

Investing in Success: Increased Support Can Improve Student Behavior and Outcomes

By Tamaya Browder
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Overview

In 2022, more than eight in ten schools surveyed nationwide reported increased behavioral and socioemotional challenges in their students following the COVID-19 pandemic.² In response to behavioral issues and classroom disruptions, there has been a trend toward stricter student discipline policies in recent years across the country, including in West Virginia. These policies fail to address student misbehavior, increase the likelihood of poorer long-term outcomes for students, and contribute to disparities across student groups.³ To address the needs of students and reduce behavioral issues, policymakers need to prioritize upstream investments in student wellness and success through staffing of counselors, social workers, psychologists, and teachers. School districts across our state are currently operating far below recommended ratios for these essential positions—in large part due to an outdated school funding formula that does not allocate adequate funding for the requisite ratio of professional school support positions to ensure students have the resources they need. Prevention-based and restorative practices have been shown to reduce behavioral issues among students while improving short- and long-term student outcomes. The impact of this approach was evidenced by the ESSER-funded investments into student support, which are expected to yield nearly \$1.4 billion in student lifetime earnings.⁴

Key Findings

- Punishment for minor behavioral incidents increased following the implementation of House Bill 2890, legislation aimed at addressing student behavior. In the 2023-24 school year, low-level behavioral incidents increased and made up a larger share of overall incidents while serious incidents stayed largely level.
- Low-level behaviors made up about 80 in 100 incidents last school year while very serious behaviors only made up 1 in 100.
- Supportive interventions were used less than two percent of the time in response to behavioral incidents.

What is 2023's HB 2890 and Why is it Important?

House Bill 2890¹ was enacted in 2023 in an effort to address behavioral issues and classroom disruptions by giving sixth through twelfth grade teachers increased discretion in disciplinary decisions. It mandated that students be suspended from school if removed from a classroom for disorderly conduct three or more times in one month.

This bill mirrored similar legislation in other states by taking a harsher stance against student misbehavior and increasing authority provided to all teachers, including substitutes and new teachers. This raised a variety of concerns for student well-being such as overuse and misuse, potential violation of federal protections for students with disabilities, reinforcement of the school to prison pipeline, and exacerbation of the child welfare crisis in our state.

¹ HB 2890, 2023 West Virginia Legislative Session.

² Institute of Education Sciences, School Pulse Panel Data, <https://ies.ed.gov/schoolsurvey/spp/>.

³ Melissa Kay Diliberti and Rachel M. Perera, "What Does the Research Say About How To Reduce Student Misbehavior in Schools?," The Brookings Institution, September 21, 2023, <https://www.brookings.edu/articles/what-does-the-research-say-about-how-to-reduce-student-misbehavior-in-schools/>.

⁴ Dan Dewey et al., "Federal Pandemic Relief and Academic Recovery," Education Recovery Scorecard, June 2024, <https://educationrecoverycorecard.org/wp-content/uploads/2024/06/June2024ERS-Report.pdf>.

- Students with disabilities are only about 20 percent of the student population but account for over 40 percent of last school year’s out-of-school suspensions.
- West Virginia could achieve the requisite ratio for professional student support staff for just \$120 million per year or half the projected cost of the Hope Scholarship expansion.

