Practitioner
Brief Series

Racial Disproportionality in School Disciplinary Practices

William Drakeford, University of Maryland

NATIONAL CENTER FOR
Culturally Responsive
Educational Systems

The mission of the National Center for Culturally Responsive Educational Systems is to support state and local school systems to assure a quality, culturally responsive education for all students.

IDEAs that Work
Office of Special Education Programs

The U.S. Department of Education's Office of Special Education Programs funds the National Center for Culturally Responsive Educational Systems (NCCRESt) to provide technical assistance and professional development to close the achievement gap between students from culturally and linguistically diverse backgrounds and their peers, and reduce inappropriate referrals to special education. The project targets improvements in culturally responsive practices, early intervention, literacy, and positive behavioral supports.

NCCRESt Staff

Alfredo J. Artiles	Co-Principal Investigator
Janette K. Klingner	Co-Principal Investigator
Elizabeth B. Kozleski	Co-Principal Investigator
William Tate	Co-Principal Investigator
Shelley Zion	Project Coordinator
Grace Zamora Durán	Project Officer

NATIONAL CENTER FOR Culturally Responsive Educational Systems

National Center for Culturally Responsive Educational Systems
1380 Lawrence Street, Suite 625
Denver, CO 80204
Phone: 303-556-3990
Fax: 303-556-6141
Web site: www.nccrest.org

This document is available in alternate formats upon request.

Funded by the U.S. Department of Education, Office of Special Education Programs. Award No. H326E020003.

Understanding the Problem: Background

Racial disproportionality in school disciplinary practices has a long history, and still continues today (Children's Defense Fund, 1975; Costenbader & Markson, 1998; Glackman et al., 1978; Gregory, 1997; Kaeser, 1979; Lietz & Gregory, 1978; McCarthy & Hoge, 1987; Office for Civil Rights, 1993; Skiba, Michael, Nardo, & Peterson, 2002; Townsend, 2000). In one of the earliest investigations of school disciplinary practices, the Children's Defense Fund (1975) found that suspension rates for African American students were between two and three times higher than those for White students. Skiba (2002) noted a similar pattern almost 30 years later. Racial disproportionality in school suspensions increased noticeably as schools first became desegregated, especially in high socioeconomic status (SES) schools (Larkin, 1979; Thornton & Trent, 1988). Larkin speculated that this increase was a byproduct of mounting conflict within newly integrated schools. These conflicts were, at least in part, the result of ethnic/cultural differences in teacher-student and student-student relations. Subsequently, and somewhat expectedly considering public education's poor history of service to minorities, African Americans were disproportionately referred for disciplinary action. Overrepresentation among African American students in school suspensions and expulsions has been found to escalate as these punishments are used more frequently. Furthermore, African American students more frequently have been subjected to harsh disciplinary measures, such as corporal punishment, even when less obtrusive alternatives have been available (Gregory, 1995; McFadden et al., 1992; Office for Civil Rights, 1993; Shaw & Braden, 1990).

Current Trends: Zero Discipline Policies

Recently, the discussion surrounding disproportionate disciplinary practices has become increasingly complex. Among the related issues currently facing public education are the growing numbers of students of low SES, students at risk for academic and/or social failure, tougher educational standards, and instances of high-profile school violence (Leone et al., 2000). To further confound these issues, zero-tolerance policies (also referred to as "one strike and you're out" policies) have been introduced as a solution to school disciplinary problems (Kaufman et al., 2001). The rise in use of zero-tolerance and similar exclusionary practices belies statistics indicating a decrease in incidents of school violence (Leone et al., 2000). Considering the multitude of new issues on the horizon for educators, it is alarming to discover that recent literature indicates that the maladies illuminated by Larkin (1979) continue to plague our school systems today.

Ironically, research suggests that instances of high-profile school violence in rural and suburban America, primarily by White students, have contributed to disproportionate disciplinary practices against low SES, disabled, and minority students (Civil Rights Project, 2001). The above noted zero-tolerance policies and their accompanying "get tough" mentalities have increased in the wake of these incidents. Despite an overall decline in violent incidents since 1996, over 90% of U.S. schools had implemented some form of zero tolerance policy by 2001 (Kaufman et al., 2001). Further, these policies are more prevalent in schools with large percentages of minority students and students of low SES (Verdugo, 2002). Rampant use of zero-tolerance policies is even more perplexing when viewed in light of studies reporting infrequent referrals for the type of serious behaviors for which these policies were initially intended (Skiba et al., 1997).

