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Exclusionary Discipline Disparities: A Case Study

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EXCLUSIONARY DISCIPLINE DISPARITIES: A CASE STUDY

by

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M.Ed University of Minnesota

A Dissertation Submitted in Partial Fulfillment of the
Requirements for the Degree of
DOCTOR OF EDUCATION

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Minnesota State University Moorhead

Moorhead, MN

May 2020

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DEDICATION

This work is dedicated to my family, my colleagues, and my students; past, present, and future.

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ABSTRACT

Over several decades, what has come to be known as the discipline gap has been widely studied and well-documented. The discipline gap, or, the difference in rates of referrals, consequences, and exclusions exists for many marginalized populations and has been linked to the school-to-prison pipeline phenomenon and, furthermore, to achievement gaps in educational outcomes. In 2017, the Minnesota Department of Human Rights identified 43 school districts across the state who show significant discipline disparities. This study explored the issue in one of those school districts, seeking to identify causes and implications of the trend in order to make policy recommendations to improve student outcomes. Through analysis of discipline referrals, exclusions, and school district policy, alongside interviews from various stakeholders including teachers, building and district administrators, school security staff, parents, and students, the study illuminated existing disparities, identified potential sources of disparate discipline, including evidence of cultural mismatch, bias, and colorblind racism, and made recommendations for policy and practice changes that could lead to better outcomes for marginalized populations within the school district.

CHAPTER 1.

Introduction

In the fall of 2017, 43 Minnesota school districts and charter schools received notification that they were being investigated regarding possible violations of the state Human Rights Act due to disparities found in their school discipline data. The Minnesota Department of Human Rights dug into public discipline data that school districts are required to report to the Department of Education, analyzing five years of disciplinary incidents to identify districts and schools that may be disproportionately disciplining certain demographic groups. Those 43 districts and charters were tasked with developing a plan to improve discriminatory discipline practices, or face potential litigation from the state. The Minnesota state Department of Human Rights determined that African-American students in Minnesota were eight times more likely to experience suspensions than their white peers, and Native American students 10 times more likely. These are just two of the significant disparities they found, among others like disproportionate exclusionary discipline for students with disabilities. The school district that I work in was one of those identified. To maintain anonymity throughout this work, I will refer to it as the Midwest School District.

Within a year the school district had entered into an agreement with the Department of Human Rights, promising to work toward more equitable rates of exclusionary discipline. In that same year, the school that I teach at experienced an out of the ordinary and, frankly, chaotic event. A student posted a photo to social media in which he was holding a gun to his head. The photo depicted a second gun pointed at his chest, presumably held by the person

who captured the photo. A prompt response from law enforcement determined the guns were fake and there was no immediate threat to the student or anyone else. The photo was eventually taken down, but not before classmates had taken screen shots of the social media post. Days later, the photo began circling among students again. This time, however, captions had been added (by another student) to the photo with a threat that the student was going to shoot up the school on a specific day and at a specific time. Before school officials were able to determine what was happening, most students at school had seen the photo.

Understandably, students panicked and began contacting their parents. I started receiving text messages, phone calls, and emails from parents of my students and colleagues working at other district schools wondering what was happening, asking if their child was safe, and whether or not they should pick them up from school. Within hours, somewhere between a third and half of the students in school had been picked up and brought home by their parents or guardians. A media firestorm ensued with parents wondering why they hadn't been contacted about a potential threat to the school and their child's safety. The entire situation was characterized by confusion, misinformation, and fear. Many students didn't come back to school for several days.

In the days that followed, three related (and unrelated) events resulting in exclusionary discipline ultimately led to my decision to pursue studying the issue of discipline disparities. The day of the mass exodus of students was actually the day before the social media threat claimed a shooting would occur. According to the social media post, the shooting would occur at 10 AM the following day. With assurances from school and law enforcement officials that the threat was in fact a hoax, many students showed up to school, despite their anxieties surrounding the day. Sometime during the morning, it was reported to

me that one of my students was carrying a pocket knife. I passed the report along to administration who promptly called him out of class, called his parents, and eventually sent him home for the day. Anytime a student is removed from class the reason for their absence is coded: illness excused (IE); student activity excused (SAE); absent unexcused (AU); out of school suspension excused (OSSE); in school suspension excused (ISSE); and so on. Later in the day, the student's absence had been coded as administrative removal excused (ARE). Essentially, the student had been suspended with parent approval. That is, he was excluded from school in such a way that doesn't require reporting to the state Department of Education. Admittedly, I was puzzled. Given that the school has a history of frequent suspension I was sure that the young man, a student of color, who brought a knife to school would be suspended. Instead he was suspended under a guise: ARE.

Later the same day a second student was excluded from school for reasons probably unrelated to the school shooting threat. This time a white, male student was standing on top of a set of lockers in the hallway. After having asked him to stop standing on the lockers each of the preceding two days, my colleague walked the student to the office to suggest he spend the remainder of the hour there. On the walk down the hallway to the office, the teacher suggested to the angry student several times along the way; "don't make it worse for yourself when you get there." Upon arrival in the office, my colleague explained that despite several days of reminders to not climb on top of the lockers the student continued to do so. He suggested to the two principals that the student spend the hour in the office. When they agreed, the student shouted, "This is bullshit!" One of the administrators responded, "Well, now you're going home." Shortly thereafter, the white male student was suspended: OSSE.

Several days later, a third suspension came to my attention. The student who added the caption to the social media screenshot, effectively sending the school community into a frenzy, had been suspended. Given that students who bring drugs and get in fights regularly get suspended for up to three days or more, I was convinced the consequence in this case would be significant. Not only did the student significantly disrupt a school community, they caused anxious classmates to cry in fear, and defamed the student who originally posted the photo, causing his photo to circulate among angry students and parents, many of whom spoke disparagingly of him and his family on social media. This time, a white female student had been suspended: OSSE for two days.

Knowing that the school district had been charged with moving toward more equitable suspension rates, I was convinced we had arrived at a simple solution; suspend more white students and code the students of color differently so that it doesn't get reflected in the data reported to the state. If the adage were true that "the punishment should fit the crime," the three instances described above were perplexing. Little did I know at the time that each of the instances above would be reflected in existing research: how suspension data is reported matters; educators' decisions may be affected by stressful situations like the school shooting hoax; and in the same way that educators discriminate in discipline, they also actively privilege, as evidenced by the white girl who was suspended for just two days despite causing the most significant disruption. Confused and frustrated, I started asking questions. What does the code, administrative removal excused (ARE), actually mean and how often do we use it? What are we doing to more equitably solve the discipline disparity issue in our district? Where does the disparity stem from? Am I, personally, contributing to

it? These questions and the three exclusionary discipline examples described above ultimately led me down a path toward the research questions posed in this study.

Significance of Study

The issue of discipline disparity, or the school-to-prison pipeline, is perhaps not as ubiquitous in public discourse as the achievement gap, though they have similar histories. Both phenomena are situated within the work and research that broadly seeks to advance educational equity. Efforts to improve educational equity are often measured through their success in reducing educational achievement gaps. Ladson-Billings (2006) argued that the term *achievement gap* may be, in actuality, a misnomer and that the term *education debt* may more accurately describe the issue and help generate more effective solutions. Given their similar historical trajectories and contributions to each other, perhaps solutions aimed at the education debt may too be aimed at discipline disparities. Ladson-Billings (2006) argued that the term *achievement gap* is apolitical and ahistorical, fails to acknowledge the legacy of inequity, defines achievement strictly in terms of standardized test scores, and presumes that everyone has the same opportunities for outcomes. Discipline disparity serves as a primary example of the opposite, that every student does not in fact have the same opportunities. After all, if certain students are regularly excluded from learning opportunities and those exclusions are disproportionate according to race, ethnicity, special education, or other demographic markers, then certainly not all students have the same opportunity to succeed at school. Moreover, reframing discipline disproportionality as contributing to a debt owed to generations of marginalized populations acknowledges its historical and cyclical effects, that over time the education system has been perfectly built to generate the outcomes it currently achieves.

Despite their relative lack of attention compared to achievement gaps, disproportionate exclusionary discipline outcomes, are at present one of the most significant hurdles to educational equity. Efforts to nullify the effects and, ultimately, eliminate the disparity is situated within the work of educators and researchers concerned with education equity, the reduction of racism and ableism, and social justice. Documented outcomes of exclusionary discipline are not good. Students who experience exclusionary discipline in school are more likely to come in contact with the juvenile justice system and show higher dropout rates (Wald and Losen, 2003). Students who are suspended also show lower academic performance (Noltemeyer et al., 2015), a direct link to the achievement gap. These outcomes will be further explored in Chapter 2.

In addition to poor outcomes, discipline disparities have proven to be pervasive and exist for a variety of demographic subgroups and in a variety of geographic and school settings. That is, though certain educational settings and geographic areas show less disproportionality in discipline, disparities exist across age levels (elementary, middle and high school) and across the country. Disparities exist too for students with disabilities and according to gender.

In the specific school district identified for the purposes of this study the data show disparities for nearly all identified racial and ethnic subgroups, as well as students with disabilities. Moreover, the discipline disparities effectively mirror the achievement gaps that exist in the district. Standardized testing achievement and graduation rates are poor for students who also disproportionately experience exclusionary discipline. Findings reported in Chapter 4 indicate that the school district has disparities in both suspension and office discipline referral data. Disparities in the school district existed for students of color, boys,

and students with disabilities, as indicated by receiving special education services. Data was retrieved through district databases in collaboration with district officials.

Need for Research

The existence of exclusionary discipline disparities, the relevant outcomes, contributing factors and explanations of the disparities have all been well-researched over the course of several decades. Significant contributions to the literature will be highlighted in Chapter 2. What is less well-understood are the ways in which discipline disparities are manifested in local school districts. Furthermore, large-scale studies analyzing aggregated data don't necessarily tell the whole story of exclusionary discipline. That is, the data analyzed are only the data that are reported. Instances like a student removed from school coded ARE are not necessarily accounted for, nor are disciplinary events that don't result in suspension. Qualitative research accounting for more nuanced reporting on exclusionary discipline will serve to tell the story that's left out of the reported numbers. Research shows that educator bias is a significant contributor to disproportionality in discipline, however, a challenge for researchers is to locate the subtler manifestations of specific policies and processes that contribute to the aggregate data. Skiba et al. (2011) noted the need for this type of study, that there is a gap in the literature analyzing local school districts. They argued that the issue cannot be fully understood "without local observation" (p. 102). Smolkowski et al. (2016) noted that large scale, aggregated research is only capable of analyzing that which results in office discipline referral or other exclusionary discipline. Those studies do not account for incidents that approach or meet criteria for referral or suspension; it is worth exploring too why we do not refer or suspend. This study aims to fill those gaps.

Existing literature highlights additional rationale for local, qualitative analysis. Skiba et al. (2008) noted that racial disparities are regionally and geographically unique, indicating

that fully understanding disparities requires local analysis of unique situations and circumstances. Smolkowski et al. (2016) discussed that discipline data is effectively unverified and that disciplinary incidents that are analyzed could benefit from more direct observation or interview. They added that a variety of disciplinary incidents and interactions in schools do not result in office referral or suspension. It begs the question, what is the reported data not telling us? Or, what can incidents that don't result in office discipline referral and/or suspension tell us about proactive measures to reduce disparities or protective factors for more equitable outcomes? Nichols (2004) acknowledged that there is no guarantee that reported data paints a complete picture of exclusionary discipline, noting that events within local school districts data can be reported inconsistently between school sites. He also cautions against a "comparative analysis among school sites" that "tends to be an inevitable outcome of this type of data information" (p. 24). Nichols (2004) added that even large-scale, aggregated research tends to analyze only the data that results in office discipline referral and/or suspension and that certain types of analysis may be inappropriate due to factors that contribute to variability in data reporting like individual student circumstances, individual educator disposition, and so on. This study intends to locate and account for that variability in a local school district.

Study Objectives and Purpose

The proposed study is a qualitative research project seeking to identify processes and educator dispositions that lead to discipline disparities in a single school district. Additionally, it intends to uncover a richer story than the one presented in the discipline data that is reported to the state. Understanding stories that are untold by the numbers will serve to explain the causes of the disproportionality and whether or not those causes are represented in the larger body of research. Research questions for the proposed study are as follows:

1. Which exclusionary discipline disparities exist, and what are their characteristics?
2. What are the practices and educator dispositions in place that cause and perpetuate the disparity?
3. Does the way that discipline data is reported in the district and to the state appropriately represent the issue?

The purpose of the study is to contribute to the literature and work that aims to reduce discipline disparities for students of color and students with disabilities. Fundamentally, its purpose is to identify roads to more equitable outcomes by uncovering processes, policies, and biases, through interviewing a variety of stakeholders and analyzing relevant suspension and office discipline referral data. The study will explore how data is reported and whether the way in which reports are made has a significant impact on aggregate data. Most importantly, the study will seek to identify what's left out of the aggregate data; which stories go untold? For example, the student coded ARE was never included in the aggregate data.

Key Terms and Definitions

- School-to-prison-pipeline - the process by which school suspensions and/or expulsions push students towards contact with the juvenile justice system disproportionately according to race/ethnicity, socioeconomic status, and gender (Mizel et al., 2016).
- Disproportionality (in school discipline) - disparate exclusionary discipline outcomes for certain demographic subgroups (McIntosh et al., 2018).
- Exclusion - discipline outcome that results in lost class time for a student including suspension, expulsion, or office discipline referral (McIntosh et al., 2018).
- Office discipline referral (ODR) - when a teacher or staff person excludes a student from class for disciplinary reasons.

- Out-of-school-suspension (OSS) - the removal of a student from the school for a period not typically exceeding 10 days (Rafaelle Mendez et al., 2002).
- Zero tolerance policy - a policy of predetermined, mandated consequences for disciplinary infractions (Skiba and Knesting, 2001).
- Implicit bias - generalized associations formed due to limited experience or exposure, acting outside of conscious deliberation (McIntosh et al., 2014)
- Explicit bias - consciously held beliefs about the inferiority of certain demographic groups (McIntosh et al., 2014).

Assumptions, Limitations, Scope, and Delimitations

There are a number of assumptions that underpin this study. The first is that educational equity is a shared goal and worthy mission. Additionally, it is assumed that understanding the causes of discipline disproportionality is an important step in dismantling the system that has created its existence. This work also assumes that racism, ableism, gender bias, and other forms of discrimination are alive and effectual in establishing and perpetuating social disharmony.

A variety of weaknesses and limitations exist for the study. Most notably, due to its focus on a single school district, the study has relatively low generalizability. The findings in the study may have implications for other school districts and research, but it is certainly most useful in the context of improving outcomes within the particular school district researched. Researcher bias and positionality may too have an impact on the study. This is particularly relevant due to the interview format and personal nature of the study. The Hawthorne effect may present as well in interviews with well-meaning teachers and administrators. Moreover, interview data is subject to memory errors of participants. Lastly, despite the qualitative nature of the study, locating a representative sample is a relevant

challenge. To seek root cause explanations for existing discipline disparities requires that diverse perspectives, individuals, and groups be understood.

Delimitations of the study include a focus on a single school district in Minnesota which precludes inter-district comparison. Data is limited to publicly reported discipline data, specific data collected within the district, and data collected from interviews. Moreover, study data is largely cross-sectional and does not seek to identify historical trends.

Summary and Organization of Study

Discipline disparities exist; both in the school district identified and studied and across the United States. There is a call for research to better understand the causes, especially in a local context that explores more than just reported aggregate data. Chapter 2 will present relevant literature that explores the nature of discipline disproportionality in depth. There are several common explanations for the existence of the disparity and will be explored in detail: disparity as a function of socioeconomic, disparity as a function of behavior, the effect of cultural mismatch and/or educator bias, and inconsistency in data reporting. Each of these explanations for the existence of the disparity are explored in terms of research that supports or rejects their plausibility. Chapter 3 explains in detail the qualitative methodology employed in the study. Chapter 4 includes findings and Chapter 5 includes a discussion of those findings, as well as implications for change and future research.

CHAPTER 2.

Introduction

A history of research and literature exists on school discipline disparities that spans at least four decades. During that time, researchers have documented and studied discrepancies in school discipline practices for a variety of demographic subgroups, including students of color, students receiving special education services, low income students, as well as discrepancies by gender. Not only is the issue important to educators, but discipline disparities have an established place in the literature of a number of fields including sociology, criminology, and law, among others. The topic of disparity in discipline practice is thoroughly researched and, collectively, it points to a number of areas for further study.

Ultimately, the issue of disparate discipline in schools rests within the larger context of inequity within school and society. Skiba et al. (2002) argued that discipline is not isolated; rather, it is part of a larger complex that contributes to inequitable outcomes for students that includes tracking, representation in curriculum, funding and resources, quality of instruction, and the physical resources at school. Bowditch (1993) noted that whether or not disparities are racially motivated they still contribute to racial stratification in the larger society. Most often in the literature, disparate discipline is measured through rates of suspension, expulsion, or corporal punishment. It is often situated within research about the “school-to-prison-pipeline” or educational equity. Historically, zero-tolerance policies that result in suspension or expulsion saw a rise in the 1990’s with school districts intending to establish and maintain discipline (McIntosh et al., 2014). It is also important to note the history of corporal punishment as it has been upheld in the courts for lawful use in schools. The practice was upheld in both *Baker v. Owen* (1975) and *Ingraham v. Wright* (1997),

though *Garcia v. Miera* (1987) eventually provided some protection for students who experience “grossly excessive” examples of corporal punishment (McFadden et al., 1992). Despite a variety of court cases dealing with corporal punishment, it remains legal in nearly half of fifty states. Suspension and expulsion may be viewed as alternatives to corporal punishment, though the use of those disciplinary actions has presented school districts with significant legal trouble because of the “right of children to an education” that has been adjudicated and upheld in *Stuart v. Nappi* (1978) and *S-1 v. Turlington* (1981). The issue of children’s right to an education presents a tension that exists in classrooms and school offices around the country each day. Suspensions and expulsions exist in direct conflict with that student’s right to an education; meanwhile, mal-adaptive, disruptive, and violent behaviors from one child can inhibit the educational opportunities of others. We know that these behaviors are expressions of need: children who are behind academically tend to engage in disruptive behavior out of frustration or embarrassment (Hirschi, 1969), and children who suffer abuse, neglect, or harassment, are more likely to act out (Singer, 1996). Noguera (2003) stated that frequently “it is the needs of the students and the inability of schools to meet those needs that causes them to be disciplined” (p. 342). Despite what we know about behavior, teachers and, more likely, administrators, who often have few proven and readily available alternatives to suspension (McIntosh et al., 2014) are faced with this dilemma regularly; should they exclude a disruptive student from class through suspension or keep the student in school, with the potential to negatively affect the learning environment for the rest of the students in class? Noguera (2003) refers to this as a “triage approach” to discipline and it “requires that we accept the fact that not all students will succeed, and that some students must be deemed expendable so that others can be saved” (p. 346). Whether or not removing

disruptive students is ethically justifiable, or whether or not it is effective in its aim to improve the learning environment, teachers and administrators experience decision points every day that have potentially long-term effects for all of their students, a responsibility that demands equitable action.

This chapter presents a review of the literature related to K-12 discipline disparities, with particular attention paid to disparities between racial groups. The chapter will be divided into three sections, each of which provides framing in order to answer the fundamental research questions of the study: Which exclusionary discipline disparities exist, and what are their characteristics? What are the practices and educator dispositions in place that cause and perpetuate the disparity? Does the way that discipline data is reported in the district and to the state appropriately represent the issue? An overview of the sections will be provided in order to place these questions within a larger theoretical and research context. The first section explores the body of research proving disparities in school discipline are widespread, and are most notably existent for students of color and other socially and economically marginalized populations. The second section highlights the work that has been done linking disparate discipline practices with poor student outcomes; essentially, the problem with inequitable disciplining. Finally, a variety of explanations for the existence of the disparities are explored, including the roles of student behavior, socioeconomics, and bias or cultural mismatch.

Section 1: Disproportionate Discipline

In 1975, the Children's Defense Fund published a report on school suspensions that highlighted the disparity between black and white students. Since then, research has continued to show that office discipline referral and exclusionary discipline rates are, in fact, disproportionate across a variety of demographic subgroups (Skiba et al., 2002, Wallace et

al., 2008). Wallace et al. (2008) noted that historical data suggests that in the 1990s discipline gaps widened for marginalized populations before actually decreasing in the 2000s, with one notable exception: disproportionality for African-Americans continued to climb.

Exclusion rates for African-American students, specifically, have consistently shown to be disproportionate (Gregory, 1997; McCarthy and Hoge, 1987; McFadden et al., 1992; Raffaele et al., 2003; Wu et al., 1982). McFadden et al. (1992) found that white students were more likely to be given in-school-suspension (ISS) whereas black students had higher rates of out-of-school-suspension (OSS). Wallace et al. (2008) concluded that historically marginalized student populations experience higher rates of suspension, and that black boys are 30% more likely to experience office discipline referrals and 330% more likely to experience exclusionary discipline. The authors found that the gap between black and white girls is significantly larger even; they are two times more likely to receive office discipline referrals and five times more likely to experience exclusion (Wallace et al., 2008). Skiba et al. (2002) investigated and confirmed a finding of other researchers (Gregory, 1995; Taylor and Foster, 1986) that the likelihood of office discipline referrals has a consistent rank order: black male, white male, black female, white female. Not only are black students more likely to be referred for discipline or suspended, but studies have found that they also are more likely to experience more severe forms of discipline like corporal punishment (Gregory, 1995; Shaw and Braden, 1990). It is worth considering also that disproportionality appears to be correlated with rates of suspension; that is, the more a school tends to suspend, the more likely it is to be disproportionate, specifically for African-American students (Skiba et al. 2002). This is an important finding as schools seek to decrease disproportionality.

The literature is less consistent in regards to rates of exclusion for Latino children. Disproportionate rates for Latinos are found in some studies (Skiba et al., 2001; Wald and Losen, 2003; Wallace et al., 2008) and not in others (Gordon et al., 2000; McFadden et al., 1992; Skiba and Rausch, 2006). Skiba et al. (2011) believe this may result from age specific data and how it's reported; for example, elementary vs. middle school vs. high school data. They found that Latino middle school students experienced disproportionate exclusion, but the same was not true for Latino elementary students. There appears to be a general inconsistency in findings regarding Latino rates of exclusion (Gonzalez and Szczecsy, 2004). Skiba et al. (2011) claimed that "it seems highly likely that variables contributing to disparities will vary by geographic location" (p. 103), especially for Latino students. In certain geographic areas in the United States Latino students are not a minority population. In that case, if exclusion in schools is, in fact, often the result of cultural mismatch or bias, inconsistencies may be explained at least in part by geodemographics.