School Discipline and Student Outcomes in the Wake of HB 2890

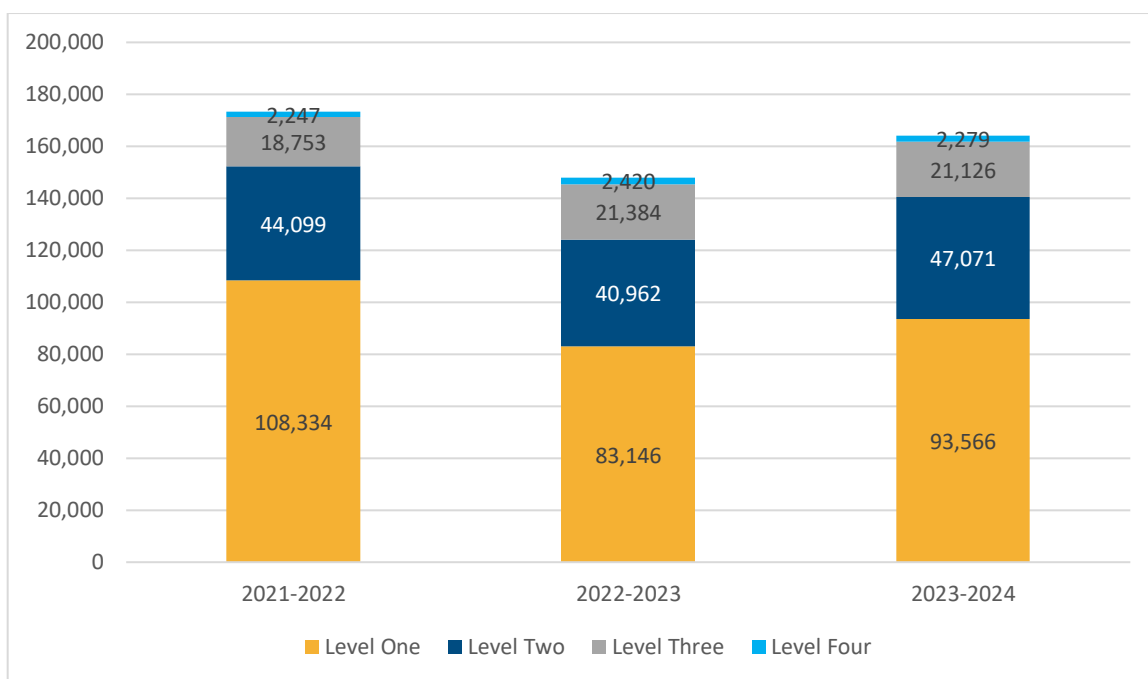
During the 2023-24 school year, when HB 2890 was implemented, 83 percent of reported student behavioral issues were for level one or two infractions. Level one and two behavioral incidents increased compared with the year prior both in raw numbers and as a share of total behavioral incidents. Level three and four incidents slightly declined as a share of overall incidents. This suggests that one effect of HB 2890 was increased infractions for low-level behavioral incidents while failing to move the needle on serious incidents.

Additionally, HB 2890 did not significantly impact repeated misbehavior among students. There was an overall increase in the number of students with repeated incidents, but the rate was relatively unchanged from previous school years.⁵ Last year, among students with reported behavioral incidents, almost half had between two and five infractions.

Figure 1

Punishment for Minor Behavioral Incidents Increased Following Implementation of House Bill 2890

Student behavioral incidents, total and by severity level in West Virginia public schools, 2021 to 2024



Source: West Virginia Department of Education Discipline data

Over half of behavioral incidents during the 2023-2024 school year were from level one behaviors such as “disruptive conduct,” dress code policy violation, tardiness, skipping class, inappropriate language, and cell phone policy violation.⁶ Disruptive conduct is defined broadly by the West Virginia Board of Education policy, which can contribute to subjective interpretation and enforcement that could result in unfair disciplinary

⁵ West Virginia Department of Education Discipline Data, <https://zoomwv.k12.wv.us/Dashboard/dashboard/28497>.

⁶ Expected Behavior in Sage and Supportive Schools (Policy 4373), West Virginia Board of Education Policies.

actions, particularly for students of color.⁷ About one-third of incidents were from level two behaviors such as insubordination, technology misuse, reckless conduct, profanity, or leaving school without permission. Level three behaviors include vandalism, bullying, harassment, battery of a student, and tobacco/nicotine use or possession. Level four behaviors made up one percent of incidents last school year. These include battery of an employee; use, possession or distribution of drugs or alcohol; and use or possession of a deadly weapon.

Schools utilized a variety of actions in response to student behavioral incidents, with the majority being exclusionary practices while supportive interventions (e.g., referrals for counseling) were used very rarely. Most incidents last school year were for level one and two behaviors. Despite their low level of severity, these made up about 40 percent of in-school suspensions and 33 percent of out-of-school suspensions for the year. This clearly indicates an approach to student behavior that prioritizes punitive action over prevention and rehabilitation, which can have long-term consequences for students.

