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Why do racial disparities in school discipline exist? The role of policies, processes, people, and places

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WHY do racial disparities in school discipline exist?

The Role of Policies, Processes, People, and Places

a research brief

08.17



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About this brief

This brief is part of larger regional study of racial equity in discipline policies and practices conducted by Virginia Commonwealth University's Metropolitan Educational Research Consortium (MERC). The goal of the broader project is to: (1) analyze racial disproportionality in discipline across the Richmond area, (2) explore various interventions designed to ameliorate disproportionality, and (3) provide recommendations that inform policymaking and practice in the Richmond region. This is the first of two research briefs on racially inequitable school discipline. The subsequent brief will examine the history and theory of action behind different discipline models or interventions, as well as evidence of their impact on racial disproportionality. At the end of this brief, five of the key research studies on this topic are summarized.

Metropolitan Educational Research Consortium

As a partnership between Richmond-area school divisions and Virginia Commonwealth University's School of Education, the Metropolitan Educational Research Consortium leads research that addresses enduring and emerging issues in PK-12 education with the goal of informing policy, building the professional knowledge and skills of key stakeholders, contributing to the body of scholarly knowledge, and ultimately impacting outcomes relevant to students, schools, and communities.

For more information about this study or about the work of MERC, visit merc.soe.vcu.edu.

Why Do Racial Disparities in School Discipline Exist? The Role of Policies, Processes, People, and Places

a research brief by Adai Tefera, Genevieve Siegel-Hawley and Rachel Levy

Metropolitan Educational Research Consortium

August 22, 2017

Racial inequity in school discipline practices is a major civil rights challenge in U.S. schools. Non-dominant students, particularly Black students, are referred, suspended and expelled from K-12 public schools at significantly higher rates than White students.¹ For example, in 2014, Black students were suspended and expelled at approximately three times the rate of White students.² This equated to 16% of Black students suspended out-of-school compared to five percent of White students.³ Furthermore, the exclusionary discipline practices of suspensions and expulsions begin early. While Black children represent 18% of the preschool enrollment, they make up 48% of students receiving one or more out-of-school suspensions.⁴

Racially disparate discipline practices impact Virginia students as well. In the 2011-2012 school year, Virginia's Native American and Black students received the highest rates of suspensions and expulsions with 14% of Native American students and 19% of Black students being suspended or expelled.⁵ Although Black students made up 23% of Virginia's total enrollment, they made up a greater proportion of short- and long-term suspension, as well as expulsions (see Figure 1).

It is also important to note that when Black students are disciplined they are more likely to be disciplined for subjective offenses, such as "disrespect" or "defiance," and more likely to receive harsher punishments than White students for the same infractions.⁶ This holds true in Virginia as well given that the majority of suspensions in 2014-15 were issued for "non-violent" offenses, including cell phone usage, insubordination, and disrespect.⁷

¹ Losen, 2015; Skiba, Trachok, Chung, Baker, & Hughes, 2012

² Civil Rights Data Collection, 2014

³ Though not the focus of this brief, we recognize the troubling patterns of disproportionality in school discipline for students based on race, ability, income, gender, sexual orientation, and across the intersections of these identity categories.

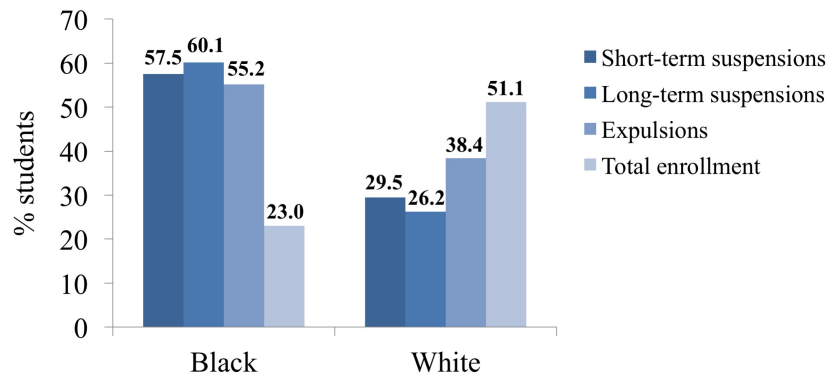
⁴ Civil Rights Data Collection, 2014

⁵ Civil Rights Data Collection, 2014

⁶ Skiba, Michael, Nardo, & Peterson, 2002; Skiba, Trachok, Chung, Baker, & Hughes, 2012; Heilburn, Cornell, & Lovegrove, 2015

