

**SHORE
RESEARCH, INC.**

**Disproportionality
in Disciplinary
Action in Public
Education
Literature Review**

Submitted by:
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Brief Summary of Literature:

Over the past few decades, a growing body of literature has shown that there are some groups of students who are disproportionately represented in disciplinary actions relative to their population in the student body at public schools. The problem of disproportionality has been particularly controversial surrounding “zero tolerance” and “one-strike you are out” policies intended to increase safety on public school campuses. However, overrepresentation has continued to grow following the implementation of these more stringent exclusionary discipline action policies.

Students with learning and emotional disabilities, African American¹ students, and, to a lesser degree, Latino/Hispanic students are regularly overrepresented in school suspensions and expulsions. This racial/ethnic pattern exists for both males and females, however, in general, males are overrepresented compared to females and African American males are the most overrepresented group. Latino/Hispanic overrepresentation has been inconsistently documented, however some research suggests that overrepresentation varies by school level—Latino students being overrepresented in middle school, but not elementary—which could explain inconsistent findings in the literature (Skiba et al., 2011).

Research suggests that the process of disproportionality likely begins at the classroom level, with the initial office disciplinary referral (Gregory & Weinstein, 2008, Skiba et al., 2002). Compared to infractions committed by White students, the types of infractions and office referrals that are disproportionately represented among African Americans are typically ones that are more interactive and subjective in interpretation (Skiba et al., 2002).

There are considerable risks for those students who are overrepresented. Exclusionary disciplinary actions remove students from the learning environment, which risks weakening the student-school bond—a factor potentially contributing to later delinquency, juvenile justice involvement, dropping out, and poorer academic achievement. Suspended or expelled students do not typically receive instruction in prosocial behavior. Lowered self-esteem, a sense of rejection, and negative community-wide perceptions about the public education process are further dangers for minority groups who are disproportionately expelled or suspended.

Although explanations for disproportionality vary considerably, a growing body of literature is suggesting that poor cultural competency and classroom management are especially important factors contributing to disproportionality (Skiba et al, 2006, Texas Appleseed, 2008). Some research also suggests that the average number of years of experience for a school’s teaching staff is also a predictor of disproportionality (Arcia, 2007). Further, some research also suggests that the individual schools at which a student attends, rather than the nature of an offense, is a greater predictor of whether a child will receive a disciplinary referral (Council of State Governments Justice Center, 2011).

Typical recommendations found in the literature, were for educators and policy makers to: (1) develop culturally responsive instructional and classroom management strategies and train teachers in those strategies (2) develop clear definitions of disproportionality and analyze individual school data to determine if/where disproportionality exists, and (3) balance zero tolerance policies and consideration of students’ intentions for misbehavior. Often recommendations were to focus on whole-school solutions. A number of authors recommended

three-tiered intervention and prevention strategies in order to reduce school violence and disciplinary actions.

There are a number of gaps in the research on disproportionality. Few studies have focused on Hispanic and Latino student overrepresentation and disproportionality, and the research that does exist offers inconsistent findings. Most research focuses on disparities for African American students, especially males. School level—elementary, middle, and high—comparisons in disproportionality are also relatively scarce. Ethnographic and observational-methods based research on the topic is also relatively minimal. Research has typically focused in one of two directions for data sources: large state and national databases or case-study focuses on individual schools and districts (Skiba et al., 2011). The larger databases do not typically provide detail about initial offenses and studies focused on smaller cases may not be generalizable. Variations between studies in definitions of disproportionality further limit generalizations based on the existing field of research.

Process for Literature Selection:

In order to develop this literature review, we first began with two sources originally referenced in the project announcement sent by Dr. Andri Lyons, Discipline Coordinator at the Austin Independent School District (Breaking School Rules (2011) and Texas's School to Prison Pipeline (2007)). We searched for and read relevant documents referenced in these two sources. Primarily utilizing JSTOR and EBSCO Host's Academic Search Premier databases, we also conducted literature searches for disproportionality and overrepresentation in student disciplinary actions. The resulting search revealed a large body of literature to draw from for the review. With a short project timeline, we determined to focus on providing a general overview of the topic in the literature—documenting important key research findings, recommendations found in the literature, and gaps in the research on disproportionality—which led to targeting sources that not only contributed to the growing body of research but also provided a meta-level analysis of the topic. Additionally, we tried to balance sources focused on policy and sources focused on ground-level research.

