females were suspended from the buses.
- At the middle school, 22 black males, 7 white males, 12 black females, and 2 white females were suspended from the buses.
- At the high school, 3 black males and 2 black females were suspended from the buses.
- Districtwide, bus suspensions were: black males 57%; white males 16%; black females 20%; and white females 7%

### **EXPULSIONS**

- There was 1 expulsion at the elementary level: Bobby G. Lester: 1 white male .
- At the middle school, 3 black males, 3 white males, and 1 black female were expelled.
- At the high school, 14 black males, 1 white male, and 2 black females were expelled.
- Districtwide expulsion rates were: black males 68%; white males 20%; and black females 12%. No white females were expelled in 2018-2019.

### **PLAN PROVISION**

The Assistant Superintendent for Desegregation and the Assistant Superintendent for Pupil Personnel shall thereafter provide for and participate in specific efforts to work with teachers and other staff members and the personnel of schools, identified pursuant to the criteria set forth in paragraph 2, to promote achievement of the goal of eliminating racial disparities in school discipline. The Assistant Superintendent for Desegregation shall maintain records showing the specific steps undertaken. (F.3, pg.3)

### **FINDINGS**

- The Director of Federal Programs and Student Services, whose department oversees all discipline programs, practices, and initiatives in the district, has designed a comprehensive discipline data reporting process. According to the director, the purpose of this relatively new system is to ensure that “Discipline is administered equitably and is consistent with district policies.”
- Building principals are required to maintain a Staff Discipline Report that records all discipline actions within their school. The principals are required to record discipline in the Arkansas Department of Elementary and Secondary Education database (eSchool) within 24 hours of the disciplinary decision.
- The director issues weekly discipline error reports to principals and assistant principals, showing infractions in eSchool that are missing an incident subcode, such as: rule number; offender; disciplinary action; action duration; reports to the police without date or action; and incidents not reported to police with police action of arrested. The purpose of the reports is to correct errors and to maintain accurate discipline records.
- The director issues a weekly Campus Discipline Report that demonstrates consequences by race, gender, infraction level, and number of offenses. The report also includes the number of office discipline referrals reported by each staff member (Staff Referral Totals). The purpose of the report is to provide administrators with data to:
  1. Identify and resolve disciplinary inconsistencies based on student race or gender.
  2. Identify and provide support to staff members who demonstrate discrepancy in discipline practices, or who experience excessive discipline issues in the classroom.
  3. Determine whether disciplinary consequences are being administered consistent with handbook policy.
- The Equitable Campus Discipline Report, issued monthly, by the director, reflects discipline data for every school in the district. The report reveals the consistency or inconsistency with which the student handbook is being followed, by race and gender, at each school. The report uses the data found in the Campus Discipline Report (see above).

The purpose of the report is to ensure consistent consequences as designed in the student handbook.

- The director issues weekly At-Risk reports to principals, assistant principals, and school counselors. The report provides individual discipline, attendance, and academic data on each student in the building. The report is used to identify students who are in need of individual support.
- The director provides a monthly Discipline Disparity Report to the principals and assistant principals that reflects disparities between action percentages and enrollment percentages at each campus.
- Leadership teams use all of the reports described above, to develop and implement plans that are designed to address disparate discipline.
- The JNPSD employs a full-time Behavior Specialist, who provides behavioral intervention support to students and staff. The specialist assists staff and students with developing plans that address the individual student. (See RtI below).
- RtI (Response to Intervention), is another tool district personnel use to improve discipline in the schools. RtI is described as a “Problem-solving approach that uses a three-tier model of intervention that is based on an integrated system of assessment and data collection that informs instructional decisions and decisions for a behavior plan at each tier.” The tiers progress from various universal interventions that tend to work for most students, to targeted interventions for more at-risk students, to intensive interventions for individual students, which may involve diagnostic assessments and intense durable procedures. RtI Specialists provide training and technical support to the schools.
- Professional educators (paid by the district) mentor new classroom teachers and those having difficulties in the classroom, such as poor classroom management; difficulty communicating subject matter, excessive discipline referrals, and the like.
- Second Step is described as “A curriculum designed to foster the safety and well-being of children through social-emotional learning and development. The program is designed to empower children with social-emotional skills that help them in the classroom and throughout their lives.” The comprehensive curriculum includes multiple instructional strategies to develop the social and emotional capacity of the students.
- ENVoY (Educational, non-verbal yardsticks) is a consulting firm that is providing classroom management and follow-up support for secondary teachers. The firm’s goal, as stated, is to “Provide training and mastery in communication, management, and relationship development in schools.” Teachers receive support and monthly coaching by certified ENVoY coaches.
- PBIS (Positive Behavioral Interventions and Supports) is a “school wide system of support that include proactive strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments.” According to the district’s 2018-2019 Discipline Summary Report, “Instead of using a piecemeal approach of individual management plans, a continuum of positive behavior support for all students within a school is implemented in areas including the classroom and common settings. Each PBIS team developed campus wide expectations and discussed plans to teach, model, and reinforce expected behaviors.”
- The Titan Academy is the district’s new ALE (Alternative Learning Environment). The Academy, which has its own campus, is housed in a recently purchased building that has been refurbished and outfitted for two separate populations. One section of the building,

“The Titan Learning Center,” is designed to help students who are in danger of being expelled from school due to behavior problems. These students have committed the most serious behavior offenses that are identified in the student handbook. In a separate area of the building, “The Hub” is designed to help students with credit deficiencies to catch up on their credits. These students can avoid repeating a grade, not graduating, flunking out of school, or dropping out of school, because their peers are leaving them behind.

### **COMMENTS**

While it is too soon to determine if all of the interventions and practices that the Jacksonville/North Pulaski School District’s administration has put into place to address discipline disparities will be successful, one cannot argue that the district is not seriously committed to doing so. The discipline reporting processes are “super reviewed and monitored,” leaving almost no room for errors. The Director of Federal Programs and Student Services, who oversees discipline in the district, runs a very tight ship. He personally reviews all of the discipline reports and provides feedback to every building principal on a weekly basis. He requires the principals to address all identified problems immediately.

The JNPSD is taking efforts to reduce discipline disparities to another level. By “putting its money where its mouth is,” the district has allocated a significant amount of its budget to pay for several discipline related programs and services. Paid Behavior Interventionists and professional Teacher Mentors are just a couple of examples of the district’s commitment to eliminating discipline disparities. It should be noted that some of the interventions acknowledge the administration’s understanding that students are not the only source of discipline problems, but that some educators can have a negative impact on student behavior. In other words, discipline involves everyone.

That the district purchased a former furniture store and repurposed the building to serve as dual purpose alternative schools, is another indication of the district’s willingness to invest in its students.

All of the JNPSD’s efforts to reduce discipline disparities, and to improve discipline districtwide, are admirable, considering that the district is only three years old. All of the top administrators are new to the area. Some are new to the state, and all were new to Plan 2000. Yet, with its plethora of programs, practices, and services, combined with the strict monitoring of each school’s discipline actions, the JNPSD just may have developed a model discipline system that other districts may want to duplicate.