⁷ Langberg & Ciolfi, 2016

Figure 1: Suspensions and Expulsions Issued by Race in Virginia, 2014-2015



Source: VDOE and Legal Aid Justice Center

The consequences of exclusionary discipline practices are significant. A recent study estimated that lost instruction due to school discipline amounted to over 12 million days each year.⁸ Importantly, when students are removed from classrooms and schools due to harsh disciplinary policies and practices, often they do not receive the adequate opportunities they need to learn. Not only are suspensions and expulsions correlated with negative academic outcomes, the long-term effects are significant as well. Students who have been suspended or expelled have higher rates of entry into the juvenile justice system and incarceration as adults.⁹

The purpose of this research brief is to examine the multiple factors that contribute to racial disproportionality in discipline outcomes. Specifically, we ask two questions:

1. Why do stark racial inequities in school discipline exist and persist?
2. What dynamics contribute to the unequal treatment of students of color when it comes to discipline?

First, we begin by addressing the idea that racially inequitable school discipline is simply a result of “differential involvement,” that is, that students of color are more likely to engage in problem behavior. In our systematic review of the literature, we found no evidence to support this idea.¹⁰ What we did find is that the factors contributing to disproportionality are multilayered and complex. This brief is organized around several sets of factors. This includes research on how disproportional outcomes are related to (1) the design of discipline **policies**, (2) the **processes** through which the policies are implemented, (3) the **people** that implement the policies, and (4) and the influence of the **places** where these outcomes occur. Our hope is that focusing on the

⁸ Losen, 2015

⁹ Rudd, 2014

¹⁰ Skiba, Michael, & Nardo, 2000

policies, processes, people and places will provide a framework for school leaders and practitioners interested in addressing the problem of racial disproportionality in discipline outcomes.

How Policies, Processes, People and Places Contribute to Racially Inequitable School Discipline

Policies and processes play an important role in shaping how discipline is enacted in districts, schools, and classrooms. Current policies and processes are heavily influenced by past ones.

The arc of school discipline policy

Prior to the introduction of suspension and expulsion as school disciplinary practices, corporal punishment was the dominant discipline method. Although 19 states, concentrated in the deep south, still allow corporal punishment, widespread use faded in the 1970s as social norms shifted.¹¹ At that time, out-of-school suspension and expulsion became common practice as the primary method to enforce discipline codes.¹² This move toward exclusionary practices was bolstered in the 1990s with the introduction of zero tolerance policies after several high profile school shootings – most notably at Columbine High School – led to the public perception of increased school violence. Zero-tolerance policies mandated strict punitive measures for particular offenses, “regardless of the gravity of behavior, mitigating circumstances, or situational context.”¹³ In a similar vein, the federal government in 1994 passed the Gun-Free Schools Act which mandated that in order to qualify for federal funding, states had to enact laws requiring that students be expelled if they brought firearms or other weapons to schools.¹⁴

Although zero tolerance policies appear race neutral in design, research has uncovered the relationship between different discipline approaches and racially disproportionate outcomes. For example, one study found that under state zero tolerance laws, Black students are suspended at three times the rate of White students.¹⁵ While the logic of zero tolerance still holds influence in school discipline policies, over the past decade there has been a shift towards alternative discipline models.

Differential treatment through policy and processes

Racialized outcomes for school discipline are related not only to the design of the discipline policies and codes, but also to the ways those policies are enacted within classrooms, schools, and school systems. Amanda Lewis and John Diamond describe this as the *performative* aspect

¹¹ Losen (2015)

¹² Skiba, Eckes, & Brown 2009

¹³ American Psychological Association Zero Tolerance Task Force, 2008

¹⁴ Curran, 2016; Evans & Lester, 2012

¹⁵ Curran, 2016

of policy.¹⁶ For example, zero tolerance policies, while believed to be neutral because they require the same consequences for all students, often have significant racialized outcomes when enacted in practice. Research consistently demonstrates that Black students are more likely to be monitored, scrutinized, suspected, and then sanctioned for the same infractions as White students by school safety staff, teachers, and administrators.¹⁷ In part, a lack of consistency in district policy guidelines for schools, teachers, and administrators around which infractions to report, which to penalize, and how to respond to students' behaviors have contributed to racial inequities in disciplinary outcomes.¹⁸ These loosely defined policies contribute to differential implementation of disciplinary responses among stakeholders, responses that are mediated by biases that we explore further below.¹⁹