Selected Literature:

Council of State Governments Justice Center, Public Policy Research Institute of Texas A&M University. (2011). *Breaking School Rules: A Statewide Study of How School Discipline Relates to Student's Successes and Juvenile Justice Involvement*. New York, NY.

This report analyzes the potential relationship between strict exclusionary discipline practice policies and increased rates of school suspensions. Using data from The Texas Education Agency and The Texas Juvenile Probation Commission to conduct multivariate analysis to control over 80 variables, the study tracked three cohorts of seventh-grade students (enrolled during 2000-2003) over a minimum of 8 years. This is a landmark study because the information provided was drawn from data of higher quality and scale (nearly 1 million students) than previously used to examine the zero tolerance issue.

Texas has mandatory suspension/expulsion rules for violations committed by students, however, researchers found that the vast majority (97%) of suspensions/expulsions were discretionary, primarily resulting from students breaking local campus's code of conduct rules. Other key findings for the students over the course of their seventh to twelfth grade school years, include: 54% of students experienced in-school suspension and 31% experienced out of school suspension; about 15% were assigned to DAEP at least once and 8% were placed in JJAEP at least once; the median number of expulsions/suspensions was 4 and 15% of students were disciplined 11 or more times; students who were suspended/expelled were more likely to be held back a grade or drop out; students suspended or expelled were significantly more likely to be involved in the juvenile justice system in the subsequent year. The study also found that disciplinary rates varied significantly among schools, even when controlling for student composition and campus characteristic factors.

The study also made key findings about the demographic characteristics of students being suspended/expelled, which are particularly important to issues of disproportionality. There were considerable disparities in discretionary removal rates between African American, Hispanic, and White students. African American students were more likely to have at least one discretionary removal than Hispanic or White students. While all three population groups significantly differed in discretionary removal rates, students in each group were removed for mandatory violations at comparable rates. Controlling for 83 different variables, the study found that African American students were 31% more likely to experience a school discretionary action than otherwise identical Hispanic and White students. Additionally, students who qualified for special education services and who had specific types of disabilities (especially those with emotional disabilities) were significantly more likely to experience a disciplinary action than students without disabilities.

Skiba, R. J, Horner, R. H., Chung, C-G., Rausch, M. K., May, S. L., and Tobin, T. (2011). Race is Not Neutral: A National Investigation of African American and Latino Disproportionality in School Discipline. *School Psychology Review*, 40(1), 85-107.

Disproportionality has been consistently reported over the past twenty-five years of scholarship and has been highly consistent in finding that African American students are overrepresented. Although disproportionality has also been documented for Latino students, the finding has not been consistently found across studies and locations. According to data from the U.S. Dept. of Education Office for Civil Rights, disciplinary disproportionality for African American students has increased from approximately twice the risk for out of school suspension in the 1970's to almost three times the risk in 2002 compared to White students.

There are many theories to explain disproportionality. The authors favor lack of cultural competence and use of racial stereotyping as explanations. They point to scholarship documenting racial stereotypes held by teachers that, whether self-recognized or not, were tied to biased perceptions about student misconduct. The authors also pointed to scholarship documenting disproportionality of office disciplinary referrals tied to variations in classroom management style and the type of violations that students committed.

The authors also point to the potential ramifications of overrepresentation of African American students in exclusionary disciplinary actions. First, disciplinary actions that remove students from the learning environment risk weakening the school bond. A positive relationship between the amount and quality of engaged time in academic learning and student achievement has been well documented, as has the positive relationship between school alienation and subsequent delinquency. Second, research has been raising concerns about the efficacy of school exclusionary disciplinary actions as an intervention to reduce student behavior or improve overall school learning climate. Third, exclusionary actions remove students from beneficial aspects of academic engagement which may put students at risk for further negative outcomes such as poor academic performance, dropping out, and involvement in the juvenile justice system.