Table 1
Detention and Suspension are the Most Commonly Used Disciplinary Actions

Top five disciplinary actions used in West Virginia public schools, 2023-2024

Action Type	Total	Rate of Use
Detention	53,737	31%
In-school Suspension	35,138	20%
Out-of-school Suspension	33,795	19%
Administrator/Teacher and Student Conference	26,973	15%
Parent Involvement	8,654	5%

Source: WVCPB analysis of West Virginia Department of Education Discipline data

The actions used in response to student behavioral incidents were not applied equally across student groups, particularly among vulnerable populations such as students of color, students with disabilities, students experiencing homelessness, and students in foster care. Last school year, these groups made up a disproportionate share of suspensions (both in- and out-of-school), detentions, teacher and student conferences, parent involvement referrals, and alternative education placements compared to their share of the student population. In some cases, the share of disciplinary actions applied to these groups was double or even triple their share of the student population. For example, students with disabilities are only about 20 percent of the student population, but account for over 40 percent of last school year’s out-of-school suspensions. This statistic is particularly concerning as lawmakers were cautioned before enacting this legislation of its harmful potential for students with disabilities. Mountain State Justice, a nonprofit legal services firm, informed lawmakers that the legislation violated federal law by allowing for unilateral and potentially unlimited removal of students.⁸ This breaches the requirement of schools to provide any student with a known or suspected disability with the support needed for them to remain in the classroom.

The current approach to student misbehavior, which promotes the use of exclusionary discipline, has been shown to negatively impact student academic performance, increase the likelihood of students repeating a grade or dropping out of school, and raise the likelihood of these students interacting with law enforcement and

⁷ Heather Steed et al., “By Using Vague Language to Define Misconduct. Many States Put Children at Risk for Unfair Disciplinary Action,” Child Trends, March 10, 2022, <https://www.childtrends.org/publications/by-using-vague-language-to-define-misconduct-many-states-put-children-at-risk-for-unfair-disciplinary-action>.

⁸ Lydia C. Milnes, Letter to Speaker Roger Hanshaw re: HB 2890 regarding school discipline violates federal law, January 30, 2023.

the criminal legal system.⁹ This approach can also have adverse effects on students who remain in the classroom. Research suggests that in schools where exclusionary discipline, such as suspension, is used often, all students are more likely to be arrested and incarcerated as adults and are also less likely to attend a four-year college.¹⁰ In addition to its harmful impact on students, exclusionary discipline has also been shown to be an ineffective solution to student misbehavior.¹¹ Removing students from the classroom environment does not address the factors driving misbehavior and may even exacerbate misbehavior.

The academic impact of exclusionary discipline on students in our state is very clear when we review the data. Male students, Black students, students with disabilities, students experiencing homelessness and students in foster care graduated at lower rates compared to their peers and the overall student population.¹² Further, these student groups discontinued school at higher rates compared to peer groups and the overall student population.¹³ These student groups, excluding males, also had lower proficiency rates in mathematics, reading, and science across all grades compared to peer groups and the overall student population.¹⁴ These disparities in performance between student groups cannot be reasonably explained by differences in student ability and are indicative of systemic flaws.

Increased student misbehavior has been cited as the primary reason for the shift toward harsher and more exclusionary discipline policies across the country. Although reports of heightened student misbehavior are valid and mirrored around the nation, data on school discipline in West Virginia is not available from before the pandemic. As a result, inferences regarding behavior from this period are primarily based on anecdotal evidence.

Invest in Success: Building Capacity for Student Support

The research¹⁵ supports a shift from punitive action to address student misbehavior toward evidence-based and holistic policies which provide support for students and prevent misbehavior, such as increased staffing, social and emotional learning programming, and mental health support.

To better operationalize this approach, the West Virginia Board of Education should revise the policy guiding student behavior and school discipline to prioritize supportive interventions and referrals to services as primary actions in response to misbehavior. Data clearly shows that punitive action and exclusionary discipline are overapplied in our schools, particularly toward vulnerable student groups. This policy should mandate referrals to supportive services and interventions such as counseling, as well as social and emotional learning programs.

Lawmakers should also reaffirm their commitment to children and public education by replacing federal ESSER funding and maintaining investments in student support. Almost half of ESSER funds in our state went toward supporting students and the education workforce through increased hiring, staff retention, and supportive

⁹ Melanie Leung-Gagne et al., “Pushed Out: Trends and Disparities in Out-of-School Suspension,” Learning Policy Institute, September 30, 2022, <https://learningpolicyinstitute.org/product/crdc-school-suspension-report>.