Further demonstrating the impact of differential processes on disproportionality, leadership and faculty attitudes towards parents and discipline have racialized implications. For example, in their mixed methods case study of a racially diverse suburban high school, Lewis and Diamond demonstrated that school staff responded to and anticipated intense White parental intervention in school discipline, resulting in preferential treatment in how White students were disciplined at every step in the process.²⁰ Importantly, the researchers found that non-dominant families in the high school were less likely to intervene on their children's behalf in disciplinary processes, in part out of respect for the school's authority. Non-dominant families were understood and responded to in relation to both race and class—and ultimately deemed to have less power. The authors also found that while in some cases school policies contributed to racial inequities in school discipline (e.g., specific disciplinary codes), in other cases it was the enforcement or interpretation of school policies by teachers, leaders, and staff that contributed to the problem. As one example, they demonstrated how race and cultural style were judged through a racial lens with students of color pointing specifically to the ways Black and Latina/o students were more heavily scrutinized and in some cases disciplined for not embracing White cultural norms and styles. Implicit bias offers one explanation for that unequal scrutiny and treatment.

Implicit bias and the people responsible for school discipline

Implicit biases are unconscious attitudes that influence many facets of their lives, including perceptions, behaviors and decisions.²¹ Those biases seep into the practice of school discipline in multidimensional ways.

An often-cited contributing factor to biases in the implementation of discipline is the degree of cultural match – or mismatch – between school personnel and students. Public school teachers in

¹⁶ Lewis & Diamond, 2015

¹⁷ Curran, 2016; Edwards, 2016; Gregory, Skibba, & Noguera, 2010; Lewis & Diamond, 2015

¹⁸ Gregory, Skibba, & Noguera, 2010

¹⁹ Curran, 2016

²⁰ Lewis & Diamond, 2015

²¹ Kirwan Institute, 2014

the United States are 85% White and 75% female.²² The vast majority of those teachers attended segregated white schools as children.²³ Lack of meaningful contact with other groups prior to teaching likely reinforces racial anxiety and stereotyping in the classroom.²⁴

Cultural mismatch between students and teachers also may be linked to the overuse of subjective discipline codes.²⁵ For example, Black students with same race teachers were rated as less disruptive compared to those with different-race teachers, and Black students taught by Black teachers were suspended less often.²⁶ Along similar lines, an experimental study sought to understand how teacher-student relationships and teacher perceptions impact disparate discipline. Presented with profiles of identical infractions from students of different race groups, researchers found that teachers were more likely to be “troubled” by infractions of Black students, and more likely to recommend severe consequences.²⁷

Leadership attitudes towards disciplinary processes influence racially inequitable school discipline. After controlling for a variety of school and individual characteristics, one study found that if principals in a school said they geared their practice towards prevention of problem behavior, versus expressing support for suspension or expulsion, students in those schools were significantly less likely to be suspended or expelled.²⁸

These examples demonstrate the entanglement of people, policies and processes, each of which play a significant role in influencing racially disproportionate outcomes in school discipline. Place, or more specifically, different attributes that help define a school or community, represents another key force linked to racially disparate discipline outcomes.

Racially Inequitable Discipline’s Relationship to Places

The racial, ethnic and economic makeup of schools and communities are related to inequitable discipline in varying ways. The share of the Black student enrollment in a school is a very strong predictor of the use of exclusionary discipline.²⁹ Attending a school with a high proportion of Black students (75–100%) versus one with a low percentage (0–25%) increased the likelihood of being suspended or expelled by approximately 75%, according to one study.³⁰ Black students who went to racially mixed schools – where Black students were 25–50% of enrollment – were 88% less likely than black students in more homogeneous settings to be sanctioned for their behavior. A multivariate analysis additionally found that attending a