Most disturbing about the growing use of zero-tolerance policies and their disproportionate use with low SES and minority students is the lack of empirical evidence supporting their effectiveness. Many zero-tolerance practices (e.g., school surveillance, locker searches) have little to no empirical evidence to support their usefulness (Skiba & Peterson, 2000; Verdugo, 2002).

The implementation of metal detectors has shown no benefit. Further, studies on the use of exclusionary practices have actually indicated increased negative effects, including additional suspensions, academic failure, and dropout (Bock et al., 1998; Verdugo, 2002).

Responsibility for the ongoing problem of disproportionate exclusionary discipline practices cannot be attributed to zero-tolerance and related policies alone. Kaeser (1979) & Larkin (1979) argue that the stigmatism of disproportionate disciplinary practices in the American public education system began in the shortsighted practices and policies implemented during the initial years of school desegregation. Following the Brown vs. Board of Education decision, the diverse needs of minority students were introduced to the educational system. Empirical evidence reported by Kaeser (1979) and Larkin (1979) suggested that school systems across the country were unprepared for this change procedurally and practically. The introduction was made against a historical backdrop of slavery, Jim Crow laws, second-class citizenship, urbanization, and poverty. The resultant structure of constraint, which minorities as a group have inhabited and continue to inhabit in both real (i.e., conservative institutional structures formed on racist tenets) and psychological (i.e., belief in self-reliance and self-determined social mobility) spaces, creates an enduring barrier to the educational indoctrination of minorities (West, 1993). This confluence of negative procedural, practical, and perceptual factors continues to plague issues of discipline and race in American school systems today.

Negative Procedural, Practical, and Perceptual Factors

Procedural factors. Though the practice of zero tolerance is difficult to reconcile with the basic philosophy of American public education, zero tolerance is an extensively prescribed procedure for dealing with school discipline (Verdugo, 2002). Unfortunately, zero-tolerance policies not only are broadly used but also are loosely defined, leaving them open to widely varying interpretations. This ambiguity was clearly illustrated in an examination of disciplinary referrals within a school system in which little agreement was found among administrators on a definition of aggressive behavior (Skiba et al., 1997). Further, Verdugo (2002) indicated that zero-tolerance policies tended to be general in nature and failed to account for the context or intent of behaviors. Logically, the extent to which policies and procedures are loosely or ambiguously defined correlates with the extent to which teachers, staff, and administrators, biased and unbiased, possess the discretionary authority to determine disciplinary practices.

Practical factors. Several studies that have sought to examine school disciplinary practices by race have found evidence suggesting some level of bias. Numerous reports have cited the practice of out-of-school suspension as disproportionately affecting minority, low SES, and disabled students (McFadden, 2002; Skiba et al., 1997; Townsend, 2000; Verdugo, 2002). In a study of K-12 students in a Florida school district, McFadden and colleagues (1992) found that White students were underrepresented and Black students were overrepresented in numbers of disciplinary referrals. Additionally, White students who were referred for disciplinary action received a higher percentage of in-school suspensions and a lower percentage of more serious exclusionary consequences (e.g., out-of-school suspension and expulsion). Findings for Black students indicated higher percentages of out-of-school suspension and expulsion and lower percentages of in-school suspension. McFadden et al. (1992) reported that these differences were "highly statistically significant" by race. In a similar study, Skiba et al. (1997) noted that students receiving special education services had the highest rate of suspension. In a review of the literature on disproportionate disciplinary practices, Townsend (2000) reported that African American males were suspended at a rate three times their prevalence in the general school population. Verdugo (2002) found that White students tended to be suspended for "serious violations" (e.g., weapons and drugs) while African American students tended to be suspended for nebulous infractions such as "disrespect" or "appearing threatening."

