

THE PUSH OUT:  
A DISPROPORTIONALITY STUDY ON STUDENT DISCIPLINE IN THE STATE OF  
FLORIDA PUBLIC SCHOOLS

by

MANOUCHKA PIERRE  
B.A. University of Central Florida, 2008  
M.A Ed. University of Phoenix, 2011  
M.P.A. Argosy University, 2012

A dissertation submitted in partial fulfillment of the requirements  
for the degree of Doctor of Education  
in the Department of Learning Sciences and Educational Research  
in the College of Community Innovation and Education  
at the University of Central Florida  
Orlando, Florida

Fall Term  
2019

Major Professor: Jerry Johnson

© Manouchka Pierre 2019

## **ABSTRACT**

This mixed method sequential exploratory study was conducted to emphasize and investigate disproportionality in discipline, noting the prevalence of the issue of equity and the salience of FL as context. This study applied the extant model for investigating disproportionality in a setting where such an investigation is highly relevant due to Florida's statistical positioning in the area of student discipline.

This study investigated for potential biases that guide differences in the rates that males and Blacks experience exclusionary discipline within the 67 regular school districts. The analysis from this study, which used relative rate ratio and policy analysis, presents results showing that a disproportionality exists at a rate of 2 to 2.3 times for the affected demographic groups. The findings suggest a need for policy language to address this disparity, as well as a change in practice.

To my daughters, thank you for being proud of me and for being my pride and joy. You are forever my WHY and forever my babies.

To my best girlfriends: Niphtane, Bureen, Djenie and Karlene, I am humbled and grateful by the support you showed me during this process; you pushed, you prayed, you listened but most importantly you were present. To my macome, a wordsmith after my own heart, thank you.

To my parents, there is no greater love than that of a parent who prays for a child. Papi thank you for answering my calls, momma thank you for feeding my stomach and my spirit. When you came to America it was to provide us with an opportunity to dream and make those dreams come true, mesi anpil, mil fwa mesi. To my sister Sen and my cousin JuJu, thank you for being my biggest cheerleaders; FOE (family over everything).

To my love, I did it, I am Dr. Pierre. Thank You and I LOVE YOU!

## ACKNOWLEDGMENTS

When I started this journey, I was sure of so many things except for the goal I wanted to achieve. This process has made me question, has made me cry, but most importantly it has allowed me to grow as both a person and an educator. None of this growth, nor would this moment have been possible without my village, my team.

First, I would like to thank God for giving me strength when I had none and listening to both my prayers and my cries. It is said that Faith is the substance of things hoped for, the evidence of things not seen (Hebrews 11:1). I believe that my faith and God's mercy brought me this far, for it wasn't my strength.

I would like to thank my committee chair and advisor, Dr. Jerry Johnson. You not only guided me through this process, but you made sure I understood the why of everything you asked me to do and helped to remember the WHY of this process, when I was unsure. Thank you for being understanding, for believing in me and for helping me to develop into both a scholar and a practitioner. Along with my Chair I'd like to thank my committee: Dr. Walter Doherty who believed in me enough to endorse my entrance into this program, Dr. Terri Fine whose policy expertise and attention to detail provided invaluable feedback, and Dr. Thomas Vitale for sharing your expertise.

To Cohort 6, thank you for learning alongside me and being open to sharing in both the joys and the pains of this process. Although we all finished at different times, I truly feel that we celebrated together. Dr. Morrow and Dr. Pringle YA'LL ROCK!!

## TABLE OF CONTENTS

LIST OF FIGURES .....	viii
LIST OF TABLES .....	ix
CHAPTER 1 THE PUSH OUT: A DISPROPORTIONALITY STUDY ON DISCIPLINE IN THE STATE OF FLORIDA.....	1
Introduction.....	1
Statement of the Problem.....	3
Purpose of the Study .....	3
Significance of the Study .....	3
Operational Definitions of Terms .....	4
Conceptual Framework and Literature Review .....	5
Critical Race Theory .....	7
Research Questions.....	10
Methodology.....	11
Research Design.....	11
Participants.....	12
Instrumentation and Data Collection .....	12
Measurement of Variables .....	16
Data Analysis.....	16
Delimitations.....	18
Limitations .....	18
Assumptions.....	19
Organization of Study .....	20
CHAPTER 2 LITERATURE REVIEW .....	21
Introduction.....	21
Research on Disproportionality .....	23
Zero Tolerance Policies .....	27
Exclusionary Discipline.....	32
Disproportionality/Disparities in Discipline.....	34
Critical Race Theory .....	39
School-to-Prison Pipeline .....	43
Summary.....	46
CHAPTER 3 METHODOLOGY .....	48
Introduction.....	48

Research Questions.....	49
Research Design .....	50
Population.....	51
Variables.....	52
Instrumentation.....	52
Data Collection and Procedures.....	54
Phase 1: Quantitative .....	54
Phase 2: Qualitative .....	56
Data Analysis.....	58
Summary.....	62
CHAPTER 4 RESULTS.....	63
Introduction.....	63
Descriptive Statistics.....	64
Phase 1 Results .....	72
Phase 2 Results .....	78
Synthesis.....	85
Summary.....	85
CHAPTER 5 DISCUSSION OF FINDINGS.....	87
Introduction.....	87
Purpose.....	88
Discussion of Findings.....	88
Research Question 1 .....	88
Research Question 2 .....	90
Research Question 3 .....	90
Limitations.....	91
Implications for Policy and Practice.....	92
Recommendations for Future Study.....	93
Conclusion .....	95
APPENDIX A INSTITUTIONAL RESEARCH BOARD APPROVAL .....	96
APPENDIX B STATE OF FLORIDA DISCIPLINARY ACTION CODES .....	100
REFERENCES .....	104

## LIST OF FIGURES

Figure 1: Exclusionary Discipline and Relative Rate Ratio by Race .....	74
Figure 2: Exclusionary Discipline and Relative Rate Ratio by Gender.....	76



## LIST OF TABLES

Table 1 Variables of the Study.....	15
Table 2 Five Basic Tenets of Critical Race Theory (CRT) .....	40
Table 3 Total Student Enrollment by School Year.....	65
Table 4 Student Enrollment by Ethnicity and by School Year.....	66
Table 5 Student Enrollment Percentages by Gender and School Year.....	67
Table 6 Exclusionary Discipline Data by School Year .....	68
Table 7 Exclusionary Discipline by Demographic Group: Black Students.....	69
Table 8 Exclusionary Discipline by Demographic Group: White Students .....	70
Table 9 Exclusionary Discipline by Gender and School Year: Males.....	71
Table 10 Exclusionary Discipline by Gender and School Year: Females .....	72
Table 11 Relative Rate Ratio by Racial Category and School Year.....	75
Table 12 Relative Rate Ratio by Gender and School Year.....	77
Table 13 Coding & Reasoning.....	79
Table 14 Themes & Representative Data .....	82

# CHAPTER 1

## THE PUSH OUT: A DISPROPORTIONALITY STUDY ON DISCIPLINE IN THE STATE OF FLORIDA

### Introduction

According to the 2013-2014 school year data released in 2015 by the United States Department of Education's Office for Civil Rights, Florida reported the highest suspension rate in the country for elementary and secondary school students. At the elementary school level, Florida suspended approximately 5.1 percent of young students relative to the national average suspension rate of 2.6 percent, according to the report. Florida also suspended 19 percent of its secondary school students — a category that includes middle, junior high, and high schoolers — during this time (UCLA, 2012). Comparatively, states similar in location, demographics, and culture, including Alabama, Mississippi and South Carolina, suspended 16 percent of secondary students.

Thomas Rudd, in his 2014 brief on racial disproportionality and implicit biases for the Kirwan Institute for the Study of Race and Ethnicity, indicated that Black students, especially males, are disciplined more often, and receive more out-of-school suspensions (OSS) and expulsions than their White counterparts. A study on discipline conducted in 2010 showed that over 70 percent of students involved in school-related arrests or referred to law enforcement were Hispanic or Black (Education Week, 2013). Such findings suggest that disciplinary infractions could potentially contribute to a growing school to prison pipeline.

A meta-analysis conducted by Skiba, Mediratta, and Rausch (2016), *Inequality in School Discipline*, stated that out-of-school suspension (OSS) and expulsion continues to be used disproportionately among marginalized groups in race, gender, disability, and sexual orientation; these disparities cannot be explained by different rates of misbehavior or poverty (Skiba et al,

2016). Further, the punishment rates do not fit the behaviors being exhibited and White students receive lesser penalties for similar infractions (CRCD, 2014).

These reports and studies elicit concerns that students are being removed from the learning environment using exclusionary discipline (e.g., suspension and expulsion), thus reducing instructional time and increasing the potential for adverse educational and legal outcomes (Gordon, 2018). There is a correlation, not a direct causation, between student experiences of exclusionary discipline and subsequent negative outcomes such as the “school-to-prison pipeline”. African American students are treated differently and thus feel disparate impacts of exclusionary discipline (Gregory, et al 2010).

Exclusionary school discipline policies, such as suspensions and expulsions, which were once instituted to prevent serious infractions have now become one part of systematic disciplinary practice for minor issues such as insubordination in the classroom (CRDC, 2014). These practices put minority students, especially African Americans, at a higher risk of experiencing the challenges of the “school-to-prison” pipeline (Curtis, 2014). Coupled with extensive and highly consistent prior data, these results argue that disproportionate representation of African Americans in office referrals, suspension and expulsion is evidence of a pervasive and systematic bias that may inform the use of exclusionary discipline (Skiba, 2000).

Due to a suspension rate that is almost twice the national average and housing one of the nation’s most diverse student populations (UCLA, 2012), Florida is an ideal setting for investigating disproportionality in discipline practices based on race and ethnicity. Considering this background and context, this study will seek to disclose and describe disciplinary outcomes in the state, as well as shed light on practices that adversely affect children of color and drive them toward the schoolhouse to jailhouse pipeline.

### Statement of the Problem

Extant research provides evidence to support the claim that suspensions, as an exclusionary discipline practice, do great harm and are distributed inequitably among groups by race and ethnicity. At present in Florida, there is a lack of a clear understanding of equity and disproportionality in discipline. Such an understanding has the potential to guide policymakers to address exclusionary discipline in schools and address the disparities that exist. This study will provide data and analysis to address that gap in discipline.

### Purpose of the Study

Extant reports have highlighted differences among Florida students when disaggregated by race and ethnicity (SESIR, 2014). The purpose of this study is to expand and deepen that work to 1) utilize disproportionality models to present a more sophisticated measure of disparity, 2) examine the current discipline policies for potential biases that guide these differences, and 3) review the extant data for disparities. The analysis of both the qualitative and quantitative data drawn from this study can be used to support change in policy or, at a minimum, in practice.

### Significance of the Study

This study is significant in that it discloses and describes patterns that call attention to issues of concern for policymakers and practitioners in Florida, something that the existing research does not directly do. More broadly, an empirical analysis of disparities in the administration of exclusionary discipline will contribute to and expand previous work by replicating in Florida a recent study focused on Maryland, thus adding to the collective understanding of the issues and adding nuance via examination in the context of another state.

## Operational Definitions of Terms

The following are operational definitions for key constructs that directly and indirectly inform the proposed investigation:

1. Disciplinary Action: For the purposes of this study, this term will reference the actions taken in response to the behavior according to the Florida Discipline Data chart (2016). Those actions are: Corporal Punishment, Expelled Without Continuing Educational Services, Expelled with Continuing Educational Services, Suspension Extended Pending Hearing, Suspension In-School, Seclusion, Mechanical Restraint, Suspension Out-of-School, Placement in Alternative Educational Setting, Physical Restraint, Other SESIR Defined, and Change in Placement.

2. Discipline Gap: The difference in the number of suspensions and expulsions between students in racially Black subgroups relative to their White classmates, as well as between students in special education relative to mainstream or general education students (Gregory, Skiba, & Noguera, 2010). The discipline gap is defined as a disproportionate disciplinary response to one race as compared to others (Russ, 2014).

3. Disproportionate: The over or under-representation of a given population group, often defined by racial and ethnic backgrounds, but also defined by socioeconomic status, national origin, English proficiency, gender, and sexual orientation in a specific population category (Skiba & et al., 2008)

4. Exclusionary Discipline: Removing students from the classroom for disruptive behavior, including referrals to the principal's office, suspensions, and expulsions (Noltemeyer & Mcloughlin, 2010).

5. Expulsion: Forced withdrawal from school (ERIC Thesaurus, 2016).

6. Policy: A law, regulation, procedure, administrative action, incentive, or voluntary practice of governments and other institutions. (Center for Disease Control, 2018). Policy is

made in response to some sort of issue or problem that requires attention. Policy is what the government chooses to do (actual) or not do (implied) about a particular issue or problem (Center for Civic Education, 2016). For the purposes of this study, policy will be used to clarify between zero tolerance practices that existed prior before the 1990s and the subsequent codification that has led to disparities.

7.School-to-prison pipeline: The policies and practices that are directly and indirectly pushing students of color out of school and on a pathway to prison, including, but not limited to: harsh school discipline policies that overuse suspension and expulsion, increased policing and surveillance that create prison-like environments in schools, over-reliance on referrals to law enforcement and the juvenile justice system, as well as an alienating and punitive high-stakes testing-driven academic environment (National Education Association, 2016).

8.Suspension: Temporary, forced withdrawal from the regular school program (ERIC Thesaurus, 2016).

9.Zero Tolerance: Refusal to accept antisocial behavior, and uncompromising application of the law; the policy of applying laws or penalties to even minor infringements of a code to reinforce its overall importance (Edutopia, 2014).

### Conceptual Framework and Literature Review

This study's conceptual frameworks are grounded in Critical Race Theory (CRT) and the Schoolhouse to Jailhouse Pipeline construct. CRT explores the intersectionality of race; examining society and culture as they relate to categorizations of race, law, and power (Delgado et al 2001, p. 51). Implementation of discipline policies in an exclusionary disparate manner can predetermine life options and outcomes and start individuals on a trajectory to prison; that discipline is experienced differently according to one's race. The Schoolhouse to Jailhouse

Pipeline is based in the idea that patterns of discipline predict the future legal record of children (Fite, et al, 2017)

Critical Race Theory began as a theoretical movement by Derrick Bell, an attorney, who unified two themes: CRT proposes that White supremacy and racial power are maintained over time, and that the law may play a role in the process of “...concretizing racial differences, maintaining racial inequality, and reifying the status quo” (Bell, 2000). It also proposes that any progress made in race relations is episodic and narrow in scope due to the nature of white supremacy, history of race relations, and racial codification and separation in the United States. In his book *Race, Racism, and American Law* (1980), Bell uses empirical and anecdotal evidence to support his case for social justice and reform, combining pragmatist and utopian visions to expose how law constructs race to disadvantage persons of color, while joining larger struggles for social transformation and counter-mobilization racial justice (Leighton, 2001).