²² National Center for Education Statistics, 2009

²³ Frankenberg, 2009

²⁴ Stephan, 2014

²⁵ Gregory et al., 2010; Okonofua & Eberhardt, 2015; Startz, 2016

²⁶ Wright, 2015

²⁷ Okonofua & Eberhardt, 2015

²⁸ Skiba et al., 2012

²⁹ Rocha & Hawes, 2009; Skiba et al., 2012; Welch & Payne, 2010

³⁰ Edwards, 2016

school with a higher number of Black students increased the risk of being suspended out of school even more than being involved in a fight.³¹

The overall number of out of school suspensions tends to be highest in urban schools—which often serve high concentrations of historically marginalized students.³² At the same time, racial inequities in out of school suspensions are often starker in suburban areas, particularly for Black students.³³ As suburban school systems undergo dramatic and rapid racial change,³⁴ case study evidence from the desegregation era suggests that discipline inequities may deepen. Previously white schools disproportionately excluded Black students through discipline, particularly in the first several years of desegregation.³⁵ More recent evidence lends support to the idea that disproportionality can be more intense in racially changing school systems. For example, a 2004 study of Florida schools indicated that more highly segregated districts had lower racial imbalance in suspensions than more diverse districts.³⁶

School segregation by race and class is associated with unequal resources within schools.³⁷ In segregated schools with majorities of students of color and high concentrations of poverty, insufficient funding for preventative programs that offer alternatives to suspension and expulsion may be one reason for high levels of exclusionary discipline.³⁸ In a similar vein, the negative effects of school culture and school organization, which are significant predictors of Black student over-representation in suspension rates,³⁹ are more pronounced in under-resourced schools. These settings tend to have lower student achievement, less attached and engaged student bodies and less stability in teacher workforce. At the same time, a more experienced teacher workforce—a characteristic typically associated with more highly resourced suburban schools—is a significant predictor of a disproportionate suspension for Black students.⁴⁰

Beyond school demographics, the socio-economic characteristics of the community associated with schools are related to racial disparities in discipline. A 2015 study found that higher-income neighborhoods experienced the fewest exclusionary discipline incidents and lower-income areas experienced the highest. Other studies have sought to understand not just the relationship between community poverty and negative discipline outcomes, but also the possible mechanisms influencing these outcomes. For example, concentrated community poverty and associated inequalities increase students' chances of exposure to social trauma. That trauma is in turn

³¹ Skiba et al., 2012

³² Notltemeyer & McLaughlin, 2010; Rausch & Skiba, 2004

³³ Rausch & Skiba, 2004

³⁴ Frankenberg & Orfield, 2012

³⁵ Larkin, 1979; Thornton & Trent, 1988

³⁶ Eitle & Eitle, 2004

³⁷ Government Accountability Office, 2016

³⁸ Langberg & Ciolfi, 2016

³⁹ Eitle & Eitle, 2004; Theriot, Craun, & Dupper, 2010

⁴⁰ Eitle & Eitle, 2004

linked to higher levels of anxiety, stress, irritability and hyper vigilance.⁴¹ Harsh discipline can flow from the intersection of student trauma and the behavioral expectations and social norms of school.⁴²

While there is compelling evidence to illustrate the relationship between poverty and higher rates of exclusionary discipline practices, research shows that race matters above and beyond poverty. In study after study, after taking poverty into account, evidence continues to illuminate grave racial disparities in discipline.⁴³

Conclusion

Racially inequitable discipline flows from a complex web of relationships between people, policies, process and places. That complexity means that there are many different points of leverage for positive change, but also that such approaches should be multifaceted. In other words, no single policy solution can address the different forces that work to produce racially unequal school discipline outcomes.

⁴¹ Gregory et al., 2010

⁴² Gregory et al., 2010

⁴³ Curan, 2016; Edwards, 2016; Eitle & Eitle, 2004; Gregory et al., 2010; Gregory, Clawson, Davis, & Gerewitz, 2014; Lewis & Diamond, 2015; Martinez, McMahon, & Treger, 2016; Skiba et al., 2000

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RESEARCH SUMMARIES: KEY STUDIES

RESEARCH SUMMARY

*Curran, F. C.
(2016)*

*Estimating the effect of
state zero tolerance laws
on exclusionary discipline, racial
discipline gaps, and student behavior*

Purpose

- 1) Examine the effect of state zero tolerance laws on suspension rates, and if they vary by race.
- 2) Examine principal perceptions of problem behaviors.