Perceptual factors. In addition to problematic outcomes related to disciplinary procedures and practice, many minority students perceive bias in the disciplinary practices of their teachers and administrators (Sheets,

2002). The minority students at whom disciplinary actions are directed are not the only students to perceive bias. In a study citing the perceptions of students in an urban high school in the Pacific Northwest, individuals of all SES levels detected bias in disciplinary practices aimed at students of low SES (Skiba et al., 1997).

In an examination of the perceptions of Latino students, Sheets (2002) reported that students felt that teachers and administrators implemented biased disciplinary practices. Additionally, some students perceived the application of discipline to be based on whether or not teachers liked them. Although students felt as though many disciplinary issues were unnecessarily escalated by the responses of their teachers, students did not view themselves as helpless victims of teachers' negative biases. As found by West (1993), minority students tend to believe strongly in self-reliance and self-determined mobility. Consequently, when faced with decisions of confrontation versus compromise or acquiescence with teachers whom they perceived to be biased, students made decisions based on their own personal needs, whether or not those decisions resulted in disciplinary consequences. Finally, many students reported feeling alienated in the classroom. Meanwhile, teachers in West's study perceived the behavior of students to be the result of passivity or a lack of interest in school (Sheets, 2002).

Effects of interactive biases in procedures, practices, and perceptions. As noted earlier, disciplinary procedures and policies that fail to appropriately define behaviors and delineate authority as well as provide guidelines for disciplinary sanctions invite the influence of personal bias into disciplinary procedures. A simple lack of agreement within a district or school as to what constitutes "aggressive behavior" can open the door to bias (Skiba et al., 1997). These biases may present themselves in the form of disproportionate referral and suspension rates for minority and low SES students and students with disabilities (McFadden et al., 1992; Skiba et al., 1997; Verdugo, 2002). Students perceive these biases against themselves (Sheets, 2002; Verdugo, 2002) as well as other students (Skiba et al., 1997), buoying the negative interaction among these factors.

As indicated by Verdugo (2002), for culturally and linguistically diverse students the perceived bias on the part of teachers easily translates into yet another symbol of the barriers to mainstream success they must endure. The perception of barriers and a lack of "fairness" results in the adoption of an "anti-establishment" code. This code is a logical byproduct of perceived bias in light of mainstream America's historical dealings with minorities as well as the tendency of minorities to be self-reliant and self-determined whether or not negative consequences might be incurred (Verdugo, 2002; West, 1993). Coincidentally, rejections of current mainstream values, getting respect, maintaining respect at mortal cost, and honor, all of which are commonly seen as negative aspects of street code, are decidedly American values at their root (Butterfield, 1995).

Unfortunately, the response of the educational system has historically and currently been to introduce more punitive measures, such as zero-tolerance and similar policies in response to the behaviors of the self-determined youth noted above (Leone & Drakeford, 1999). The repeated suspensions and exclusionary practices that occur as a result of these policies add to the negative feelings these students attribute to school and bolster their suspicions of systemic mainstream rejection (Townsend, 2000). Additionally, these exclusionary practices further alienate students, both physically and psychologically, from the school environment and decrease learning opportunities (Sheets, 2002; Townsend, 2000).

Decreasing learning opportunities, while presumably an unintentional result of exclusionary practices, increases the number of negative factors associated with the interactions of policies/procedures, practices, and perceptions in school discipline. Decreased opportunities for learning present a pointed challenge for schools attempting to balance exclusionary practices with more stringent academic requirements (Leone, et al., 2000). While there is currently no empirical evidence indicating its occurrence, unfortunately repeated suspension can be used as an informal method of removing "problem" students from schools (Skiba & Peterson, 2000).

Individually, the findings of the studies cited in preceding sections signify several serious problems facing the American educational system. Examined in concert, these findings represent a situation that will continue to grow in calamitous proportions if left unchecked. The interaction of these negative factors serves, in practice, to augment the biases that have solidified the system of educational constraint for individuals of minority, disabled, and low socio-economic backgrounds.