The 'School-to-Prison Pipeline' (STPP; schoolhouse-to-jailhouse) refers to the national trend of criminalizing, rather than educating, children after the passing of the Gun-Free Schools Act in 1994 (Curtis, 2014). The pipeline includes the use of zero-tolerance discipline policies, school-based arrests (especially for non-criminal offenses), disciplinary alternative schools, and secured detention. These related actions have the most detrimental effects on those most at risk, denying them access to education and the opportunity to be vertically mobile and perpetuating an ongoing cycle of poverty. (George, 2015). Minority students, specifically Black students, are far more likely than their White peers to be suspended, expelled, or arrested for similar misconduct at school (ACLU, 2018). Black students with disabilities are three times more likely to receive short-term suspensions than their White counterparts (CRDC, 2014) and are more than four

times more likely to end up in juvenile correctional facilities, thus fueling the School-to-Prison Pipeline (CRDC, 2014).

The Schoolhouse-to-Jailhouse Pipeline construct and CRT provide context for a review of current state policies and discipline data as support to answer research questions about how exclusionary discipline contributes to racial and gender disparities in Florida. A more detailed explanation of the STPP and CRT is presented in Chapter 2 of the study.

The literature review for the study explores research in the following areas: CRT, zero tolerance policies, exclusionary discipline, disproportionality, and the Schoolhouse-to-Jailhouse pipeline. Collectively, these areas of literature represent the foundational information of the investigation and, results from the investigation are interpreted using context from these works of literature. The following paragraphs provide a brief overview of the areas of literature that were reviewed.

### Critical Race Theory

According to Critical Race Theory (CRT), race is a socio-historical concept; racial categories and the meaning of race are given concrete expression by the specific social relations and historical context in which they are embedded. In the United States, the Black/White color line has historically been rigidly defined and enforced. White is seen as a "pure" category. Any racial intermixture makes one "non-white" (Omi, 2014).

CRT asserts key tenets based on the concept of race and how it intersects with all aspects of American life. CRT maintains that racism is endemic to American life, expresses skepticism toward "liberal" claims of neutrality, objectivity, color-blindness, and meritocracy, and insists on recognition of the first-hand and personal knowledge of people of color (Delgado, 1994). CRT asserts a historical analysis of the law and society, presuming that racism has impacted all



current and ongoing demonstrations of group advantage and disadvantage while working toward eliminating all forms of oppression (Matsuda, 1993).

CRT, as a theoretical lens in education, helps to provide understanding and insight for solutions to educational inequity. CRT answers the important questions of how we explain and deal with racial disparities in our school systems (Dixson, et al 2016). Further, CRT in education moves from legal scholarship to educational discourse, offering practical methods for addressing educational equity from the school to state levels.

### Zero Tolerance Policies

Zero tolerance policies, which mandate predetermined consequences or punishments for specific offenses, have become a popular disciplinary choice (Holloway, 2001 Pages 84-85). According to a 1998 study by the National Center for Education Statistics, more than three-quarters of all schools reported having such policies. Zero tolerance policies punish rule breakers in specific ways for specific violations, with no exceptions. Zero tolerance ignores a range of alternative consequences, enforcing only the toughest possible punishment (Teske, 2011, pg. 88-97). With zero tolerance, the student is either given a lengthy suspension or expelled, which are not only considered highly ineffective punishments, but also are an investigated factor in creating the STPP (ACLU, 2019). One example of such actions is the 10-day suspension of two first-grade students, according to zero tolerance rules, for having brought a toy ray gun to school (ACLU, 1999).

### Exclusionary Discipline

Exclusionary discipline is an action that removes or excludes a student from their educational environment. Two of the most common exclusionary discipline practices at schools are suspension and expulsion (Skiba, Noguera, 2010). These practices are typically used to

punish undesirable behaviors, deter similar behavior by other students, and promote more appropriate behavior. Studies have shown that such practices may result in adverse outcomes for the student and their community, including increasing student risk for involvement in the justice system (Noltemeyer, 2010). Researchers have found that African American students are disproportionately represented as recipients of exclusionary discipline, that major urban very-high-poverty schools utilize these practices most frequently, and that disciplinary disproportionality is most evident in major urban districts with very-high-poverty (Noltemeyer, 2010).

### Disproportionality

The study of disproportionality, as a construct in the discipline of education, has been conducted by various states and organizations. Studies on racial disproportionality, conducted in child welfare, show that Black children are overrepresented while other groups, particularly Asians, are underrepresented (Cheung & LaChapelle, 2011). Racial disproportionality was a clear focus in the last two reauthorizations of the Individuals with Disabilities Education Act, and as a policy mandate, it was established for districts to act to reduce high rates of minority overrepresentation in special education (Noguera, 2011). This overrepresentation suggests a confluence of two distinct processes: (1) assumptions of cultural and intellectual deficit that result in theorizing of student disabilities and (2) the consequent labeling of students in special education through a placement process, not grounded in research and ethical practice (Noguera, 2011).

According to reports from the 2013-14 Civil Rights Data Collection (CRDC, 2014), the national percentage of racial disproportionality in discipline was documented at 16 percent of total enrollment, with Black students accounting for 40 percent of suspensions. Steinberg and

Lacoe (2017) published a synopsis of what is known or lacking in school discipline reform, and their findings suggest that more severe disciplinary outcomes for Black students are due in part to discriminatory practice, whether intentional or not.

### Schoolhouse-to-Jailhouse Pipeline

The Schoolhouse-to-Jailhouse pipeline is the criminalization of youth (ACLU, 2018). Based on the “zero policy” standards adopted in the 1990’s and the addition of officers on public school campuses, exclusionary discipline actions were taken to create a pipeline that includes arrest and introduction to the juvenile justice system (ACLU, 2018). There are disparities within the pipeline, as Black students are far more likely than their White peers to be suspended, expelled, or arrested for the same kind of conduct at school (Loveless, 2017). Black students with disabilities are three times more likely to receive short-term suspensions than their White counterparts and are more than four times more likely to end up in correctional facilities (UCLA, 2014).

On Tuesday, November 5, 2013, The Broward County Collaborative Agreement of School Discipline was signed, a pact aimed at curbing the “Schoolhouse-to-Jailhouse pipeline.” This pact also creates discourse about equity, racial justice, and restorative discipline practices (Broward Schools, 2013). This compact attempts to mitigate “zero tolerance policy” by creating alternative resolutions to incidents such as trespassing, harassment, alcohol-related incidents, and possession of misdemeanor amounts of marijuana, which will now be implemented by school level administrators (Broward Schools, 2013). Such actions corroborate the existence of a functional schoolhouse to jailhouse pipeline.

### Research Questions

The quantitative phase of the investigation was guided by the following primary research question:

1. ]

The intent of this research question was to disclose and qualify the extent, if any, to which zero-tolerance policies contribute to the Schoolhouse-to-Jailhouse pipeline, whether intentional or unintentional. Results were interpreted to highlight disparities in the experiences of students from different racial/ethnic backgrounds in terms of exclusionary discipline and criminal consequence. State policies that currently govern practice for suspension and expulsion of students were interpreted to look for connections or patterns from the quantitative phase, accounting for how these policies may, in turn, influence the data.

### Methodology

Exploratory sequential mixed methods were selected for this study (Creswell, 2009). This method was appropriate for the investigation because it allows for both disclosing and measuring outcomes of a specific policy context and exploring specific elements of those policies that might be contributing to the outcomes. For this specific mixed-methods investigation, Phase 1 quantitative analyses disclosed and described any disparities in discipline outcomes, then Phase 2 qualitative analyses reviewed the existing policy structures to explore how those structures might be contributing to the disparities, if any, identified in Phase 1 (Creswell, 2014).

### Research Design

Employing mixed methods guides the collection and analysis of data, with the mixture of qualitative and quantitative approaches in many phases in the research process. As a method, it focuses on collecting, analyzing, and mixing both quantitative and qualitative data in a single study or series of studies and ultimately provides a better understanding of research problems than either approach could alone (Creswell, 2006. Pg. 5). The study employed a sequential exploratory design, characterized by the collection and analysis of quantitative data followed by

a collection and analysis of qualitative data. This mixed methods approach applied quantifying patterns to explore the policy context (Creswell, 2014).

### Participants

The target population is male and female students enrolled in grades K-12 in the state of Florida. The unit of analysis is the school district. Florida has approximately 2.8 million students enrolled in public, charter, private and online programs throughout the state (National Center for Education Statistics, 2014). During the 2015-2016 school year, there were 74 public school districts in Florida, which served 2,819,614 students. Florida has 67 regular and seven special-education school districts. Miami-Dade is the largest of Florida's 67 regular districts, with over 535 schools and 350,000 students, and Jefferson is the smallest with less than one thousand students enrolled (Florida Department of Education, 2018). Florida has 38 school districts, which made the top 1,000 largest school districts by enrollment, with Miami-Dade having the largest enrollment (National Center for Education Statistics, 2014).

Of the 2,819,614 students, 1,158,026 (41 percent) qualify for free lunch and 140,305 (five percent) qualify for reduced-price lunch (National Center for Education Statistics, 2014). In Florida, a plurality of students are White, totaling 1,121,254, or approximately 41.6 percent of the student population in the state (FLDOE, 2018). There were 788,088 Hispanic students in Florida, approximately 29.3 percent of the student population, and 22.95 percent of students who were Black or African American.

### Instrumentation and Data Collection

The extant data sets for the research study were readily available through the Florida Department of Education's website, which releases discipline data. The study uses data from five school years, spanning from 2012 to 2017. All personal identifiers were removed prior to

data transmittal. The data includes overall disciplinary infraction rates for each district based on disciplinary action and disaggregated by race/ethnicity and gender, for all students in grades K–12, including type of infraction, disposition (in-school suspension, out-of-school suspension, expulsion, or corporal punishment, etc.), and total number of days a student was removed from school.

The qualitative data consists of state statute (Title XLVIII K-20 Education Code) retrieved from Florida Compilation of School Discipline Laws and Regulation. Federal policy (No Child Left Behind Act, Every Student Succeeds Act, Gun Free Schools Act) relevant to disciplinary practices were retrieved from the United States Department of Education (Ed. Gov) and Congress (Congress.gov) online databases.

ESSA - Every Student Succeeds Act (2015), represents the reauthorization of Elementary and Secondary Education Act (ESEA), the nation's national education law (Ed.gov, n.d.). Title IV of the No Child Left Behind Act (NCLB), legislation enacted since 2001, edited and reintroduced as part of ESSA, provides language and guidance for school policy through the provisions for safe schools. Drugs, weapons, and other zero tolerance areas are part of the funding equation, making it necessary for states to adopt language and practice to meet set guidelines (Ed.gov, 2010)

The Gun Free Schools Act of 1994 was introduced as the beginning of zero tolerance policies. Originally passed as section 1702 of the Crime Control Act of 1990, it was deemed unlawful for any individual to knowingly to possess a firearm in a school zone and set forth penalties to be carried out by each state. When found unconstitutional under the interstate commerce clause, the language has since been ameliorated to fit the need of public good (Herb, 1990).

Florida Statute Chapter 790.115 informs firearms policy, namely the prohibition of possession or discharging of weapons or firearms at school-sponsored events or on school property, penalties, and exceptions (Ed.gov, 2018). Florida Statute Chapter 985 allows schools to take students into custody or students to be placed into the custody of Juvenile Justice for intake, intervention, and/or diversion. This statute is an area where the Schoolhouse-to-Jailhouse Pipeline is manifested through the connection between schools and corrections. Statutes 790 and 985 fall under criminal code but also influence practice in schools (Ed.gov, 2018). FL Statute Chapter 1002 is key to the due process of students, as it highlights both parental and student rights while providing information on access to records. Documentation is key from both the parental and district perspective (Pierre, 18). Florida Statute Chapter 1003 focuses on Public K-12 education and other provisions for the education of all students, even those being subject to disciplinary action. Part three of the statute is key to the discussion of control. 1003.31 states that students are subject to control of school and outlines those parameters. 1003.32 defines the authority of the teacher, while presenting the authority hierarchy from district school board to principal (Ed.gov, 2018). Florida Statute Chapter 1006 focuses on support for learning with attention paid to student discipline and school safety in subsection Part I Subpart C (Ed.gov, 2018). The language of these documents was analyzed and interpreted in an attempt to disclose policy considerations that might assist in interpretation of the patterns of disproportionality, if any, disclosed in research Question 1.

### Variables

For the quantitative examination within the study, Question 1, the dependent variables were suspension and expulsion. The independent variables within the study were gender, race, and year. For the purposes of calculating the relative ratios, the race variable focuses on White

and Black/ students. Hispanic/Latino, Asian, Native Hawaiian or Other Pacific Islander, American Indian or Alaska Native, Two or More Races received descriptives however were not quantified. The primary analyses will be comparisons (using relative rate ratios) between White and Black students and Male and Female students. The descriptives present (1) enrollment disaggregated by all racial categories (to give insight on the Florida population) and (2) of exclusionary discipline events per 100 students disaggregated by all racial categories (to give a descriptive take on disparities across all categories).

Question 2 was addressed via document analysis using state and federal statute. The table below provides an illustration of the variables of the study:

**Table 1**

**Variables of the Study**

Research Question	Variables	Sources of variable
Research Question 1 Is exclusionary discipline (suspension and expulsion) administered in a way that has a disproportionate impact on Black students relative to White students?	DV: Suspension, expulsion, (disciplinary action) IV: Gender, race, school year	Student Discipline Data by Race and Gender, State and District Levels
Research Question 2 Is exclusionary discipline (suspension and expulsion) administered in a way that has a disproportionate impact on male relative to female students?	DV: Suspension, expulsion, (disciplinary action) IV: Gender, race, school year	Student Discipline Data by Race and Gender, State and District Levels
Research Question 3 How do federal and state policies contribute to racial and gender disparities in school discipline?	N/A	The 2018 Florida Statutes (790, 985, 1002, 851003, 1006); Florida School Discipline Laws and Regulations; safesupportivelearning.ed.gov



## Measurement of Variables

The Student Discipline Report contains both discipline and demographic data. Student demographic data used in the study, gender, and race, were self-reported by students to schools and district offices, which were then aggregated for the state, who disseminates the annual reports. Student race/ethnicity is categorized into 7 groups: White, Black, Hispanic/Latino, Asian, Native Hawaiian or Other Pacific Islander, American Indian or Alaska Native, and Two or More Races. The discipline data is also compiled and reported similarly using school, district, and state aggregations. While practices for addressing and recording disciplinary incidents vary within and across districts, incidents are reported to the state using a common set of codes. The researcher accessed the data directly from the state education website.

The state of Florida does not have a uniform system of discipline; discretion plays a large role in outcomes. Referral forms and recording (database or program used) vary by school district. Therefore, the recording of data under similar/exact codes is important to the data being uniform. Eleven discipline codes and attached descriptions are used as part of the data set; however, for the proposed study, only suspension and expulsions were utilized, accounting for five of those categories: *Expelled Without Continuing Educational Services*, *Expelled with Continuing Educational Services*, *Suspension In-School*, and *Suspension Out-of-School*. A fifth code, *Suspension Pending Hearing*, was not used as this is not a final discipline decision.