Methods

Quantitative data analysis involving state and year fixed effect statistical modeling. Differences at the state level in the timing and application of zero-tolerance laws were analyzed to find and predict the relationship of those to outcomes (disciplinary consequences).

Sample

Data from NCES Schools and Staffing Surveys (SASS) (school-level; 42,470 school years).
Data from U.S. DOE’s OCR data collection (district-level; 36,650 district years).
Data from archival searches of state law.

Key findings

The presence of state zero tolerance laws is predictive of increased use of exclusionary discipline. Those that mandate expulsion for assault- and weapons-related infractions were the most predictive of increased suspensions of students.

Black students are suspended at three times the rate of White students; the more Black students there were in a district, the greater the proportion of suspensions.

As the proportion of Latina/o students increased, the number of suspensions decreased. The more White students there were in a school district, the fewer suspensions there were for those students relative to Black or Latina/o students.

Under state zero tolerance laws, principals’ perceptions of problem behaviors are significant for vandalism, robbery, and weapons offenses, and insignificant for physical conflict, alcohol, drugs, and disrespect.

Principals leading schools in states with zero-tolerance laws still perceive that most problem behaviors are an issue even though more students are being suspended under those policies.

RESEARCH SUMMARY

<p><i>Eitle, T., & Eitle, D. (2004)</i></p>	<p><i>Inequality, segregation, and the overrepresentation of African Americans in school suspensions</i></p>
Purpose	<p>1) Examine if there is a relationship between school segregation and the overrepresentation of Black students in school suspensions.</p> <p>2) Examine whether the suspensions are as a result of resegregation or overall inequality.</p>
Methods	<p>Quantitative data analysis involving multilevel regression modeling to determine which of the two postulated hypotheses (the overall inequality hypothesis and the resegregation hypothesis) best fit the data collected.</p>
Sample	<p>2000 U.S. Census data.</p> <p>Data on public middle and high schools from State of Florida Department of Education, including the Florida Schools Indicators Report (FSIR) and the School Advisory Council Reports (SACR) for the academic year 1999–2000.</p>
Key findings	<p>School districts with higher levels of segregation have lower rates of disproportionate suspensions of Black students.</p> <p>School code, school culture (absenteeism, test scores, and dropout rate), teaching social milieu (number of Black students and teacher experience/education), and school organization (school size, average class size, and per pupil expenditures) predict a school’s black suspension overrepresentation ratio.</p> <p>Middle schools, schools exhibiting weaker attachment and commitment of the student body, schools that devoted fewer resources to their students, and schools with a more educated and more experienced faculty demonstrated greater racial imbalances in their suspension rates.</p>

RESEARCH SUMMARY

**Gregory, A., Skibba R. J.,
& Noguera, P. A.
(2010)**

The achievement gap and the discipline gap: Two sides of the same coin?

Purpose	<ol style="list-style-type: none"> 1) Examine existing research on racial and ethnic patterns in school discipline. 2) Provide a review of the evidence on the factors that contribute to the discipline gap. 3) Identify methodological challenges to such studies. 4) Offer strategies for reducing the gap in discipline.
Methods	Synthesis of existing research on racial and ethnic patterns in school discipline.
Sample	Not applicable.
Key findings	<p>Concentrated poverty, minority group isolation, and their associated inequalities increase students' chances of exposure to social trauma, which has been linked to higher levels of anxiety, stress, irritability and hypervigilance.</p> <p>Students living in such environments may struggle to cope with the transition to different behavioral expectations and social norms at school.</p> <p>School-site conditions, such as fewer resources and less qualified teachers, are more common in schools with higher shares of students of color who are living in poverty.</p> <p>Even after taking poverty into account, racial disparities in discipline persist, showing that continued institutional racism, or what the authors call "school or district racial climate" (p. 61) fuels such disparities.</p> <p>Students of color (SOC) are more likely to experience disciplinary referrals, especially since the referrals are often based on perceived acts of defiance or questioning authority.</p> <p>Cultural mismatch between white teachers and SOC, implicit bias and negative expectations held by white teachers may also contribute to racially disparate discipline.</p> <p>The flexibility that schools, teachers, and administrators have in deciding which infractions to report, which to penalize, and how harshly to penalize can facilitate the use of racial bias.</p> <p>Effective alternative programs emphasized "student learning and self-regulation, not simply procedures for addressing rule infractions" (p. 65).</p> <p>Importance of positive student connections to school and good relationships between teachers and students, and making discipline a learning, rather than punitive, process.</p> <p>Any alternative problem behavior-prevention programs must also address racial dynamics and bias and include professional development on cultural competency.</p>

RESEARCH SUMMARY

Lewis, A.E., & Diamond, J.B
(2015)

Despite the best intentions: How racial inequality thrives in good schools.