¹⁰ Andrew Bacher-Hicks et al., “The School to Prison Pipeline: Long-run Impacts of School Suspensions on Adult Crime,” National Bureau of Economic Research, September 2019, <https://www.nber.org/papers/w26257>.

¹¹ Diliberti and Perera, “What Does the Research Say About How To Reduce Student Misbehavior in Schools?,” The Brookings Institution, September 21, 2023, <https://www.brookings.edu/articles/what-does-the-research-say-about-how-to-reduce-student-misbehavior-in-schools/>.

¹² West Virginia Department of Education Graduation Data, <https://zoomwv.k12.wv.us/Dashboard/dashboard/2111>.

¹³ West Virginia Department of Education Dropout Data, <https://zoomwv.k12.wv.us/Dashboard/dashboard/2145>.

¹⁴ West Virginia Department of Education State Assessment Data, <https://zoomwv.k12.wv.us/Dashboard/dashboard/7301>.

¹⁵ Diliberti and Perera, “What Does the Research Say About How To Reduce Student Misbehavior in Schools?,” The Brookings Institution, September 21, 2023, <https://www.brookings.edu/articles/what-does-the-research-say-about-how-to-reduce-student-misbehavior-in-schools/>.

programming for students.¹⁶ The statewide loss of ESSER funds amounts to approximately \$246 million annually, which is nearly equivalent to the amount (an estimated \$250 million) the Hope Scholarship is expected to cost once made universal in the 2026-27 school year.¹⁷ Rather than diverting more funds from public schools and allowing gains made through ESSER funding to be lost, lawmakers can commit these funds to strengthening the public school system.

If lawmakers committed even half of the estimated cost of the expanded universal Hope Scholarship to the public school system, we could achieve sufficient coverage of essential support personnel for students funded at the county level.¹⁸ Based on the recommended ratios for support personnel, students in our state are currently underserved for their mental and emotional needs.¹⁹ This is also reflected by the significant number of students reporting poor mental health such as stress, anxiety, and depression.²⁰

Table 2

Estimated Cost of Building Staff Capacity is Half the Cost of the Hope Scholarship Expansion

Estimated staffing needs and annual cost for professional student support personnel

Position	Recommended Ratio	Additional Staff Needed	Estimated Cost (millions)
Social Workers	1:250	913	\$48.2
Psychologists	1:500	390	\$27.3
Counselors	1:250	303	\$18.0
Special Education Teachers	1:15* <i>*Average Ratio in the US²¹</i>	484	\$26.6
Nurses	1:750	5	\$0.27
Total			\$120.4

Source: WVCPB analysis of West Virginia Department of Education Personnel data

Conclusion

Our public schools serve nearly 90 percent of West Virginia students, and they deserve a thorough and efficient school system for all as guaranteed by the state constitution. Current data indicates the need for a shift in our public school system to better support students of all backgrounds and meet the constitutional guarantee. By committing funding and resources to sustain staffing and support services in our public schools and utilizing equitable and evidence-based policies, lawmakers can improve outcomes for students and invest in their success within and beyond West Virginia.

¹⁶ ESSER Expenditure Dashboard, Edunomics Lab, <https://edunomicslab.org/esser-spending/>.

¹⁷ Tamaya Browder, "Hope Scholarship Expansion Threatens Public Education, Communities Already Under Strain," West Virginia Center on Budget and Policy, September 2024.

¹⁸ West Virginia Department of Education Finance and Personnel Data, <https://wveis.k12.wv.us/schoolFinance/sf000019.cfm>.

¹⁹ West Virginia Hopeful Futures Campaign, <https://hopefulfutures.us/action-west-virginia>.

²⁰ 2021 West Virginia High School Youth Risk Behavior Survey Data, <https://nccd.cdc.gov/youthonline/app/Results.aspx?LID=WV>.

²¹ Public Elementary and Secondary Teachers, Enrollment, and Pupil/Teacher Ratios, National Center for Education Statistics, https://nces.ed.gov/programs/digest/d23/tables/dt23_208.40.asp.