### Data Analysis

To answer Research Question 1, the relative rate ratios for White and Black students were computed and compared. Measuring disproportionalities between groups creates a relative rate ratio; these ratios are comparable to the relative rate index used by the Office of Juvenile Justice and Delinquency Prevention to determine subgroup differences in juvenile justice contact (Porowski, 2014 pg. 6). The relative rate ratio method was used to identify disparities and

disproportionalities, comparing the proportion of the target group students in the general population with the proportion of target group students in the population of students who received a specific disciplinary action to give a sense of the frequency of practice. The relative rate ratio for Black students was calculated as follows (adapted from Porowski et al., 2014):

$$\text{Relative rate ratio for Black students} = \frac{\text{Number of ISS} + \text{number of OSS} + \text{expulsions for Black students}}{\text{Total number of Black students}}$$
$$\frac{\text{Number of ISS} + \text{number of OSS} + \text{expulsions for White students}}{\text{Total number of White students}}$$

A relative ratio of one means that there is an equal rate of classification, while a ratio larger than one indicates a greater rate and a ratio smaller than one indicates a reduced rate (Porowski, 2014).

Research Question 2 focused on the disparities between male and female students using a similar methodology. The Florida State Department of Education disaggregates discipline data by gender, race, and disciplinary action for each school year. The independent variables of gender and race are self-reported by students and their parents to each school and compiled by the various districts within the state.

Disproportionalities by race/ethnicity have been measured in two ways (Reschly, 1997):

1. Comparing the proportion of target-group students in the general population with the proportion of target-group students in the population of students who received a disciplinary action (Porowski, et al, 2014). For example, Black students account for 22 percent of student enrollment in Florida but 40 percent of the out-of-school suspensions and expulsions (Florida Department of Education, 2018), and

2. Comparing the proportion of target-group students receiving a specific disciplinary action with the proportion of referent-group students receiving the same disciplinary action (Porowski et al., 2014). For example, approximately 57,849 Black students in Florida were suspended in 2016/17, compared with 43,712 of White students.

Research Question 3 used a qualitative method of policy analysis, focusing on language and how the interpretation affects students, further contributing to the over or under representation of students in discipline based on race. To answer Research Question 3, the researcher secured relevant state and federal policies, identifying every instance of the word *discipline*. This Critical Policy Analysis, adapted from Ball (2006), is two-fold; interested in the workings of the state and the distribution of the consequences from policies.

#### Delimitations

The study was delimited to the state of Florida, and the investigation of disproportionality was delimited to differences in exclusionary discipline rates associated with the demographic categories of race/ethnicity and gender. Additionally, the study was delimited to the school years of 2012 through 2017, as these are the most current data sets provided by the state.

The study was delimited to two measures; exclusionary discipline (suspensions and expulsions). Although Florida has many non-traditional schools like alternative schools, university lab schools, and schools for the deaf and blind, these schools are a part of the seven districts not being used; the study was also delimited to public schools, which includes public charters.

#### Limitations

Because the study was delimited to Florida, results are not immediately generalizable to other states. Cautious generalizations, however, may be offered if warranted by results. The use of a non-experimental mixed-method design and extant data means that results will not support

causal inferences, though results may point to likely causes and/or contributing factors. A key limitation of this study is the inability of the study design to capture variation in leadership attitudes and perspectives among and within districts—i.e., leader attitudes and perspective inform and shape the way in which leaders enact policy (Hoy, 2012), something that cannot be examined or explained within the study design. An additional limitation is that disproportionality, as measured through relative ratios, will be investigated only for the comparison of White versus Black students (i.e., relative rate ratios will not be calculated for comparisons with other student populations—e.g., Hispanic). Of note, however, is that disaggregated descriptive statistics will allow for general comparisons across all student population categories. A further limitation of this study is that it does not take in consideration the differing culture of the school and community environments. The relationship between the students and students, teachers and students, parents and teacher can have a great influence on the way exclusionary discipline is implemented.

#### Assumptions

The study was conducted under the following assumptions:

- a) Schools understood the definitions of the incidences and reported them correctly to the state for compilation and disaggregation of data;
- b) Schools and their corresponding districts accurately record discipline data;
- c) Districts follow state policy as written, allowing administrators to have all pertinent information when making discipline decisions;
- d) The interpretation of the Florida Department of Education (FLDOE) discipline data accurately reflects the discipline actions of schools statewide.

### Organization of Study

This study is organized into five chapters. Chapter 1 includes the background of the study, statement of the problem, the purpose and significance of the study, definition of terms, conceptual framework, research questions, limitations, delimitations, and the assumptions of the study. Chapter 2 presents a review of the literature, which includes the following areas: zero tolerance policies, the discipline gap and inequities, disproportionality, and CRT. Chapter 3 describes the methodology used for this research study. It includes the selection of data and the statistical analysis procedures used on the data. Chapter 4 presents the study's findings, including the results of statistical analyses, and presents the disproportionality in disciplinary practices from federal to state specific data. Chapter 5 summarizes the study and presents a discussion of the findings. Implications of the findings for theory and practice, recommendations for further research, and final conclusions are also presented in Chapter 5.

## CHAPTER 2 LITERATURE REVIEW

### Introduction

The issue of disproportionate representation of Black males in school-based discipline is a significant and fast-growing problem (Education Week, 2013). Black males have been disproportionately represented in discipline for quite some time; however, since the advent of zero-tolerance policies, those numbers have increased significantly (Lewin, 2012). There is a substantial body of research that shows that children of color experience exclusionary discipline; suspension, and expulsion at a higher rate than their peers. Florida has a higher rate of suspension than the national average (ACLU, 2010) that is ripe for investigation. The unanswered questions of (1) what these patterns of inequity look like in Florida and (2) what in Florida policy might be contributing are the key areas of focus of both the body of literature and this investigation.

Disproportionate representation of minority students, especially Black students, in a variety of school disciplinary procedures, has been documented almost continuously for the past 25 years (Skiba et al., 2000). According to Civil Rights Data Collection (2014) tool of the US Department of Education, Black children represent 18 percent of preschool enrollment, but 48 percent of preschool children receiving more than one out-of-school suspension; in comparison, White students represent 43 percent of preschool enrollment but 26 percent of preschool children receiving more than one out-of-school suspension. Gender further exacerbates the problem; males represent 79 percent of preschool children suspended once and 82 percent of preschool children suspended multiple times, although males represent 54 percent of preschool enrollment.

Black students are suspended and expelled at a rate three times greater than White students (CRDC, 2014). On average, five percent of White students are suspended, compared to 16 percent of Black students.

While Black females are not exempt, as they are suspended at rates of at least 12 percent higher than females of any other race or ethnicity, black males experience exclusionary discipline in the greatest numbers. In its 2014 report, the CRDC (2014) notes that five states reported male suspension rates higher than the national average for every racial and ethnic group. Florida was one of three southern states (South Carolina and North Carolina were the other two); however, it had the highest male suspension rates among the five states reported.

Suspension is not the only area in which Black students are overrepresented. Though Black students account for 16 percent of student enrollment, they represent 27 percent of students referred to law enforcement and 31 percent of students subjected to a school-related arrest. In comparison, White students represent 51 percent of enrollment, 41 percent of students referred to law enforcement, and 39 percent of those arrested. The percentages may seem higher for White students, however, when reviewing the per capita numbers, the rates for Black students carry a higher ratio of incarceration.

McFadden, Marsh, Price, & Hwang (1992) completed a study of South Florida schools using extant data from discipline files in the 1987-88 school year. Of the 4,391 disciplined students in Kindergarten through 12<sup>th</sup> grade, 58 percent were White, 22 percent Black, 18 percent Hispanic, and two percent matched the criteria of “other”. Suspension numbers showed that 35 percent of suspended students were White, 44 percent were African American, and 20.6 percent were Hispanic. Taylor & Foster, in their 1986 study of the Southeastern United States, found that suspension records of a medium sized school district for the 1983-84 school year reflected the

following: at the elementary level, Black students represented 44 percent of the population but 67 percent of suspensions. At the secondary level, Black students were 45 percent of the population and 59 percent of suspensions, which showed not only the inequity in practice but also that exclusionary discipline begins early (Skiba et al 2000).

Skiba et al., (2000) completed an investigation of three alternative hypotheses leading to different conclusions for disproportionate representation based on gender, race, and socioeconomic status and found no support for the hypothesis that Black students act out more than other students.

African American students appear to be referred to the office for less serious and more subjective reasons, arguing that disproportionate representation of African Americans in office referrals, suspension and expulsion is evidence of a pervasive and systematic bias that may well be inherent in the use of exclusionary discipline (Skiba et al., 2000).

#### Research on Disproportionality

Disproportionality occurs when students are overrepresented due to inappropriate referrals, causing overrepresentation in classification, placement, and suspension.

Disproportionality also focuses on underrepresentation in intervention services, resources, access to programs, and rigorous curriculum and instruction—either through placements in more restrictive special education services or through discipline policies that remove students from school (NEA Truth in Labeling, 2007).

In the United States, exclusionary discipline (suspension and expulsion) is commonly used to remove disruptive students from the classroom or school. While any disciplinary action should be applied fairly and consistently to all groups, for more than 35 years, the research literature has highlighted a discipline gap between racial/ethnic minority students and White students (Porowski et al 2014).

Recently, the literature has identified an additional gap in the rates of exclusionary discipline between students in special education and other students. Disparities in discipline are disconcerting because they have been linked to poor academic achievement, grade retention,



recurrent misbehavior, dropout, juvenile delinquency, and other undesirable outcomes (Skiba et al, 2000).

In the 2014 Maryland State Department of Education, which was the prototype for this study in Florida, Kindergarten through 12<sup>th</sup> grade public school data from 2009 through 2012 was used to answer two questions about disproportionality in student discipline in the 24 Maryland school systems:

1. Is exclusionary discipline through suspension and expulsion meted out in a way that has a disproportionate impact on Black and other racial/ethnic minority students relative to White students?

2. Is exclusionary discipline meted out in a way that has a disproportionate impact on students in special education relative to other students?

The study found that although the overall suspension and expulsion rates dropped dramatically from 5.6 percent in 2009/10 to 5.0 percent in 2011/12, they decreased more rapidly for White students than for Black students. The drops in suspension and expulsion rates had the additional effect of increasing the rate of disproportionality between Black and White students. The study also looked closely at the factors that required disciplinary action, and found that for the same type of infraction, Black students had higher rates of OSS or expulsion than White students. Data from the study showed that in every one of the 24 Maryland school systems, Black students received OOS or expulsions at more than twice the rate of White students.

The Maryland study was conducted as a response to a Maryland State Board of Education 2012 mandate to analyze their discipline data and “determine whether there is a disproportionate impact on minority students...and a discrepant impact on students in special education” (Maryland Register, 2013 as cited in Porowski, O’Conner and Passa, 2014). The study

methodology used key terminology related to exclusionary discipline; the discipline gap (Gregory, Skiba, & Noguera, 2010) and exclusionary discipline (Noltemeyer & McLoughlin, 2010), which included suspension and expulsion (Skiba & Sprague, 2008 as cited in in Porowski, O’Conner, & Passa, 2014).

According to Losen & Skiba (2010), Black students experience disciplinary actions more than any other racial or ethnic grouping, including referrals and OSS. When the factor of gender is considered, male students are more likely to be suspended, but Black female students have a higher rate of discipline infractions than their White counterparts (Blake, Butler, Lewis & Darenbourg, 2011). Their study analyzed data that considered 83 different variables and found that overall Black students had a 31 percent greater probability than their peers of other races and ethnicities to receive punitive measures as a response to their behavior/misbehavior (Skiba et al, 2002). Black students were not found, in this research, to engage in behaviors that warranted exclusionary discipline more than their peers (Skiba et al, 2002).

An evaluation of the discipline code of Maryland, Illinois, and Texas found that overly sensitive and combative language were listed as the response to discipline violations. Administrators, often ill prepared, ill-equipped, or with “limited options” chose exclusionary discipline as the answer to disruptions in the classroom and school, for tardiness and truancy, and for lying and cheating (Skiba et al, 2011 as cited by cited in in Porowski, O’Conner, & Passa, 2014).

The National Clearinghouse on Supportive School Discipline (NCSSD) collects school discipline data, which it uses to generate risk ratio charts. These charts reflect data as reported to the United States Department of Education’s Office of Civil Rights by the districts. The discipline disparity data listed on their site has a warning that the data reflected in the risk ratio

may be incomplete or inaccurate because of data quality concerns that may significantly underestimate risk for certain student demographic groups (NCSSD, 2010). Many schools and school districts severely underreport school discipline counts and due to that lack of recorded information, caution is recommended regarding district comparisons. Even with these warning and potential data discrepancies, Florida shows a disparity in the numbers of minority students, especially African Americans affected by disciplinary actions such as: corporal punishment, in-school suspension (ISS) (single and multiple events), and expulsion. However, the research does not specifically focus on or discuss the risk to Black males.

Individual counties such as Pinellas County (2016) have investigated the issue of exclusionary discipline. Volusia County focused on how exclusionary discipline potentially leads to disproportionate involvement of minority youth with the juvenile justice system (2015). A report by the Tampa Bay Times in 2015 led to the Pinellas County School District acknowledging that “racial bias is fueling the jarring discipline disparity in the public schools” (Fitzpatrick, 2016). The district attempted to rectify this by moderating policy, training staff on avoiding implicit bias, and creating alternatives to OSS. However, those efforts did not make the dent that was anticipated, as current analysis shows that the disparity remains and the gap in middle school is at its highest in a decade (Fitzpatrick, 2016). Pinellas County continues to issue OSS to Black students at four times the rate of other children, which highlights the risk ratio since White students outnumber Black students three to one. (Fitzpatrick, 2016). The study did not consider the root causes, policy language, or theoretical framing of the problem of disproportionality in exclusionary discipline. Additionally, this negligible attempt at an action-oriented approach has not been seen statewide.

Research literature focusing on the learning gaps and the discipline gaps between White students and minorities has been extensive but inconclusive; the purpose of this chapter is to present and clarify the topics relevant to the study framing the researcher's original work and give an overview and synthesis of the empirical work that has previously been done. The initial section presents an overview of prior work in this line of inquiry that discloses and quantifies the inequitable distribution of disciplinary actions according to race (i.e., disproportionality). Moreover, this chapter seeks to present a theoretical framework identifying viable rationales for the high rate of children of color experiencing both exclusionary discipline and juvenile incarceration (Losen & Skiba, 2010), using an existing body of evidence on Zero Tolerance Policies, Exclusionary Discipline, Disproportionality/Disparities in Discipline, Critical Race Theory, and the Schoolhouse-to-Jailhouse Pipeline. Additional chapter sections present the relevant literature related to these themes that motivate and frame this investigation into the experiences of Black males in Florida regarding exclusionary discipline and how existing policies might be manifesting these themes and contributing to their experiences (Skiba & Peterson, 1999), given Florida's increasingly diverse population and large urban areas. (USDOE, 2017).