As previously noted above, discipline in schools is disparate along gender lines as well. Studies that report data on discipline by gender consistently find an overrepresentation of boys receiving school discipline consequences (Gregory, 1995; McFadden et al.; 1992; Shaw and Braden, 1992). Mendez and Knoff (2003) in a large-scale quantitative study found that nearly 12 percent of boys and less than 5 percent of girls experienced suspension. Researchers have found that the intersections of predictive factors matter too; that is, for a student who embodies multiple predictive factors for increased rates of suspension, those predictive factors may be compounding. Wallace et al. (2008) noted research that suggests "that gender may moderate the relationship between school discipline and race; that is, the strength of the relationship between school discipline and race may vary, depending upon

students' gender" (p. 3). As previously noted, the opposite may be true as well; being white and female may in fact serve as a quasi-protective factor.

Not only is the disparity in discipline evident in the data, it appears to be evident to students as well. Brantlinger (1991) conducted a qualitative study interviewing students from a variety of socioeconomic backgrounds and determined that student perceptions were that low-income students were unfairly targeted in terms of school discipline. In addition to low-income students, Arcia (2006) found that students with lower academic achievement were suspended more than students with higher achievement.

Despite the attention of educators, policymakers, and scholars, in the 2009-2010 school year it was estimated that 1 of out every 6 African-Americans was suspended at least once, as were 1 in 12 Native American students and 1 in 14 Latino students compared to 1 in 20 white students and 1 in 50 Asian-American students (Losen and Gillespie, 2012). The authors estimated that these amount to approximately 7.4% of students nationwide. Special education students, they found, were suspended at almost twice the rate of students without disabilities, and more egregious were the rates for black students with disabilities of whom 1 in every 4 were suspended at least once in 2009-2010 (Losen and Gillespie, 2012).

Section 2: What are the outcomes?

The rise of zero tolerance policies in the 1990's and a get-tough approach to school discipline has a history paralleled in the juvenile justice system, which adopted a similar approach during the same time period (Wald and Losen, 2003). Discipline disparities in the juvenile justice system mirrored the disparities in school discipline practices, causing scholars and educators to identify connections between the two and study the phenomena that has come to be known as the school-to-prison-pipeline (Wald and Losen, 2003). The school-to-prison-pipeline identifies that there is a direct path (a pipeline) from school, funneling

students who experience exclusionary discipline to prison. Wald and Losen (2003) were perhaps the first to do a systematic analysis of the school-to-prison complex. Through their analysis of relevant literature, the authors drew three significant conclusions: that a failure to provide appropriate behavior interventions in schools has resulted in increased rates of delinquency; that removal from school leads to difficulty for students to reenter, ultimately leading to increased dropout rates; and that effective behavioral interventions do, in fact, exist. The Coalition for Juvenile Justice (2001) found that 82% of adult prison inmates had dropped out of high school. Battin et al. (1998) noted the positive relationships between alienation and delinquency. Alienation may exist for a student for a variety of reasons including disciplinary exclusion, cultural mismatch between student and teacher, instances of teacher or administrator bias, among others. Dismantling the system through effective interventions, policy, and practice, is critical, given the outcomes that result from exclusionary discipline disparities.

An inverse relationship exists between suspensions and achievement, as does a positive relationship between suspensions and dropouts (Noltemeyer et al., 2015). Noltemeyer et al. (2015) found this to be true across various types of suspensions (ISS, OSS, combination). A strong connection exists between engaged learning time and student achievement (Brophy, 1988; Zammit et al., 2002) and begets the obvious: students who are not in school due to exclusionary discipline are not experiencing the same engaged learning time as students who remain in class.

Arcia's (2006) study found when comparing outcomes for students before and after suspensions vs. a control group, the lower achieving students from a pre-suspension group were more likely to be suspended than the higher achieving students. She also found an

association between time spent suspended and subsequent decreased achievement. That is, students who were already low-achieving prior to experiencing exclusions were more likely to have that low-achievement compounded by exclusionary discipline. Noguera (2003) argued that schools actually most often punish disproportionately the students who have the most significant academic, social, economic, and emotional needs. Despite the aims of suspensions to improve the school environment by removing students who disrupt the expected social order, they may not actually work. The American Psychological Association (2008) conducted a study on efficacy of exclusion on behavior modification and school climate and determined that no evidence exists to conclude that exclusions have a significant effect on school safety and climate or behavior modification. Contrarily, suspensions have a variety of negative outcomes for students; suspensions are a risk factor for poor academic performance (Skiba and Rausch, 2006), dropout (Ekstrom et al., 1986; Noltemeyer et al., 2015), and involvement in the juvenile justice systems (Wald and Losen, 2003).

When data is aggregated, there are a variety of negative school level outcomes as well. According to Noltemeyer and McLaughlin (2010), low income and urban schools have higher rates of student suspensions, but not necessarily higher rates of disproportionality. This finding is concerning, however, given the challenges those schools already face in terms of student achievement. Moreover, Rausch and Skiba (2004) found that schools with higher rates of suspension report lower scores on academic achievement measures, even when controlling for poverty and race.

Section 3: Explanations

Imagine a student with the following characteristics: black, male, teenager, poor, and receiving special education services. Statistically, he represents perhaps the most likely student demographic to experience school exclusion. Now imagine his (statistically average)

teacher: she is white, middle-aged, middle-class, and well-educated. The student struggles academically, presents mal-adaptive behaviors, and doesn't particularly like school. His teacher wants to help him learn and succeed, but becomes frustrated with what she perceives as his apparent lack of interest and his disruptive behavior. As the school year drags on, unsure what else to do and seeking support, the teacher begins referring the student to the office. After a number of referrals and unchanged behavior, the school principal suspends the student from attending school for a day.

The obvious question at the heart of discipline disparity asks why the disparity exists. Over several decades, a variety of explanations have been offered and studied. This section will explore those explanations as well as the research that has either confirmed or disproven the central tenets of each explanation. The example above plays out in similar ways in classrooms all across the United States. Ultimately, the resulting student suspension contributes to the existing disproportionality in discipline. Identifying the root cause of the above situation, however, is complicated.

The well meaning teacher, feeling badly and knowing the suspension may very well lead to poor outcomes for her student, sits in the staff lounge and explains to her colleagues the consequence for her student and the events that led up to it. In this imaginary situation, one of the teacher's colleagues, hoping to make her feel better, states that "there's nothing to feel bad about, the black kids just act out more. We can't change that." Another colleague responds, "I don't think it's just the black kids. It's not about race. It's about poverty. Most of our poor kids struggle with behavior." A third colleague chimes in, "Let's be honest, the school isn't really built for those kids. We have certain cultural norms and expectations that don't necessarily align with theirs. It's not their fault. Sometimes our biases get in the way."

The teacher is left wondering, do the black kids just behave differently? Is the discipline disparity actually just a reflection of socio-economics? Or maybe it's her own bias or cultural misunderstanding? Researchers have sought answers to each of these questions and their findings will be explored in this section.

Student Behavior

A common explanation for discipline disproportionality is that it's simply a realistic reflection of the differences in behavior between certain groups in schools. The assertion posits that if black students (and other marginalized populations) are suspended more than their white, non-minority peers, perhaps it is the result of poor behavior. If well-meaning teachers and administrators are not dramatically affected by bias, then discipline disparities could be explained as an unfortunate reality with just cause. If community and family influences that establish and perpetuate certain behavioral traits are in fact more significant than bias or some other explanation of disparate discipline outcomes, then schools shouldn't bear the weight of the blame for disproportionality. A number of studies have explored relationships between race, behavior, and discipline.

Fairly consistently the research casts doubt on the explanation that disproportionality is actually a reflection of significant differences in behavior. In fact, several studies have indicated that despite high rates of exclusionary discipline, African-American students do not overwhelmingly act in dissimilar ways from their peers (McFadden et al., 1992; McCarthy and Hoge, 1982; Wu et al., 1982). Wallace et al. (2008) found relatively small behavioral differences between marginalized and non-marginalized student populations, but indicated that those differences were not large enough to account for existing discrepancies in disciplinary outcomes. McCarthy and Hoge (1987) and Wu et al. (1982) were two of the first

and more important studies of this kind, testing behavior as a function of race. Mendez and Knoff (2003) stated that it could be “that Black students commit greater numbers of infractions that typically result in out-of-school suspension that students of other races” (p. 43). They went on to say, “However, it is also plausible that the over-representation of Black students may be due to cultural and social misunderstanding, lack of teacher and administrator training, classroom and/or school climate, or worse, discrimination” (p. 44). Cultural mismatch and bias are explored later in this chapter.

The notion that Black students or other marginalized populations commit significantly greater numbers of behavioral violations certainly exists among educators. If, however, that notion is largely unsupported by research, what might contribute to those educators’ misconception? This belief may be explained, in part, by certain student populations’ documented struggle to follow the hidden curriculum (Noguera, 1995; Sbarra and Pianta, 2001; Studley, 2002; Gregory and Weinstein, 2004) and acquire skills needed to negotiate the school environment (Sbarra and Pianta, 2001). An inability to navigate the school environment may too be evidence of cultural mismatch; that educators are establishing formal environments that privilege certain behaviors over others.

Important in the research about student behavior are the specific data about which student behaviors are identified as problematic, and, for which specific student groups those behaviors are considered problematic. Moreover, disproportionality is dependent on a number of variables including the type of infraction, student characteristics, and environmental characteristics (Smolkowski et al., 2016). The student and environmental characteristics that are predictive of disproportionality have been and will be described in other parts of this dissertation, but it is important to explore the types of behavior infractions

that result in disproportionality. A number of studies have found that students of color tend to receive office discipline referrals for different sorts of behaviors than their White peers (Shaw and Braden, 1990; McCarthy and Hoge, 1987). Students of color experience higher rates of office discipline referrals for subjective offenses like defiance and disrespect (Gregory and Weinstein, 2008; Skiba et al. 2002), whereas their White classmates may be referred only for more severe offenses (Shaw and Braden, 1990). This may be, in effect, a manifestation of biased action on the part of teachers and school officials. Arguably, instances of defiance and disrespect are culturally and socially negotiated, resulting in opportunities for bias to enter the decision making process. McIntosh et al. (2018) noted that disproportionality in exclusionary discipline appears to be largely the result of disparities in subjectively defined ODRs. Not only are Black students more likely than White students to receive ODRs for subjective behaviors, there appear to be specific situations where disproportionality is more common, including the classroom setting, as opposed to other locations at school (Smolkowski et al., 2016).

McIntosh et al. (2018) sought to understand subjective vs. objective ODRs through a case study at an elementary school. They identified the primary source of disproportionality in that school as physical aggression on the playground, which they argued was generally more objective than subjective. Though physical aggression or violence seems objective, even these behaviors may be somewhat subjective in that appropriate forms of play for elementary aged kids may too be culturally constructed. Girvan et al. (2017) added that “these results are consistent with the conclusion that subtler, implicit biases that affect teacher’s discretionary decision-making, not racial differences in student behaviors or explicit biases, are likely one of the largest contributors to disproportionality” (p. 400).

Hinojosa (2008) found that rates of black student suspensions decrease when controlling for specific types of behaviors.

Socioeconomics

Poverty has shown to affect a student's chances of experiencing school exclusion (Skiba et al., 1997; Wu et al., 1982; Brantlinger, 1991). Nichols (2004) reported that poor students (based on free-and-reduced lunch rates) were three times more likely to be suspended than their peers who paid full price. Moreover, we know that poverty and race are inextricably linked in the United States (Nichols, 2004). The question, then, is whether or not race plays a factor in addition to poverty in terms of discipline outcomes. Several important studies have attempted to draw distinctions between the role of race compared to socioeconomics in the administration of exclusionary discipline. Wu et al. (1982) were the first to explore a variety of discipline related hypotheses. The authors found that when controlling for socioeconomics, race remained a significant factor and predictor of school discipline outcomes. This finding has been consistently replicated (Skiba et al., 2002; Wallace et al., 2008). Noltemeyer and McLaughlin (2010) found that poverty was a significant factor in rates of suspension, but not necessarily in terms of disproportionality. McCarthy and Hoge (1987) utilized parent level of education as a socioeconomic indicator and found that it had an inverse relationship with suspension. The finding has since been replicated (Hemphill et al., 2014). That is, the lower the level of a parent's education, the more likely their child is to be suspended. One study found that low socioeconomic status was not actually associated with increased student misbehavior, but it was a predictive factor for higher rates of suspension (Peguero and Shekarkhar, 2011). This is a significant finding in that it too may be evidence of bias working against a marginalized population.

Bias and Cultural Mismatch

Given a consistent body of research indicating that socioeconomics alone cannot explain discipline disparities, Skiba et al. (2002) concluded it is likely that “consistent statistical discrepancies in school punishment for black and white students are an indicator of system and prevalent bias in the practice of school discipline” (p. 338). Bias and cultural mismatch are two explanations of disproportionality that receive the most consistent and widespread support as a root cause. Moreover, if the literature effectively debunks the notion that black students and other marginalized students show significant differences in behavior in school, it is worth exploring the origins of the myth.

The role of teachers is important in discipline disparity. Noguera (1995) noted a pervasive set of what he described as deficit assumptions among teachers, beliefs that black students have intrinsic qualities that cause them to behave differently than their white peers. Feagin (2000) explained that teachers may in fact have a fear of black students. Hinojosa (2008) attempted to analyze the role of the teacher in student punishment, ultimately finding that positive teacher attitude towards students and positive expectations of students reduces suspensions. Ogbu and Ferguson, as cited in Rocque and Paternoster (2011) noted that if white teachers’ expectations of black students are internalized that leads to a self-fulfilling prophecy: if a stereotype exists that “black students are academically deficient and hostile to the teacher’s goals” it could “easily lead teachers to see black students as ‘troublemakers’ or ‘menaces’” (p. 636). It may be that these fears result from certain aspects of the way that students express themselves. For example, Townsend (2000) found that teachers are specifically uncomfortable with black boys’ communication. The discipline gap has been explained by some authors as the result of certain students not fitting into social and behavioral norms and school personnel needing to feel in control of student behavior

(Fenning and Rose, 2007; Okonofua et al.; 2016). Okonofua et al. (2016) also described the process in which teacher bias, alongside students' expectation of teacher bias, compounds and deteriorates teacher-student relationships.

Assuming that office discipline referrals are a function of teacher behavior and perception, and that consequences are largely handed out by school administrators, it seems apparent that administrator/s attitudes and biases play a role in exclusionary discipline as well. A study done by Skiba et al. (2011) found disparate rates of ODRs for a variety of subgroups, but also while controlling for both race/ethnicity and type of behavior, the authors found disparity in administrative decision making for marginalized populations. They concluded that disproportionate representation in school discipline can occur both at the point of referral or in administrative decision making. As described earlier, black boys showed a 30% higher likelihood of receiving an ODR but were 330% more likely to be suspended. Another study suggested that suspension rates do, in fact, appear to be a reflection of ODRs (Skiba et al, 2002). It could be concluded, then, that teachers and school administration each have a role in discipline disparity; teachers more prominently in office discipline referrals and administration in the consequences that result from those ODRs.

Interestingly, Skiba et al. (2011) found, by comparing rates of office referrals for Latino students at the elementary and middle school levels, that “significant Latino overrepresentation relative to White students at the middle school level appears to be from, not the absolute over-referral of Latino students, but rather to the substantial under-referral to the office of White students as compared to their representation in the population” (p. 93). The authors' assertion begs the question of whether marginalized populations are being targeted as much as certain populations are being privileged. Recent social science research

on bias suggests that actually most discrimination occurs because of explicit or implicit motivations to favor ingroup members (Greenwald and Pettigrew, 2014; Smith et al., 2014). Smolkowski et al. (2016) argued that “teachers may be less inclined to categorize the behavior of White female students in particular as meriting a disciplinary response than they would African American female students in general,” (p. 192) potentially as a result of shared group membership.

A multitude of research has shown the presence of cultural mismatch in classrooms between students and teachers (Ferguson, 2001; Gregory and Mosely, 2004; Ruck and Wortley, 2002; Skiba et al., 2002; Vavrus and Cole, 2002; Townsend, 2000; Neal et al.; 2003, Zimmerman et al.; 1995). A comparison of teacher and student demographics would indicate that some level of cultural mismatch is likely; most teachers are white and female (Zumwalt and Craig, 2005), suggesting that some level of cultural disconnect is likely to occur given the diversity of students in the United States. Gregory and Mosely (2004) studied teacher dispositions and their effects on discipline disparities. They noted that teachers have a wide range of authority to determine what is considered a discipline problem and how best to intervene. Additionally, they found that teachers were largely race and culture blind, resulting in a high likelihood of cultural mismatch.

As cultural mismatch and bias have proven to be significant contributors to discipline disproportionality, researchers have arrived at a variety of conclusions regarding solutions to the problem. McIntosh et al (2014) claimed that cultural sensitivity training does not, in fact, reduce disproportionality, despite its popularity in schools, nor will an equity goal in a school’s mission statement actually improve the disparity. They claimed that a top-down leadership approach to reducing discrimination is actually the most effective; that

administrators and teachers should be evaluated on levels of disproportionality. These sorts of practices are supported by a variety of social science research (Lerner and Tetlock, 1999; Pettigrew and Tropp, 2006). McIntosh et al. (2014) also noted that clear guidelines about what should and should not constitute an office referral helps in reducing disproportionate ODRs. Smolkowski et al. (2016) advocate similarly; that “the effects of implicit bias can be reduced by making discipline procedures for these types of behaviors as objective as possible” and that discipline decisions can be made prior to resorting to an ODR (p. 180). In addition to top-down leadership and clear discipline guidelines, Mizel et al. (2016) argued that schools seeking to address disproportionality should address not only risk factors for disproportionality, but protective factors as well. Protective factors identified in their study include academic preparedness, aspirations, and homework hours, which have an inverse relationship with exclusionary discipline rates.

Explaining existing discipline disparities by pointing to cultural mismatch or bias may not appropriately encompass the many nuanced manifestations of those phenomena. McIntosh et al. (2014) argued that bias is not so simple and that it is important to distinguish between explicit and implicit bias. Explicit bias may be found in policy and in conscious, actively held beliefs about certain students or groups. Skiba et al. (2014) gave the example that explicit bias in school discipline is the relation between disproportionality and a principal’s endorsement of zero-tolerance policies. Explicit bias, McIntosh et al. (2014) argue, is resistant to change. The authors also argue for analysis of bias from a multidimensional approach. They describe a unidimensional conceptualization of disparate discipline as racial bias leading directly to disproportionate discipline. Contrarily, a multidimensional conception of bias considers that racial bias plus a decision situation lead

to disproportionate discipline. The latter acknowledges that an individual may show racial bias depending upon the decision situation; for example, a teacher may make more equitable decisions at the start of the day compared to the end of the day when fatigued, for example. Smolkowski et al. (2016) determined that this is actually an indicator of implicit bias, when school discipline data reflects “peaks and valleys in disproportionality from the same teachers across different situations, with relative equity in some situations and high disproportionality in others” (p. 180). School discipline data, they argued, can help identify which is more pervasive: implicit or explicit bias. “If explicit bias is prominent, school discipline data might demonstrate that African American students are sent out of class regularly for incidents, regardless of situation” (p. 180). However, regarding implicit bias, they added that “the data might show that consequences for the same behavior are more severe for African American students during times of day when teachers are tired” (p. 180), noting that implicit bias has a varying effect across time of day and situation. Consistent with other research about subjective discipline behavior, the authors note that the data may show “that African American students receive disproportionately more ODRs for defiance or disrespect than White students because identifying these behaviors involves a discretionary decision for teachers” (p. 180). Vavrus and Cole (2002) described these as disciplinary moments and noted that suspensions are often preceded by a series of disruptive events where one event is ultimately singled out by the teacher.

As long as bias is acting to produce poor discipline outcomes for students of color, it can be appropriately concluded that the issue of disproportionality is situated within a larger conversation of systemic forms of racism. Smolkowski (2016) attributed biased decisions in schools to aversive racism, the theory that people are motivated to not outwardly appear

racially biased. Aversive racism belongs to a majority of U.S. adults, they claimed, that people are not likely to express an explicit racial bias, but actually have an implicit bias that favors Whites over certain people of color. They argued that in situations without a clear right answer, people's egalitarian values or self-concepts are not threatened by a biased outcome. Pearson et al., (2009) suggested that in those situations, when decisions are made the majority of people may act upon their implicit bias in ways that are discriminatory. Teachers make, potentially, thousands of decisions a day affecting students. Some of those decisions are made consciously and some of them unconsciously. In that sense, it shouldn't be a surprise when subjective disciplinary moments arise at school that teachers are affected by their implicit bias, especially in instances when disciplinary decisions are culturally negotiated, like incidents of disrespect, defiance, and disruption.

Reporting Inconsistency

Researchers have posited that disproportionality in discipline may be subject to reporting inconsistency. This is not to say that disparities do not exist, only that the severity of it may not be as well understood as we imagine it to be. A number of studies have noted and documented inconsistent reporting (Reschly, 1997; Skiba et al., 2002; Skiba et al., 2011). Skiba et al., (2006) noted in a study in Indiana that one in six school districts in the state accounted for 50-75% of all exclusionary discipline. Imich (1994) found that a small number of schools account for a large proportion of exclusions. Results like these do not suggest the absence of disproportionality, rather they highlight the effect of outliers in aggregate data.

Researchers have also made note of the accuracy of reported data. Nichols (2004) explained that there is no guarantee that data reported by schools is complete, nor is it necessarily consistent across schools in a single school district. Nichols (2004) study went so far as to determine specific locations within a school site that are subject to higher rates of

disciplinary action and subsequent disproportionality in that action, suggesting that even within school buildings disciplinary action is handled inconsistently across variety of settings. Doing this type of data analysis by location, however, has proven to be effective in reducing disproportionality in some schools (McIntosh et al., 2018). Nichols (2004) argued that discipline data can be unreliable due to the number of factors influencing how they get reported, including the student, the teacher or staff member reporting a disciplinary incident; the office staff who process the report, make a disciplinary decision or give a consequence; and even a parent or guardian who may or may not be available to take part in disciplinary decision making. This research highlights the number of decision points and decision-makers that ultimately have an influence on disciplinary action and consequently the data that is reported. There are several points in the process that could effectively alter the way that an incident is reported, consequently impacting the reliability and consistency of reported data.