The authors pointed to many gaps in the research on disproportionality. First, few studies have focused on disproportionality or overrepresentation of Hispanic or Latino students, and the research that does exist is inconsistent. Few studies have focused on school level as a variable or examining disproportionality across school levels. Although the disciplinary process has been recognized to be a complex system, little research has been conducted on office referrals and administrative consequences of school disparities. Finally, most research has focused on large state or national databases that do not provide detail about initial offenses, or research has been case-study focused using local or district databases that provide richer details but may not be generalizable.

Using a national database of office discipline referrals in 364 elementary and middle schools during 2005-2006, the authors conducted a study to analyze disproportionality in discipline across racial-ethnic categories and school levels. The results indicated that both African American and Latino students experienced significantly more office referrals than White students. However, the results were complex and revealed that while African American students were overrepresented in all school levels, Latino students were only overrepresented at the middle school level and underrepresented at the elementary school level.

Analyzing the types of office disciplinary referrals using descriptive and logistic regression analyses, the authors' findings supported the "growing body of previous research in

suggesting that the types of referrals in which disproportionality is evident are most likely to be in categories that are more interactive and subjectively interpreted” (101). African American students had almost four times the chances of being suspended or expelled for minor infractions at the elementary school level, and Latino students had twice the chance. The findings suggest that the source of disparity in treatment is both at the classroom and administrative level. The study found that at the administrative level students of different races-ethnicities were treated differently, “with students of color being more likely to receive more serious consequences for the same infraction” (102). The authors argued that more ethnographic and observational research needs to be conducted in order to gain a better understanding of the variables at play in leading to disproportionality.

Gregory, A. and Weinstein, S.R. (2008). *The Discipline Gap and African Americans: Defiance or Cooperation in the High School Classroom. Journal of School Psychology, 46, 45-475.*

Authors conducted a research study to analyze underlying dynamics at play in discipline referrals at one high school. Analyzing a sample of over 400 referrals and then a sub-sample of 30 African American students, authors found that African American students were (1) overrepresented in referrals, particularly for defiance issues and (2) most students received referrals from teachers, suggesting that defiance issues were specific to the classroom. The authors further examined referrals for a sub-sample of students, finding that students behave more defiantly and less cooperatively with teachers that were perceived to be an untrustworthy authority. The teachers’ trustworthiness was predicted by factors of teacher caring and high expectations.

Texas Appleseed. (2007). *Texas’ School to Prison Pipeline: Dropout to Incarceration. The Impact of School Discipline and Zero Tolerance. Austin, TX.*

This report was prepared by Texas Appleseed—a nonprofit public interest law center—and analyzed potential relationships between disciplinary referrals in school and prison incarceration. Working with the Population Research Center at University of Texas, Texas Appleseed analyzed disciplinary data reported to the TEA for all Texas school districts between 2001 and 2006. Focusing on discretionary actions, the report found that schools varied considerably in rates of disciplinary referrals—finding that the actual school a child attends was a greater predictor, in comparison to the nature of the offense, of whether a child would receive a disciplinary referral. African American students were significantly overrepresented in discretionary discipline referrals, in comparison to their percentage in the total population. A large number of school districts disproportionately represented African American students—and to a lesser extent Hispanic students—for various disciplinary referrals (ISS, OSS, DAEPs) for one or more years of the study period. Students identified for special education were also overrepresented in discretionary referrals.

Texas Appleseed also conducted a large number of focus groups and interviews with a variety of groups (students, teachers, board members) on different types of campuses in four categories—elementary, middle, high, and DAEPs—in 9 school districts, representing a cross-

section of Texas independent school districts and selected by controlling for a number of variables (e.g. number of special needs students, racial demographics, population density). In focus groups, recommendations were to encourage or develop better parent involvement, improve transition programs for at risk students, and balance a zero tolerance policy with consideration of student intent. Other findings related to disproportionality were suggestive that disparities in teaching staff diversity and cultural competency could impact disproportionality rates.