### Zero Tolerance Policies

Zero tolerance policies are the "tough-on-crime" guidelines of the 1990s brought about by President Bill Clinton's Violent Crime Control and Law Enforcement Act of 1994. The Violent Crime Control and Law Enforcement Act was the result of a bipartisan attempt to curb crime by enacting "the largest crime bill in the history of the country" (NCJRS, 1994). Under this law, the following provisions were made: 100,000 new police officers, \$9.7 billion in funding for prisons and \$6.1 billion in funding for prevention programs. The Crime Bill also provided \$2.6 billion in additional funding for the Federal Bureau of Investigation (FBI), Drug

Enforcement Agency (DEA), Immigration and Naturalization Service (INS), United States Attorneys, other Justice Department components, Federal courts and the Treasury Department.

Some of the most significant provisions were the ban on military-style assault weapons, expansion of the federal death penalty to cover about 60 offenses, and prohibition of firearms sales and possession by persons subject to family violence restraining orders. The Act also provided stiffer penalties for violent and drug trafficking crimes committed by gang members. In the case of juvenile offenders, the courts were sanctioned to prosecute children as young as 13 as older if they were charged with certain serious violent crimes, and tripled the maximum penalties for using children to distribute drugs in or near a protected zone, i.e., schools, playgrounds, video arcades and youth centers (NCJRS, 1996). These policies, many now argue, are a contributing factor to today's mass incarceration crisis. More importantly, the policies from the Crime Act of 1994, are believed to have led to discipline practices that criminalize youth and young men of color (Skiba & Peterson, 1999). In recent years there have been attempts to correct these policies and suspensions and other harsh disciplinary practices have decreased. Still, 2.8 million Kindergarten through 12<sup>th</sup> grade students a year receive at least one out-of-school suspension, and Black students are almost four times more likely than White students to be disciplined (Skiba & Peterson, 1999).

According to Raffaele Mendez et. A., (2002), Black males are being suspended and expelled at a very alarming rate throughout the nation's public schools.

The implementation of zero tolerance policies consistently ...yield racial of incarceration (NCES, 2003) where 52 percent of African American males who left school prior to graduation would be incarcerated in their 30s. Existing predictions point to the fact that 32 percent of African American males are likely to be incarcerated (McCray, 2006).

While it is necessary for schools to ensure the safety of its students by implementing discipline policy, as well as maintain a learning environment that is positive and conducive to

student development, the adoption of zero tolerance policies has subjected children to removal for both violent behaviors and minimal infractions like truancy (Losen & Skiba, 2010). The introduction of zero tolerance policies did not reduce misbehaviors or school suspension; rather, the rates of misbehavior increased (Costenbader & Markson, 1998) as did rates of juvenile justice involvement (American Academy of Pediatrics, 2013). Under zero tolerance, a student who violated school rules faced mandatory penalties, adopted from the "broken windows" theory of policing. Further, schools increasingly deployed police officers to monitor their halls. "The theory was that by providing severe consequences to minor infractions, it would send a message to students that disruptive behavior was unacceptable" (Skiba, 2000), but research has shown in recent years that zero tolerance failed in making schools safer and instead resulted in racial gaps in school discipline.

Perry and Morris (2014) suggest that exclusionary discipline has negative impacts on academic performance that affect the school wide community, extending beyond the punished individual, increasing disengagement from school and in the same token, academic development (Skiba, 2004). The harmful effects of exclusionary discipline include approximately 18 million school days lost by 1.5 million student suspensions (Losen et al., 2015), increased dropout rates, and a growing achievement gap (Losen et al., 2015; Mendez et al., 2002). The validation for exclusionary punishment like suspensions and expulsions is that it promotes a welfare of "greater good" because the offending students are detrimental to the learning environment; however, it has proven to conversely influence the community as whole and does harm to school-wide academic performance (Perry & Morris, 2014). More importantly, exclusionary discipline harms the self-concept of students and often increases deviant behaviors (Bullara, 1993), developing a

negative relationship with school (Ferguson, 2000) which lingers and can be transmitted generationally.

Zero tolerance policies, although enacted in the 1990s, can in retrospect, be seen as discipline policy supporting practice; these practices existed and were a part of the educational structure prior to enactment of these policies as rule. What zero tolerance policies did, as a reflection of the broader socio-political context of that time, was codify and legitimize the custom and system which already was in play, a history of disciplining children of color in an exclusionary manner (Brown, 2014).

Discipline in schools is not an issue that comes out of a vacuum and so it is important to consider the social and historical context. President George W. Bush, in the summer of 2003, made a five-day trip across the African continent, and on July 8<sup>th</sup> during a speech, he condemned slavery and extolled the struggles of both slaves and abolitionists in their fight to end the system, while acknowledging the vestiges that remain and continue to shape American society (Bush Archives, 2003):

My nation's journey toward justice has not been easy and it is not over. The racial bigotry fed by slavery did not end with slavery or with segregation. And many of the issues that still trouble America have roots in the bitter experience of other times (Bush Archives, 2003).

Many scholars argue that slavery in the Atlantic world represents the first instance of the mass incarceration of African Americans; capitalism and the use of people as capital is the cornerstone of the justification of the subordination of African Americans. America and its use of violence and discipline, "has played an important role in enforcing the cultural, social, and legal structures used to perpetuate Blacks' marginalization and disenfranchisement. These

structures were and continue to be consequential regarding the Black males' life chances and their positions in America's racial and occupational structures" (Brown, 2014).

Throughout much of the nineteenth century, the focus of teaching was not on the personal relationships between adult and child but on the delivery of rewards and punishments...in such contexts teaching was first and foremost defined as the maintenance of order and respect by any means... (Rouasmaniere, 1994).

In the 1920s in New York City, the city's poorest children, whom were often immigrant or Black, were pulled into schools due to the advent of compulsory school laws. Children who were pulled away from factories and street life were forced to "transition from their communities to a classroom designed to teach academic and middle-class values", but not taught how to exist from day-to-day in the life that they lived outside of the classroom walls (Rousmaniere,1994).

As a part of the idea that the "school would train children how to behave, how to be members of society, be good citizens, and be responsible," (Kafka, 2011), authority to discipline students was given to teachers through the legal term from English common law, "in loco parentis", which translates to "in the place of a parent" (Kafka, 2011). Between 1890 and 1918, as enrollment increased and the traditional one-room schoolhouse gave way to multiple, grade level classrooms with a principal to oversee them, the principal, not the teacher, started to dole out discipline. However, the principal, being removed from the classroom, lost connection and became focused on keeping order (Kafka, 2011). The 1950s brought a widespread fear that kids were out of control — under the influence of comic books and movies, rock, and roll, a fear spread of widespread juvenile delinquency. Teachers wanted to focus on teaching, not behavior problems, but bad behavior was a major issue at the time and standardized rules regulating school discipline were established.

In 1975, the United States Supreme Court ruled in *Goss v. Lopez* that schools could not suspend a student without a hearing, which was a major victory for students' rights. Yet, just a



few years later in *Ingraham v. Wright*, the Court ruled that corporal punishment in schools was constitutional, which remains legal in 19 states. The crack epidemic of the 1980s and 1990s triggered a renewed fear of gang violence and greater efforts to punish criminals both inside and outside of schools. With President Reagan's war on drugs, there was a call to return to "good old-fashioned discipline," describing schools as dangerous places to work and fanning the flames of fear already in existence. The passing of the Gun-Free Schools Act in 1994 began the "zero tolerance" era in American public schools, but the key was that key education stakeholders heavily supported it. Albert Shanker, the president of the American Federation of Teachers (AFT), stated that education reform would be impossible without these policies. "The truth of the matter is that none of these changes will achieve what we want unless schools are safe and orderly places where teachers can teach and students can learn," (Kafka, 2011).

Judith Kafka (2011), who explores the intersection of race, politics, and the bureaucratic organization of schooling, argues that control over discipline became increasingly centralized in the second half of the twentieth century in response to pressures exerted by teachers, parents, students, principals, and local politicians, demonstrating that the racial inequities produced by today's school discipline policies were foreseeable, but not irretrievable.

### Exclusionary Discipline

Exclusionary discipline is defined as any punishment that removes the student from the educational environment; this includes expulsion and suspension and some definitions include in-school discipline (Horton, 2016). Zero tolerance policies have had a negative correlation to the rise in exclusionary discipline in that schools with a higher rate of non-white students "tend to give out longer punishments...indicating that race drives most of the disparities across schools" (Anderson & Ritter, 2017).

Exclusionary discipline, which was originally developed as a means of controlling children bringing weapons or drugs to school (Brown et al., 2013) in the wake of “Get Tough” philosophy from the War on Drugs, has become the mechanism by which the schoolhouse to jailhouse pipeline has been amplified (Skiba & Peterson, 2000). Instead of promoting appropriate behavior, exclusionary discipline has brought about negative impacts such as academic failure, high school dropout, involvement in the juvenile justice system, and grade retention (Florida State Department of Education (1995).

According to a 2014 report from the United States Department of Education’s Office of Civil Rights, Black students represent 15 percent of the student population, but 44 percent of Black students were suspended more than once and Black students comprised 36 percent of expelled students. Researchers have documented the differences and disparities in these rates, providing evidence that non-White students are even subject to receiving suspensions for relatively subjective infractions such as insubordination (Skiba et al., 2014). Recent research suggests that disciplinary disproportionality is becoming more widespread (Wallace et al., 2008) despite legislation and policies being enacted to combat the issue. Furthermore, the overrepresentation of African Americans cannot be explicated with the use of “problematic behaviors” (Wallace et al., 2008) as a rationalization due to the degree by which ethnic differences exceed actual “substance abuse and weapons possession” (Notelmeyer, 2010).

The negative impacts of exclusionary punishment include decreased academic achievement, emotional wellbeing and self-concept. The impact is not limited to the child, however, as the community is also harmed due to the loss of their potential. The practices that are the basis for zero tolerance behaviors have been around for quite some time but gained attention and prominence in the political debate when they were codified into zero tolerance

policies. Zero tolerance policies, as a reflection of the broader socio-political context of that time, were codified and legitimized as practice.

### Disproportionality/Disparities in Discipline

The conceptual definition of disproportionality refers to the ratio between the percentage, particularly of a racial or ethnic group, and their experiences with an event (maltreatment, incarceration, school dropouts) compared to the percentage of the same racial or ethnic group in the overall population (Fong et al., 2014). The ratio insinuates underrepresentation, proportional representation, or overrepresentation of a population experiencing a phenomenon, in this case exclusionary discipline. Similarly, “disparity” refers to “unequal treatment or outcomes for different groups in the same circumstance or at the same decision point. Whereas disproportionality refers to the state of being out of proportion, “disparity” refers to a state of being unequal” (Fong et al., 2014). The connection between the two brings attention to differences in outcomes within systems, deeming it necessary to examine the reasons for these differences and “establish culturally competent practices” to address those differences (Fong et al., 2014).

The disproportionate discipline of African American students has been extensively documented; yet the reasons for those disparities are still not well understood (Annamma et al., 2014). Conversely, disproportionality in Special Education is a federally mandated area of concern, compelling federal legislation. States have an obligation, under 20 U .S .C. 1418(d) and 34 CFR §300.646, to collect, examine, and report data on an annual basis (Federal Office of Special Ed, 2007) determining whether significant disproportionality based on race or ethnicity is occurring within a state with respect to the identification of children as children with disabilities, including identification as children with particular impairments; the placement of children in particular educational settings; and the incidence, duration, and type of disciplinary

actions, including suspensions and expulsions. The data collected based on these policy mandates create a link between Special Education and exclusionary discipline, providing a glimpse into a larger issue.

The phenomenon of disproportionality is particularly troubling as minority children continue to comprise an increasing percentage of public-school students; thus, the federal and respective state governments must be responsive to the growing needs of an increasingly diverse society. Disproportionality is represented in the categories of socioeconomic status, minority status, and gender (Skiba et al, 2002). Studies of school suspension have consistently documented the overrepresentation of low-socioeconomic status (SES) students in disciplinary actions. Students who receive free school lunch are at increased risk for school suspension (Skiba et al., 1997; Wu et al., 1982). In a qualitative study of student reactions to school discipline, both low- and high-income adolescents agreed that low-income students were unfairly targeted by school disciplinary sanctions (Brantlinger, 1991). The Children's Defense Fund (1975) studied national data on school discipline provided by the United States Department of Education Office for Civil Rights (OCR) and reported rates of school suspension for Black students exceeded those for White students on a variety of measures. Since that report, racial disproportionality in the use of school suspension has been a highly consistent finding (Skiba et al., 1997; Wu et al., 1982). In virtually every study presenting school disciplinary data by gender, males are referred to the office and receive a range of disciplinary consequences at a significantly higher rate than females (Skiba et al., 1997; Skiba et al., 2002). Males are over four times more likely than females to be referred to the office, suspended, or subjected to corporal punishment (Skiba et al., 2002; Bain and MacPherson, 1990; Cooley, 1995; Gregory, 1996; Imich, 1994). However, Gregory (1996) found that Black males were 16 times more likely to be

subjected to corporal punishment than White females. At both the junior and senior high school levels, Taylor and Foster (1986) reported a consistent ordering in the likelihood of suspension from most to least: Black males, White males, Black females, White females” (Skiba et al., 2002).

Black students are overrepresented in exclusionary discipline in nearly every state. The Office of Civil Rights (OCR, 2014) reporting system has documented, compiled and, disaggregated data, which purports that Black students are disproportionately represented in the categories of in-school suspension, suspension, expulsions, and probation as the result of the relationship with the Department of Juvenile Justice and Delinquency Prevention, which trickles down to the state offices of Juvenile Justice. The rate at which Black males enter into the juvenile justice system is only one example of both the unequal distribution of challenges in society and its future ramifications which, with connections to CRT, provides an analysis of race and racism from a legal point of view, establishing the basic tenet that racism is engrained in the fabric and system of American society (Delgado, 2001).

The individual racist need not exist to note that institutional racism is pervasive in the dominant culture. CRT identifies that these power structures are based on White privilege and White supremacy, which perpetuates the marginalization of people of color (Delgado et al, 2001, p. 51).

While overrepresentation of African American students in school exclusion does not appear to be dependent on the proportion of African American students enrolled, racial disproportionality in school suspension appears to have increased immediately after school desegregation (Larkin, 1979; Thornton and Trent, 1988).

Disproportionality is a problem that manifests itself primarily in the more subjective categories by the severity of consequence; high-income students more often reported receiving

mild and moderate consequences (e.g., teacher reprimand, seat reassignment), low-income students reported receiving more severe consequences, sometimes delivered in a less-than-professional manner (e.g., yelled at in front of class, made to stand in hall all day, search of personal belongings). African American students are also more frequently exposed to harsher disciplinary strategies, such as corporal punishment (Gregory, 1996; Shaw and Braden, 1990), and are less likely than other students to receive mild disciplinary alternatives when referred for an infraction (McFadden et al., 1992).