Alternative to Suspension

Given the literature indicates that suspensions are generally ineffective for behavior modification and lead to poor outcomes, particularly for students of color, then what are the alternatives? As addressed at the start of the chapter, educators rarely have available, proven alternatives for suspension (McIntosh et al., 2014). Bear (2012) argued that:

Too often, advocates of those alternatives fail to recognize why suspension is valued by educators, while also making the mistake of advocating for alternatives that have their own limitations and share the same aim of suspension—obedience and compliance to adults and rules. Typically, those alternatives are less effective and efficient than suspension in achieving that aim.

Bear argued for a multidimensional approach of suspensions as well as positive, proactive alternatives, given that for most children, suspension serves as an effective deterrent. Other

researchers have found that suspensions do not, in fact, serve as an effective deterrent (Green et al., 2018). Fenning et al. (2012) acknowledged that there is still very little research on effective alternatives to suspension, though there are a number of evidence-based approaches that have seen success.

There are a variety of alternatives to suspension that have pockets of support within the literature. Perhaps most notably is the notion of proactively teaching students how to behave, including explicitly teaching behavioral expectations (Skiba, 2010). Programs like positive behavior supports or as it's more commonly known and implemented today, Positive Behavioral Intervention and Supports (PBIS), have shown to be effective in reducing suspensions and discipline issues in schools. These general, school-wide approaches are a starting place, but many schools implementing these practices, like the middle school in this study, are still suspending students. Fenning et al. (2012) noted that school-based social-cognitive or conflict resolution programs have had some success in schools. There are a multitude of classroom based approaches that attempt to proactively take on discipline through teaching desired behaviors. The question remains, however, to what degree are they effective and what happens when they are not? Peer mediation and conflict resolution, social-emotional learning, along with restorative justice approaches have shown effectiveness in reducing suspensions (Chin et al., 2012, Fenning et al., 2012), however, most of the research centers around reducing suspensions as opposed to eliminating them. Therefore, even with effective alternative programming, educators must wrestle with whether or not to suspend a student, and if not, what will they do instead? Finally, fewer suspensions doesn't inherently mean less disparity in exclusions.

CHAPTER 3.

Introduction

This study intended to analyze a single school district with the purpose of locating examples of phenomena established from the wider body of literature on discipline disparities for students of color and other marginalized populations. Moreover, the study aimed to tell a story that is absent in quantitative studies reporting aggregate exclusionary discipline outcomes. These phenomena are outlined in Chapter 2. Examples include identifying instances of bias, determining whether there were subjective behaviors that lead to disproportionality, and identifying processes or practices that lead to exclusionary discipline. Research outlined in Chapter 2 highlights the need for analysis of the issue at the local level, through qualitative work that is descriptive and with a different scope than many of the quantitative analyses of aggregate suspension and office discipline referral data.

In order to accomplish these aims, I employed a qualitative case study method analyzing data from interviews with key stakeholders in the disciplining process. Stakeholders include teachers, administrators, students, staff, and parents. In addition to interviews, the study drew from existing district suspension and office discipline referral data in order to support the data gathered through interviews. The context for research, study design including theoretical framework, rationale for case study methodology, research questions and sampling, as well as expected findings and the role of the researcher will all be outlined in Chapter 3.

Context

The school district identified for study serves a medium-sized city and surrounding rural areas in Minnesota. Schools within the district consist of one high school, one middle

school, four elementary schools, and one alternative secondary school. Though there are two private schools in the city and more in neighboring cities, the identified school district is by far the most well-exercised educational option for K-12 students in the city. The entire metro area has greater than 200,000 residents, and the city in which the school district is located claims nearly one-fifth of those individuals. Close to 7000 students are enrolled in the school district, most of whom live within the city limits, though students in surrounding rural communities are represented in that number as well. Geographically, district boundaries span 200+ square miles.

Like most school districts, the students served by the identified district have a wide array of backgrounds. Approximately 70% of students in the district are White and the largest populations of color are Black and Hispanic, each representing around 10% of the student population. The school district does serve a significant number of students from a certain Middle-Eastern region who identify as White, though they represent a diverse population of first, second, and third generation immigrants. Reported levels of students receiving free-and-reduced lunch, a number often associated with students in poverty, exceeds 40%. Nearly 20% of students receive special education services. District diversity in terms of race and ethnicity, socioeconomics, and students with disabilities is particularly relevant to this study because each have proven to be predictive factors for exclusionary discipline as outlined in Chapter 2.

The district is not as racially or ethnically diverse as many large, urban school districts located in large metropolises. It is, however, much more racially and ethnically diverse than many of the rural and small-town communities that surround it. Moreover, the community and school district have undergone significant demographic change in the last

few decades. Many school employees remember classes that had just one or two non-White students, whereas many elementary classrooms today are comprised of more non-White students than White students. This diversifying population, though consistent across all school buildings and age levels in the school district, is most noticeable at the district's elementary schools, suggesting that the student population in the district will continue to become more racially and ethnically diverse over the next decade. Alongside the increase in racial and ethnic diversity, the school district has experienced growth in the overall percentage of students receiving free-and-reduced-lunch. This has occurred at the same time as overall enrollment in district schools has increased, indicating that a significant portion of students and families moving to the school district are low-income families.

In addition to the racial, ethnic, and socioeconomic diversity that exists in the school district, students come from a variety of sociocultural backgrounds. The community is home to several higher education institutions and many graduates of those institutions have stayed to live and work in the community. Those institutions are also some of the largest employers in the community, meaning many district students come from well-educated families and families who continue to be invested in education. There is also a strong agricultural tradition in the community and many students have parents and grandparents who have lived and worked in the area for generations. A large healthcare provider also serves as a major employer, as well as a few key industries. What results are classrooms made up of kids whose parents might be doctors, immigrants, business people, professors, or work in service industries, among others. It is not an entirely homogenous community. Local politics reflect the political diversity of the community, and politics of racial inclusion and equity are far from absent. Many community residents new and old show a great deal of pride in and

support of their schools, evidenced primarily by local taxpayer willingness to fund multiple bond referendums for new school facilities and operating costs.

In terms of reported student achievement, district averages are slightly below state averages on standardized tests. The numbers are markedly worse for marginalized populations. That is, the difference between district performance and state performance increases when disaggregating the data into specific demographic subgroups. The “achievement gap,” then, as measured by state standardized testing, is greater than the state average in a state that already has one of the worst achievement disparities in the nation (MPR Staff, 2016).

Study Design

Theoretical Framework

Discipline disproportionality is situated within a larger conversation about race and racism in schools and society. Like much of the research on exclusionary discipline, the study is framed within critical race theory (CRT). The CRT framework is concerned with the relationship between race, racism and power and inherently contains an activist dimension (Delgado and Stefancic, 2001). Delgado and Stefancic (2001) noted that CRT “not only tries to understand our social situation, but to change it” and that it aims to transform society for the better, with an understanding that society is organized by racial hierarchies. This notion of activism is inherent to the proposed study, which stems from the assumption that disproportionality in discipline for students of color is in fact a function of racism. Several tenets of CRT include: that racism is ordinary, that White supremacy exists and serves distinct purposes, and that race is a social construct. Each of these tenets are relevant to disproportionate exclusionary discipline in schools.

Method

Creswell and Poth (2018) defined case study research as “a qualitative approach in which the investigator explores a real-life, contemporary bound system (a case)... through detailed, in depth data collection involving multiple sources of information, and reports a case description and case themes” (p. 96-97). This study has additional defining characteristics of case studies in that it is bounded, defined within the parameters of a single school district; it intends to understand a specific issue (discipline disparity); and the study seeks to identify case themes and explanations (Creswell and Poth, 2018). The study design draws directly from a well-documented problem.

The case study method was ideal for this study for a variety of reasons. The first was that there is an established, localized boundary: a single school district. Additionally, the study was empirical in nature, beginning with data collection from existing data sets as well as interviews with key stakeholders. The data collection largely took place in a natural context as interviews were conducted almost exclusively at schools within the district. Moreover, one of the aims of the study was to inform the decision making process within the school district, which is one of the hallmarks of case study research (Briggs et al., 2018). The study intended to construct a story worth telling; one that is both compelling and instructive. According to Briggs et al. (2018), case studies “construct a worthwhile argument or story” and “relate the argument or story to any relevant research in the literature” (p. 158). The findings in Chapter 4 present descriptive explanation of exclusionary discipline practices in the identified school district as well as locate themes or trends that are reflected in the existing body of literature. The study attempted to find a place in the body of research by providing the local analysis that is called for in existing literature. Additionally, the study provides a framework for other researchers and/or school districts to do similar analysis.

Briggs et al. (2018) noted that through case studies, researchers ought to “build scaffolds for other researchers to climb” (p. 157).

Though a number of other methodologies could produce useful studies, the case study is ultimately the best to address the research questions and purpose. There are already a great deal of large-scale quantitative studies that highlight discipline disparities across a number of districts. As a result, a qualitative study that draws on existing quantitative data sets helps to contextualize that data and situate it within themes and trends that arose in interviews. Other qualitative methods, like phenomenology or narrative methodologies, would be less effective for this study because they do less to acknowledge the multiple truths, realities, and circumstances that contribute to the larger issue of discipline disproportionality. The grounded theory method is also less useful in that the study intends to utilize, draw on, and highlight existing theory rather than establish new theories from the data. Though an ethnographic study may be interesting and useful for developing a deep understanding of the in-group cultural norms and behaviors of educators in the school district, it is not feasible for this study, nor would it be particularly generalizable.

Research Questions

1. Which exclusionary discipline disparities exist, and what are their characteristics?
2. What are the practices and educator dispositions in place that cause and perpetuate the disparity?
3. Does the way that discipline data is reported in the district and to the state appropriately represent the issue?

Sample

The study sample was comprised of two parts. It included all suspensions from the 2017-18 and 2018-19 school years according to school district data collection, as well as the school district's office discipline referral for those same years. Additionally, the sample included 45 interview participants from each of the following categories: students who have experienced exclusionary discipline, students who have not experienced exclusionary discipline, teachers and staff, administrators, and parents. Interviewed were 7 district administrators, 19 teachers, 5 non-teaching staff members, 9 students, and 5 school district parents.

The sampling method may be best described as criterion sampling which seeks particular cases that meet certain criteria (Creswell and Poth, 2018). This purposeful sampling method allows for key players in the process of exclusionary discipline to be represented in the study, including students who have experienced suspensions and office discipline referrals (ODRs), students who have not, teachers and staff who often initiate ODRs, and principals who are largely responsible for handing out consequences, including suspensions. There were specific purposes for interviewing individuals who represent each of these groups. Foremost, the study sought to locate perspectives from those who are most affected by the issue: marginalized students. Including students who have not experienced exclusionary discipline was done in an effort to explore whether or not privileged students recognized an existing disparity and to garner perspectives from those students. Principals were included to gain perspective from those who are ultimately responsible for determining and/or authorizing discipline outcomes for students, often after office discipline referrals have been made. Teacher and staff interviews were conducted to identify perspectives from those who are often on the front end of office discipline referrals and are most often witness

to behavior and interactions that result in exclusionary discipline. Parents were interviewed to garner perspectives from an affected group that does not regularly participate in the school day. Across all of these groups, individuals interviewed were people that I personally knew or had previously met, with a few exceptions. A personal relationship with study participants may have affected their willingness to share with me through interviews what may be very personal. If and when participants provided guarded responses, either because they knew me or did not know me, it ultimately impacted the data gathered through interviewing. In an attempt to mitigate this, I interviewed both individuals that I knew well, as well as individuals that I did not know well for each of the groups represented in interviews: students, parents/guardians, teachers and staff, and administrators. To identify individuals that I did not know well, I sought referrals from others. I intended to find what Fraenkel and Wallen (2015) refer to as a “typical sample,” one that is “representative of that which is being studied” (p. 434). To that end, I sought out individuals who are directly affected by exclusionary discipline as well as those who may not be as well as teachers and staff with diverse perspectives.

In an effort to be consistent with case study procedures, interviews were conducted with participants at a familiar school site. Participants were asked between 5-10 questions (see Appendix A) with an estimated interview time of 10-50 minutes. Prior to participation in the study informed consent was established. In order to interview participants who are minors I first sought informed consent from the participant as well as a parent or guardian. Interviewees were informed that their participation in the study was voluntary and has no impact on their standing in school or in the school district and that all information collected would be kept confidential and reported anonymously.

Expected Findings

The purpose of the study was to explore disproportionality in a single school district, locating processes and perspectives that contribute to disparate discipline outcomes. Furthermore, it was to report disparities as they exist in aggregate suspension and office referral data, whether or not that data accurately reports the problem, and, more importantly, to tell the story of exclusionary discipline that is left out of that data. To that end, there were a variety of expected findings, some of which have already been described in Chapters 1 and 2.

As an example, position yourself as a principal tasked with consequencing two students who have been in a fight at school. Both are students of color and both appear to be equally at fault for the fight. One of the students lives near the school and has a parent who stays home during the day. The parent is called, walks across the street, and discusses the matter with the student and the principal. The other student is homeless, living in the local shelter, and his parent needs to work during the day. You know that the shelter is closed during work and school hours, and the student's parent would need to take a day off of work if he is suspended because he has nowhere to go during the day. As the administrator, you attempt to be cognizant of the situation each student is in and try to make the best decision for all parties involved. Do you suspend both students in order to be "fair?" Do you suspend one and not the other in order to be "equitable?" If you are a teacher and know that your student lives in an abusive home should you notify the parent when the student displays poor behavior in school? Situations like these arise in schools and complicate school discipline procedures, policies, and decisions. I expected to find that the story of discipline and suspension in the school district is significantly more complicated and nuanced than what is reported in the aggregate data, and that is the story told in Chapters 4 and 5.

Role of Researcher

It is important to acknowledge my role as an employee in the school district studied. The Minnesota Department of Human rights, the agency responsible for the report that served as the impetus of this study, analyzed suspension data from 5 consecutive years to determine which schools in the state were suspending most disproportionately. I was employed as a teacher in the school district during all of those years. Moreover, some of the documented suspensions were handed out to my students, some of which were the result of office discipline referrals that I, myself, made. A number of those students were students of color and students with disabilities. Additionally, though I am willing to own a certain role and responsibility in contributing to the disparity, the study does not seek to identify blame with any particular individuals or groups. It should be noted, however, that I am personally interested and invested in working towards a solution. This study serves, in part, to fulfill that mission. Rather than assigning blame or responsibility, my role in the study is to leverage existing relationships and resources to work towards solutions. It should be noted, too, that I am a graduate of the identified school district and as a White, male, and able individual, I may have been privileged by the very system I am attempting to analyze. Moreover, that privilege is likely extended to me still in ways that I cannot identify, affecting the outcomes of this study.

My role as a teacher in the school district offered me access to individuals and resources that will aid me in the study. It also gave me perspective on important data to collect and key stakeholders to interview. To be clear, as a researcher I was not a neutral or unbiased observer. My aims were to provide insight and analysis that leads to more equitable outcomes for marginalized students in the school district. I also hoped to gain from this study

a certain amount of personal growth and understanding, so that I could lessen my own impact on disparate discipline outcomes.

CHAPTER 4.

Introduction

During one of the first interviews conducted for this study, an administrator told me plainly, “I’m not sure there will ever be an end to this once you start digging into it.” Schools, and school systems, are complex and dynamic and what became exceedingly apparent was the human element underlying any conversation, interaction, or decision point relating to suspension or school discipline. Existing numerical data on school exclusions fails to account for both the frustrations and appreciations of students and parents, the competing interests and good intentions of teachers and administrators, and many moments of success and failure. In the Midwest school district, the numerical data served the impetus for the start of a conversation that has long needed to be had. However, the numerical data represents only the beginning of that conversation, and the collective experiences of a school community present a much more compelling story. Outlined here in Chapter 4 are findings that contribute to the telling of that story.

Through interviewing a variety of stakeholders including teachers, administrators, school staff, students, and parents, it is clear that each individual has their own personal relationship with the school discipline process, and while those experiences are unique to individuals, a number of general themes emerged as well. As a researcher, the challenge is to sift through the relationship between perception, belief, philosophy, and truth. For example, there is the teacher who espouses a personal philosophy of equity and anti-racism whose student feels targeted by that same teacher because of her race. There is the building administrator who swears they consistently follow discipline policy and procedure whose staff that make referrals say all they want is more consistency from their administration.

There is the staff person who says that bias and racism contribute to the problem, but doesn't believe their own bias might contribute, too. Because of this, findings in this chapter include themes that highlight discipline disparity issues unique to the school district, as well as issues that show up in the wider body of literature. Chapter 4 is organized according to this study's research questions, exploring which disparities exist, causes of those disparities, including staff perceptions and hypotheses, and whether or not existing numerical data appropriately represents the issue in the school district. Finally, findings related to the alternative school are presented.

Disparities and their Characteristics

When the Minnesota Department of Human Rights analyzed public data, they focused only on suspension data to identify disparities. Through that analysis, they noted disparate rates of exclusions in Midwest schools for students of color and special education students. The aim of this study was neither to refute or validate those findings, rather to utilize the school district's own data sources to gain further insight into discipline disparities in the district. In that sense, the findings outlined here have a wider scope and are, arguably, more reflective of the issue. According to school district administration, the MDHR investigation was cursory at best, particularly in that the department only investigated aggregate data and did not explore in depth the types of disciplinary infractions that resulted in suspension, nor did they account for any errors or variables in data reporting, a topic that will be explored in-depth later in this chapter. As such, through interviews and analysis of different data sets, it became apparent that additional disparities exist. Explored in this section are disparities according to race, special education, gender, as well as disparities in the number of days suspended. In addition to suspension data, office discipline referral data was analyzed in order to identify disparities in ODRs and serve as a point of comparison for suspension data.

Suspension and ODR data analyzed represented the 2017-18 and 2018-19 school years, for both the middle school (grades 7-8) and high school (grades 9-12) in a single school district.

Data

Data from the following sections was pulled from a variety of district sources. It should be noted that a number of inconsistencies existed within those data sets. For example, I received reports with out of school suspension data from three different people, none of them matching. The report of office discipline referrals also included discipline outcomes, including suspensions. That data, too, did not match the others. None of the data matched the public suspension data reported on the Minnesota Department of Education website, the source of data that the Minnesota Department of Human Rights initially used to flag the school district. All of those reports included duplicate disciplinary events. For reasons that were never made clear, quite a number of events had been recorded twice. For the purposes of this study, I deleted duplicate events that appeared to be simply the result of recording error. Some disciplinary events resulted in referral or suspension for more than one student for the same event. Two students fighting, for example, resulted in two separate incident recordings. Those duplicates were left in the data. Some of the reports had more demographic information than others. For example, one of the reports did not include special education or gender indicators with each event. Interestingly, the suspension report as well as district demographic information has a “multiple race” category for students whose race/ethnicity is not represented by one of the other categories, whereas the ODR data report does not include that same option. The school district’s data management system requires that families indicate a “primary ethnicity” for their child and presumably the ODR report pulls that information instead of the “multiple race” indicator. For this study, I chose to utilize the two reports (one suspension report and one ODR report) that included the most demographic

information. Also important to note is that the high school did not have an ODR process or documenting mechanism in place during the 2017-18 and 2018-19 school years, so there is no data to report for that particular school. For reference, one high school building administrator estimated that between one and five students were referred to the office for discipline per school day. The high end of that estimate is less than 1,000 referrals per year in a building of around 1900 students. The middle school (grades 7-8), which houses close to 1100 students, reported 1216 ODRs in 2017-18 and 1706 in 2018-19. Also not included in the data are suspensions and ODRs from the school district's alternative learning center, which includes a very diverse population of students, many of whom have transferred out of the middle and high school specifically for behavior issues. The building administrator from that school expressed that the numerical data on suspensions and ODRs for the school "would be pretty meaningless" because data collection has been inconsistent at best and non-existent at worst. Still, the alternative school is important to the story of discipline in the school district, and a section on that school has been included near the end of this chapter. A number of the tables and figures in the following sections include, for reference, student population demographic information according to race/ethnicity. Because student population demographics are variable, percentages presented represent data from the the 2018-19 school year.

Racial Disparities

Arguably, the most obvious discipline disparity in the school district is the racial disparity. Even staff members who were unaware of the MDHR's complaint against the school district were largely unsurprised to learn that according to the data, the disparities exist. Interestingly, approximately half of the staff people interviewed had little to no awareness of the MDHR's flagging of the school district. Regardless, students and staff alike

reported that racial disparities in discipline were obvious. One school principal stated, “if you don’t believe it, you’re lying. The data is disproportionate.” A teacher, when informed about the nature of the disparities, stated, “it really doesn’t surprise me at all. That lines up with what I see in the hallways of our school everyday.” Perhaps more compelling even were student reflections on racial disparities. Each of the students that were interviewed noted that they observe them regularly, in one form or another. One student claimed that “a lot of White kids seem to be getting off a lot easier than the kids of color.” Another student added the following hypothetical scenario that’s likely to play out in her classes:

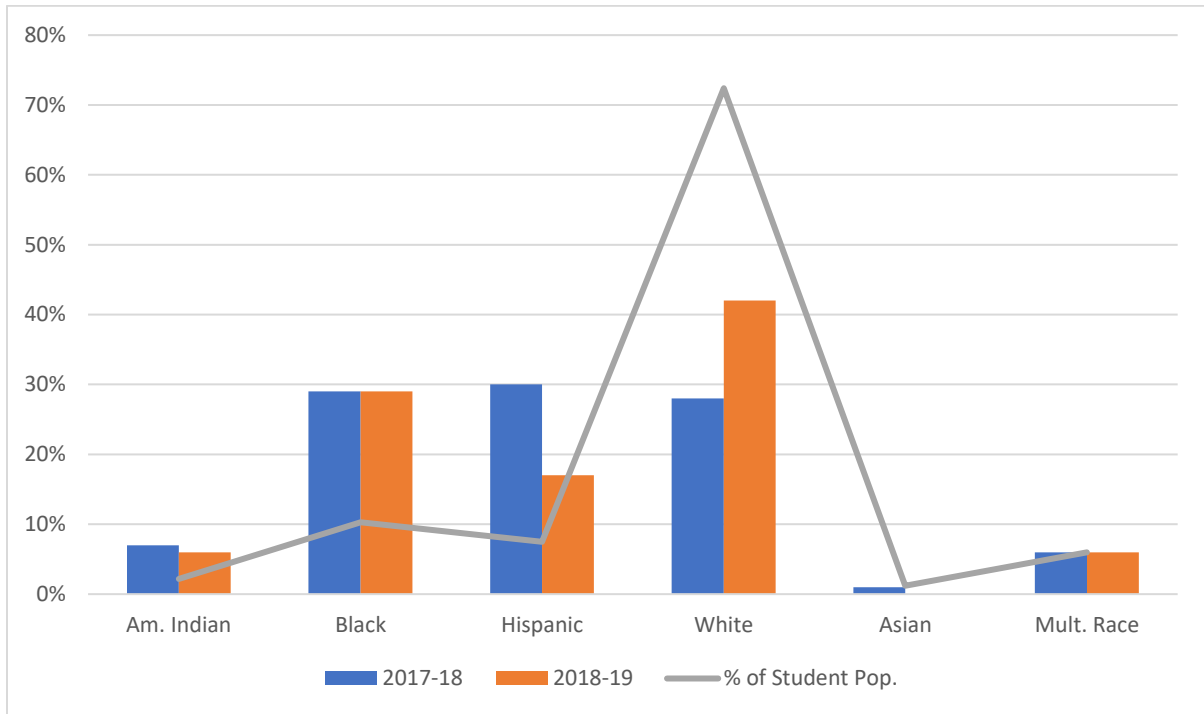
You’ve got this White girl sitting there in Lululemon leggings and a Black boy sitting next to her and they could probably do the same things and have very different experiences in the discipline system. You see a male student of color talk back to a teacher and it’s a big deal, and you see the girl in Lululemon leggings do the same thing and the teacher just laughs.