Looking at research-based programs, the authors found the following characteristics for programs that were effective in reducing both disciplinary referrals and school violence: “target all students; use well coordinated methods and approaches that are research based and deemed effective; implement positive behavioral expectations and supports school-wide; provide adequate training and ongoing support to ensure effective implementation; involve school administrators, teachers, students, parents, mental health professionals, and community resources; and incorporate regular, rigorous evaluation to determine if the programs to improve behavior are continuing to work” [79]. Reviewing literature and public reports the authors concluded that a tiered, three-stage model is the best practice for providing the intervention. Each stage of the model targets a different group of students. The first stage involves implementing school-wide components, while the second stage involves implementing early interventions for students exhibiting warning signs of problem behavior. The third stage implements intensive interventions for troubled students. For each tier/stage, the authors provided examples of proven successful programs or initiatives.

Arcia, E. (2007). Variability in School’s Suspension Rates of Black Students. *The Journal of Negro Education*, 76(4), 597-608.

African American students are often suspended at disproportionately higher rates than students of other races or ethnicities. The author conducted a study analyzing between school variability of African American student suspensions at all middle and high schools (N=69) within a large urban school district that had high percentages of ethnic minority students. Using a hierarchical backward elimination process, the author developed a model to explain such variation. Variables in the predictive model include suspension rates of non-African American students, variations in achievement between students of different racial identities, and the average experience of teaching staff in number of years. African American students were more likely to be suspended in schools that also had high percentages of suspended non-African American students, schools with disparities in achievement between African American and non-African American students, and schools with instructional staff with a low average in years of experience. The author also analyzed percentages of African American or male instructional staff and percentages of first year teachers, finding that neither were significant when including the average years of experience variable. Additionally, percentages of African American student enrollment and percentages of students participating in free/reduced lunch programs did not predict suspension rates when the staff experience variable was included. The average experience variable could affect suspension rates in two ways: through more experienced teaching staffs’ ability to manage student behavior and through students’ increased achievement

due to teaching staff's experience, which itself is tied to student behavior. In other words, it could be that more years of experience for teaching staff can help prevent the disproportionality problem.

Skiba, R., Reynolds, C. R., Graham, S., Sheras, P., Conoley, J. C., and Garcia-Vazquez, E. (2006). *Are Zero Tolerance Policies Effective in the Schools?: An Evidentiary Review and Recommendations. A Report by the American Psychological Association Zero Tolerance Task Force. American Psychological Association.*

This report summarizes the zero tolerance policy changes in public school systems and the controversies surrounding those changes, especially as they related to exclusionary disciplinary practices. The task force found that little evidence supports the idea that zero tolerance policies are being successful. The report also found that, following zero tolerance policy implementation, disproportionality of student discipline continued to increase for African American students and to a lesser degree for Latino students. The task force also found that there were disproportionate exclusionary discipline actions taken toward students with disabilities. The authors pointed out that there was insufficient data to draw conclusions about causality for overrepresentation of minority students and students with disabilities in exclusionary disciplinary actions. However, emergent professional opinion and qualitative research findings tend to point to lack of teacher preparation in classroom management or cultural competency as important factors contributing to disproportionality rates.

After analyzing available data in the literature, the task force made numerous recommendations and provided a variety of alternatives to zero tolerance practices, policy, and research. In recommendations for practice, the authors encouraged implementing preventative measures that include school climate and school community, re-establish the school bond for students at risk, develop a planned continuum for students whose behavior threatens the school, and improve collaboration between various stakeholders involved in discipline at schools (e.g. juvenile justice, law enforcement, parents). The authors concluded that, in the literature, strategies toward promoting school safety and reducing potential youth violence have been consistently pointing toward prevention strategies that incorporate three-levels of intervention: primary prevention strategies aimed at all students, secondary prevention strategies targeting at risk students, and tertiary strategies that target students who have already engaged in disruptive or violent behavior. Bullying prevention at the primary stage, threat assessment at the secondary stage, and restorative justice at the tertiary stage are all examples of promising program focuses incorporated into a three-tiered model.