Florida currently has the highest rate of exclusionary discipline in the nation (USDOE, 2010). A longitudinal study completed by Robert Balfanz, Vaughan Byrnes, and Joanna Fox (2012) of Florida students from 2001-2008 showed the effects of suspension in 9th grade; the researchers analyzed the interrelated factors regarding suspension, attendance rates, and course failure. The study was able to control for varying factors such as race, special education status, and socio-economic status. The conclusions from this report reinforce previous research around disproportionality; Black, Hispanic, special education, and students with a low SES are much more likely to be suspended. It also concluded that even when controlling for SES, Black students are still overrepresented (Bradford, 2013).

When assessing racial/ethnic disproportionality, Florida should determine criteria for defining significant disproportionality and apply these criteria to all analyses. According to the USDOE (2010), Florida, by flagging any noteworthy disproportionality identified by the criteria for review, would allow appropriate revision of policies, procedures, and practices. Assessing disproportionality across the state and at the district level as in this study, allows for both analysis and understanding of a widespread issue at the district level, even when there is no significant disproportionality at the state level (USDOE, Office of Special Education, 2010).

Laws have been enacted over the course of American history that have extended to marginalized groups long after the same rights were granted to majority group members. (Alexander & Alexander, 2009). In the more than 60 years since the *Brown v. Board of Education* ruling, the United States has been struggling to assure educational equality for all learners. Attempts at equality through the accountability and standardization movements have failed to close opportunity gaps for the most vulnerable and marginalized groups, particularly for students with disabilities and students from diverse backgrounds (Kramer et al., 2017). Current reforms and policy responses to disproportionality will need to broaden the didactic conversations for a deeper analysis, recognizing the implications for sustained and comprehensive solutions.

There are many contributing factors to disproportionality, such as school factors like referrals and discipline, teacher factors such as the cultural mismatch and cultural deficit, and teacher expectations. School level expectations of behavior leaves many situations at the discretion of the teacher and administrator to interpret and provide a label. A terse interaction or disagreement is read as insubordination or even threatening to staff, which could carry criminal consequences. The cultural mismatch and lack of understanding that often exists between middle class White women and inner-city Black males allows for situations that could be handled with a conversation to require documentation and punishment (not remediation or rehabilitation). These micro-exchanges in classrooms and hallways across America are the tunnel through which harsher disciplinary actions and their ramifications manifest (e.g., teacher referrals, the lens through which behavior is filtered, is clear based on incident reported and language used). The data shows that schools with more minority teachers have lower rates of referrals and exclusionary disciplinary action for smaller infractions such as “insubordination”.

## Critical Race Theory

Critical Race Theory (CRT), as a theoretical framework in the understanding of school inequity, is based in three key tenets according to Gloria Ladson-Billings (1995); race is a significant component when controlling for inequity in the United States, the culture of the United States is centered around property rights, and the intersection of race. Those rights can be a tool to analyze social (and consequently education) inequity.

CRT, the brainchild of attorney and scholar Derrick Bell (1987), uses critical theory to examine society and culture as they relate to categorizations of race, law, and power. It began within American law schools in the mid-to-late 1980s as a reworking of critical legal studies on race issues and is loosely unified by two common themes:

1. White supremacy and racial power are sustained over time and, law and policy may play a major role in maintaining this hierarchy.
2. How to go about altering the relationship between law and racial power, accomplishing the realization of racial “emancipation” and ridding minorities of the role of subservience (Crenshaw et al., 1995).



**Table 2**

**Five Basic Tenets of Critical Race Theory (CRT)**

---

<b>Ordinariness</b>	Recognizes that race is commonplace in America, making racism difficult to tackle (Delgado & Stefancic, 2010)
<b>Interest Convergence</b>	Society and all its changes, including racial justice, are set in the interest of the dominant group (Lopez, 2003)
<b>Social Construction</b>	Race is, and has been constructed historically by how individuals are identified and treated (Marable, 2002)
<b>Differential Racialization</b>	Society creates models and a hierarchy for minorities which creates competition amongst groups (Winant, 2004)
<b>Legal Storytelling</b>	Minority stories are communicated through the way they experience their existence within the system they live (Delgado & Stefancic, 2001)

---

Since *Brown vs Board of Education*, the population of Black students has increased to 12 percent of the population of students, numbering in the majority in “twenty-one of twenty-two of the largest urban school districts” (Ladson-Billings & Tate, 1995 p 55). While the civil rights case was meant to desegregate the school system, United States schools are more segregated now than they were in 1954 (Cochran-Smith & Lytle, 1992). In both Northern California and Buffalo, New York attempts at desegregation failed Black students. In California, the enticement

of free camping and ski trips only benefited White students who already owned the expensive equipment to participate in such activities. In Buffalo, while the schools were desegregated and magnet programs were provided, the rates of exclusionary discipline continued to rise. The equation for maintaining necessary numbers was to use whiteness as both enticement and leverage; the programs were created to, "... ensure that White students were happy or didn't leave the system altogether, regardless of whether African American and other students of color achieved or remained" (Ladson- Billings & Tate, 1995 p. 56).

Whiteness is described as the ultimate property, a valuable tool that provides access to use and enjoyment, as well as the absolute right to disregard others who do not possess that right (Harris, 1993). It also makes less attainable the idea of the American dream. The United States being a racialized society removes the notion that race is an ideological construct because the impacts of race are concrete. Race, as stated by Nobel Laureate (author) and professor Toni Morrison, is "expensively kept, economically unsound, a spurious and useless political asset in election campaigns...it is so completely embedded in daily discourse it is perhaps more necessary and more on display than ever before"(Ladson-Billings & Tate 1995). Omi and Winant suggest that race is a matter of both social structure and cultural representation, and thus a powerful tool that sheds light on social inequity.

Jonathan Kozol and Jeannie Oakes both deliberate on the inequities between the schooling experiences of White middle-class students and poor African American and Latino students,

... even if we account for the constant of class middle class African American students do not achieve in a manner that is parallel to their White counterparts. Neither class, race nor gender examined separately or together can explain the high rate of school dropout, suspension, expulsion or academic failure amongst the African American and Latino male population (Ladson-Billings & Tate, 1995).

Throughout history, various racial groups in the United States—Native Americans, Polish, Irish, German, Blacks, Japanese, Chinese, Korean, and Latino—have been racialized to respond to the needs of the majority group. Racial stereotypes, even demonization, have occurred to maintain social order and fulfill societal lack. Lani Guinier (2001) examined how voting behavior and laws affect the quality of the representation that the minority community receives in national and state legislatures. This lack of access to power extends to bias in a neutral measuring tool such as standardized testing, which seems clear-cut but can be far-reaching as scores dictate educational opportunities which can either facilitate or limit future opportunities through occupational qualifications. Stereotypes and testing limitations are benign and less insidious, as they have little monetary association. In a country built on free market enterprise and capitalism, the ultimate educational capital is property.

Property in education, per Ladson-Billings and Tate (1995), is unambiguous but metaphorical, as property taxes are the means by which education receives its funding. Based on the basic equation of average student expenditure, the area with the “better property” has “better schools” and curriculum, which is considered intellectual property, as they can afford both the quality and quantity their students need. The opportunity to learn while supported by technology, labs and certified and experienced educators is only afforded to those who can afford it, despite the federal and state mandates that would attempt to equalize education through standards.

The interest convergence of CRT and disproportionality or disparities in education have existed from the illegality of educating Africans slaves (Gadsen, 1994), through the isolationism and separation of Black students in the Jim Crow South (Butler, 1993), and continues even after the federal mandate of Brown vs Board of Education (Blanchett et al., 2005). White superiority manifests itself in the discipline numbers across the country, but specifically in the state of

Florida because legislation attempted to resolve discrimination without remedying inequalities within the system, creating a dichotomy of no longer separate but still not equal (Tyack, 1967).

### School-to-Prison Pipeline

The School-to-Prison Pipeline, or STPP, (Schoolhouse-to-Jailhouse) is a paradigm that describes both policy and practice in respect to school discipline, and the relationship between the public schools and the juvenile justice system (Skiba et al, 2014). This construct focuses on the negative life outcomes of children, especially minority children, and the diminution of their potential. STPP, brought before Congress by the Chairman of the Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights, is seen as a political construct not validated systematically; its validity is only supported through its use by researchers, but not policymakers (St. George, 2012).

According to the research on STPP, there is a growing pattern of students being removed or leaving schools due to zero tolerance policies and explicitly or implicitly becoming a part of the juvenile justice and eventually the adult criminal justice system (Heitzeg, 2009). Darenbourg, Perez and Blake (2010) propose that exclusionary discipline; suspensions, expulsions, alternative schools and measures are being experienced by Black males at a higher rate, funneling them from the classroom to jail cells and that this is not by happenstance but by design (Burris, 2012). Through the lens of CRT, STPP advocates contend that educational policy and practice pushes out the most at risk and marginalized (ACLU, 2008). Pushing students of color and students with disabilities who are represented disproportionately in both (Exceptional Student Education) ESE and disciplinary actions (Wald & Losen, 2003), away from academic achievement and towards the criminal justice system creates a vicious cycle they find hard to escape (Advancement Project et al., 2011). Students with the greatest academic (low achievers or

learning disability), social (foster care or protective custody), economic (homeless or low SES) and emotional needs, according to Johnson, Boyden and Pits (2001) are most likely to be suspended or removed from classrooms (Noguera, 2003).

Racial and ethnic disparities have been found in data from national to local levels and in districts encompassing urban, suburban and rural areas. Disproportionality has been documented in the number of office referrals (Skiba et al., 2011), suspension and expulsion, and school arrests (Theriot, 2009). According to the data collected by the Southern Poverty Law Center (2013), Black students are three to five times more likely than their counterparts to be suspended or expelled. According to the United Department of Education Office of Civil Rights (2012), Black students make up only eighteen percent of the school population but account for 46 percent of those who have been suspended more than once. Students with learning disabilities make up 32 percent of the children in juvenile justice centers but only account for 8.6 percent of the population in schools (SPLC, 2013). 61 percent of youth in juvenile justice detention centers reported being suspended or expelled in the year immediately prior to being in custody (Sedlak & McPherson, 2010), while a sampling of 500 males in a detention facility, showed that four in five had either been suspended more than two times or had been expelled from school (Noguera, 2003). It cannot be proven that the relationship is causal, but this data creates a theoretical link between exclusionary discipline and the prediction of juvenile justice contact.

The behaviors that are often exhibited by many children who are suspended or expelled, while less desirable, are subjective and more about defiance and adjustment issues than criminality (Noguera 2003). Students who are maladjusted tend to internalize the labels placed upon them, creating a self-fulfilling prophecy that escalates to a “matriculation from school to prison” (Noguera, 2003).

Disciplinary practices in schools mirror the approaches used to control and punish adults. “Consistent in the way we approach crime in society, the assumption is that safety and order can be achieved by removing bad individuals and keeping them away from others who are presumed to be good and law abiding” (Noguera 2003, p 343). The policy of introducing police officers into the school environment to control student behavior produced an alarming spike in the criminalizing of students and the numbers of students being introduced into the STPP. According to the United States Department of Justice, the number of school resource officers increased by 38 percent between 1997 and 2007. Due to this spike, students are more likely to be arrested for nonviolent and school related offences such as class disruptions (SPLC, 2013). The United States Department of Education (2005) study found that 70 percent of students referred to juvenile justice or arrested in school related occurrences were Black or Latino.

The state of Florida is publicized as having some of the most severe zero tolerance policies in the nation and corresponding high numbers of exclusionary discipline and school related arrests (American Anthropological Association, 2014). In the state of Florida, while the Department of Juvenile Justice (DJJ) report (2011) showed a decline in overall arrests from 2000 to 2010, there was an increase of 28 percent for black youth, showing a relative rate ratio of 2.73 times. An eight-year study conducted by the Florida DJJ showed that between fiscal years 2004/2005 and 2011/2012, there were over 166, 000 school related arrests and approximately 47 percent of those were arrests of Black children. This would not be significant if it was not for the fact that African Americans only account for 22 percent of the student population. Further examination of those numbers showed that when brought to trial, the cases of Black youth were overwhelmingly referred from commitment or transferred to adult court (ACLU, 2013). According to the Advancement Project and Florida NAACP’s 2011 report, Florida “has the

highest documented number of school-based referrals to law enforcement in the country”, and of those cases, 60 percent were for non-violent offenses (American Anthropological Association, 2014).

Sociologist Loic Waquant argues that the link between inner-city schools/urban communities (African Americans account for most of the population in 21 of 22 urban centers in the state of Florida) and prisons is not accidental (Noguera, 2003). There exists a “deadly symbiosis between the ghetto and prison”. As discussed in CRT, it has been the function of government and policy to find a place for a demographic of people who were captured to be exploited for their labor and now must be integrated into society. He contends that public schools in the urban centers function as a means of guaranteeing custody and control, like the prison system (Noguera, 2003). The increased numbers of children, particularly Black and Latino males being incarcerated matches the ballooning prison population comprised of Black and Latino men, “who are punished and disproportionately pushed out of school”. (Noguera, 2003 p 349)

### Summary

In summary, this review of the background and issue of discipline disproportionality sets the frameworks for investigation in the state of Florida. Research on why exclusionary discipline and the risk it poses to Black males who are disproportionately affected (Noguera, 2003) offers few views on the issue in the state and the potential reasons for it. There has been insufficient inquiry into how the current policy language and societal canons leave room for bias or maleficence (SPLC, 2013). While unclear as to the specific reasons for this disparity, the theoretical framework has proffered theories to delve deeper into the issues; the STPP, CRT, and zero tolerance policies (Skiba et al, 2011). This chapter also briefly examined the work completed in Maryland (2014), the model for this study, as well as that of other states and

smaller entities (counties) within the state of Florida (Pinellas, 2015) in recognizing, researching and analyzing this issue.

Accordingly, the following chapter will set out the methodology that was employed during this study in preparation for the primary elements of the research.



## **CHAPTER 3 METHODOLOGY**

### Introduction

The purpose of this research study was to determine if there exists, and disclose if found, a discipline gap along the lines of race and gender in the state of Florida. The quantitative part of this mixed-method approach will not only disclose whether a gap exists but will show how large or small it is; the qualitative phase will attempt to identify any links between policy and those gaps. This chapter describes the methods used to answer the four research questions posed in Chapter One, to determine if exclusionary discipline (suspension and expulsion) is administered in a way that has a disproportionate impact on Black students relative to White students, and males relative to females. These issues were investigated within 67 Florida school districts throughout the state, both urban and rural and grades K-12 for the school years 2013 – 2018.

The investigation used a non-experimental mixed method design, using extant data from the Florida Department of Education discipline database and a policy analysis of both federal and state of Florida education policies. The study utilized a sequential exploratory design, with collection; completing an analysis of quantitative data followed by a collection and analysis of qualitative data. The process was not successive but used as a measure of synthesizing and making sense of numerical statistics (Creswell, 2014).