The notion of double-standards for White students and students of color is not lost on middle and high school students. When asked about whether or not students of color were treated differently than White students, several students discussed immigrant populations, specifically. In one case, the student claimed that immigrant students were disproportionately suspended as a result of their poor behavior. The notion that students of color or other marginalized populations simply behave differently is not supported by the wider body of literature, as explored in Chapter 2. In another case, a student explained how a Muslim immigrant student was disciplined but not suspended for a stalking and sexual harassment issue. The student sharing the story ultimately felt it was fair that the Muslim-immigrant student not be suspended because, “there are certain cultural aspects that he maybe didn’t

understand yet.” In addition to these examples, approximately half of interviewed staff made specific assertions that race was not a factor in the discipline process, and that it had no bearing on their decision of whether or not to make a discipline referral. Administrations, for the most part, echoed the same sentiment, that student demographics have no bearing on their decision whether or not to suspend a student.

Suspension data clearly demonstrates a racial disparity. In Figure 1, student population percentages are represented by the yellow line, and the vertical bars represent percentage of out of school suspensions for each of the years, 2017-18 and 2018-19. Presumably, an “equitable” distribution of suspensions would mean that the suspension rates match the percentages of the population. The chart clearly indicates that White students are underrepresented in the suspension data, whereas Black and Hispanic students are dramatically overrepresented, as are American Indian students, though to a lesser degree. Multiple race students and Asian students are the only populations whose suspension rates mirror the percentage of the student population that they represent.

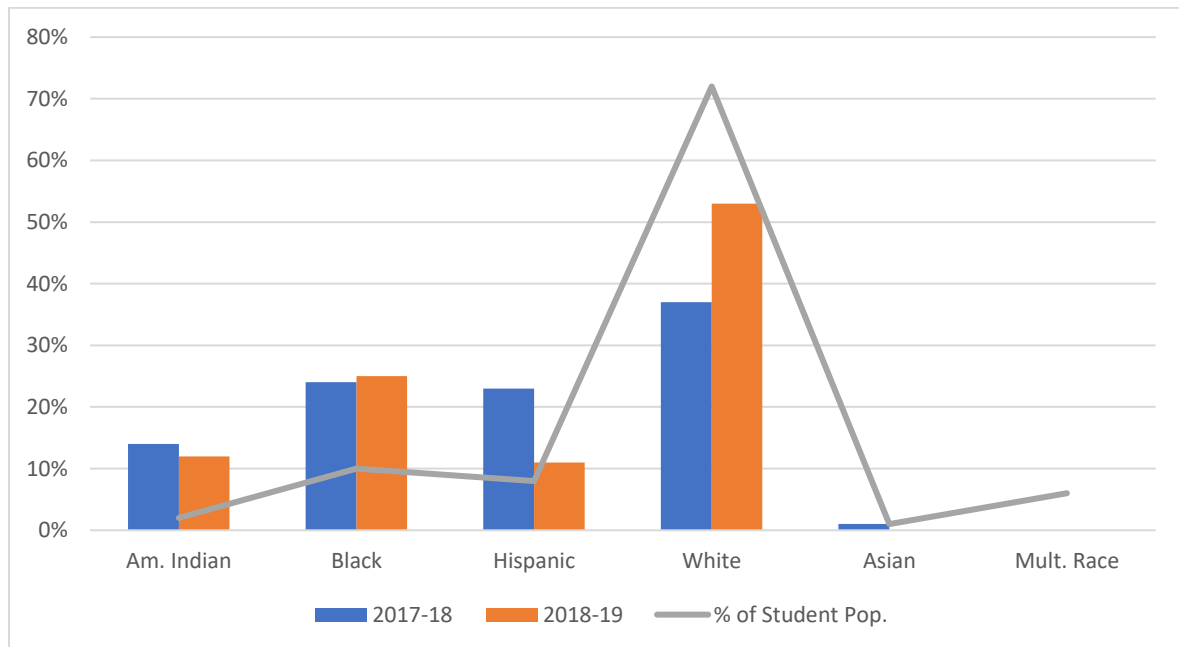
Figure 1. Rates of Suspension vs. Percentage of Population, 2017-19



Note. Am. Indian = American Indian; Mult. Race = Multiple Race.

In addition to suspension data, office referral data was analyzed to determine whether disparities exist in that data as well. The high school until recently did not have an organized system for documenting office referrals, so no data exists for that school. The middle school, however, has a fairly robust and streamlined process for documenting office referrals. It is important to note that the suspension data represents both schools, whereas the ODR data is representative only of the middle school. Figure 2 represents ODR data according to race/ethnicity at the middle school. Important to note is that suspension data includes a multiple race indicator, whereas the ODR data does not, accounting only for primary race/ethnicity.

Figure 2. ODR Rates by Race/Ethnicity, 2017-19

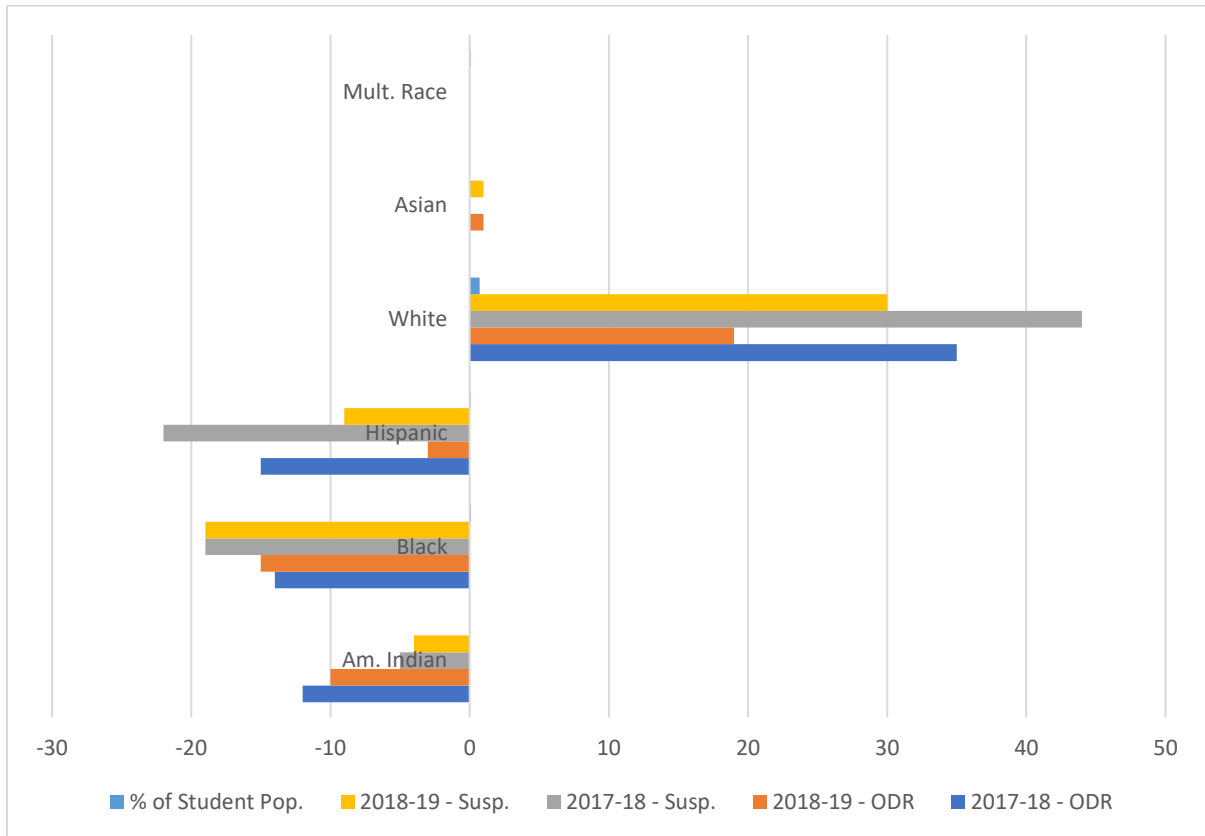


Note. Am. Indian = American Indian; Mult. Race = Multiple Race.

The data clearly points to the reality that disparities exist not only in suspensions, but also at the point of referral. Noteworthy too is that, in general, ODR rates are slightly less disparate than suspension rates, indicating that school administrators are not simply suspending at the rate of referral, but presumably contribute to the disparity as well.

Figure 3 offers a comparison between rates of referral and suspension rates according to race/ethnicity. Represented in the figure is the mathematical difference in rate of suspension or referral and student population. Essentially, it measures exactly how disparate the data is. This assumes that suspension and referral rates should, ideally, be equal to the percentage of the student body each population represents. It could be said that the further left of zero, the more disadvantaged the group is, whereas the further right from zero, the more privileged the group is.

Figure 3. Difference between % of Student Population and Rates of Suspension/ODR, 2017-19

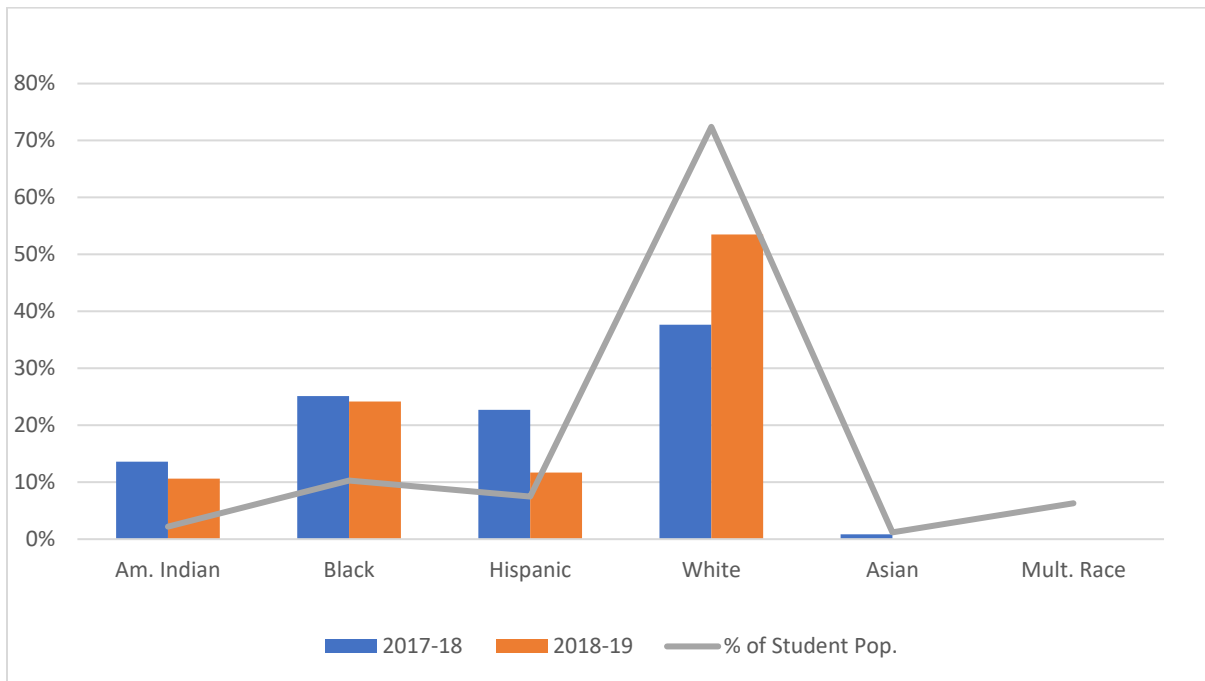


Note. Am. Indian = American Indian; Mult. Race = Multiple Race; Pop. = Population.

Figure 3 shows that American Indian and White students were referred at rates that exceeded their rates of suspension, for each year. For Black and Hispanic students, suspension rates exceeded the rates at which groups were referred.

Finally, data was sorted and analyzed to include only those coded for subjective disciplinary infractions, to determine whether significant racial disparities exist within subjective behavior referrals. Those subjective referral codes include the following: disruptive behavior, insubordination, disrespectful language, inappropriate language, threat, and harassment. Violations for categories like fighting, vaping, drug use, electronic device were considered for the purposes of this study as objective behaviors. That data is presented in Figure 4, and again included are student population percentages.

Figure 4. ODR Rates for Subjective Offenses, 2017-19



ODR rates by subjective offense were remarkably similar to overall ODR rates presented in Figure 2. Similar disparities appeared to exist regardless of subjectivity or objectivity of offense, which could have a variety of explanations. Disparity in objective offenses could indicate that, in fact, students of color behave markedly differently from White students. It could also be true that a largely White staff is particularly adept at identifying those behaviors in students of color, a concept explored further later in this chapter. It could be too that infractions defined as objective may be more subjective than they initially appear. In that sense, the issue may be a matter of defining which behaviors are considered subjective vs. objective. Implicit bias or in-group privileging may be a factor as well. Fighting or tardies, for example, may be objective, but if teachers and staff are looking for or expecting those behaviors from certain groups, then they are certainly more likely to find them.

Special Education Disparities

In addition to racial disparities in discipline, the school district disproportionately suspends and disciplines students with disabilities. In the 2017-18 and 2018-29 school years, 31% of suspensions were assigned to students in special education, while students with IEPs made up less than 20% of the student population. Moreover, of the 115 suspensions for special education students, 86 of them were given to special education students of color. That means that 75% of suspensions given to students with disabilities were given to disabled students of color, which also represents 23% of all suspensions in the school district. ODR data did not include special education indicators, therefore rates of referral are not able to be calculated for students with disabilities.

Despite glaring disparities for special education students, discipline for students with disabilities is complicated and nuanced. “Well the special ed issue is complicated because there are special ed students who have an IEP because of their behavior” a teacher told me. The disproportionate data alongside the teacher’s assertion begs the question of whether staff in the school district are over referring students to special education who are behaviorally outside the mainstream. It also begs the question of whether students of color are over-represented in special education. Data was not readily available to address this issue within the school district, but the phenomena is well-documented in research, that students of color tend to be identified for special education at higher rates (Artiles and Trent, 1994, Zhang et al., 2014).

Complicating the special education suspension data, one administrator acknowledged that students, particularly special education students, are at times sent home from school at the direction of school administration and held out of school for several days as a result of their behavior, but no suspension is ever recorded. Essentially, students are suspended with

parent permission and an agreement among parties that it's best for that student to have a break from school for a few days. The principal stated, "Sometimes with the parents... (students are) going to be absent either way, whether you say 'you know, I think you should keep your kid home a day' or 'I'm suspending them.'" Depending on the extent to which these sorts of exclusions happen across the district, it suggests that in addition to the other suspension disparities that are known to exist, the school district may be disproportionately suspending students whose parents or guardians disagree with the suspensions. Further complicating the data for special education students, an administrator stated that:

You know what's really frustrating about that is that all of our special ed teachers who have those really tough kids want to put them in ISS all the time. And I'm like 'that's not what in school suspension is for, that's what special ed is for. It's for them to learn how to act right.'

I did not encounter data, numerical or anecdotal, that confirms nor refutes the above assertion, though it raises questions about the consistency of consequencing and the role of teacher influence on the discipline process. Perhaps more importantly, it raises questions about the nature and purpose of special education as it is carried out in the school district. If the prevailing belief is that special education is intended to solve student behavior issues, then there will be a disproportionate number of students with mal-adaptive behaviors in special education, creating a self-fulfilling prophecy: that more special education students will be suspended.

Gender

In addition to race and special education disparities, the school district has disparate suspension rates for boys, who are suspended at a significantly greater rate than girls. During the 2017-18 and 2018-19 school years, 72% of suspensions were given to boys and just 28%

to girls. Of the 103 girls suspended, 78 of them were girls of color, or 76%. Worth noting is that the two-day suspension for the white female student who created the school shooting threat was never recorded. The same day that suspension should have been documented, a black, female, special education student was suspended at the middle school. According to the ODR report, the incident was coded for “Truancy/Skipping Class.” On the suspension report, it was coded, “Attendance.” The incident report stated the following: “Student was asked multiple times to return to class and refused. when she was asked to serve lunch detention for her tardy's, she told staff to fuck off and fuck this school.”

Interestingly, the narrative surrounding gender disparities was significantly different from the narrative about racial disparities. Rather than conversations about how certain populations may or may not be targeted, the focus shifted to the privileged group. Students and staff alike noted not that boys seemed to be targeted, but rather that girls, especially White girls, seemed to be underrepresented in the discipline process. “I have seen girls who will just sit there and they’ll cry and they get away with anything,” one high school student told me. She went on to say, “I honestly don’t really get it. It’s like the adults don’t really want to address it with the girls or something... or maybe they’re just not threatened by the girls in the same way.” Staff noticed too. “Girls get by with more stuff than boys in general. Or the punishment is less,” one female teacher told me. As explained in Chapter 2, this may be the result of privileging in-group members as much as it is about discrimination.

Length of Suspension

Finally, the school district showed disparities according to length of suspension. That is, for the years 2017-19, students of color were more likely than white students to experience longer suspensions, and, generally speaking, as length of suspension increased, the disparity increased as well. Table 1 shows the quantity of suspensions by length for each

designated race/ethnic group. Data represented in Table 1 includes suspensions from both the middle and high school during both school years, 2017-18 and 2018-19.

Table 1. *Suspensions by Race/Ethnicity According to Length in Days, 2017-19*

Length	Am. Indian	Black	Hispanic.	Mult. Race	White	Asian	Total
1 day	9	52	37	14	86	1	199
2 days	5	31	25	3	29	0	93
3 days	1	12	14	1	6	0	34
4+ days	2	11	3	2	8	0	26
Total	17	106	79	20	129	1	352

Note. Am. Indian = American Indian; Mult. Race = Multiple Race.

Notably, there were significant decreases in the quantity of suspensions for White students between one day and two days, and again between two and three days. Decreases in quantity of suspensions for students of color, though they exist, are less dramatic. When presented with this data during interviews, one administrator was quick to respond with, “yeah, it’s the repeat offenders.” At least two other administrators echoed that sentiment. A review of the school district discipline policy revealed that there are 31 disciplinary offenses outlined, and at the middle school level, 20 of those offenses have suspension as an option for first time offenders. 19 of those 20 allow for administrative discretion to suspend for more than one day. At the high school level, 19 of the 31 offenses offer suspension to first time offenders. According to the handbook only 7 of the 31 offenses at the high school offer a suspension option of less than 3 days for a second offense. Second offenses at the middle school are

more likely to have a recommended length of suspension that is a day or two shorter than the recommended suspension length for the same second offense at the high school.

Table 2 presents the rates of suspension per race/ethnic subgroup at each length of suspension. For example, White students account for 43% of one day suspensions, whereas Black students account for 26% of one day suspensions, and, for reference, student demographics are included at the bottom of the figure. Black students, specifically, represent a greater percentage of suspensions as the number of days increase.

Table 2. *Percentage of Suspensions by Race/Ethnicity According to Length in Days, 2017-19*

Length	Am. Indian	Black	Hispanic	Mult. Race	White	Asian
1 day	5%	26%	19%	7%	43%	1%
2 days	5%	33%	27%	3%	31%	0%
3 days	3%	35%	41%	3%	18%	0%
4+ days	8%	42%	12%	8%	31%	0%
% of Population	2%	10%	8%	6%	72%	1%

Note. Am. Indian = American Indian; Mult. Race = Multiple Race. Percentage is quantity of suspensions at each length, ie. American Indian students received 5% of one day suspensions: 8/199 total one day suspensions.

In general, students of color appear to have a greater number of longer suspensions. Table 3 supports this more general assertion, that students of color are suspended even more disproportionately as length of suspension increases.

Table 3 represents the same data as a function of race/ethnicity, rather than length of suspension. For example, of the total number of suspensions given to American Indian students, 53% of them were for one day, 29% were two days, and so on.

Table 3. *Percentage of Suspension Length According to Race/Ethnicity, 2017-19*

Length	Am. Indian	Black	Hispanic	Mult. Race	White	Asian
1 day	53%	49%	47%	70%	67%	100%
2 days	29%	29%	32%	15%	22%	0%
3 days	6%	11%	18%	5%	5%	0%
4+ days	12%	10%	4%	10%	6%	0%

Note. Am. Indian = American Indian; Mult. Race = Multiple Race.

Table 4 combines quantities for all students of color compared to White students. Data indicates that students of color, generally, experience higher rates of multiple day suspensions than White students, and that the data indicates greater disparities as length of suspension increases.