Eitle, T. M. and Eitle, J. D. (2004). *Inequality, Segregation, and the Overrepresentation of African Americans in School Suspensions. Sociological Perspectives, 47(3), 269-287.*

Many scholars have argued that today's exclusionary disciplinary policies are resulting in a re-segregation of schools, or at least considerable stratification in schools, primarily because minority students are overrepresented in disciplinary actions. The authors test two major, but competing hypotheses that have been proposed to explain overrepresentation of African American students in suspension rates: (1) districts with high segregation have the greatest

racial-ethnic imbalances in suspensions, and (2) districts with high segregation have the lowest racial-ethnic imbalances in suspensions. Using a multilevel analysis, the authors analyzed Florida Department of Education data from 782 middle and high schools and data from the 2000 decennial census. The authors attempt to control for residential characteristics and African American-white income inequality because those two factors had been found by previous scholarship to be significant predictors of disproportionality in discipline actions. The authors found that teaching milieu, school culture, and school organization did matter in predicting African American suspension rate imbalances. The authors found little evidence to support the hypothesis that high rates of segregation were tied to suspension imbalances. Rather, their findings suggest that higher levels of district segregation correspond with lower levels of African American suspension rates.

Watts, I. E., and Erevelles, N. (2004). *These Deadly Times: Reconceptualizing School Violence by Using Critical Race Theory and Disability Studies. American Educational Research Journal, 41(2), 271-299.*

There are numerous areas within the educational system in which African American and Latino students are disproportionately represented. African American students, especially males, and Latino students are overrepresented in special education programs for those with learning and emotional disabilities. Situating themselves in a body of literature that argues that current pragmatic responses to school violence blame victims and produce more victims, the authors use both Critical Race Theory and Disability Studies to examine these disparities—drawing particularly from a social model of disability in which disability is viewed as “a socially constructed category that has historical, cultural, political, and economic implications for social life” (276). The author defines schools as institutions of social control, in which education is a system designed to produce a certain type of citizen in society. Student expulsions are a form of exercising power. Placement in special education programs for those with disabilities is often tied to greater risk of dropping out, not graduating, and higher risks of unemployment, which only reinforces the existing social structure and perpetuates the cycle. Although the authors argue that transforming social structures is especially needed, the authors do recommend interventions to the larger system, such as cooperative learning, peer mediation, curricular interventions, and full-service schools that meet both student and community needs.

Noguera, P. A. (2003). *Schools, Prisons, and Social Implications of Punishment: Rethinking Disciplinary Practices. Theory into Practice, 42(4), 341-350.*

Research has shown that in most schools and districts; minorities (especially African Americans and Latinos), males, and low achievers are vastly overrepresented in suspensions and expulsions. Further, a disproportionate number of students with learning disabilities, students in foster care or under protective custody, and students who are homeless or on free/reduced lunch receive the most severe disciplinary action. Often, schools are not addressing the underlying issues and unmet needs that are leading students to commit offenses requiring disciplinary action. This article examines the relationship between schools’ preoccupation with control and the targeting of specific student groups for punishment. Many students who are repeatedly

punished are fully aware that their behaviors lead to punishment. Schools with disproportionate numbers of academically unsuccessful students are often heavily focused on social control, which has negative ramifications for disciplined students. Finding personnel who can address student needs without completely focusing on social control is a key answer to dealing with disproportionality.

Raffaele Mendez, L. M. and 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, 26(1), 30-51.*

Comparing factors of race, gender, school level, and infraction type and using descriptive statistics, the authors examined out-of-school suspensions at 142 schools in a large, ethnically diverse school district in Florida. Supporting previous research, results showed that African American males were overrepresented in all school levels. African American females were also overrepresented in suspensions compared to White and Hispanic females at all school levels. Most suspensions were for relatively minor infraction types. However, African American males were overrepresented at all infraction types, with no one type of infraction standing out amongst the others. African American middle school students had the highest number of suspensions per 100 students. White and Hispanic elementary school females had the lowest number of suspensions per 100 students. Almost half of all male African American students at the middle school level experienced suspension.