Recommendations for Reducing Disproportionate Exclusionary Practices

Clearly, school districts must reexamine the use of exclusionary discipline policies and consider alternative disciplinary practices if disproportionality is to be reduced. Alternative practices that have proven effective largely focus on primary, secondary, and tertiary levels of prevention (Osher, Woodruff, & Sims, 2001; Rutherford, Quinn, Leone, Garfinkle, & Nelson, 2002). Primary prevention strategies are generally considered to be for all students in a school; secondary prevention strategies are for those students in need of additional support, and tertiary prevention programs are for the few students in a school with the most challenging behaviors, as part of school-wide Positive Behavioral Interventions and Supports (PBIS) models (Sugai & Horner, 2002). These prevention methods as outlined by Rutherford et al. (2002) are:

- *Primary prevention* should focus on direct teaching of rules and positive behaviors, evaluation of the school environment to identify and prevent problems prior to occurrence, appropriate response to inappropriate behaviors, and reteaching of appropriate behaviors through behavior support teams.
- *Secondary prevention* strategies should focus on primary prevention strategies as well as developing behavior intervention plans for students who are experiencing behavioral difficulties, school-wide awareness and support of students' behavioral goals, and multi-systemic support within the school.
- *Tertiary prevention* strategies should include primary and secondary prevention strategies as well as an ecological/wraparound approach to intervention services, and the availability of a continuum of alternative environments.

The importance of considering culture when implementing these school-wide models cannot be overemphasized. For example, who decides what behaviors are considered appropriate? To what extent is the local community involved? To what extent are teachers and other school personnel knowledgeable about and respectful of local norms and expectations for behavior and sensitive to cultural issues? Certain behaviors of some minority students that are rooted in culture are often misinterpreted as disrespectful or non-compliant by teachers from other cultures (Townsend, 2000).

Conclusion

Empirical evidence suggests that exclusionary discipline practices result in further exclusion, school failure, and dropout (Bock et al., 1998). School districts should provide staff members with clear definitions of behaviors that warrant disciplinary actions, and the appropriate responses to be taken. Such definitions may be a needed measure to eliminate disciplinary problems that arise and later escalate due to cultural misunderstandings. Williams (1997) astutely identified this issue in suggesting that school districts evaluate the discretion given to staff to implement disciplinary actions and further recommended that due process be followed when making decisions regarding exclusion. Finally, classroom teachers must honestly examine their own practices and biases and how their actions may contribute to the negative cycle of exclusionary discipline for culturally and linguistically diverse students.

References & Resources

References

Bock, S. J., Tapscott, K. T., & Savner, J. L. (1998). Suspension and expulsion: Effective management for students? *Intervention in School & Clinic, 34*(1), 50-53.

Butterfield, F. (1995). *All God's children: The Bosket family and the American tradition of violence*. New York, NY: Alfred A. Knopf.

Children's Defense Fund. (1975). *School suspensions: Are they helping children?* Cambridge, MA: Washington Research Project.

Civil Rights Project. (n.d.). *Opportunities suspended: The devastating consequences of zero tolerance and school discipline policies*. Retrieved October 1, 2001 from http://www.civilrightsproject.harvard.edu/research/discipline/opport_suspended.php

Costenbader, V., & Markson, S. (1998). School suspension: A study with secondary school students. *Journal of School Psychology, 36,* 59-82.

Glackman, T., Martin, R., Hyman, I., McDowell, E., Berv, V., & Spino, P. (1978). Corporal punishment, school suspension, and the civil rights of students: An analysis of Office for Civil Rights school surveys. *Inequality in Education, 23,* 61-65.

Gregory, J. F. (1995). The crime of punishment: Racial and gender disparities in the use of corporal punishment in the U.S. Public Schools. *Journal of Negro Education, 64,* 454-462.

Kaeser, S. C. (1979). Suspension in school discipline. *Education and Urban Society, 11*(4), 465-484.

Kaufman, P., Chen, X., Choy, S. P., Peter, K., Ruddy, S. A., Miller, A. K. (2001). *Indicators of school crime and safety: 2001*. Washington, DC: U.S. Department of Education, U.S. Department of Justice.

Larkin, J. (1979). School desegregation and student suspension: A look at one school system. *Education and Urban Society, 11*(4), 485-495.