Table 4. *White Students vs. Students of Color Length of Suspension, 2017-19*

Length	Total	White	Students of Color	White %	SoC %
1 day	192	86	106	45%	55%
2 days	93	29	64	31%	69%
3 days	34	6	28	18%	82%
4+ days	26	8	18	31%	69%
Total	352	129	216	37%	61%

Data regarding length of suspension wasn't included in the MDHR's data collection. It is important, however, in that it highlights additional disparities in the school district, that not

only are the quantities of suspensions disproportional, but length of suspension is also a factor in creating disparity.

Causes of the Disparities

Regarding discipline disparities, the evidence and data clearly outlines that disparities do, in fact, exist within the school district. Identifying causes of those disparities presents a greater challenge. Numerical data regarding discipline referrals and suspensions only represents the outcomes, not the root causes. Through interviews with students, parents, and staff, it became apparent that there were a variety of explanations for why disparities exist in the school district, some of which align with existing literature, and others that have been effectively debunked through research. Interestingly, when asked directly about what they thought caused discipline disparities in the school district, not a single interviewee initially espoused racism as a cause of racial disparities. Explanations ranged from socioeconomics to bias, and from cultural mismatch to the behavior of certain marginalized populations. Still, interview data represents only the perceptions and experiences of those interviewed, and is negotiated by their comfort and willingness to be honest and straightforward with me, the interviewer.

Colorblind Racism: Four Frames

Something that became immediately clear through interviews is that many people in the school district (particularly adult staff) were uncomfortable talking about race. Phrases like, “not Caucasian,” or “if they’re of another race” from White staff members and students serve as evidence that not only are certain people in the school district uncomfortable or unfamiliar with conversations about race, but that Whiteness is not only mainstream, but also hegemonic and assumed. In order to address this as a root cause of racial disparities, analysis was conducted according to Bonilla-Silva’s (2006) four frames of color-blind racism in order

to identify dispositions and beliefs that construct and perpetuate the disparity. In the following sections, findings relating to Bonilla-Silva's four frames will be reported, followed by findings pertaining to bias and cultural mismatch and a number of district specific issues relating to discipline policy and practice.

Bonilla-Silva (2006) argued that "the central component of any dominant racial ideology is its frames or paths for interpreting information" and that these paths, or frames, once people "filter issues through them, they explain racial phenomena following a predictable route." He identifies the four frames as *abstract liberalism, naturalization, cultural racism, and minimization of racism*.

Abstract Liberalism

Regarding abstract liberalism, Bonilla-Silva (2006) asserted that it is first necessary to understand the history of classical liberalism; that notions of individualism and liberty have historically applied only to bourgeois and ruling class. Moreover, liberalism and racial exclusion have roots in the same historical movements (p. 55). Bonilla-Silva offered the following definition of abstract liberalism:

Using ideas associated with political liberalism (e.g., "equal opportunity," the idea that force should not be used to achieve social policy) and economic liberalism (e.g., choice, individualism) in an abstract manner to explain racial matters (p. 56).

Placing race issues within the abstract liberal frame allows people to oppose practical approaches to addressing racial inequality by invoking the liberal values of freedom, choice, and equal opportunity. He offered that at times practical solutions like affirmative action or appropriating resources to marginalized populations can run counter to White, mainstream notions of individualism and equal opportunity, providing the dominant class with a justifiable opposition to those measures.

Naturalization

The naturalization frame, according to Bonilla-Silva (2006), “is a frame that allows white to explain away racial phenomena by suggesting they are natural occurrences” (p. 56). Essentially, this frame allows Whites to explain segregation, for example, by claiming that individuals from similar backgrounds gravitate towards one another, dismissing historical and social causes.

Cultural Racism

The cultural racism frame “relies on culturally based arguments such as ‘Mexicans do not put much emphasis on education’ or ‘Blacks have too many babies’ to explain the standing of minorities in society” (Bonilla-Silva, 2006). These arguments function essentially to reinforce superiority complexes and deficit thinking. Within the cultural racism frame, Bonilla-Silva explained that we see individuals who publicly “would subscribe to the principle that everyone deserves a fair shake” (p. 57) and people who view themselves as non-racists, who ultimately do and say things that contribute to the nexus that is colorblind racism.

Minimization of Racism

The minimization of racism frame, according to Bonilla-Silva (2006), “suggests that discrimination is no longer a central factor in affecting minorities’ life chances” (p. 57). Within this frame are narratives that racism is a thing of the past, that post-civil rights America is post-racial, and that the significance of race is declining. The “race card” and marginalized populations “hypersensitivity” regarding race are also narratives that fall within this frame (p. 57).

Evidence of Abstract Liberalism

There were few, if any, glaring examples of the *abstract liberalism* frame during interviews with teachers, staff, or students. Because the abstract liberalism frame relies on certain narratives including individualism, personal responsibility, meritocracy, and other values, the notion of abstract liberalism may be present in, particularly, the section on cultural mismatch that will be explored later in this chapter. Moreover, Bonilla-Silva acknowledged that, to some degree, these frames are intertwined and rely on one another. That is not to say that the abstract liberal frame is not present in the school district. In fact, it may be an important frame to consider when crafting discipline policy and systems. Several teachers and administrators made statements like, “we have a very good system for middle-class white kids,” or “the causes (of the disparity) are just the culture and our climate here. And we are so steeped in our middle-class, White values.” When pressed on what they meant by middle-class, White values, the response was vague and confusing. The interviewee furthered that “we are becoming so diverse that we are not able to translate our school code of conduct maybe in a way that they could understand.” The deficit-thinking in this utterance may serve as an example of Bonilla-Silva’s (2006) cultural racism frame, but perhaps the more important question is why the code of conduct needs “translating” for marginalized populations. If those codes of conduct (behavior), written or unwritten, are such that they espouse individual responsibility and meritocracy all the while serving as the codes that create the disparity and serving to over-identify “problematic” behaviors in marginalized populations, then racism is simply couched in narratives of personal responsibility, explained by the abstract liberal frame. Essentially, if the code of conduct is actually the problem, abstract liberalism allows the dominant class to remain unconcerned with the negative consequences for other populations.

Evidence of Naturalization

There were a number of examples of the *naturalization* frame, whereby Whites were able to explain racial phenomena as natural occurrences. This thinking was especially evident in explanations of student behavior. One administrator, in reference to problematic behaviors, stated that “statistically, right now, we have more of those behaviors from different groups.” Different groups, in this case, referred to students of color, suggesting that racial disparities were simply a reflection of student behavior. “We don’t pick the kids that misbehave. If a kid misbehaves then that’s what it is,” an administrator told me, essentially stating that disparities are explained by the natural behavioral characteristics of students of color. One teacher stated:

The real problem here with suspension data I think is that a kid gets mouthy and then it forces your hand to lay down the law, and that’s kind of where I’ve seen it’s going this year... kid starts swearing and it forces their hand and all of a sudden they’re out of school for a few days. So that seems to be the issue that’s pushing kids out, is just the general disrespect of authority here, and, you know, for the rule of law.

These explanations for discipline disparities suggest that they are a natural result of behavior; that the simple fact is that students of color get what they deserve.

Students, staff, and parents all expressed that a predominantly White staff that doesn’t mirror student demographics is an ongoing problem in the school district. One administrator stated that “We don’t have a lot of multicultural leaders.” They added, “Not that any have applied.” In this case, the explanation of a White, mainstream staff is excused by the natural forces in the labor market. It suggests that the district would have a more diverse staff if not for the naturally occurring phenomena that diverse individuals do not apply. One staff member of color shared a contrary opinion. “If diverse people don’t want to come here and

apply, that should tell you something too... They don't want to work here. People don't want to come and apply here because they have a perception of what (it) is like." A school district parent of color echoed this concern and added that "we will never get those minority kids to come back and be teachers in our district. Because nobody ever had their back when they were students."

A number of White staff and students expressed that part of the discipline problem in the schools seemed to be the result of large groups of students of color congregating in the hallway. The idea that "birds of a feather flock together" persists. Bonilla-Silva (2006) explained that "whites can claim 'segregation' is natural because people from all backgrounds 'gravitate toward likeness'" (p. 56). There was a perception among students and teachers that this "natural" grouping of students of color in the hallways was a problem. One White student stated:

I think part of the problem is that (students of color) all seem to congregate together in the hallway. Not that that means they should be, like, watched more, or something. But I don't think it helps them. They kind of get a reputation as, like, a group that might cause problems. Even though it's maybe only one or two of them.

In this case, the student acknowledged that groups of students shouldn't be targeted because of their race, but also that it was the choice of those students to associate with one another. A teacher made a similar observation:

I hate to say it, but it seems like a lot of the issues come from those kids in the hallway... the other day I came across a group in the hallway who were shouting and swearing. It just so happened that they were all students of color.

One parent noted that her son, a student of color, goes out of his way to not get himself into those situations, and he “knows not to have too many minority friends. Because if he does he knows he will be looked at differently and get in more trouble.” Interviews with teachers and staff essentially confirmed what this parent was concerned with by stating that one of their primary behavior concerns are kids congregating in the hallways. For the most part, White interviewees didn’t come out and say that students of color act differently than White students, but it was often implied in their explanations of disparities. Expressions like, “when I do a write up, I don’t write them up based on their color, it’s based on their behavior” exemplify those implications.

Evidence of Cultural Racism

Overt examples of *cultural racism* highlighted by Bonilla-Silva (2006) were largely absent in interviews. Nobody expressed opinions like the ones Bonilla-Silva noted in his book, like “blacks have too many babies” or “Mexicans do not put much emphasis on education” (p. 56). The cultural racism frame appeared, however, in subtler ways when individuals described marginalized student populations. Evident in conversations about race, particularly with White educators, were a number of assumptions about the experiences of certain groups, including a variety of deficit thinking. Largely, these assumptions rest with well-intended educators, even those aiming to be anti-racist. “It’s kind of racist to say, ‘we’re going to treat these kids just like everybody else’ rather than admitting that these kids have a harder life, and they’re going to have more issues,” one teacher stated. While the teacher admitted to the existence of racism, what remains is a deficit assumption that students of color will inherently have issues. Regarding students of color, one administrator stated that, “when they come and they have all that trauma it doesn’t leave at the door.” The statement serves as evidence of the subtle associations between students of color and traumatic life

experiences. This is not to say that students of color do not experience trauma, including racial traumas or micro-aggressions, rather that the language used to describe those groups can serve to perpetuate certain cultural narratives.

Language surrounding the congregation of students of color in the hallway also exemplifies the *cultural racism* frame. Multiple district employees made associations between those groups and “gang mentality” or “mob mentality.” As of January, 2020, the high school has implemented an online incident report form. On that form, “‘mob’ of students” is a reportable behavioral offense. One middle-school staff member described a specific incident where students of color were gathered in the hallway trading fingerboards and a group of teachers called him to investigate whether or not they were exchanging drugs. Meanwhile, according to the staff person, several White students were pushing and hitting one another nearby and the teachers dismissed it as acceptable horseplay. One parent of color who used to work in the school district explained to me that they too saw these scenarios play out daily, where staff would encounter a group of White students engaged in horseplay in the hallway and they would be directed back to class, however a group of students of color engaged in the same behavior would tend to be referred to the office. In these cases, the labeling of behavior matters. In these cases, language associations are important and have connotations that serve either to privilege or discriminate.

Evidence of Minimization of Racism

The *minimization of racism* frame was particularly evident in interviews with a variety of stakeholders. When asked what might cause discipline disparities in the district, some individuals identified bias or a version of cultural mismatch, whereas others specifically noted that they don’t believe certain groups are being targeted, or that other demographic or social factors are more likely than race to be the cause. “I don’t know that

there's a group that they're, like, picking to target," one teacher stated. Another teacher added, "I don't think we really have a... maybe I'm blind to this but I don't really think there's like an outright racist attitude towards any group here..." These assertions may represent a version of aversive racism, as described in Chapter 2, that people are inclined to express ambivalence towards race, or at least not outwardly appear to harbor racist beliefs. Many interviewees, staff and students, made associations between discipline issues and socioeconomics. A student stated that "I feel like it's not just an issue of race, but also an issue of class. I notice the difference between my AP classes and my regular classes." She went on to explain that the demographic makeup of her Advanced Placement classes were primarily students who lived in the most affluent parts of town. "I'm guessing socioeconomic status. Upbringing. Where they are from," one teacher claimed were the likeliest causes. Another teacher stated that they guessed "it's where they're from." They went on, "I'd like to take a map of the city and plot out incidents according to where kids lived." I questioned, "What if you compared that map to one that plots out where people of color live?" They replied, "Yeah I see what you're saying, I suppose." An administrator expressed that he'd like to know what the discipline numbers were according to socioeconomics, essentially stating that they too think it's a poverty issue more than a race issue.

One of the primary markers for the minimization of racism frame is "the race card." One white student claimed the following:

I feel like, I mean... people can't say this openly because then they'll (students of color) just play the race card. But I am friends with all the Muslims. They're, like, super chill with me. But their parents literally don't care. That's why they get suspended. And then they go 'oh it's because I'm Muslim, oh you're racist' and all

that. No. I get suspended. And I'm white. They're stupid. They could get away with way more than they do but they're stupid about it. But they don't care. And they don't. Because then they can just go home and play videogames or go drive the car or whatever."

In this example, the student makes an association between Muslim and person of color. It was not immediately clear whether the student was using those terms synonymously or not. Regardless, not only did he minimize the role of race by claiming that students use the race card, he also claimed that the real issue is that certain parents and families don't care about student behavior. One administrator made a similar expression: "Our discipline policy works really well for a middle-class white kid who will get in trouble at home. It doesn't work for a kid whose parents might not have that same feeling." The assertion suggests that only middle-class white families have behavioral expectations for their children, and that problems arise with the discipline policy when families don't hold their kids accountable.

There were other examples too, of "anything but race" thinking. One teacher asked, "how often are we asking kids to do school when they can't play school and it has nothing to do with their background or their race?" They went on to explain that mental health is the primary issue for kids who are disciplined. Other explanations aside from race included trauma, lack of programming, lack of consequences, and lack of consistency in adherence to policy.

Beliefs Unfounded in Research

As outlined in Chapter 2, there is little research that finds significant behavioral differences between students of color and White students, though evidence related to Bonilla-Silva's (2006) *naturalization* frame suggests that the perception exists among school staff. Additionally, studies that have controlled for socio-economics have found that while

poverty is a predictive factor for suspensions, race remains a greater predictive factor. Similarly, examples of Bonilla-Silva's *minimization of racism* frame indicate that a good number of staff identify socio-economics as a primary explanation of discipline disparities. This is not to say that these explanations are any more or any less legitimate in the Midwest school district, rather to highlight that those explanations exist within the school district and that the wider research is, at least to some degree, representative of local issues.

Research Supported Findings

In addition to the findings that are not well-supported in the body of research, there were a number of findings that are, in fact, supported in the wider literature. As outlined in Chapter 2, both cultural mismatch and bias are well-founded causes of discipline disparities. During interviews, both phenomena were present in various ways. A number of interviewees, staff, students, and parents included identified both as potential issues facing the school district. Additionally, there were a number of utterances that appear to indicate bias or cultural misunderstanding on the part of the speaker. These examples are outlined in the following sections.

Evidence of Bias

One of the more common explanations for the existence of discipline disparities in schools is simply that teachers and staff have implicit biases that disproportionately affect students of color. A number of teachers, staff, students, and parents acknowledged that bias exists. One teacher stated regarding the causes of discipline disparities, "one of the causes are just the biases that exist in our lives..." furthering, "people are putting different standards to different students." Several students were well-spoken on the issue. "I think it's pretty obvious everyone has their implicit bias, or whatever, right?" Another student stated,

“teachers are biased. We all are.” One of the students, a White, female, high school student told the following story about a school resource officer:

I mean, I think it’s really sad but I do think I see it happening. Like, sometimes in the hallway I’ll see an officer following around a group of boys in the hallway. They’re all students of color. And, like, they’d never follow me or my friends around that way, right?

She went on to explain that as a progressive-minded teenager she doesn’t want to believe that’s true about her own school. “And at the same time,” she added, “I’m not sure I see as many White female students you know, like, vaping in the bathrooms and stuff.” She paused for a while to think before stating:

Your questions are really making me think about this. And I think it’s really messed up. Because, like, what if it’s my bias that’s causing me to not see that? Or like I’m assuming it’s not happening because they’re people who look like me?

Unlike this student, few teachers openly shared about their own bias affecting decisions that they make. One teacher openly stated that it wasn’t their bias contributing to discipline disparities in the school district:

Do I believe (the data) is disproportionate? I do. Do I believe it’s because of my bias? I don’t. I think if I did believe it’s because of my bias then that’s a whole nother issue... Do I think our discipline outcomes are an easy scapegoat for a larger societal issue? Absolutely I do.

When I followed up asking the teacher whether or not they believed that bias negatively affects students of color in the district, they stated, “absolutely.” They followed up by

chuckling and saying, “I realize that’s kind of hypocritical. But I mean, no, I don’t really think my bias affects it.”

Interviews with several staff people of color were markedly different from interviews with White staff. One of those individuals noticed that “some kids are looked at a little differently. I don’t think it’s on purpose. I think it’s a learned thing.” Because I work in the same school district, I told the person that I do, at times, notice students of color being treated differently than White students, but that I am not sure I am able to see it to the extent that some students of color tell me that it’s happening. I asked them why they thought that might be and they responded:

I think you’re probably not seeing it because you probably don’t know what to look for, you probably don’t understand the tones, the facial expressions, the history... It’s so hidden, and it’s so subtle.

A different staff person of color made a similar assertion, that it’s difficult for White people to really see or understand the biases that they project. One staff member of color took it a step further, suggesting that not only are some staff not noticing, but sometimes people are choosing to not notice:

I think there’s some things people choose to see and some things people choose not to see. Because if you see it, then you have to address it. And if you address it, then you’re going against your own beliefs or those who are similar to you. And some people don’t have the courage to do it yet. And some people think it’s a cool thing to say ‘yep, I’m open to it,’ but they don’t have the courage yet.

The notion that staff want to be open to diversity and diversity issues was apparent in interviews. Nobody outright stated their discomfort with the schools’ diverse populations, but

very few spoke of the need for work or change on the part of themselves. Many staff spoke of the need for changes in programming and opportunities for kids, or sweeping systems changes. Additionally, many staff spoke of the need for *other* staff to change and reduce *their* biases, but the idea that reducing the effects of implicit bias would take the courageous work of every individual was largely absent from the conversation.

Evidence of Cultural Mismatch

In addition to bias, cultural mismatch, the idea that the formal education environment is culturally dissimilar from many of the experiences of diverse student populations, is a research-supported explanation for the existence of discipline disparities. There is evidence to suggest that cultural mismatch exists in the school district as well. The notion of cultural mismatch was evident across interviews with all stakeholders. Administrators spoke of students with cultural backgrounds different from their largely White staff. Teachers and staff spoke of a lack of preparedness and training to be culturally responsive and curriculums lacking multiculturalism. Students interviewed didn't necessarily articulate significant cultural disconnects between teachers and kids in the schools, but one student of color stated "I don't see how they can't figure out that they're doing it," regarding teachers over-identifying problematic behaviors in students of color. "Even you kinda do it all the time," the student told me about myself, "no offense."

There appear to be at least two ways that cultural mismatch is particularly evident in schools. The first is a school structure and environment with standards and expectations that are culturally constructed. One teacher noted that:

There's not very much diversity within the curriculum that we have. I know that we are talking about discipline but I think oftentimes we run into problems with students when the question that they ask is, 'so what? What does this have to do with me?'

Other teachers spoke of curricular issues, too. That there seems to be a disconnect between who and what students are expected to learn about and whose cultural backgrounds are represented. Others spoke less about content and more about pedagogy. “I think that we teach and operate a certain way that is second-nature or comfortable for certain groups,” one administrator noted, “and it’s maybe not as natural or comfortable for other groups.” One staff person of color noted that:

When these kids come to school... they’re told to turn off their minority-ness. They’re told to just kinda change everything... what they know. And they’re told ‘if you don’t do this, you won’t succeed.’

In less clear terms, teachers spoke of a lack of preparedness to navigate this issue, and that they recognize a need to be culturally responsive, but feel underprepared. “Yeah, I mean, I think we need to be culturally responsive... but nobody seems to be able to tell me exactly what that means and how to do it in my classroom,” one teacher noted.

The second manner in which cultural mismatch appears to be evident in the school district is in interactions between staff and students. This was notably evident in interviews with students and staff of color. One staff member again raised the issue of teachers feeling that it’s “cool” to be open to diversity issues:

And I think where we are right now is teachers think, just from my perspective, I think teachers think it’s cool to act like they’re open to things. And I think they think that if they act like they are then they feel better. But I think if you never really came from it and you were never really told any words like ‘you are a wetback’ or the n-word or if you actually grew up as a kid being talked to a certain way I don’t think you’ll ever actually understand what it’s like to be a minority... but I think teachers

want to connect, but I think it's more of a showing of connecting. But I think it's hard to find teachers who actually can connect with minority kids... because it's just hard for them.

This particular staff person spoke not only of their experience as an employee, but also as a former student in the school district.

I think what's happened is that the minority population hasn't been comfortable to come up and talk and express themselves in a normal way. And I've heard that come up from the minorities. And not to make that sound bad but they don't see any one of their color, or anyone they normally would... and these kids hold it. They're told to hold in all in. And then we're supposed to go to counselors. And this all sounds... and it's not meant to sound bad, but we're told to go to counselors who are not minorities who are saying to us, 'tell us how you feel.' Well we are raised a certain way being put down by people like you, and now we're told to open up to you.

The role of cultural mismatch is well-documented in the literature on discipline disparities, and, ultimately, appears to be a significant factor in the school district as well.

Other Contributing Factors

In addition to the findings related to the wider literature, there were a number of other themes overwhelmingly present in the interviews. One of those themes is the tendency of school staff at times to hold two contradictory positions as desirable. What results is a demand for a system that is impossible to manifest. The second theme grows out of the first, and it is a discussion of disciplinary process and policy in the school district. Unquestionably, more than half of my time interviewing school employees including administrators, teachers, and other staff was directly related to process and policy, much if it centered on staff confusion about the process. These findings are reported not because they have particular

connections to the wider literature, but because they are an important part of the discipline story in the school district.