The quantitative data applied a relative rate ratio (Porowski, 2014), which compared discipline using the categories of race and gender; White versus Black, and male versus female with the overall population of students. The data was examined to disclose and describe differences between the way each subgroup experienced exclusionary discipline. The qualitative analysis consists of a critical policy analysis reviewing etymological context and their consequences. The chapter contains six sections: (a) research questions, (b) participants, (c) instrumentation, (d) data collection and procedures (e) validity and reliability, and (f) data analysis.

### Research Questions

This mixed-methods study sought to answer three research questions:

1. Is exclusionary discipline (suspension and expulsion) administered in a way that has a disproportionate impact on Black students relative to White students?
2. Is exclusionary discipline (suspension and expulsion) administered in a way that has a disproportionate impact on males relative to female students?
3. How do federal and state policies contribute to racial and gender disparities in school discipline?

Each of these questions was investigated and answered using publicly available data from the Florida Department of Education website (Florida Department of Education, 2017).

## Research Design

This study utilized sequential exploratory design (SED), a mixed methods research design that employs both quantitative and qualitative approaches to gather and analyze data (Creswell 2003). The sequential form uses one type of data, which then informs or provides a basis for collection of another type of data. Exploratory sequential design examines both approaches, making connections between different types of qualitative and quantitative data.

SED is the appropriate design for this study because a large amount of archival discipline data from the DOE site was available to conduct a relative rate ratio analysis. After focusing on the type of data that would be required for analysis, that information was extrapolated for each year from 2013 to 2018. The relative rate ratio compared the number of discipline incidences (race and gender) to the overall population and the ratio of incidence rates in the exposed and unexposed groups. Originally several race/ethnicities (Hispanic, Asian, more than one race) categories were a part of the data set as well as multiple forms of disciplinary action (i.e. corporal punishment). The data set was reduced to Black, White, male, and female. The discipline codes focused on suspension and expulsion, as they were the areas of focus in the research questions. The rationale for utilizing this design is that SED allowed for the quantitative analysis of the discipline data from all five years (2013-2018) while also getting to the essence of the documents for data reduction, making it all meaningful.

For the qualitative phase, several state and federal policies were investigated using a priori coding to complete an analysis of the content. Data reduction was the outcome of coding within the context of content analysis. A priori coding is a form of open coding used to break down raw data and form categories (grouping similar topics) before the analysis. As coding was conducted, a trend in lack of data arose and thus, a break down and catalogue of data was also needed while reviewing the policy, leading to inductive/emergent coding.

Mixed-methods sequential explanatory design entails collecting and analyzing quantitative, then qualitative data in two consecutive phases within one study. The issue that may arise from such a design includes “deciding on the priority or weight given to the quantitative and qualitative data collection and analysis in the study, the sequence of the data collection and analysis, and the stage/stages in the research process at which the quantitative and qualitative data are connected and the results are integrated” (Ivankova, Creswell & Stick 2006). As the quantitative data was more “straightforward” it made for a more efficient and speedy process, while qualitative analysis required multiple steps and unpacking.

### Population

The population of this study included all ‘traditional’ Florida districts (excluding seven “special districts”). The participants are a part of Florida’s 2.8 million students enrolled in public, charter, private and online programs throughout the state (National Center for Education Statistics, 2014). During the 2015-2016 school year, there were 74 public school districts in Florida, which served 2,819,614 students. The seven special districts were not included as part of the study, therefore only 67 districts had data that was included as part of the study (Florida Department of Education, 2016).

Of 2,819,614 total students, 1,158,026 (41 percent) qualify for free lunch and 140,305 (five percent) qualify for reduced-price lunch (National Center for Education Statistics, 2014). In Florida, most students are White, totaling 1,121,254, or approximately 41.6 percent of the student population in the state (FLDOE, 2018). 22.95 percent of students were Black or African American according to the statistical accounting in 2014 (National Center for Education Statistics).

The target population is male and female students in Kindergarten through 12<sup>th</sup> grade in the state of Florida. The unit of analysis is the school district. Although not significant to the

study data, socioeconomics is key to the prior research in CRT, one of the theoretical frameworks used for historical and social context. Prior research established that socioeconomic factors, and racial composition do influence student contact with exclusionary discipline (Losen & Skiba, 2010; Skiba et al., 2014).

### Variables

The dependent variables were the In-school (ISS) and out-of-school suspension (OSS), and expulsion rates aggregated per school district. Repeat offenders, or rates of recidivism are not captured, as the data is based on numbers of incidences and disaggregated by type (with/without services, in or out of school). There were two independent variables for Research Questions 1 and 2. The school years 2013 to 2018 helped to determine the overall trend in disproportionality and differences in ISS, OSS and expulsion rates over the time period being studied. The disaggregation of data by subgroups; both gender and ethnic (White, Black) provided another dependent variable, which helped determine trends in each subgroup to answer Research Questions 1 and 2. The denominator used as part of the computation of discipline ratio was student annual enrollment; Question 1 considered enrollment for that school year divided by each student enrolled that fit the racial demographic while Question 2 did the same using gender.

Research Question 3, being qualitative, did not have variables that can be defined. There were not data to be measured or tested. However, using the grounded theory method to study objective lexicon found in the policies reviewed, data analysis was used to question rather than measure, generating hypothesis using theoretical coding (Maldia, 2014).

### Instrumentation

This study used discipline data from 2013-2014, through 2017-2018 school years. The study was conducted under the following assumptions:

a) Schools understood the definitions of the incidences and reported them correctly to the state for compilation, and disaggregation of data;

b) Schools and their corresponding districts accurately record discipline data;

c) Districts follow state policy as written, allowing administrators to have all pertinent information when making discipline decisions; and

d) The interpretation of the FLDOE discipline data accurately reflects the discipline actions of schools statewide.

Reliability and validity of the discipline data is described in detail by the Florida Department of Education (2016). Reliability indicates that the data is collected and presented annually in the exact same categories, maintaining the uniformity and dependability of the data for analysis (Florida Department of Education, 2016).

Validity refers to the test, measuring what it asserts relative to what it professes to gauge. “Validity refers to the essential truthfulness of a piece of data. By asserting validity, the researcher is asserting that the data measure or reflect the specific phenomenon claimed” (ASCD, 2000). The evidence of prima facie validity exists in the data and its source. The districts and the state use consistent terminology to report the constructs of interest: ISS, OSS, and expulsion. The Florida Department of Education, under the Disciplinary/Referral Action Code, definitions are as follows for Pre-Kindergarten through 12<sup>th</sup> grades:

1. In-school suspension (ISS) is defined as the temporary removal of a student from the school program not exceeding ten days.
2. Out-of-school suspension (OSS) is defined as the temporary removal of a student from a school and the school program for a period not exceeding ten days. (Ch. 1006.08, F.S.).

3. Expelled without continuing educational services is removal from regular school without continuing educational services provided by the district.
4. Expelled with continuing educational services is removal from regular school with continuing educational services by the district which may include a disciplinary program or second chance school, and/or referred to the criminal justice or juvenile justice system.

#### Data Collection and Procedures

Data collection is defined as the procedure of collecting, measuring and analyzing accurate insights for research using standard validated techniques. In most cases, data collection is the primary and most important step for research, irrespective of the field. The most critical objective of data collection is ensuring that information-rich and reliable data is collected for statistical analysis so that data-driven decisions can be made for research. The present study aims to study the discipline policies of the state of Florida using both quantitative and qualitative measures.

#### Phase 1: Quantitative

This study used extant quantitative data (mean scale scores) for each reporting district in the state of Florida. Demographic data does not have any identifying markers except for gender and race. The extant data sets for the research study were readily available through the Florida Department of Education's website, which releases discipline data after it has been collected and aggregated by the individual districts. The study uses data from five school years, 2013 through 2018. All personal identifiers were removed prior to data transmittal to DOE. The data includes overall disciplinary infraction rates for each district based on disciplinary action and

disaggregated by race/ethnicity and gender, for all students in grades K–12, including type of infraction, disposition (ISS, OSS, expulsion, or corporal punishment, etc.), and total number of days a student was removed from school.

The researcher used the state data to create an Excel spreadsheet to perform the analysis. The first column in the spreadsheet was reserved for the years of discipline data accessed, in this case they were 2013-2014, 2014-2015, 2015-2016, 2016-2017 and 2017-2018. Column B (B2 – B6) showed annually, the number of Black students expelled without continuing education services for each of the years, with B7 showing the total for the five years. Column C (C2-C6) highlighted the number of Black students expelled with continuing education services, with C7 showing the total for the five years. Column D (D2 – D6) listed the number of Black students suspended in-school, with D7 showing the total for the five years of data accessed. Column E detailed the number of Black students suspended out-of-school and E7 provided a total for the five years. An accounting of how many students were enrolled in each of the years (2013-2018) were listed in column F (F2-F6) with a total number of Black students enrolled for each individual year, with the total listed in F7.

Column G (G2 – G6) showed annually the number of White students expelled without continuing education services for each of the years, with G7 showing the total for the five years. Column H (H2-H6) highlighted the number of White students expelled w/ continuing education services with H7, showing the total for the five years. Column I (I2 – I6) listed the number of White students suspended in-school, with I7 showing the total for the five years of data accessed. Column J detailed the number of White students suspended out-of-school and J7 provided a total for the five years. An accounting of how many students were enrolled in each of the years (2012-



2017) were listed in column K (K2-K6), with a total number of White students enrolled for each individual year with the total listed in K7.

Column L was used to conduct a Relative Rate Ratio for Black students using the formula  $SUM(B2:E2)/F2$  for row 2,  $SUM(B3:E3)/F3$  for row three and continuously through the column to row seven  $SUM(B7:E7)/F7$ . This same method was used for column M, which was used to conduct a Relative Rate Ratio for White students. Row N subtracted L from M to measure the difference in Relative Rate Ratio for each year of discipline data used (2012-2017).

These steps answered Question 1, informing the differences in race. Similarly, for Question 2, data were catalogued by gender and year and the process was repeated. The purpose for creation of categories was that there was an excessive number of categories of discipline and other racial categories to account for in the calculations, which would result in many degrees of freedom. This skewed the results and made them less meaningful, this however also creates a limitation in the analysis of data.

#### Phase 2: Qualitative

The qualitative data consists of state statute (Title XLVIII K-20 Education Code) retrieved from Florida Compilation of School Discipline Laws and Regulation. Federal policy (NCLB, ESSA, Gun Free Schools Act) relevant to disciplinary practices was retrieved from the US Department of Education (Ed. Gov) and Congress (Congress.gov) online databases.

ESSA - Every Student Succeeds Act (2015), represents the reauthorization of the Elementary and Secondary Education Act (ESEA), the nation's national education law (Ed.gov, n.d.).

Title IV of the No Child Left Behind Act (NCLB), legislation enacted since 2001, was edited and reintroduced as part of ESSA. (Ed.gov, 2010)

The Gun Free Schools Act 1994 was introduced as the beginning of zero tolerance policies. Originally passed as section 1702 of the Crime Control Act of 1990, it was deemed unlawful for any individual to knowingly to possess a firearm in a school zone and set forth penalties as to be carried out by each state (Herb, 1990).

Florida Statute Chapter 790.115 informs firearms policy; the prohibition of possession or discharging of weapons or firearms at a school-sponsored event or on school property and penalties and exceptions (Ed.gov, 2018)

Florida Statute Chapter 985 allows schools to take students into custody or to be placed in the custody of Juvenile Justice for intake, intervention, and/or diversion (Ed.gov, 2018).

Florida Statute Chapter 1002 is key to the due process of students (Pierre, 18).

Florida Statute Chapter 1003 focuses on public K-12 education and other provisions for the education of all students, even those being subject to disciplinary action. (Ed.gov, 2018)

Florida Statute Chapter 1006 focuses on support for learning with subsection Part I Subpart C being especially attentive to student discipline and school safety (Ed.gov, 2018).

To get to the essence of the documents being analyzed, a priori coding was used. Coding is a process used in analysis of qualitative research which takes a large amount of information, in this instance policy, and uses a predetermined (a priori) or emergent (open) pattern to categorize and condense for content analysis (Blair, 2015). Coding helped identify salient passages that, through inductive reasoning, identify tentative themes.

Reading passages from each of the documents, the researcher employed two codes: any segment that informed the issue of discipline and race, and argument or discussion of discipline and gender (Johnson, 18). Once group coded, these passages could be analyzed to respond to Research Question 3. While reading, an open code was implemented as there were issues that

had not been considered but were consistent and relevant to the issue of discipline, specifically the issue of discipline and socioeconomics.

### Data Analysis

Data analysis is the process of inspecting, cleansing, transforming, and modeling data with the goal of discovering useful information, informing conclusions, and supporting decision-making. There are differences between qualitative data analysis and quantitative data analysis. The qualitative research for this study used policy analysis, identifying common patterns and critically analyzing them in order to achieve research aims and objectives. Data analysis for the quantitative portion of this study involved critical analysis and interpretation of figures and numbers and attempts to find the rationale behind the emergence of main findings (Cresswell *et al*, 2003).

Comparisons of primary research findings to the findings of the literature review are critically important for both types of studies – qualitative and quantitative. The mixed methods approach of this study drove the design of the research study, helping to determine at what point in the project data was collected and analyzed. The qualitative and quantitative data were analyzed sequentially using triangulation to assess for trustworthiness of the qualitative data and depending on the collection methods of the state for reliability of quantitative data (Johnson & Turner, 2003).

### Quantitative

Relative rate ratio is computed as the ratio of the incidence rate in an exposed group divided by the incidence rate in an unexposed (or less exposed) comparison group (LaMorte, 2018). The process for generating relative rate ratio did not just involve reviewing variables generated by FLDOE; the analysis involved both computing the relative rate ratios and then reviewing and interpreting them. Using the discipline data available, an excel spreadsheet was

created listing suspension and expulsion actions of Black and White students (sheet 1) as well as male and female students (sheet 2). A formula was used to compute the ratio of occurrences between the different groups (SUM(starting with expulsions: through all disciplinary actions for that school year:)/number enrolled for that school year. For example, the 2014-2015 school year (sheet 2) relative rate ratio looked like this:  $SUM(B4:E4)/F4$ .

For Research Question 1, the researcher presented the data for analysis by entering it onto an excel spreadsheet on the overall trends in suspension (in or out of school) and expulsion (with or without services) for the five-year time frame for the population of the state of Florida, with the exception of the seven special districts. Each year was examined for their comparative relative rate ratio between Black and White students; presenting any significant disparities in the rate at which each was disciplined. This was completed for each type of incident (suspension and expulsion) significant to the study.

To answer Research Question 2, the researcher analyzed the descriptive statistics presented in the excel spreadsheet on the overall trends in suspension (in or out of school) and expulsion (with or without services) for the years 2013 - 2018 for the K-12 population of the state of Florida, with the exception of the seven special districts. Each year was examined for their comparative relative rate ratio between male and female students; presenting any significant disparities in the rate at which each was disciplined. This was completed for each type of incident significant to the study.