Skiba, R., Michael, R., Nardo, A. C., and Peterson, L. R. (2002). The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment. *The Urban Review, 34(4), 317-342.*

The authors analyzed one year of middle-school disciplinary data (disciplinary records for over 11,000 students), in order to test three predominant hypotheses offered to explain disproportionate discipline based on race, gender, and socioeconomic status. Common hypotheses explaining disproportionality are: (1) that disproportionality is a statistical artifact due to varying definitions, (2) disproportionality of race is a byproduct due to correlations between race and socioeconomic factors, and (3) African American students misbehave at higher rates than other racial groups.

To address the first hypothesis, authors utilized two methods to measure or define disproportionality—(1) comparing the proportion of target group in the population with proportion of that group under study and (2) the absolute proportion of a group being served in a category. Authors concluded that there is no clear criterion for determining how large a discrepancy constitutes disproportionality. Testing the second hypothesis, the authors found that both gender and racial disparities remained in the data when controlling for socioeconomic status. Testing the third hypothesis, although males more frequently engaged in disruptive behavior than females, there were no variations in race.

Although the authors did not find disparities in race for disruptive behavior, there were disparities in race in the means by which educators handled the disruptive behavior. For example, African American students were more likely to be referred to the office for infractions

that were more subjective in interpretation. Further, it appeared that the disproportionate suspensions for African American students could be accounted for by prior disproportionate referrals of African American students to the office. Controlling for the number of office referrals reduced the significance for disproportionality by gender. There were no disparities in race or gender between administrative disciplinary actions taken, however, the number of office referrals did predict rates of suspension and African American students were more likely to be referred to the office.

In reasons for referral to the office, White students were significantly more likely to be referred for smoking, leaving without permission, obscene language, and vandalism. African American students were more likely to be referred for disrespect, excessive noise, threat, and loitering. The referrals more common for African American students required more subjective judgment on the part of the referring agent. The authors recommended teacher training in appropriate and culturally competent methods of classroom management and practices to address the needs of diverse classrooms.

Townsend, B. (2000). The Disproportionate Discipline of African American Learners: Reducing School Suspensions and Expulsions. *Exceptional Children*, 66(33) 381-391.

While disciplinary practices are used with students across ethnic groups, these practices are particularly problematic for African American students who are disproportionately subjected to corporal punishment, suspension, and expulsion. There is a widening achievement gap between African American students and their White peers, which is of importance given the disparity in disciplinary actions. African American students are more commonly removed from the learning environment for disciplinary reasons. This may create a domino effect, further widening the achievement gap. The following factors could be involved in compounding the domino effect: students regularly excluded from school typically lag behind their peers and are thus more likely to be placed in remedial instruction that may not be as effective; suspended or expelled students do not typically receive instruction in prosocial behavior; when excluded from school, students have more opportunities to spend time on the streets; students excluded from school are at greater risk of voluntary or involuntary withdrawal. Lowered self-esteem and a sense of rejection are further dangers for minority groups who are disproportionately expelled or suspended. Overrepresentation of African American males in special and remedial classes, suspension, and expulsion can have cumulative effects.

There are many factors that could affect or exacerbate the disproportionality problem. There is a growing cultural divide between teachers and students, particularly given the shortage of African American teachers and other generational and socio-economic differences. The combined effect of race and class differences between staff and students likely contributes to misinterpretations by school personnel about students' behavior. School instructional goals are primarily structured to promote work and activities that are not common in African American cultures. For instance, due to cultural influence, African American students might prefer multi-tasking and working socially. However, in traditional education students are typically rewarded for staying on one task and working individually. African American students might become disengaged if learning styles vary from the primary methods for teaching. African American students also might vary in their verbal and nonverbal communication from their non-African American peers, differences that could lead to misinterpretations by staff. For instance, excessive

nonverbal gestures are popular among young African Americans, yet can be offensive to some educators. Students' behaviors, which are culturally normative, may appear noncompliant, risking suspension or expulsion.