“To have your cake and eat it, too”

Through interviews with teachers and administrators, it became apparent that there are prevailing assumptions, beliefs, and interests that exist in direct conflict with each other. Unquestionably, this is true across multiple dimensions in education: programs and initiatives compete for resources and funding, teachers spend more time with some students than others, and so on. In the case of discipline, however, there are a number of ways in which the idiom “you can’t have your cake and eat it, too” is manifested. Not only is this sort of thinking evident with teachers and administrators, it appears to be present in the school district policy which states that regarding discipline that the school district will “practice to do so consistently” and later states, “although all actions will be taken on a case-by-case basis.” The desire for latitude and flexibility in decision making about discipline alongside the desire for consistency in consequencing is a conflict that exists at several levels within the school district.

In relation to discipline, many teachers and staff expressed a strong desire to be empowered to make disciplinary decisions, including referrals, and feel supported by their building administrators. Teachers and other staff expressed a need for consistency in administrators disciplining and consequencing. Administrators, meanwhile, indicated the need to be able to treat each disciplinary situation uniquely. Not a single interviewee in either group noted a desire to extend that professional autonomy to the other group. Teachers expressed wanting to know that if they send a kid to the office, the office will give them a consistent consequence, and, moreover, quite a number of teachers expressed frustration that

administrators would send a student back to their classroom the same hour that they were sent out of the classroom. One teacher put it this way:

I understand the process, and in some ways believe in the process, but that being said, I find the process in how it's laid out to be kind of insulting. I would hope that I have the respect enough from (administrators) that if I send a kid from the classroom, I've already gone through those steps to address the problem.

Interesting too, almost all of the teachers interviewed said something to the effect of, "I don't send a lot of kids to the office, so when I do..." meaning that they desire at that point to be supported by administration. However, if none of the teachers are sending very many kids to the office, why are there so many ODRs? There appears to be a general disconnect between perception and reality in terms of ODR rates. One administrator stated plainly, "I feel like if a kid is in my office and the teacher has passed that kid off to me, then yeah, at that point they've lost their ability to influence the situation. At that point I'm going to deal with it in the way that makes sense to me because (the teacher) is beyond the point of dealing with it themselves." A number of administrators noted that it's their job to figure out what's fair for the kid based on what they know about the kid, the referring teacher, and any other relevant factors. In fairness to administrators, if teachers aren't consistent in who they send to the office and when, then consistency in consequencing would be arguably unfair to students. One teacher stated the following, indicating an inconsistency in how they make referrals, "if it's the third or fourth or fifth time or something in a week, I might send a kid to the office. If it's the first or second time, maybe not." In fairness to teachers, there is an obvious challenge in determining when to make an ODR if they don't feel that an administrator will consistently address the issue. Why would a teacher make an ODR if they're not certain what

will happen with the student in the office? “Why would I send a kid to the office if they’re going to be back in my class 10 minutes later with a candy bar and a pat on the back from whoever they talked to in the office?” a teacher questioned. A number of teachers at the high school expressed frustration with kids in trouble getting candy bars in the office. The narrative appeared to stem from a single incident or two quite a long time ago, but regardless of the truth of that narrative, the perception exists that kids are being rewarded rather than being given consequences for disciplinary infractions. One staff noted that, “If I bring a kid to the office and then there’s no consequence for them, well then I’m just the bad guy.”

Policy? What policy?

“It’s a matter of... is somebody going to do something about it? Because they’re just getting away with it every single day...” one staff member told me. There appears to be an overwhelming sense of confusion about what the disciplinary processes and policies actually are, resulting in frustration about discipline in the schools. Teachers and staff at both buildings, the middle school and high school, expressed frustrations primarily related to consequences and consistency of enforcement. A number of teachers and staff were unclear about the discipline process. One teacher put it bluntly, “I’m not totally clear on how we discipline students.” Others expressed frustrations with uncertainty about policy and process. A teacher questioned, “if a kid has a behavior, where do we go? Who do we go to? And what’s the process?” While some staff members appeared to need clarity in the process, others noted an apparent lack of behavioral expectations altogether. “When we’re talking about the high school and rules...” one teacher put it, “I don’t know that we have many. It’s kind of *carte blanche*.” “It’s time we placed some serious expectations on our students,” another stated.

When asked what would improve the situation, many teachers and staff again reported that consistency was necessary. “Enforcing the rules more consistently would improve the situation,” a teacher noted. One staff person stated the following about consistency in consequencing:

Consistency, follow through. These kids, this is how I see it... I’m not going to speak for everybody else, but the consequence is not there. It’s not a legitimate consequence based on what their act is. Some kid can get in trouble for something minor and all of a sudden their consequence is way up there. And some kid might get in trouble for something huge and their consequence is so small. There’s just... there is no consistency.

Another staff person added that “sometimes you have a straight A student and they get in trouble once... and they get the worst of it.” A number of students noticed too. “It doesn’t make any sense. I should have been suspended today but I wasn’t. I’ve been suspended for less. It’s so dumb” a student stated. Another student added, “Yeah I’ve never really been in trouble so I guess I don’t know... but it seems sort of random who gets suspended and who doesn’t.” A number of teachers and staff expressed that there’s nothing wrong with existing policies, just that they need to be followed. “There is discipline policy which is supposed to lay out the process and how things are done and how different situations are treated, but as far as I can tell, there’s not really consistent adherence to policies” a teacher noted. Another added, “it would help if we had a more concise and clear handbook, and actually followed it.” All of these examples point to a discipline process and policy that, at best, needs clarity and at worst is ineffective.

Administrative Decision Making

“Of course we follow the discipline policy. We have to.” Generally, building administrators noted that they do, in fact, follow the school discipline policy. Interviews with administrators, however, highlighted some of the tensions between consistency and fairness. “We have to follow the discipline handbook,” however, that same administrator acknowledged that, “we had asked to have a little discretion in the handbook so we were able to add the term ‘or alternative action’ to our handbook. That gives us a little bit of leeway.” One administrator noted that for certain disciplinary infractions administrators will address the issue consistently, regardless of race; “I think that black, brown, red, white, whatever... if there’s a fight we are going to respond the same way.” In addition to general disagreement about whether or not policy is actually followed, there appeared to be a disconnect between at least a number of teachers and administrators regarding disciplinary bottom lines and their connection to equitable discipline outcomes. When asked about how the school district might arrive at more equitable outcomes, one teacher stated, “regardless of a student, how they look, where they are from, we have to have a bottom line to say, regardless, if this happens then we do this.” An administrator responding to the same question avowed that, “you have to get away from zero-tolerance. There is no such thing as zero tolerance... there is no such thing as if this happens, this, if this happens, this. You can’t have that.” A different principal stated that, “we have disproportionate suspensions and behavior referrals based on student demographics but that doesn’t change how we interpret our policy.” In relation to the discipline disparities, and third principal claimed that “we’re not going to pander to these numbers. Sometimes we have really tough situations where you have to use that suspension piece.” At least one of those same administrators seemed to believe there were consequences of these inconsistencies among principals:

Here's kind of the double-edged sword... Zero-tolerance drove the disparity. But the more gray you have it, the more you leave it up to admin to treat it differently, now you're going to have it disparate. Because now I'm handling it this way and they're handling it this other way. It's going to be different.

In the same sense that teachers wanted "to have their cake and eat it, too" regarding office referrals, administrators seemed to want to be able to state that they consistently follow policy but also want that policy to give them the discretion to handle each situation differently. "There can't be a one-size fits all policy. So we have to get rid of as many of those as we can," one principal put it. To some degree, it appeared that administrators made some headway in this regard; "the handbook is created to have a lot of discretion. So you can look at that policy, and you have suspension, detention, and/or alternative action. It's very grey." When pressed on the issue that teachers want consistency in consequencing, the administrator responded simply, "you can't give every kid the same consequence."

Does the data reflect the issue?

If the question remains whether or not the discipline data represents the discipline issues facing the school district, the answer is no. When I sought out to learn whether or not the data used by the MDHR reflects the discipline disparity issue in the school district, I may have been asking the wrong question. The better question may have been, "how many factors influence the reliability of the data?" The answer to that question is that there are a variety of factors influencing the reliability in the data. In the following sections, a number of those factors are explored including inconsistent reporting, the use of the Administrative Removal Excused (ARE) attendance code, other coding issues, and finally, a discussion of the impact of the alternative school on discipline data for the school district.

Inconsistent Reporting

“There are all kinds of problems with it, it’s not the same from school to school, there’s human error, there’s tracking error” one district level administrator told me. This administrator has been primarily responsible for dealing with the MDHR and has, arguably, a birds-eye-view perspective on the school district and the discipline data. This administrator said in reference to the data collected by the MDHR, “the district’s data was wrong” and that “none of the data was consistent.” Data analyzed by the MDHR came from public data reported in the Disciplinary Incident Reporting System (DIRS), the system of tracking and recording disciplinary action including suspension and expulsion in the state of Minnesota. The administrator noted that each school within the school district had a different system for tracking and recording that data. One of the challenges in reporting exclusion incidents in DIRS is that the system opens for data reporting for just a few weeks at the end of the year, meaning that each school needs its own system for collecting and recording that information throughout the school year so that it can be inputted into DIRS in the last months of the school year.

Not exclusive to DIRS data, within school buildings there appeared to be inconsistency in reporting in a variety of ways. Some teachers expressed confusion as to when they should complete an incident report form, or even, in some cases, expressed resistance to completing the form. “I know plenty of teachers have stopped writing things up because it doesn’t lead to anything” one teacher told me. An administrator said about at least one teacher that “he writes up literally everything because he uses it as a parent-communication tool” given that each incident report at the middle school results in a carbon copy mailed to the student’s home. The collection of incident report data, then, is obviously inconsistent within the buildings.

Perhaps more inconsistent is the data across buildings. Data reporting inconsistency across schools was explored in Chapter 2 as well, suggesting that reporting inconsistencies make large-scale aggregate data analysis challenging. At the middle school, there is a much more robust system for collecting data and a streamlined process for reporting disciplinary events. Additionally, the same person enters discipline reports into the data management system, creating internal consistency. At the high school, the same system does not even exist, and multiple people seemed to be collecting data, and entering data into their own, separate data collection systems. According to a school district administrator, inconsistency in the process results in human and tracking error. Comparing incident report data between the two buildings is impossible, and even comparing suspension data seemed to be, at least to some degree, useless. That is not to say that the is not consistent from building to building. The data is ultimately only as good as the process at each building. This reality, too, is part of the discipline story in the school district.

There are additional inconsistencies in the data that have been noted throughout this chapter. For example, the White, female student whose suspension was never recorded represents obvious inconsistency in the data. Or, there was the administrator who acknowledged that sometimes special education students are kept home with parent permission and suspensions are never recorded. Presumably, these are not the only examples of suspensions or incidents that have gone unreported and undocumented. Perhaps these sorts of data exclusions are averaged out across demographic groups in the aggregate suspension data, or perhaps they too are a function of privileging and discrimination, and, like other factors in the discipline milieu, serve to create disproportionality in outcomes.

ARE

As was previously addressed, at times, students are excluded from school or sent home for the day without a formal suspension. Students can be sent home for the day at the direction of the school administrator and the exclusion can be recorded as Administrative Removal Excused (ARE) rather than recorded as a suspension. One administrator explained that if a student comes to school and is sent home for the remainder of the day they will be coded ARE, and if that exclusion extends to subsequent days then the exclusion will be recorded as an out of school suspension. The administrator described an ARE code as “a suspension without the paperwork” given that ARE exclusions are not reported to DIRS. As a result of that, ARE exclusions are not logged or connected with any specific disciplinary event, rather, ARE exclusions are only logged as an attendance code in the same way that Illness Excused (IE) excuses a student from class. As such, ARE exclusions data were reported to me on a per class period basis, rather than per day.

In total during the 2017-18 and 2018-19 school years, there were 2532 total class periods where students were excluded by administrative removal. Given the way the data is recorded, it’s not possible to identify the total number of students affected or the total number of incidents those numbers reflect. A student may have been excluded for just a single class period, or in other cases a student may have been excluded from 8 class periods, depending on the event. There also is no way to determine how many of those incidents that resulted in ARE exclusions also resulted in out-of-school suspensions. Middle schoolers in the district have an alternating six or eight period day, whereas high schools may have as few as three or four classes and as many as eight. Assuming 6 class periods per day represents an average class load for a secondary student in the school district, a total of more than 400 full school

days were missed by students as a result of administrative removal exclusions during those two school years. That figure alone is greater than the total number of suspensions over the course of those same years (367). It should be noted that the total number of full school days missed by students as the result of out-of-school suspension exclusions was 607. The point to be made here, however, is that the suspension data alone does not fully represent the issue of exclusionary discipline in the school district. If ARE exclusions had been required to be reported in the DIRS system the same way that OSS codes were, the total number of exclusions would grow by likely upwards of 60%.

There are a number of questions that remain regarding ARE exclusions. First, the data is not recorded in such a way that allows for identification of disparities within the data. Moreover, it's not entirely clear how exactly administrators use the code. When asked if principals ever administratively removed students from school for multiple days, one of them noted that, "We used to do that a lot... but we've since learned that that's not really how the state wants us to do it. So now we don't use it very much." It was not immediately clear whether or not multiple day ARE exclusions had happened during the two identified school years, or whether the principal was referring to a time previous to that. Another administrator noted that, "We basically only use it if the kid shows up for the day and then goes home. And we would use OSS if the kid is staying home the next day. That's basically the guidelines the state has given us for how we can use it." When asked why some students who were sent home halfway through the day were coded ARE and others OSS, that same principal stated, "Yeah... I don't know. I guess I don't know how to answer that." What could likely be concluded from the data that was made available is that ARE codes don't appear to be

utilized consistently, and more importantly, that the story of exclusions isn't fully represented in the suspension data.

Coding

Disciplinary event codes present an interesting challenge for the school district. In the DIRS system there are 29 disciplinary offense codes that range from "Attendance" to "Homicide." Approximately one third of suspensions across the state of Minnesota are coded for "Disorderly/Disruptive." According to the district-level administrator, the disorderly/disruptive code "is the one (the MDHR) really take issue with." Understandably so; disorderly or disruptive behavior is a subjective disciplinary offense. The administrator spoke of one of the first meetings with the MDHR and representatives from many of the 43 identified school districts and charters:

It was frustrating because they were upset with us about the codes. Especially disorderly and disruptive. And we were sitting there saying, like, 'yeah we get it, but these aren't our codes. The codes are the Department of Ed's codes. So can't you figure this out with them?'

The point being that school districts have 29 options for coding suspensions and sometimes the codes are necessarily reflective of the disciplinary events. That said, within the school district, discipline reporting forms do not necessarily reflect those codes, either. The natural result of that discrepancy is that someone within the school district has to be the gatekeeper of the suspension codes, determining which disciplinary events match certain codes. For example, at the middle school, there are 47 different disciplinary infractions, only some of which match the disciplinary event codes in DIRS. There is no "disorderly" discipline infraction available to teachers, yet a majority of the suspensions recorded in DIRS are

attributed to that category. Moreover, many of the disciplinary events recorded at the middle school are coded for insubordination, disrespectful language, and excessive tardies, none of which align with the DIRS discipline event codes. As such, someone is responsible for determining which codes are most appropriate for each suspension. At one school building, that gatekeeper seemed to be the building administrator, and at the other building that process appeared to be less consistent.

There were other examples too of the coding not necessarily reflecting the offense. According to the school district discipline policy, suspension is not a disciplinary option for attendance related infractions and yet in the 2018-19 school year, 6 students were suspended and were coded for attendance infractions. All of those suspensions occurred at the middle school. When asked directly about why there are suspensions for attendance issues, the administrator stated, "It's probably that they were skipping class and screwing around in the hallway." A high school administrator stated almost the exact opposite of the middle school principal when discussing disorderly and disruptive codes, "It's the sort of thing that we would probably code if a kid were out in the hallway and skipping class." It could be concluded then, that at times at the middle school students who are perceived to be acting disorderly and disruptive in the hallway receive suspensions for attendance, whereas at times at the high school, students who are skipping class (and, presumably, causing disruption in the hallway) receive suspensions that are coded disorderly or disruptive. These sorts of inconsistencies in suspension coding complicate the understanding of the disparity issue in the school district.

Alternative School

The alternative school in the school district is an important part of the discipline story in the school district. Suspension data was not included in the study for two reasons: the first

is that there were very few recorded suspensions in the data, the second being that the building administrator said that the data was especially inaccurate. This is not to say that the suspension data for the middle school and high school is entirely accurate, but the middle and high school account for a vast majority of suspensions. That said, the mere existence of the alternative school certainly has an effect on the suspension and discipline data for the other two schools. The alternative school educates approximately 100 students per year. In 2018-19, 45 of the 101 students were White, meaning that the school disproportionately houses students of color, relative to the middle and high school. Furthermore, the administrator in that historically, the building has been what he described as a “dumping ground” for students with behavior issues. Even if the school suspension rate is lower than the other schools in the school district, so long as students of color with behavior problems are over-represented in the alternative school it seems safe to assume that suspension and ODR rates for students of color are lower at the middle and high schools than they would be if the alternative school did not exist as an option for some of those students. The administrator added, regarding suspensions:

We may not necessarily suspend for exactly the same reasons kids would be suspended at (the other schools). That’s sort of the nature of our school, right? We’re going to try to keep them there if we can, and we have some options to do that because of our set up.

The administrator stressed too that students shouldn’t necessarily be referred to the school because of their behavior issues, and that alternative education is supposed to exist only for students with behavior issues, but rather for students who may benefit from a smaller school setting and different academic options. They argued that as long as students with significant

behavior issues continue to be referred to the alternative center the problem is not really being addressed; that interventions and supports for students with significant behavior issues aren't in place to the degree that they should be.

CHAPTER 5.**Overview of Study****Purpose**

In 1963, James Baldwin, the famed African-American essayist, wrote in “A Talk to Teachers” that it is the obligation of educated people and those who are developing racial consciousness to be at war with society and to ultimately change it for the better. Though Baldwin directed his words to teachers of African-American students, it seems safe to assume that the justice he calls for should be extended to any marginalized population. As previously explained, the school district that I work for has been identified as having particularly egregious disparities in exclusionary discipline for both students of color and students with disabilities. After living elsewhere for a number of years, I moved home to work in the same community that raised me and in the same school district that gave me incredible opportunities as a young person. At present, the outcomes that I, a White male, was afforded as a student in our school district are not afforded to many students with cultural backgrounds or demographics different from mine. Just half of students of color graduate high school in the district. In 2018-19, zero students of color in the school district took AP Calculus, a college-level course that, for example, presented me with the opportunity to earn college credit during my own time in high school. In that sense, the study was and is deeply personal for me. I am uncomfortable with the reality that in the community that raised me a student with disabilities or a student of color does not enjoy the same opportunities that I had. I am even more uncomfortable with the idea that I, as a teacher, am likely contributing to these disparities. Unfortunately, this reality is almost universally true for a variety of populations across the United States, not just in my hometown.

At its core, the purpose of this study was to improve outcomes for marginalized populations. It is situated within the larger body of work on the school-to-prison-pipeline, the process by which students who experience exclusionary discipline are pushed towards contact with the juvenile justice system disproportionately according to race/ethnicity, gender, and socioeconomic status (Mizel et al., 2016). Ultimately, disparate outcomes for marginalized populations in school are not exclusively the result of suspensions and exclusions, they are the result of a variety of factors including: tracking, representation in curriculum, funding and resources, quality of instruction, the physical resources at school, among others (Skiba et al., 2002). All of these factors intersect, creating a complex that is both difficult to fully understand and even more difficult to dismantle. The purpose of this study was to more fully understand one of those factors, exclusionary discipline disparities, in a particular school district.

Study Summary

Existing research on disproportionality in exclusionary discipline has a variety of foci. Some are concerned with proving the existence of disparities across a multitude of contexts. Oftentimes this research represents large-scale quantitative studies that draw conclusions from massive exclusionary discipline data sets. Many school districts regularly collect this sort of data and many states, including Minnesota, require that it is reported. There is a plethora of research that documents the negative outcomes of exclusionary discipline practices. Other research on the topic centers on determining sources of discipline disparities, often through quantitative analysis controlling for a variety of variables including race, socioeconomics, gender, and other identity markers. Similarly, there are researchers who focus on the student behavior or educator-student dynamics that result in disciplinary

action. Fewer researchers are focused on the intersections of these phenomena and how they are manifested and interact within classrooms, schools, and school districts.

This study sought to identify the disparities that exist in a single school district, to investigate their root causes, and to determine whether or not the recorded data is representative of the severity of the problem. The study's research questions illustrate its foci:

1. Which exclusionary discipline disparities exist, and what are their characteristics?
2. What are the practices and educator dispositions in place that cause and perpetuate the disparity?
3. Does the way that discipline data is reported in the district and to the state appropriately represent the issue?

The study did not intend to explore outcomes of discipline disparities for students in the Midwest school district. It is assumed that the outcomes in the district are representative of the national trends.

The study's research questions rest firmly on its purpose. The first question sought to identify which exclusionary discipline disparities exist and define their characteristics. According to the Minnesota Department of Human Rights, suspension disparities exist in the district for students of color and students with disabilities. These findings were corroborated by the school district's own internal data, too. For example, though White students account for over 70 percent of the student population, they account for somewhere between 30-40 percent of suspensions. That means, of course, that 60 or more percent of suspensions are accounted for by just 30 percent of the population, including the African-American and Hispanic populations who account for most of the disparity. This study also found

disproportionality is present in office discipline referrals, another form of exclusion, for those same demographic subgroups. The second question sought to locate processes, policies, and procedures that contribute to the disparity. A number of causes were explored in Chapter 4, including bias, cultural mismatch, and color-blind racism, among other district specific issues. If we intend to fix it, we should seek to know why it happens. The third question aimed to identify whether or not the data accurately represented the issue. The data only paints a picture of what is reported, and it does not account for the many nuanced situations that may or may not result in exclusions. These questions served to identify the problem, explain why it exists, and ensure that the problem is accurately represented.

The Study

The study was completed primarily through interviews with stakeholders in the school district. The study focused on the 7th and 8th grade middle school as well as the 9th through 12th grade high school, and included an interview with an administrator from the alternative learning center, which in 2018-19 housed 101 of the school districts 7th-12th graders. Interviewed were 7 district administrators, 19 teachers, 5 non-teaching staff members, 9 students, and 5 school district parents. Interviews were conducted in a semi-structured format that followed an interview protocol but also included follow-up questions and commentary. In addition to interviews, district discipline data was secured and analyzed to identify disparities and other numerical trends. Finally, findings from those two sources of data were presented in Chapter 4.