Both Research Questions 1 and 2 were analyzed and graphed according to subgroups or categories already disaggregated in the data. Trends in disproportionality were visually represented for further examination. However, without qualitative data, it is not possible to truly

connect the data and the theoretical frameworks through the language found in federal and state policies.

### Qualitative

Coding is defined as marking segments of data with symbols, descriptive words or category names. A priori coding is developed before examination of data. The codes were implemented to condense the policy data and summarize it, not just reduce it. The process of coding turned abstract information into concrete data (Graue & Walsh, 1998).

The process of a priori coding began with the following codes: policies that spoke to discipline and race and policies that reflected discipline and gender. These codes were reflective and connected to the quantitative data collected for analysis. During the process of coding, additional codes were added, which included policies that focused on discipline and school funding, and discipline and the achievement gap. These codes were a direct result of the language found in the policies.

Abductive reasoning consists of gathering or finding, based on a translation of gathered information. It is a practice implemented when there is no fitting clarification or guideline in the store of learning which now exists. Since no reasonable "classification" can be discovered, another one must be imagined or found by scholarly exertion, an intellectual rationale of disclosure (Peirce, 1931-1935). During this instance, there were very few clear associations based on the prior codes and this in itself created a question for examination: "With the data reflecting discipline incidences and disparities in how discipline is administered, why are there so few references to gender or race in the discipline policy at both the state and federal levels"?

The concepts of validity and reliability are relatively foreign to the field of qualitative research. Instead of focusing on reliability and validity, qualitative researchers substitute data trustworthiness. Trustworthiness essentially allows the data presented to be relied upon.

Trustworthiness consists of the following components: (a) credibility; (b) transferability; (c); dependability; and (d) confirmability (Devault, 2018). Credibility is used in preference to internal validity; transferability is used in preference to external validity/generalizability; dependability is used in preference to reliability; confirmability is used in preference to objectivity (Korstjens & Moser, 2017). For the purposes of this study the researcher used the following credibility, transferability and dependability methods:

1. Data triangulation refers to using multiple data sources in space (collecting data on the same phenomenon in multiples sites or test for cross-site consistency); multiple policies were reviewed for coding and analysis (Lincoln & Guba, 1985).
2. Examination of previous research findings to assess the degree to which the project's results are congruent with those of past studies. Silverman (2001) affirms that the ability of the researcher to relate his or her findings to an existing body of knowledge is a method useful for evaluating qualitative data. Previous studies staged in the same or a similar manner or addressing related issues are invaluable sources; as this study is a replication, this method fit perfectly (Shenton, 2004).
3. In order to address the dependability issue more directly, the processes within the study were reported in detail, using the Maryland study as a prototype, enabling a future researcher to repeat the work and gain similar results. Dependability allows the reader to assess the extent to which proper research practices were followed,

developing a thorough understanding of the methods and their effectiveness because the planning and execution are defined in a deliberate manner (Shenton, 2004).

### Summary

This chapter explained how the study was completed to answer the four research questions. The research questions were posited to examine discipline disproportionality in exclusionary discipline in 67 of Florida's public-school districts. The participants consisted of the population of 2.8 million students during the selected years of 2012-2017, as demographically identified by the districts and shared with the Florida Department of Education. The instrumentation was reviewed, including the validity and reliability of the testing instrument. The method for data collection was described along with the analyses used to examine the data. In the following chapter, the results of this investigation will be presented.

## **CHAPTER 4 RESULTS**

### Introduction

This intent of this study was to disclose and describe the extent of race- and gender-based disproportionality in the administration of exclusionary discipline in Florida and to investigate the possibility of relationships between state and federal policy and disproportionality. The following research questions guided the study:

1. Is exclusionary discipline (suspension and expulsion) administered in a way that has a disproportionate impact on Black students relative to White students?
2. Is exclusionary discipline (suspension and expulsion) administered in a way that has a disproportionate impact on males relative to female students?
3. How do federal and state policies contribute to racial and gender disparities in school discipline?

The research design is a sequential mixed methods study that uses results from the analysis of quantitative data (FLDOE extant discipline data) in Phase 1 to inform and interpret the analysis of qualitative data (federal and state discipline policies) in Phase 2. The chapter contains five sections: descriptive statistics for variables utilized in the Phase 1 quantitative analysis, results from the Phase 1 analyses to answer Research Question 1 and Research Question 2, results from the Phase 2 qualitative analyses to answer Research Question 3, a synthesis section where Phase 1 and Phase 2 results are integrated, and a summary.



## Descriptive Statistics

The data used in this study were obtained from the Florida Department of Education and provide information from prekindergarten through twelfth grade. The data are disaggregated by student demographic characteristics (such as race/ethnicity, gender, disability, English language learner and economic status). The data account for the approximately 2.8 million students enrolled in Florida's 74 districts (67 regular, 7 special districts). The discipline data analyzed focuses on those students enrolled in *regular* districts. Regular districts are those not specialized to meet the needs of a specific demographic group (often exceptional education students, i.e. blind, deaf, autism). These "regular" schools might have cases of inclusion but are not solely focused on addressing the needs of these students. Because their disciplinary plans and thus data would be different, their data is not a part of the data collected nor analyzed as a part of the study.

The Student Enrollment interactive reports, from which the data is taken, reflect final survey 2 data (fall enrollments) reported by Florida public school districts for all historical years and may vary slightly from preliminary student enrollment counts. (FLDOE, 2019). Florida showed consistent growth over the 5 years used as part of this study, starting at just over 2.7 million in 2013 – 2014 to approximately 2.8 million, or just under a 5% increase in student enrollment in the state.

Table 3 details total enrollment for grades Pre-Kindergarten through 12, by school year.

**Table 3**

**Total Student Enrollment by School Year**

Year	(2013-2014)	(2014-2015)	(2015-2016)	(2016-2017)	(2017-2018)
Enrollment Grades Pk- 12	2,756,944	2,792,234	2,817,076	2,833,115	2,846,857

Table 3 displays the enrollment (total and disaggregated by ethnicity) data for school years 2013-2018. Per the data provided, both the Black and White population percentages in the state of Florida decreased during the documented years, while the Hispanic population and multiracial/other racial groups showed a steady increase. According to the Florida Department of Education (2019), student individual data is protected, therefore any group totaling less than 10 is not reported. This is worth noting; since these students are not recorded, it does not allow for exact numbers, but instead provides an approximate accounting of enrollment figures.

**Table 4****Student Enrollment by Ethnicity and by School Year**

Enrollment	2013- 2014	2014- 2015	2015- 2016	2016- 2017	2017- 2018
Level by Ethnicity	N (%)	N (%)	N (%)	N (%)	N (%)
White	1,113,021 (40.4)	1,108,312 (40.2)	1,101,896 (39.5)	1,089,526 (38.7)	1,077,904 (38.0)
Black	623,055 (22.9)	626,249 (22.7)	628,674 (22.5)	628,798 (22.3)	626,568 (22.1)
Hispanic	829,843 (30.5)	846,996 (30.7)	879,554 (31.5)	912,733 (32.4)	937,761 (33.1)
Other Ethnicity	155,085 (5.7)	162,778 (5.9)	167,534 (6.0)	171,842 (6.1)	175,653 (6.2)
Total	2,720,797 (99.5)	2,758,944 (99.5)	2,792,234 (99.5)	2,817,076 (99.5)	2,833,115 (99.4)

*Note. Enrollment data is within .5 to 1% of actual numbers*

Table 4 shows the percentage and numbers for enrollment by gender (male and female). The years represented are 2013-2018, aligning with the study. The data shows a consistency in percentages, with just a slight decline in male enrollment and growth in female enrollment from the 2015-2016 school year through the 2017-2018 school year.

**Table 5**  
**Student Enrollment Percentages by Gender and School Year**

Gender	(2013-2014) N (%)	(2014- 2015)N (%)	(2015- 2016)N (%)	(2016- 2017)N (%)	(2017- 2018)N (%)
Males	1,397,568 (51.5)	1,416,165 (51.4)	1,434,018 (51.4)	1,446,404 (51.3)	1,454,095 (51.3)
Females	1,323,229 (48.5)	1,340,779 (48.6)	1,358,216 (48.6)	1,370,672 (48.7)	1,379,020 (48.7)
Total	2,720,797 (100%)	2,758,944 (100%)	2,792,234 (100%)	2,817,076 (100%)	2,833,115 (100%)

Table 5 depicts overall student exclusionary discipline in the state of Florida. The numbers represented are not disaggregated by any demographic category and represent all regular districts in the state of Florida. Exclusionary discipline included as a part of this data set are ISS, OSS (regular, not those extended pending for hearing), expulsion with education services, and expulsion without education services.

ISS continuously decreased after a slight spike in 2014-2015. The total count of OSS decreased by an average of 10-12,000 incidents per year. The total number of expulsions without educational services consistently fell a minimum of 70 incidences until 2016-2017, when it increased and then spiked considerably in 2017-2018. 2017 had the highest number of expulsions (with services) in the 5 years that were used in the research study.

**Table 6****Exclusionary Discipline Data by School Year**

Disciplinary Action	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
In-school suspension	198,882	200,793	193,048	186,939	179,599
Out-of-School Suspension	172,545	164,993	151,124	138,812	144,611
Expulsion with services	369	324	281	328	552
Expulsion without services	476	365	290	195	194
<b>Total</b>	<b>372,272</b>	<b>366,475</b>	<b>344,743</b>	<b>326,274</b>	<b>324,956</b>

Tables 6 and 7 present exclusionary discipline by racial categories. Each table provides a snapshot which can be compared and analyzed for overall understanding of how each race experiences exclusionary discipline.

Considering the numbers of Black students enrolled over the 5 years relative to the number of White students, a difference of 1.2 million students, the total number of suspensions and expulsions aren't compatible. In each category, expulsions, OSS, and ISS, the numbers of African Americans are higher.

The number of expulsions decreased for both Black and White students in both categories of with and without continuing education, except for a sharp rise from the 2016-2017 to 2017-

2018 school year in the number of Black students expelled without services, which more than doubled from the previous year. ISS remained on a steady decline for both Black and White students from 2013-2014 through 2017-2018. However, the total number of OSS decreased for both Black and White students from years 2013-2014 to 2016-2017, increasing only in 2017-2018. It is important to note, when simultaneously reviewing the enrollment data, that there is a decline in enrollment of the demographic categories, which may provide a reason for the decline.

**Table 7**

**Exclusionary Discipline by Demographic Group: Black Students**

School Year	n Black students expelled w/o continuing education services	n Black students expelled w/ continuing education services	n Black students suspended in-school	n Black students suspended out-of-school	n of Black students enrolled
2013-2014	205	168	75144	75914	623055
2014-2015	145	131	74505	70423	626249
2015 - 2016	122	119	73618	65602	628674
2016-2017	73	113	69863	57849	628798
2017-2018	69	246	65671	59097	626568
Total	614	777	358801	328885	3133344

**Table 8****Exclusionary Discipline by Demographic Group: White Students**

School Year	n White students expelled w/o continuing education services	n White students expelled w/ continuing education services	n White students suspended in-school	n White students suspended out-of-school	n of White students enrolled
2013-2014	168	139	65,696	51,594	1,113,021
2014-2015	122	131	64,145	48,486	1,108,312
2015 - 2016	106	101	61,701	46,176	1,101,896
2016-2017	70	143	59,921	43,172	1,089,526
2017-2018	79	138	57,936	45,910	1,077,904
Total	545	652	309,399	235,538	4,412,755

Tables 8 & 9 detail the numbers of students who experienced exclusionary discipline, disaggregated by gender. The data shows that exclusionary discipline decreased for both males and females with years of variance. There was a significant magnification in numbers from 2013-2014 to 2014-2015 in the number of male students expelled without continuing services, and an increase in exclusionary discipline incidences overall for both genders from 2016-2017 to 2017-2018. The difference was more than double; 101,835 incidences of males experienced exclusionary discipline compared to 42,776 females. This is significant when considering the enrollment numbers, which varied by less than 100,000 each year.

**Table 9****Exclusionary Discipline by Gender and School Year: Males**

School Year	n Male students expelled w/o continuing education services	n Male students expelled w/ continuing education services	n Male students suspended in-school	n Male students suspended out-of-school	n of Male students enrolled
2013-2014	353	267	130,114	120,212	1,397,568
2014-2015	280	228	132,044	115,331	1,416,165
2015 - 2016	230	194	128,051	105,243	1,434,018
2016-2017	164	247	124,486	96,528	1,446,404
2017-2018	159	410	121,045	10,1835	1,454,095
Total	1,186	1,346	635,740	539,149	7,148,250



**Table 10****Exclusionary Discipline by Gender and School Year: Females**

School Year	n Female students expelled w/o continuing education services	n Female students expelled w/ continuing education services	n Female students suspended in-school	n Female students suspended out-of-school	n of Female students enrolled
2013-2014	123	102	68,768	52,333	1,323,229
2014-2015	85	96	68,749	49,662	1,340,779
2015 - 2016	60	87	64,997	45,881	1,358,216
2016-2017	31	81	62,453	42,284	1,370,672
2017-2018	35	142	58,554	42,776	1,379,020
Total	334	508	323,521	232,936	6,771,916

Phase 1 Results

## Research Question 1: Exclusionary Discipline by Race

To answer Research Question 1 (Is exclusionary discipline; suspension and expulsion, administered in a way that has a disproportionate impact on Black students relative to White students?), the researcher analyzed OSS (out-of-school suspension), ISS (in-school suspension) and expulsion rates for the 67 regular school districts in the state of Florida. The data was focused exclusively on two demographic groups, White and Black students, and focused on a five-year time frame (2013 - 2018).

The most efficient method to review this numerical disparity of suspensions and expulsions would be the relative rate ratio (Acevedo, 2016). Relative rate ratio is the measure of the frequency with which an event occurs in a defined population in a defined time, in comparison to the general (or comparable) population (CDC, 2012).