The author recommends that schools and districts examine their disciplinary data to determine if they are disproportionately suspending or expelling certain student groups. The authors utilize a common definition of disproportionality—a group of students “would be expected to be suspended or expelled disproportionately if the frequency which they receive punitive consequences is greater than their percentage in the population by 10% or more” (384).

The author recommends that educators ask a “so what” test when deciding what student behaviors are most important to try to control. For those behaviors that are cultural norms yet do not affect the quality of life of a student, why bother putting so much energy into changing and controlling those behaviors? The author also recommends that educators examine their own cultural beliefs as well as their own teaching and classroom management styles. There are different teaching styles that can better facilitate different learning styles. Knowing the different cultural styles and learning preferences of African American students would be helpful to educators as they develop curriculum and activities. The author encourages educators to develop cultural bridges with the communities from which African American students come, and to become “cultural brokers” so that educators can acknowledge differences in culture and engage students in ways that they can relate to. The author also recommended that educators make special efforts to engage students with histories of school infractions or who have attributes associated with suspension and dropping out.

Advancement Project and Civil Rights Project Harvard University. (2000). Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline. Washington, D.C.

This report—a joint product by the Civil Right Project at Harvard University and the Advancement Project—documents research that illustrates that Zero Tolerance policies are unfair and lead to negative outcomes for students. The findings suggest that minority students and students with disabilities are being disproportionately disciplined. The report described the work and findings of three organizations—The Center for Effective Collaboration and Practice of the American Institute of Research, The Justice Matters Institute, and Milwaukee Catalyst/Design for Change—to document how some schools are implementing programs to reduce disciplinary referrals while still maintaining safety and achievement. The “essential elements of these schools include positive approaches to discipline, opportunities for teachers and students to bond, training for teachers' classroom management techniques, clearly understood codes of conduct and discipline focused on prevention of problems” (viii-ix). The authors pointed to a number of characteristics for successful schools, such as: opportunities for students and teachers to develop strong bonds, school wide codes of conduct are widely promoted and understood, discipline is preventative, student sanctions are considered on a case-by-case basis, and schools implement a wide range of programs.

McFadden, A. C., and Marsh, G. E. (1992). A Study of Race and Gender Bias in the Punishment of School Children. *Education and Treatment of Children*, 15(2), 140-146.

Analyzing a sample of over 4,000 discipline files (using chi-square) from one school district in South Florida in the late 1980's, the authors examined differences in race and gender in disciplinary referral rates, types of rule violations, and types of punishment. Authors found that males were referred for disciplinary reasons more often than females and African American students more often received corporal punishment and out of school suspension, while White students more often received in school suspension. African American students did have higher rates of disciplinary referrals that were disproportionate to both their percentages of school enrollment and rates of recidivism. The authors could not find anything in their data to explain the disproportionality in corporal punishment, and particularly explored the idea that African American students were committing more serious offenses than White students, but could not find evidence of that.

McCarthy, J. D., and Hoge, R. D. (1987). Social Construction of School Punishment: Racial Disadvantage Out of Universalistic Process. *Social Forces* 65,1101-1120.

The authors conducted a study analyzing disciplinary rate imbalances. They found that self-reported conduct, recent grades, and perceptions of students' general demeanor, were important factors in predicting suspension. These factors superseded socio-economic status, gender, and race, reducing their significance. The authors argued that social construction processes by school authorities were the best explanation for disproportionality.

Notes:

1. Although labels for racial and ethnic categories utilized by authors varied between sources, the term "African American" rather than "Black," will be utilized in this literature review.

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Texas Appleseed. (2007). *Texas' School to Prison Pipeline: Dropout to Incarceration. The Impact of School Discipline and Zero Tolerance*. Austin, TX.

Townsend, B. (2000). The Disproportionate Discipline of African American Learners: Reducing School Suspensions and Expulsions. *Exceptional Children*, 66(33) 381-391.

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