Findings in the study included discipline outcomes disproportionately affecting students of color, students with disabilities, and boys. In terms of causes of those disparities, evidence Bonilla-Silva's (2006) four frames of color-blind racism were identified, suggesting that racism plays a role in outcomes for students of color. Additionally, evidence of bias and

cultural mismatch were present. General confusion and disagreement about discipline policies and processes also created inconsistencies both at the point of discipline referral and at the point of consequencing. Lastly, findings suggested that the discipline data, regardless of who collected the data, is not entirely representative of the discipline issues faced by the school district.

The Interpretation of Findings

Findings in the study indicated disparities across a variety of demographic groups and at various points in the discipline process. The study's findings also indicate a number of causes of the disparities, as well as issues related to the discipline process that appeared to generate inconsistency in disciplining. Additionally, it was found that the numerical data does not fully represent the discipline disparity issue in the school district. Though discipline disparities affect various demographic groups and are not exclusive to racial or ethnic minority groups, the study is primarily situated within a critical race theory (CRT) frame, signifying that the study assumes a relationship between race, racism, and power in society. Discipline disparities are part of a larger set of factors that serve to establish and maintain social hierarchies. The study intends to improve outcomes for students of color and other marginalized populations. The study in and of itself serves as a marker of activism, which is central to the CRT.

Disparities

In the following sections, findings will be contextualized in relation to the wider body of literature. In many cases, findings for the Midwest school district were consistent with existing literature. Summarized in the following sections are the bodies of literature documenting the existence of discipline disparities, practices and educator dispositions that

perpetuate the disparity, and discipline reporting inconsistencies. For each, relevant findings from Chapter 4 are reiterated.

Existence of Discipline Disparities

Literature documenting discipline disparities has existed for several decades. Work on the issue accelerated in the 1970's after a landmark report from the Children's Defense Fund, highlighting significant suspension disparities between black and white students. The timing of the report is likely not a surprise to historians. After all, the United States was just two decades removed from *Brown v. Board of Education* (1954) and a decade removed from the Civil Rights Act of 1964. Recent studies show that disparate exclusionary discipline is not an artifact of history, and that it continues to exist for a variety of demographic subgroups (Skiba et al., 2002, Wallace et al., 2008). The literature indicates that the 1990's specifically saw a get-tough approach to juvenile behavior. At that same time, zero-tolerance policies gained steam and the juvenile justice system saw increasing rates of contact with youth (Wald and Losen, 2003). Discipline gaps widened too for marginalized populations (Wallace et al., 2008). Wallace et al., (2008) noted that in the 2000's those gaps began to decline with one exception: rates of disproportionality for African-Americans continued to climb. Suspensions and expulsions, generally speaking, represent a zero-tolerance disposition.

Over the decades of research, discipline disparities have been documented for a number of demographic subgroups. Suspension rates for African-Americans have consistently proven to be especially disproportionate (Gregory, 1997; McCarthy and Hoge, 1987; McFadden et al., 1992; Mendez and Knoff, 2003; Wu et al., 1982). This reality is true in the Midwest school district as well. Additionally, the school district saw disparate rates of suspensions occurred for Native American and Hispanic students, too. Office discipline referrals, another form of exclusionary discipline, are likely to be experienced by student

groups in the following rank order: black male, white male, black female, white female.

(Gregory, 1995; Taylor and Foster 1986). The specific rank order was unable to be calculated for the Midwest Middle School because gender data was unavailable for ODRs. However, a similar rank order does exist for suspensions, when calculated not by quantity but as a probability, adjusted for percentage of the population.

The body of literature indicates that there are suspension disparities across gender lines as well, with boys experiencing disciplinary action far more frequently than girls (Gregory, 1997; McFadden et al.; 1992; Shaw and Braden, 1990). In one large-scale quantitative study, the authors reported that nearly 12 percent of boys and less than 5 percent of girls experienced suspension (Mendez and Knoff, 2003). Because available suspension data was not provided with an identifier for each individual student, it is impossible to replicate these percentages for the Midwest school district. Wallace et al. (2008) highlighted research suggesting “that gender may moderate the relationship between school discipline and race; that is, the strength of the relationship between school discipline and race may vary, depending upon students' gender” (p. 3).

In a large-scale quantitative study, students with disabilities were suspended at almost twice the rate of students without disabilities, and even more egregious were the rates for Black students with disabilities of whom 1 in every 4 were suspended at least once in 2009-2010 (Losen and Gillespie, 2012). This sort of data representation was not replicable, but it is true that in the 2017-18 and 2018-19 school years, 41 of 352 total suspensions, or 11.6%, were attributed to black students with disabilities. Given that Black students only represented 10% of the total school population, it seems safe to conclude that suspension disproportionality exists for Black students with disabilities. The literature indicates that poor

students experience a disproportionate number of suspensions as well (Skiba et al, 1997; Wu et al., 1982). Socio-economic indicators were not present in the suspension data provided for the school district. It is important to consider, as Wallace et al. pointed out, that the intersections of all of these identities matter, and that predictive factors for suspensions can be compounding.

Practices and Educator Dispositions

Perhaps the easiest path to reducing disproportionality in exclusionary discipline is very simply to not suspend at all, or, at least, to do so minimally. Skiba et al. (2002) found that there is a correlation between the rate at which a school suspends and its suspension disproportionality; that is, the more schools suspend the more likely they will do so disproportionately. Moreover, suspensions are often intended to serve as a behavior modification strategy as well as a method of improving the school climate. The literature, however, suggests it doesn't actually accomplish either of those aims (APA, 2008). Despite what educators know about suspension outcomes, it doesn't appear they will be going away. This appeared to be true in Midwest schools as well. As highlighted in Chapter 4, a number of school staff believed there was a need for suspensions as a consequence. To that end, teachers and administrators rarely have effective and readily available alternatives to suspension (McIntosh et al., 2014). This reality was not lost on the employees in the school district, many of them calling for expansion of behavioral interventions and programming for students. Given its popularity as a school consequence and the nature of suspension disparities and outcomes, there is a considerable amount of research about why suspensions occur.

The existence of bias and cultural mismatch between teachers and students has the most widespread support in the literature in terms of explaining the existence of exclusion

disparities. As explained in Chapter 4, each of these appeared to be evident in the school district as causes of the discipline disparities. Noguera (1995) described a number of deficit assumptions that teachers hold about their students. Others have found that teachers at times are fearful of certain students (Feagin, 2000), and more specifically, they are uncomfortable with certain student communication patterns (Townsend, 2000). In several interviews with teachers, I heard this sort of sentiment from special education teachers who spoke of students who were “out of control,” but never was it explicitly stated about students of color. The literature also highlights that teachers have shown a need to feel in control of student behavior (Fenning and Rose, 2007), and they hold internalized expectations of certain students (Roque and Paternoster, 2011). Okonofua et al. (2016) found that teacher bias alongside student expectations that teachers will be biased can deteriorate teacher-student relationships.

At the beginning stages of this study, I anticipated corroborating a number of these phenomena. That said, a number of them were evident in ways that I didn’t fully expect. Because of my experience working in the school district, I can identify a number of these phenomena in past conversations with colleagues and interactions with students. I anticipated specifically the ability to corroborate through interviews with students the deterioration of teacher-student relationships as a result of the presence and expectation of bias. This was true in part, with a number of students of color making statements like, “I hate him so much” about specific teachers. I did not anticipate, however, encountering as many examples of obvious bias and color-blindness among staff. These examples, though present in interviews, were particularly evident when staff members made “off the record” comments either before or after the formal interview process, or from inquiring colleagues who were

never formally interviewed but nonetheless struck up conversations about my research process.

Reporting Inconsistencies

A number of studies have documented inconsistent reporting of school discipline data (Reschly, 1997; Skiba, 2002; Skiba et al., 2011). Inconsistency in reporting can exist in a number of ways. Nichols (2004) reported that data has a tendency to be reported differently at different school sites, indicating that even large-scale quantitative analyses are relying on inconsistent data. This was especially true in the Midwest school district as documented in Chapter 4. Nichols (2004) furthered that even within school buildings there appeared to be inconsistencies in reporting based on a variety of factors, including: the individual making the discipline referral, the office staff who may be recording the report or making a disciplinary decision, the likelihood of behavioral supervision in certain areas of the school, among others. All of these factors appeared to be true of the school district as well. None of this is to suggest that discipline disparities do not exist; rather that the research may not account for the nuances of the issue. Other inconsistencies have been identified in the literature also. For example, a small number of schools may account for a large proportion of exclusions (Imich, 1994). In a study in Indiana, Skiba et al. (2006) found that one in six school districts in the state accounted for 50-75% of all exclusionary discipline. This sort of data, though outside the scope of this study would be useful to understand the discipline disparity issue in relation to other school districts.

Recommendations for Action

Prior to delving into recommendations for change and action in the school district, it should be noted that a number of changes have already been made to improve discipline outcomes. One administrator noted that “it’s not a written policy yet, but we are really trying

to only use suspensions for things that present a safety issue.” One example is that past practice included suspending students who were skipping or truant. One principal chuckled as they stated, “yeah kids used to not come to school and then we’d give them the consequence of missing more school.” In the school years 2017-18 and 2018-19 there were still six examples of students still suspended for attendance issues, although it appeared that a number of them were inaccurately coded. For example, a student skips class and creates a significant disruption in the hallway. Had it not been for the disruption, they would not have been suspended, but for reasons unknown the suspension is coded for attendance rather than disruptive behavior. Another proactive change one administrator highlighted was the change in weapons policy “It used to be,” they stated, “if a kid made a mistake with their hunting rifle left in their car they would be gone for a year. No questions asked. Now we’ve got a little wiggle room to say, ‘hey there was no intent for harm here,’ which has been a positive change.” Though not stated in official written policy, there was a change to the way that the high school handles tobacco use. “We finally said, let’s stop suspending kids for these frickin’ vapes,” a principal stated to me. “They’re already getting a ticket from law enforcement, so we’ve stopped doing that to not double-jeopardize a kid.” The administrator noted that suspensions were down significantly as a result of the new policy. Finally, a number of committees have been formed and meetings held to begin to explore discipline policies and procedures in the school district. In addition to these changes, outlined below are a number of recommendations to improve discipline outcomes in the school district, arising from the study’s findings:

Recommendation #1: Initiate policy change to reduce the maximum length of suspension to one day.

The rationale for changing the maximum length of suspension to one day is multifold. First, as explained in Chapter 2, the outcomes for students who are excluded from school are not good. Suspensions, generally, are ineffective (APA, 2008). Second, the existence of “repeat offenders,” as one administrator called them, reinforces the notion that suspension has not been effective in behavior modification. While data was not made available to test the likelihood of a student being suspended for the same offense more than once, the length of suspension did not appear to have any bearing on which interventions or programming options would exist for a student when the student returned to school, if any such interventions existed at all. That is, whatever happens upon the student’s return to school will happen (or not) regardless of length. Third, the data clearly indicated that racial disparities worsen in the district as the length of suspension increases. And finally, reducing the length of all suspensions to one day reduces inconsistency in consequences, something that teachers overwhelmingly called for.

Recommendation #2: Create data collection and ODR process at high school and alternative school that mirrors the middle school.

Understanding that processes and procedures will always differ to some degree from school building to school building, the absence of a discipline referral process at two sites creates a significant barrier to improving discipline outcomes. To address a referral disparity, for example, it is important to first understand specifically which disparities exist. Additionally, creating a consistent system across school buildings for documenting disciplinary events would allow for comparative analysis between buildings, as well as student specific longitudinal data analysis. Presently, those types of data analyses are impossible.

Recommendation #3: Have a diverse set of stakeholders at the table for setting community standards and discipline related policy.

School district discipline policies are rife with community standards and norms that are both socially and culturally constructed. Dress codes and notions of respect or honesty are examples of policies created around community standards. The question, in this case, is about who is represented at the decision-making table when those standards are determined. A number of interviewees suggested that a big challenge facing the school district is that the demographic makeup of the surrounding community is changing faster than the systems in place can keep up. When asked which policies should change, at least six teachers mentioned the hat policy within the dress code, and my exchanges with them reveal the importance of having a variety of stakeholders taking part in policy making. One teacher stated, “I’m glad we are finally done worrying about hats and hoods.” Another stated, “Well, I can’t stand that kids can wear hats now, but whatever.” A third noted, “This kids wearing their hats and hoods things is ridiculous. It’s just one more example of how we’ve gone too far in the wrong direction.” When staff were presented with the scenario of a White kid wearing their winter hat around or the Black kid wearing their snapback and asked who is more likely to be asked to remove the hat, everyone agreed the black student is more likely to be called out. For some, wearing a hat indoors is socially unacceptable and for others it’s culturally appropriate and an expression of identity. To that end, defining disciplinary infractions, especially those that are subjective, like disorder and disrespect, should be done by a group of stakeholders that mirrors the community.

Recommendation #4: Intentionally recruit a more diverse staff.

All interviewees, including teachers, administrators, staff, students, and parents spoke overwhelmingly of the need to have a staff that looks more like the student population. As stated in Chapter 4, challenges exist to hiring a more diverse staff when those individuals may not want to apply to work in the school district. One parent of color disagreed, however, with the assertion that diverse candidates are not applying, citing a number of individuals they had known to have applied and not been hired. Regardless, a school district with documented examples of cultural mismatch between staff and students would benefit from recruiting a staff that looks more like its students. As one teacher put it, “it’s outrageous that in this day and age we are not aggressively recruiting staff members from diverse populations.” One staff member of color noted that “it would be good for the White kids too... for them to see a minority person in a position of authority.” The school district and its staff could choose to continue to state that the problem is that people of color and other forms of diversity are not applying and, as explained in Chapter 4, cling to the narrative that it’s a natural phenomenon, or it can establish a recruitment and retention plan for a diverse staff.

Recommendation #5: Continue to build and prioritize behavior related interventions and programming.

Many teachers, staff, and administrators expressed a belief that the school district lacks behavior interventions and programming for students who struggle to meet the behavioral expectations at school. Administrators, in particular, called for more funding for staff members to meet the needs of students. This was particularly true regarding restorative justice practices. One administrator said about restorative justice, “I’d love to, but we just don’t have the people to do it. That kind of thing takes time.” A teacher’s comment epitomized the existing problem:

Well we have to do something. What's it going to be? Restorative justice?

Consequences? You can't have 50% of one thing and 50% of another. It seems like that's what we have right now and it doesn't seem like it adds up to 100... it seems like it adds up to more like 25% effectiveness in terms of discipline.

At the middle school especially, there are procedures in place and individuals devoted to behavior intervention and restorative justice. The general consensus among staff at that building seemed to be that these measures were helpful, but not necessarily enough to effectively address behavior issues at the school. The high school appeared to have no process or staff people devoted to restorative justice or any other streamlined behavior interventions. Continuing to build these and similar interventions and processes is imperative. As one administrator stated, "It's not like the needs are becoming less."

Recommendation #6: Intentional recruitment of diverse students for extracurricular activities.

A number of staff pointed to the need to diversify the student population that's involved in activities in order to get struggling students connected to school. Accomplishing that aim may also require diversifying the activities offered and supported. In an interview, the school district activities director noted that kids in activities don't often receive behavior referrals or consequences. They added:

Students that are involved in co-curricular activities, there's a higher likelihood that they're going to be successful during the school day. I think there's a hundred other factors too, though. I don't think it's an automatic one-to-one that a kid jumps into a sport or starts participating in theater and all of a sudden they're an upstanding citizen.

What must be understood, of course, is that getting more students involved who have traditionally had high numbers of behavioral referrals and suspensions will likely have two effects: lessening the number of referrals for those students and increasing the overall number of referrals for students in activities. The lack of behavior incidents for students in activities is both the result of involvement and connection and also a reflection of the types of students who tend to be involved in activities.

Dissemination of Results

Results of the study will be shared with district administration via a summary document, including recommendations. Furthermore, results of the study will be shared with inquiring teachers, staff, parents, and students. Presumably, given my role within the school district, opportunities to offer professional development or presentations to other staff will be available. It is important that results be shared and, hopefully, further a conversation about discipline disparities and other issues of equity and social justice in the school district. It is especially important that the results be shared for the many individuals who took risks to share their story with me, and most important for the students of the school district.

Recommendations for Further Study

There are a number of recommendations for further study. In general, within the wider literature there are no specific studies that document disparities within the state of Minnesota, or for specific school districts within the state aside from the work done by the Minnesota Department of Human Rights to identify school districts with significant discipline disproportionality. Comparative research across school districts would serve to better understand disparities in Minnesota, particularly given that the DIRS data may be, to some degree, unreliable. Qualitative case studies on single school districts are essentially non-existent in the literature, so additional studies of this nature would contribute to the

understanding of discipline disparities. More specifically, recommended studies include longitudinal data analysis of student specific discipline data. Student specific data would allow for analysis of the effectiveness of suspensions through the frequency of repeat suspendable offenses. Longitudinal data, that tracks students through their years in the school district would allow for analysis of long-term impacts of suspension and potentially help to identify predictive factors in younger students. During the 2017-18 and 2018-19 school years suspensions were relatively low at the elementary schools but showed a significant increase in the 5th and 6th grade middle school. Exploration of those transitions would benefit the school district. A number of studies have attempted to define the characteristics or dispositions of low-referring vs. high-referring teachers. Several useful understandings could come from this type of analysis. The first is whether or not there is a correlation between high-referring teachers and rates of suspensions for that teacher's students. Doing such analysis would help determine the role of teacher disposition in determining suspension outcomes. Secondly, analysis should be conducted to determine whether high referring teachers or low referring teachers are more or less likely to be disparate in their referral rates, testing whether or not the disparity acts as a function of referral quantities. In addition to these specific research aims; it can be safely determined that there remains much to be learned about disciplining in the Midwest school district and across the United States.

Researcher Reflection

When I first became aware several years ago of the Minnesota Department of Human Rights complaint against the school district that I work in, I was both appreciative and, admittedly, a little defensive. I was appreciative of the fact that something I saw every day in my work as a teacher was finally recognized; that students of color were struggling to meet the demands and fit into a school system that was not designed to include them. I too was

defensive, thinking that the MDHR had picked the wrong battle. It seemed exceedingly obvious to me that our students of color *should* be suspended more as a result of the behavior I observed in the hallways and in the classroom. Progressive-minded, I attributed their behavior to a variety of factors, including systemic racism that placed unnecessary barriers between them and better outcomes at school. Today, I remain convinced that systemic racism presents barriers for students of color in our schools, but what I am less sure of is exactly what I see and don't see in the hallways and in the classroom. This is true not only for students of color, but as a result of the study I have developed a new lens that informs my interactions with students of color, White students, girls, boys, other teachers and staff, and essentially anyone that I encounter at school.

This project represented the first time I had taken on any significant research. As a result, I've undergone a number of significant reflections. Never before have I taken on such a large-scale investigation of a project including interviewing 45 people. In addition to those interviewed, I had countless conversations with other staff members and colleagues who inquired about my study. Though those informal conversations are not formally included in my study, unquestionably they informed my own thinking and the narrative that I am able to construct about discipline in the school district. Important too is that I had, to varying degrees, some level of a personal relationship with almost all of the study's participants. Only four of the 45 individuals interviewed were people I had not previously met or interacted with. Even those four were students who were familiar with me as a teacher in their school or parents whose children were in my class. All of these relationships influence participants' willingness to communicate with me truthfully. As previously stated, a number of participants, despite the promise of confidentiality, wanted to make "off-the-record"

statements. Those requests have been honored within the reported findings, but nonetheless have an impact on me, the researcher. The study's conclusion offers a narrative explanation of many of my learnings and reflections.

Conclusion and Significance

“How come you're always picking on me when these other people are talking too? Is it because I'm black?” a student asked me from the corner of the room. I had just called him out in front of his classmates, asking him to stop talking as I was giving directions. I looked out to a classroom full of 8th graders staring at me, presumably wondering how I would respond. Admittedly, I froze and didn't know what to say. Before I had the chance to respond, the student started laughing and said, “man these White fools are always getting me in trouble,” referring to the White classmates he had been in conversation with. The class laughed and we moved on. Occasionally as a teacher I encounter situations I really don't know how to respond to. In this case the student gave me an out. Nonetheless, I couldn't help but reflect on the interaction. Was he right? Did I single him out because he's Black? Did some aspect of my own implicit bias cause me to call him out instead of his White classmates? He is an outgoing young man and, relative to the majority of his classmates, he's loud. Did I single him out because he was the loudest? If he truly was the loudest, did I single him out because I am privileging certain communication norms over others? If any of these musings are true, has he experienced this sort of treatment for his entire educational career? I'm not sure I'll ever be able to fully answer these questions, but in the spirit of Baldwin, I should indeed begin to question the norms of our school community.

Whether or not the student in my class was serious in his inquiry may ultimately be irrelevant. By raising the issue, he acknowledged what we both know to be true; at times, Black students are treated differently because they are Black. The interaction that I had with

my student might be described by Vavrus and Cole (2002) as a disciplinary moment. They noted that these sorts of events are often preceded by a series of disruptive events where one is ultimately singled out by the teacher. Disruptive events in the classroom have proven to contribute to disparities in exclusionary discipline. Smolkowski et al. (2016) highlighted that within office discipline referral (ODR) data that Black students receive significantly more ODRs for behaviors like defiance and disrespect than their White peers. Identifying these behaviors involves discretionary decision points for teachers, and these decisions are likely to be culturally informed. Colloquially, we might say that defiance and disrespect exist in the eye of the beholder. In the case of the student in my class, I never made an ODR and the student never received any formal consequence, other than being called out in front of his peers. Nonetheless, the situation illuminates a number of issues including the role of implicit bias and the social constructs that establish the norms for respect and what it means to defy a teacher.

What if discipline disparities are actually constructed through a series of these small moments, each of them compounding and contributing to a larger complex? What if well-meaning teachers like myself are just as likely to perpetuate the disparity as educators who outwardly espouse prejudices? If true, it is time to dismantle the system that has built the disparities. In Baldwin's essay he writes directly to teachers, claiming that if he were a teacher of Black students he would work to make sure that those students understand that the outcomes they face are intentional and intended to destroy them. He named a number of those institutions that do just that: the streets, houses, and the dangers and agonies young African-Americans faced. If Baldwin were writing today, he might add the schools to his list of the institutions that are designed to destroy Black children. In the spirit of Baldwin's

words, today's education system is perfectly built to achieve the outcomes that it gets.