Leone, P. E., Mayer, M. J., Malmgren, K., & Meisel, S. M. (2000). School violence and disruption: Rhetoric, reality, and reasonable balance [Special issue]. *Focus on Exceptional Children, 33*(1).

Lietz, J. J., & Gregory, M. K. (1978). Pupil race and sex determinants of office and exceptional education referrals. *Educational Research Quarterly, 3*(2), 61-66.

McCarthy, J. D., & Hoge, D. R. (1987). The social construction of school punishment: Racial disadvantage out of universalistic process. *Social Forces, 65,* 1101-1120.

McFadden, A. C., & Marsh II, G. E. (1992). A study of race and gender bias in the punishment of school children. *Education & Treatment of Children, 15*(2), 140-147.

Office for Civil Rights. (1993). *1990 elementary and secondary school civil rights survey: National summaries*. Washington, DC: DBS Corporation.

Osher, D., Woodruff, D., & Sims, A. (2001). *Exploring relationships between inappropriate and ineffective special education services for African American children and youth and the overrepresentation in the juvenile justice system*. Unpublished manuscript. The Civil Rights Project.

Rutherford, R. B., Quinn, M. M., Leone, P. E., Garfinkle, L., & Nelson, C. M. (2002). Education, disability, and juvenile justice: Recommended practices. In L. M. Bullock & R. A. Gable (Series Eds.), *Addressing the diverse needs of children and youth with emotional/behavioral disorders* (4th ed., pp. 1-41). Arlington: CCBD.

Shaw, S. R., & Braden, J. B. (1990). Race and gender bias in the administration of corporal punishment. *School Psychology Review, 19,* 378-383.

Sheets, R. H. (2002). You're just a kid that's there – Chicano perception of disciplinary events. *Journal of Latinos and Education, 1*(2), 105-122.

Skiba, R. J. (2002). Special education and school discipline: A precarious balance. *Behavioral Disorders, 27*(2), 81-97.

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. *Urban Review, 34,* 317-342.

Skiba, R. J., & Peterson, R. L. (2000). School discipline at a crossroads: From zero tolerance to early response. *Exceptional Children, 66*(3), 335-347.

Skiba, R. J., Peterson, R. L., & Williams, T. (1997). Office referrals and suspension: Disciplinary intervention in middle schools. *Education & Treatment of Children, 20*(3), 295-316.

Sugai, G., & Horner, R. (2002). The evolution of discipline practices: School-wide positive behavior supports. *Child & Family Behavior Therapy, 24,* 23-50.

Taylor, M.C., & Foster, G. A. (1986). Bad boys and school suspensions: Public policy implications for Black males. *Sociological Inquiry, 56,* 498-506.

Thornton, C. H., & Trent, W. (1988). School desegregation and suspension in East Baton Rouge Parish: A preliminary report. *Journal of Negro Education, 57,* 482-501.

Townsend, B. L. (2000). The disproportionate discipline of African American learners: Reducing school suspension and expulsion. *Exceptional Children, 66*(3), 381-391.

Verdugo, R. R. (2002). Race-ethnicity, social class, and zero-tolerance policies. *Education and Urban Society, 35*(1), 50-75.

West, C. (1993). *Keeping faith: Philosophy and race in America.* New York, NY: Routledge.

Williams, J. (1997). Reducing the disproportionately high frequency of disciplinary actions against minority students. *Equity & Excellence, 24*(2), 31-37.

About the Author

Dr. William Drakeford is an assistant professor and program associate for The National Center on Education Disability and Juvenile Justice (EDJJ) at the University of Maryland. He is also the director of Drake's Place. Dr. Drakeford has monitored and evaluated numerous juvenile and adult facilities around the country.

Additional Resources

Civil Rights Project. (nd). *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline.*
http://www.civilrightsproject.harvard.edu/research/discipline/discipline_gen.php
Corporal Punishment
http://www.stophitting.com/disatschool/facts.php

EDJJ: The National Center on Education, Disability, and Juvenile Justice
http://www.edjj.org/

End Zero Tolerance in our Public Schools
http://endzerotolerance.com/zerotolerance_articles.htm

Positive Behavioral Intervention and Supports
http://www.pbis.org/main.htm

Notes

Notes

Practitioner
Brief Series