Purpose	To find out what may be causing racial achievement gaps between Black and Latina/o students and White students.
Methods	<p>Five-year, mixed methods study:</p> <ul style="list-style-type: none"> ● Quantitative data included test scores, course enrollment, GPAs, graduation rates, and college enrollment. ● Qualitative data included interviews of students, parents, faculty, and staff, and observations done at the school site. ● Qualitative and quantitative data from a 2002 survey data from the high school and 14 similar districts.
Sample	<p>“Riverview High School,” a large, diverse, well-resourced suburban comprehensive high school in the affluent suburbs of a Midwestern city.</p> <p>3,500 students; 45% Black, 45% White, 10% Asian and Latina/o; 30% low-income.</p>
Key findings	<p>Suspension rates of Black and Latina/o students at Riverview are disproportionately high. In 2009, e.g., Black students made up 70%+ of in-school suspensions and 60%+ of out-of-school suspensions even though they were only about 35% of the student body.</p> <p>Evidence of “differential selection” (p. 48) and “differential processing” (p. 49): Black students at Riverview are more likely than White students to be monitored, scrutinized, suspected, and then sanctioned more harshly for the same infractions.</p> <p>Students are monitored and rules are enforced less intensely in higher track classes, such as APs, than in lower track classes, where Black and Latina/o students are drastically overrepresented.</p> <p>Even faculty and staff who are aware of the disparate practices and who are of color respond to the cultural capital of affluent white parents. Black students are more severely penalized than white students are due to the pattern and anticipation of intense White parental intervention.</p>

RESEARCH SUMMARY

Skiba, R. J., Trachok, M., Chung, C-G., Baker, T., & Hughes R. (2012)

Parsing disciplinary disproportionality: Contributions of behavior, student, and school characteristics to suspension and expulsion.

Purpose	To explore how behavior, student characteristics, and school-level variables interact to contribute to rates of exclusionary discipline and racially disparate disciplinary practices.
Methods	<p>Quantitative:</p> <ul style="list-style-type: none"> ● Hierarchical linear modeling ● Administration of a Disciplinary Practices Survey—designed to measure principal attitudes towards disciplinary processes.
Sample	<p>From a database documenting all suspensions and expulsions in the public schools of a Midwestern state for the 2007-08 SY (104,445 discipline occurrences which were aggregated to the student level and then merged with disciplinary data for a total of 43,320 cases).</p> <p>School-level demographic data obtained from the state Department of Education and merged with school-level data on principal attitudes on discipline to describe school characteristics (365 schools).</p>
Key findings	<p>As the offense becomes more severe, so does the consequence.</p> <p>“Defiance/Disruption/Other” was the most frequently cited type of infraction.</p> <p>“Fighting/battery” infractions were more likely to receive out-of-school suspension (OSS).</p> <p>“Use/possession” was the least commonly cited infraction but most likely to receive expulsion.</p> <p>Black students were more likely than White students to receive OSS and expulsion.</p> <p>Males and FRL-eligible students were slightly more likely to receive OSS. For expulsion, there was difference according to gender but FRL-eligible students were less likely to be expelled.</p> <p>The bigger share of Black students enrolled in a school, the more likely it was that a student would receive OSS but the less likely they were to be expelled.</p> <p>The more students in a school who passed the state accountability tests, the less likely those students were to be suspended or expelled.</p> <p>In schools with larger student bodies, OSSs and expulsions were more frequent. If principals in a school said they geared their practice towards prevention, students in those schools were significantly less likely to be suspended or expelled.</p> <p>Even accounting for FRL-status and type of infraction, being Black increased the likelihood that a student would receive a more severe consequence—either suspension or expulsion no matter infraction or prior history of exclusionary discipline.</p> <p>“Systemic school level variables are far more important in determining the over-representation of Black students in discipline than are any behavioral or student characteristics” (p. 20).</p>

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