Baldwin would likely add, too, that as educated and conscious people it is our obligation to dismantle it. How do we rebuild that system in order to achieve the outcomes that we want?

It begins with a full understanding of what we are up against and all of the ways that we have arrived where we are.

As a democratic institution, schools have an ethical obligation to uphold the virtues of our republic. If schools truly undergird our democracy, then that obligation requires that we work towards justice and equality. If the egalitarian obligation isn't compelling enough, the documented outcomes that result from exclusionary discipline should be. As schools are charged with helping students to be contributing members of society, we cannot afford to have entire sections of our population unable to effectively participate in society.

Documented suspension outcomes include increased incarceration rates, higher rates of dropout (Wald and Losen, 2003), and lower academic performance (Noltemeyer et al., 2015).

Though discipline disparities, or the discipline gap, is not as widely recognized as the achievement gap, Skiba et al. (2010) reminded us that they are actually two sides of the same coin. Both the achievement gap and the discipline gap are situated within the work that seeks to advance educational equity. Research on suspensions concludes that low achievement is an outcome of suspension as well as a predictive factor for it (Arcia, 2006; Skiba and Rausch, 2006). Ladson-Billings (2006) argued for a reframing of the term achievement gap, which doesn't account for the legacy of inequity in schools. An *education debt*, she argued, more accurately represents the political and discriminatory history of achievement outcomes. It too may acknowledge factors like discriminatory discipline practices that contribute to poor outcomes for marginalized populations. Additionally, it acknowledges that disparate

outcomes have been effectively created by those with agency, that something is owed to marginalized students and communities, rather than perpetuating a deficit paradigm suggesting that marginalized populations are responsible for their own achievement gaps. It serves to recognize the history of the issue, that in 2019 we haven't yet become the world that Baldwin called for in 1963.

The Black student that I called out in front of the class highlights the way in which well-intended educators struggle with these issues every day. Good and well-intended people are ultimately contributing to the disparities that we see. In order to improve disparities, we must arrive at a greater understanding of the issues that we face in order to work against the systemic forces that perpetuate the disparities. There is a documented need for case studies of this type that attempt to explore the many nuanced situations that ultimately result in aggregate disparities. Skiba et al. (2011) call for local analysis, noting that large-scale aggregate studies do not account for local circumstances. Moreover, the data analyzed only accounts for the exclusionary discipline events that get reported. Nichols (2004) noted how these large-scale studies are subject to reporting inconsistencies as well.

Suspensions and exclusionary discipline outcomes are certainly not the result of poor intentions. If the discipline gap and the achievement gap represent two sides of the same coin, the nature of suspensions also presents a certain duality. The issue of children's right to an education has been adjudicated and upheld in multiple court cases: *Stuart v. Nappi* (1978) and *S-1 v. Turlington* (1981). Generally speaking, suspensions are utilized in an effort to maintain order and the school climate, or to improve behavior. Educators tasked with decisions about excluding students face a dilemma; to remove a child from class, potentially infringing on their own right to an education, or leave them in class to, potentially, negatively

affect the education of others. Ideally, these are not the only two options, but many educators do not have readily available, proven alternatives (McIntosh et al., 2014). This is not to absolve educators of the responsibility to work for more equitable outcomes, rather it is important to note the injustice that results when disparities according to race, ethnicity, gender, or any other identity marker are the manifestation of bias and cultural hegemony. Acknowledging that well-intended educators have a role in creating the disparities is important because it is well-intended educators who will have to do the work of undoing decades of discrimination. This study is important in that it aims to contribute to that mission.

REFERENCES

- American Psychological Association Zero Tolerance Task Force. (2008). Are zero tolerance policies effective in the schools?: an evidentiary review and recommendations. *The American Psychologist, 63*(9), 852.
- Arcia, E. (2006). Achievement and enrollment status of suspended students: Outcomes in a large, multicultural school district. *Education and Urban Society, 38*(3), 359-369.
- Artiles, A. J., & Trent, S. C. (1994). Overrepresentation of minority students in special education: A continuing debate. *The Journal of Special Education, 27*(4), 410-437.
- Baldwin, J. (1963). A talk to teachers. *Child development and learning, 7*-12.
- Baker v. Owen, 395 F. Supp. 294 (M.D.N.C. 1975).
- Battin, S. R., Hill, K. G., Abbott, R. D., Catalano, R. F., & Hawkins, J. D. (1998). The contribution of gang membership to delinquency beyond delinquent friends. *Criminology, 36*(1), 93-116.
- Bear, G. G. (2012). Both suspension and alternatives work, depending on one's aim. *Journal of School Violence, 11*(2), 174-186.
- Bonilla-Silva, E. (2006). *Racism without racists: Color-blind racism and the persistence of racial inequality in the United States*. Rowman & Littlefield Publishers.
- Bowditch, C. (1993). Getting rid of troublemakers: High school disciplinary procedures and the production of dropouts. *Social Problems, 40*(4), 493-509.
- Brantlinger, E. (1991). Social class distinctions in adolescents' reports of problems and punishment in school. *Behavioral Disorders, 17*(1), 36-46.
- Briggs, A. R., Morrison, M., & Coleman, M. (2012). *Research methods in educational leadership and management*. Sage Publications.

- Brophy, J.E. (1988). Research linking teacher behavior to student achievement: Potential implications for instruction of Chapter 1 students. *Educational Psychologist*, 23, 235-286.
- Brown v. Board of Education, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (1954).
- Coalition for Juvenile Justice, & United States of America. (2001). *Abandoned in the Back Row: New Lessons in Education and Delinquency Prevention*.
- Chin, J. K., Dowdy, E., Jimerson, S. R., & Rime, W. J. (2012). Alternatives to suspensions: Rationale and recommendations. *Journal of School Violence*, 11(2), 156-173.
- Creswell, J. W., & Poth, C. N. (2018). *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*. United State America.
- Delgado, R., & Stefancic, J. (2001). *Critical race theory: An introduction*. NYU Press.
- Ekstrom, R. B. (1986). Who drops out of high school and why? Findings from a national study. *Teachers College Record*, 87(3), 356-73.
- Feagin, J. R. (2000). Racist America: Roots. *Current Realities, and Future Reparations*, 113.
- Feagin, J. R. (2004). Social justice and sociology: Agendas for the twenty-first century. *Critical strategies for social research*, 29-43.
- Fenning, P. A., Pulaski, S., Gomez, M., Morello, M., Maciel, L., Maroney, E., & Wilson, R. (2012). Call to action: A critical need for designing alternatives to suspension and expulsion. *Journal of School Violence*, 11(2), 105-117.
- Fenning, P., & Rose, J. (2007). Overrepresentation of African American students in exclusionary discipline the role of school policy. *Urban Education*, 42(6), 536-559.

- Ferguson, A. A. (2001). *Bad boys: Public schools in the making of Black masculinity*. Ann Arbor: University of Michigan Press.
- Fraenkel, J. R., & Wallen, N. E. (2003). *How to design and evaluate research in education*.
- Garcia v. Miera, 817 F.2d 650 (10th Cir. 1987).
- Girvan, E. J., Gion, C., McIntosh, K., & Smolkowski, K. (2017). The relative contribution of subjective office referrals to racial disproportionality in school discipline. *School Psychology Quarterly, 32*(3), 392.
- González, J. M., & Szecsy, E. M. (2004). The condition of minority access and participation in Arizona: 2004.
- Gordon, R., Piana, L. D., & Keleher, T. (2000). *Facing the Consequences: An Examination of Racial Discrimination in US Public Schools*.
- Green, A. L., Maynard, D. K., & Stegenga, S. M. (2018). Common misconceptions of suspension: Ideas and alternatives for school leaders. *Psychology in the Schools, 55*(4), 419-428.
- Greenwald, A. G., & Pettigrew, T. F. (2014). With malice toward none and charity for some: Ingroup favoritism enables discrimination. *American Psychologist, 69*(7), 669.
- Gregory, A., & Mosely, P. M. (2004). The discipline gap: Teachers' views on the over-representation of African American students in the discipline system. *Equity & Excellence in Education, 37*(1), 18-30.
- Gregory, A., & Weinstein, R. S. (2004). Connection and regulation at home and in school: Predicting growth in achievement for adolescents. *Journal of Adolescent Research, 19*(4), 405-427.

- Gregory, A., & Weinstein, R. S. (2008). The discipline gap and African Americans: Defiance or cooperation in the high school classroom. *Journal of School Psychology, 46*(4), 455-475.
- Gregory, J. F. (1995). The crime of punishment: Racial and gender disparities in the use of corporal punishment in US public schools. *Journal of Negro Education, 45*4-462.
- Gregory, J. F. (1997). Three strikes and they're out: African American boys and American schools' responses to misbehavior. *International Journal of Adolescence and Youth, 7*(1), 25-34.
- Hemphill, S. A., Plenty, S. M., Herrenkohl, T. I., Toumbourou, J. W., & Catalano, R. F. (2014). Student and school factors associated with school suspension: A multilevel analysis of students in Victoria, Australia and Washington State, United States. *Children and youth services review, 36*, 187-194.
- Hinojosa, M.S. (2008) Black-White Differences in School Suspension: Effect of Student Beliefs About Teachers. *Sociological Spectrum 28*, 175–193.
- Hirschi, T. (1969). A control theory of delinquency. *Criminology theory: Selected classic readings*, 289-305.
- Imich, A. J. (1994). Exclusions from school: Current trends and issues. *Educational Research, 36*(1), 3-11.
- Ingraham v. Wright, 430 U.S. 651, 97 S. Ct. 1401, 51 L. Ed. 2d 711 (1977).
- Ladson-Billings, G., & Tate, W. F. (1995). Toward a critical race theory of education. *Teachers college record, 97*(1), 47.
- Ladson-Billings, G. (2006). From the achievement gap to the education debt: Understanding achievement in US schools. *Educational researcher, 35*(7), 3-12.

- Lerner, J. S., & Tetlock, P. E. (1999). Accounting for the effects of accountability. *Psychological Bulletin*, *125*(2), 255.
- Losen, D. J., & Gillespie, J. (2012). Opportunities suspended: The disparate impact of disciplinary exclusion from school. *Civil Rights Project/Proyecto Derechos Civiles*.
- McCarthy, J. D., & Hoge, D. R. (1982). Analysis of age effects in longitudinal studies of adolescent self-esteem. *Developmental Psychology*, *18*(3), 372.
- McCarthy, J. D., & Hoge, D. R. (1987). The social construction of school punishment: Racial disadvantage out of universalistic process. *Social Forces*, *65*(4), 1101-1120.
- McFadden, A. C., Marsh, G. E., Price, B. J., & Hwang, Y. (1992). A study of race and gender bias in the punishment of school children. *Education and Treatment of Children*, 140-146.
- McIntosh, K., Ellwood, K., McCall, L., & Girvan, E. J. (2018). Using discipline data to enhance equity in school discipline. *Intervention in School and Clinic*, *53*(3), 146-152.
- McIntosh, K., Girvan, E. J., Horner, R., & Smolkowski, K. (2014). Education not incarceration: A conceptual model for reducing racial and ethnic disproportionality in school discipline. *Journal of Applied Research on Children*, *5*(2), 1-22.
- Mendez, L. M. R., & Knoff, H. M. (2003). Who gets suspended from school and why: A demographic analysis of schools and disciplinary infractions in a large school district. *Education and Treatment of Children*, 30-51.
- Mendez, L. M. R., Knoff, H. M., & Ferron, J. M. (2002). School demographic variables and out-of-school suspension rates: A quantitative and qualitative analysis of a large, ethnically diverse school district. *Psychology in the Schools*, *39*(3), 259-277.

- Mizel, M. L., Miles, J. N., Pedersen, E. R., Tucker, J. S., Ewing, B. A., & D'Amico, E. J. (2016). To educate or to incarcerate: Factors in disproportionality in school discipline. *Children and youth services review, 70*, 102-111.
- Neal, L. I., McCray, A. D., Webb-Johnson, G., & Bridgest, S. T. (2003). The effects of African-American movement styles on teachers' perceptions and reactions. *Journal of Special Education, 37*, 49-57.
- Nichols, J. D. (2004). An exploration of discipline and suspension data. *Journal of Negro Education, 408-423*.
- Noguera, P. (1995). Preventing and producing violence: A critical analysis of responses to school violence. *Harvard Educational Review, 65(2)*, 189-213.
- Noguera, P. A. (2003). The trouble with Black boys: The role and influence of environmental and cultural factors on the academic performance of African American males. *Urban Education, 38(4)*, 431-459.
- Noltemeyer, A. L., Ward, R. M., & Mcloughlin, C. (2015). Relationship between school suspension and student outcomes: A meta-analysis. *School Psychology Review, 44(2)*, 224-240.
- Noltemeyer, A., & Mcloughlin, C. S. (2010). Patterns of exclusionary discipline by school typology, ethnicity, and their interaction. *Penn GSE Perspectives on Urban Education, 7(1)*, 27-40.
- Okonofua, J. A., Walton, G. M., & Eberhardt, J. L. (2016). A vicious cycle: A social-psychological account of extreme racial disparities in school discipline. *Perspectives on Psychological Science, 11(3)*, 381-398.

- Pearson, A. R., Dovidio, J. F., & Gaertner, S. L. (2009). The nature of contemporary prejudice: Insights from aversive racism. *Social and Personality Psychology Compass*, 3(3), 314-338.
- Peguero, A. A., & Shekarkhar, Z. (2011). Latino/a student misbehavior and school punishment. *Hispanic Journal of Behavioral Sciences*, 33(1), 54-70.
- Pettigrew, T. F., & Tropp, L. R. (2006). A meta-analytic test of intergroup contact theory. *Journal of Personality and Social Psychology*, 90(5), 751.
- Rausch, M. K., & Skiba, R. (2004). Disproportionality in School Discipline among Minority Students in Indiana: Description and Analysis. *Children Left Behind Policy Briefs*. Center for Evaluation and Education Policy, Indiana University.
- Reschly, D. J. (1997). Disproportionate minority representation in general and special education: Patterns, issues, and alternatives. *Mountain Plains Regional Resource Center*, Drake University.
- Rocque, M., & Paternoster, R. (2011). Understanding the antecedents of the "school-to-jail" link: The relationship between race and school discipline. *The Journal of Criminal Law and Criminology*, 633-665.
- Ruck, M. D., & Wortley, S. (2002). Racial and ethnic minority high school students' perceptions of school disciplinary practices: A look at some Canadian findings. *Journal of Youth and Adolescence*, 31(3), 185-195.
- Sbarra, D. A., & Pianta, R. C. (2001). Teacher ratings of behavior among African American and Caucasian children during the first two years of school. *Psychology in the Schools*, 38(3), 229-238.

- Shaw, S. R., & Braden, J. P. (1990). Race and gender bias in the administration of corporal punishment. *School Psychology Review, 19*(3), 378-383.
- Skiba, R. (2010). Zero tolerance and alternative discipline strategies. *National Association of School Psychologists Communique, 39*(1), 28-30.
- Skiba, R. J., & Knesting, K. (2001). Zero tolerance, zero evidence: An analysis of school disciplinary practice. *New directions for youth development, 2001*(92), 17-43.
- Skiba, R. J., Chung, C. G., Trachok, M., Baker, T. L., Sheya, A., & Hughes, R. L. (2014). Parsing disciplinary disproportionality: Contributions of infraction, student, and school characteristics to out-of-school suspension and expulsion. *American Educational Research Journal, 51*(4), 640-670.
- Skiba, R. J., Horner, R. H., Chung, C. G., Rausch, M. K., May, S. L., & Tobin, T. (2011). Race is not neutral: A national investigation of African American and Latino disproportionality in school discipline. *School Psychology Review, 40*(1).
- Skiba, R. J., Michael, R. S., Nardo, A. C., & Peterson, R. L. (2002). The color of discipline: Sources of racial and gender disproportionality in school punishment. *The Urban Review, 34*(4), 317-342.
- Skiba, R. J., Peterson, R. L., & Williams, T. (1997). Office Referrals and Suspension: Disciplinary Intervention in Middle Schools. *Education and Treatment of Children, 20*, 295-315.
- Skiba, R. J., Poloni-Staudinger, L., Gallini, S., Simmons, A. B., & Feggins-Azziz, R. (2006). Disparate access: The disproportionality of African American students with disabilities across educational environments. *Exceptional Children, 72*(4), 411-424.

- Skiba, R. J., Simmons, A. B., Ritter, S., Gibb, A. C., Rausch, M. K., Cuadrado, J., & Chung, C. G. (2008). Achieving equity in special education: History, status, and current challenges. *Exceptional Children, 74*(3), 264-288.
- Skiba, R., & Rausch, M. K. (2006). School Disciplinary Systems: Alternatives to Suspension and Expulsion.
- Skiba, R., Simmons, A., Ritter, S., Kohler, K., Henderson, M., & Wu, T. (2006). The context of minority disproportionality: Practitioner perspectives on special education referral. *Teachers College Record, 108*(7), 1424.
- Smith, R. J., Levinson, J. D., & Robinson, Z. (2014). Implicit white favoritism in the criminal justice system. *Ala. L. Rev., 66*, 871.
- Smolkowski, K., Girvan, E. J., McIntosh, K., Nese, R. N., & Horner, R. H. (2016). Vulnerable decision points for disproportionate office discipline referrals: Comparisons of discipline for African American and White elementary school students. *Behavioral Disorders, 41*(4), 178-195.
- Staff, M. N. (2016, March 07). Minnesota's graduation gap: By the numbers. Retrieved June 05, 2019, from <https://www.mprnews.org/story/2016/03/07/graduation-gap-by-the-numbers>.
- Stuart v. Nappi, 443 F. Supp. 1235 (D. Conn. 1978).
- Singer, S. I. (1997). *Recriminalizing delinquency: Violent juvenile crime and juvenile justice reform*. Cambridge University Press.
- Studley, S. R. (2002). The impact of zero tolerance school discipline policies on school crime rates: How suspensions and expulsions affect African-American and special education students. *Dissertation Abstracts International, 63*(4).

- S-1 v. Turlington, 635 F.2d 342 (5th Cir. 1981).
- Taylor, M. C., & Foster, G. A. (1986). Bad boys and school suspensions: Public policy implications for black males. *Sociological Inquiry*, 56(4), 498-506.
- Townsend, B. L. (2000). The disproportionate discipline of African American learners: Reducing school suspensions and expulsions. *Exceptional Children*, 66(3), 381-391.
- Vavrus, F., & Cole, K. (2002). "I didn't do nothin'": The discursive construction of school suspension. *The Urban Review*, 34(2), 87-111.
- Wald, J., & Losen, D. J. (2003). Defining and redirecting a school-to-prison pipeline. *New Directions for Youth Development*, (99), 9-15.
- Wallace Jr, J. M., Goodkind, S., Wallace, C. M., & Bachman, J. G. (2008). Racial, ethnic, and gender differences in school discipline among US high school students: 1991-2005. *The Negro Educational Review*, 59(1-2), 47.
- Washington Research Project. Children's Defense Fund. (1975). School suspensions: Are they helping children?.
- Wu, S. C., Pink, W., Crain, R., & Moles, O. (1982). Student suspension: A critical reappraisal. *The Urban Review*, 14(4), 245-303.
- Zammit, S., Routitsky, A., & Greenwood, L. (2002). Mathematics and science achievement of junior secondary school students in Australia.
- Zhang, D., Katsiyannis, A., Ju, S., & Roberts, E. (2014). Minority representation in special education: 5-year trends. *Journal of Child and Family Studies*, 23(1), 118-127.
- Zumwalt, K., & Craig, E. (2005). Teachers' characteristics: Research on the demographic profile. *Studying teacher education: The report of the AERA panel on research and teacher education*, 111-156.

APPENDIX A. [Interview Protocol]**Administrator**

1. What do you know about the Minnesota Department of Human Rights flagging the school district for discipline disparities?
2. Can you please explain the process of discipline referrals, consequences, and exclusions/suspensions at your school?
3. What factors do you consider when making decisions about consequences and/or exclusions/suspensions for a student? For example: behavior exhibited, student demographics, student family situation, teacher influence, etc.
4. Please explain the process at your school if or when a student is given a discipline referral including who is involved and completes necessary documentation.
5. If or when it is determined that a suspension/exclusion will occur at your school, what is the documenting and coding process? Who makes the determinations about how the incident will be coded?
5. Do you believe that the school district has a problem with disproportionate discipline (ie. students of color, special education students, by gender, etc.)?
 - a. If so, what do you believe are the causes of disparate discipline outcomes for students of color and special education students in the district?
 - b. If so, what steps, if any, do you believe could be taken to arrive at more equitable discipline outcomes?
6. When making discipline determinations, do you follow relevant handbooks and/or policies?
7. In your estimation, are there policies that contribute to discipline disparity in your school and/or district? Furthermore, are there any discipline-related policies that should be changed?
8. Do you have any other reflections or insights into the issue of discipline in your school and/or district?

Student

1. Please explain your connection to the school district.

2. Please explain any experience you have with the school discipline process.

3. In your experience, are all students treated equally? Are there any groups of students who are treated unfairly? (ie. students of color, girls, boys, students with disabilities, etc.)

4. Do you believe that the school district has a problem with disproportionate discipline (ie. students of color, special education students, by gender, etc.)?
 - a. If so, what do you believe are the causes of disparate discipline outcomes for students of color and special education students in the district?

 - b. If so, what steps, if any, do you believe could be taken to arrive at more equitable discipline outcomes?

5. Do you have any other reflections or insights into the issue of discipline in your school and/or district?

Teacher

1. What do you know about the Minnesota Department of Human Rights flagging the school district for discipline disparities?

2. Can you please explain the process of discipline referrals, consequences, and exclusions/suspensions at your school?

3. What do you view as your role in determining discipline outcomes for students?

4. What factors do you consider when making decisions about discipline/office referrals for a student? For example: behavior exhibited, student behavior history, student demographics, student family situation, etc.

5. Do you believe that your school or the school district has a problem with disproportionate discipline (ie. students of color, special education students, by gender, etc.)?
 - a. If so, what do you believe are the causes of disparate discipline outcomes for students of color and special education students in the district?

 - b. If so, what steps, if any, do you believe could be taken to arrive at more equitable discipline outcomes?

6. In your estimation, are there policies that contribute to discipline disparity in your school and/or district? Furthermore, are there any discipline-related policies that should be changed?

7. Do you have any other reflections or insights into the issue of discipline in your school and/or district?