Number or rate of events, items, persons, etc. in one group

---

Number or rate of events, items, persons, etc. in another group

As presented in Chapter 1 of the study the equation for Relative rate ratio is as follows:

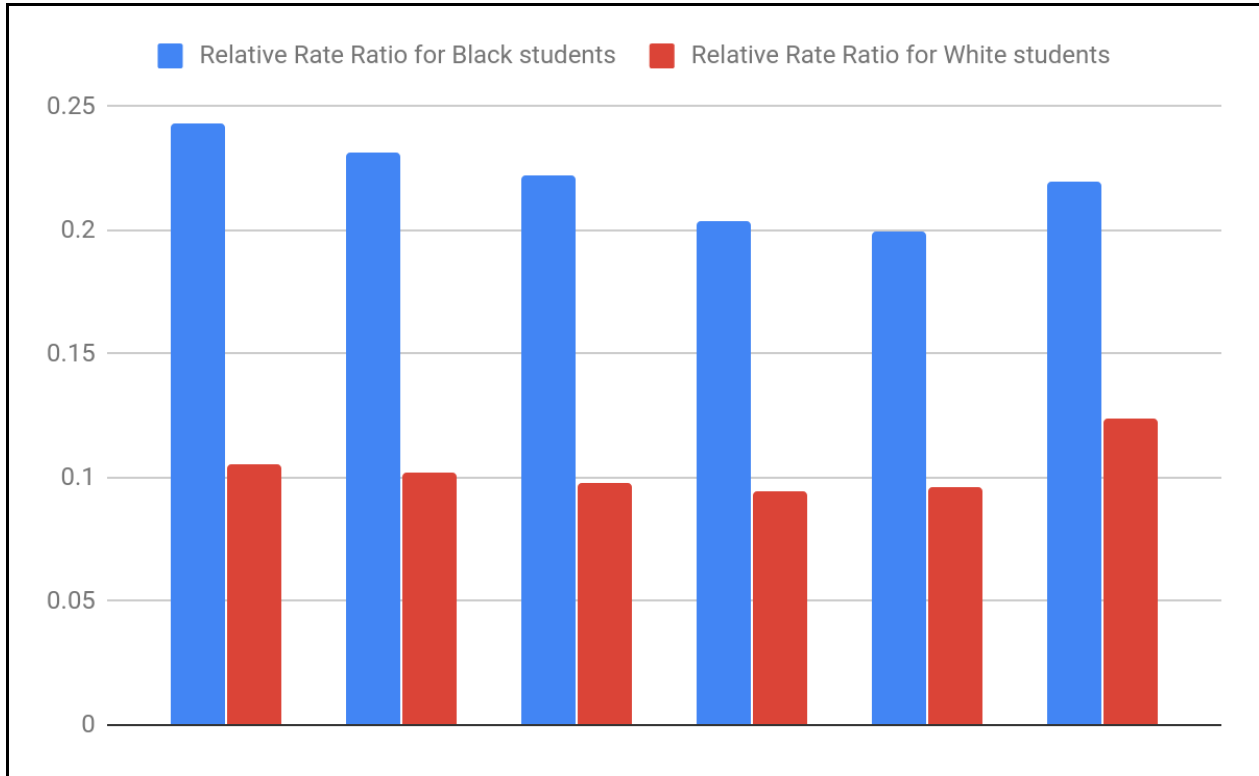
Relative rate ratio for Black students = (Number of ISS + number of OSS + expulsions for Black students/Total number of Black students)

(Number of ISS + number of OSS + expulsions for White students/Total number of White students)

The relative difference is the ratio of the two risks. Given the data in Figure 1, the relative difference shows that a Black student is 2.3 times more likely to be suspended or expelled than their White counterpart. This rate stayed consistent from 2013 to 2016, dropping slightly to 2.1 times in 2016-2017. The only year where it dropped below 200% (two times more likely) was 2017-2018. In 2013-2014 the results of the relative rate ratio were 0.24/0.10, which places the ratio at 2.4 times, however in 2014-2015 the ratio was 0.23/0.10 and there was only a slight shift of 0.22/0.09 in 2015-2016. Although, in 2016-2017 the ratio presented at 0.20/0.09 (2.1 times) and dropped below 2 times 0.19/0.09 in the final year studied.

An assessment of Figure 1 and Table 10 supports the hypothesis that discipline, specifically exclusionary discipline, is administered in a manner that disproportionately affects Black students in comparison to their White counterparts in Florida's 67 regular school

districts.



**Figure 1: Exclusionary Discipline and Relative Rate Ratio by Race**

**Table 11**

**Relative Rate Ratio by Racial Category and School Year**

School Year	Relative Ratio Males	Relative Ratio Females
2013-2014	0.2430	0.1057
2014-2015	0.2319	0.1020
2015 - 2016	0.2218	0.0981
2016-2017	0.2034	0.0948
2017-2018	0.1996	0.0965
Total	0.2199	0.1238

**Research Question 2: Exclusionary Discipline by Gender**

To answer Research Question 2 (Is exclusionary discipline (suspension and expulsion) administered in a way that has a disproportionate impact on males relative to female students?), the researcher analyzed the rates of expulsion, OSS and ISS for males and females, comparing those rates against the numbers enrolled to generate a relative rate ratio. The same relative rate ratio process used to assess discipline by racial categories was followed in the quantitative analysis of the numbers of incidences by male and female gender.

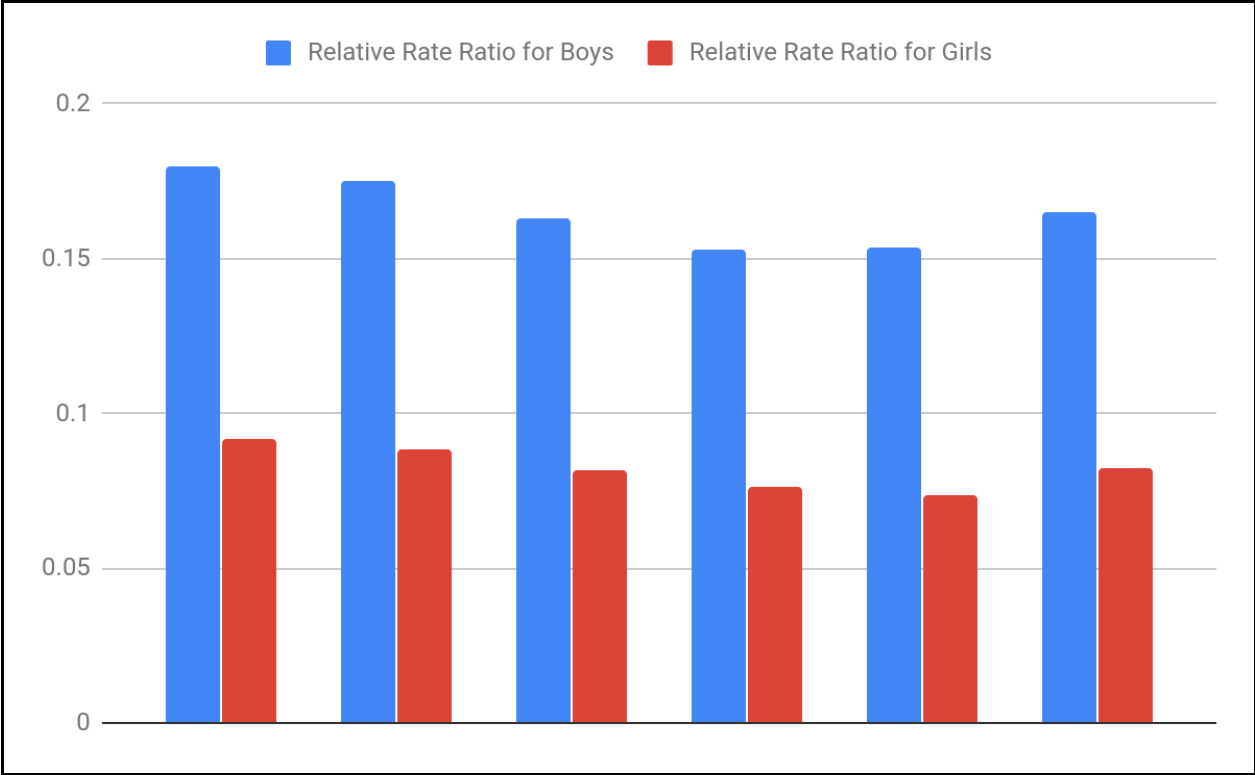


Figure 2: Exclusionary Discipline and Relative Rate Ratio by Gender

**Table 12****Relative Rate Ratio by Gender and School Year**

School Year	Relative Ratio Males	Relative Ratio Females	Difference in relative rate ratio
2013-2014	0.1796	0.0917	0.0879
2014-2015	0.1750	0.0885	0.0866
2015 – 2016	0.1630	0.0817	0.0812
2016-2017	0.1531	0.0765	0.0766
2017-2018	0.1537	0.0736	0.0801
Total	0.1647	0.0823	0.0824

Table 12 details the relative rate ratios between male and female exclusionary discipline incidence numbers. This data shows that males are disciplined at a rate of almost 2:1 relative to females, while previous demographic data reveals that although greater in number, they do not outnumber females 2:1 as a population, providing evidence of a disparity in discipline.

The difference between relative rate ratios declined every year, in 2013-2014 males were disciplined (0.17/.009) 1.8 times more than their female counterparts. This rate increased in 2014-2015 (0.17/0.08) to 2.1 times, declining only slightly to 2 times (0.16/.08) in 2015-2016 and returning to 2.1 times in 2016 -2017 (0.15/.07) and 2017-2018 (0.15/.07). The overall trend for the 5 years remained at approximately 2 times the probability of males to females, to experience exclusionary discipline.

Results from the analysis of the two data sets provides evidence that there is disparity in the rate that Black students and males experience exclusionary discipline. Given this combination of results, it is reasonable to infer that Black males are likely experiencing the greatest disparity.

### Phase 2 Results

Research Question 3: How do federal and state policies contribute to racial and gender disparities in school discipline?

A content analysis of federal and Florida state policy was conducted to determine the extent to which policy contributed to the racial and gender disparities in school discipline and/or redressed those same disparities. This policy analysis was guided by the Research Question 3 and focused on the qualitative aspect of the mixed methods sequential explanatory design. Mixed-methods sequential explanatory design involves collecting and analyzing quantitative and qualitative data in separate phases within one study (Ivankova, Cresswell, & Stick 2006), with a synthesis completed after the two results are integrated.

As a part of the qualitative analysis the researcher created a priori codes based on the research question. These codes used the basic demographic groups as mentioned in the research questions: race and gender. As the policies and literature were analyzed and tentative themes emerged, open codes were developed. The open codes came about data from the content analysis connected directly to relevant literature and to Phase 1 findings. Discipline does not happen in a vacuum and it affects or is linked to other areas that are measurable such as achievement or funding.

Further analysis of the content was conducted once the policies were grouped by codes, providing more questions than answers, and showing a glaring lack of policy language to address

the disparities. The policy language matching the themes was examined further for connections to both the research question and the larger topic of exclusionary discipline disparity.

Coding involves marking or categorizing the data (Adu, 2016). The codes were implemented to condense the policy data and summarize it, making the conceptual tangible (Graue & Walsh, 1998). Table 12 includes a list of codes used in the content analysis.

**Table 13**

**Coding & Reasoning**

Types of Code	Codes	Reasoning	Use in Study
A priori	Black White Male Female Race Gender	Demographic groups in study (Black, White, Male, Female)	Present language focused on study population
Open (piori)	Achievement Achievement Gap Funding	Lit review makes connection between these areas discipline	Focus on emerging themes

Results

Results from the policy analysis demonstrated that the category of race is mentioned as an identifier when compiling demographics after an incident or as a nonfactor; “must apply to all students regardless of race, gender or socioeconomic status,” however there are no incidents of policy language focusing on race as a potential factor in discipline nor addressing the disproportionality in exclusionary discipline between Black and White students. Federal and state policies do not address these issues in depth, nor provide opportunities for analysis and/or intervention.

The colorblind approach to policy writing negates, denies, or at least provides cover for institutionalized racism. The suggestion that the US is a post-racial society with colorblind ideology and policy, “suggests that racial discrimination has been greatly reduced, while research



on whiteness and systemic racism asserts that racial discrimination remains deeply imbedded in institutions” (Saito, 2015). Through his case studies, Saito (2015) demonstrates that not only does systemic racism continue, but also that colorblindness leads to the implementation of race-neutral policies, generating “results that favor whites because of the unrecognized racial practices embedded in institutional practices”.

Florida statutes reviewed by the researcher contained approximately 7 references of race. There are just under 20 citations in the federal policies reviewed. Statute 985 of the Florida Code specifically records race and similar demographic data as a method of identifying juvenile offenders and to take account of who is entering the system, including any pre-arrest diversion programs. In this incidence, racial data is clearly being compiled but for a more historical and less analytical reasons; it is not addressing the disparity or considering it as a contributing factor to the numbers entering the juvenile justice system.

Gender is mentioned approximately 17 times within the policy documents, however the language focuses on “gender-specific programming and gender-specific program models and services that comprehensively address the needs of a targeted gender group” within the juvenile justice system, and in providing equal opportunity and access in education. The resulting goal is to not knowingly “maintain or reinforce gender roles or relations that can be damaging”. In reviewing the data, the policy language that is lacking could potentially address school discipline as a part of the larger issue, especially as one of the disciplinary codes focuses on providing access and educating students after expulsion.

According to the policy language, especially in Florida statutes, all students are addressed in a similar blanketed manner although the quantitative data shows that Black students are affected at higher rates, as are males, in the area of exclusionary discipline. Gender has a more

visible presence in the policy language than race, but neither is a focal point of discipline awareness or changes.

Further review showed that the words male, female, Black, and White are never present in any of the policy language therefore these specific demographic groups have no data that has been compiled that specifically focuses on them. This presents further difficulty in focusing on Black males as they are a specific cross-section of these two demographic groups.

During the process of coding, additional codes were added including policies that focused on discipline and school funding, and discipline and the achievement gap. These codes were a direct result of the language found in the policies and allowed for abductive reasoning, as the prior codes entailed inductive reasoning. Abductive reasoning consists of gathering or finding, based on a translation of gathered information. When codification is difficult, "classification" must be conceptualized or found by scholarly effort (Peirce, 1931-1935).

Funding was found 24 times in the language in the policies analyzed. Achievement gap is not found in any of the policies; Achievement, however, which is mentioned two times, focuses on standards and examination. Interpretation of its meaning within the context of the larger study begs consideration of the key terms being found so sparingly while monies are a consideration in discipline policy. The sheer numerical fact of 24 incidences, the highest finding amongst the codes created, can be interpreted as this being an area of importance and emphasis and thus a priority of both the state and federal governments.

The analysis in this study presented very few clear associations based on the open codes and thus created a question for examination, "with the data reflecting discipline incidences and disparities in how discipline is administered, why are there so few references to gender or race in the discipline policy at both the state and federal levels"?

**Table 14**

**Themes & Representative Data**

Themes	Example Data (Policy Language)
Discipline and race	<p><i>“Diversion programs; data collection; denial of participation.”</i></p> <p><i>“Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; tattoos or other identifying marks; fingerprints; palm prints; address of any permanent residence and address of any current temporary residence, within the state or out of state”</i></p>
Discipline and gender	<p><i>“Gender-specific programming and gender-specific program models and services that comprehensively address the needs of a targeted gender group...”</i></p> <p><i>“The Legislature finds that the needs of children served by the juvenile justice system are gender-specific. A gender-specific approach is one in which programs, services, and treatments comprehensively address the unique developmental needs of a targeted gender group under the care of the department. Young women and men have different pathways to delinquency, display different patterns of offending, and respond differently to interventions, treatment, and services”</i></p>

Themes	<i>Example Data (Policy Language)</i>
Discipline and funding	<p><i>“A local educational agency may use funds under this subpart for activities described in clauses (ii) through (v) of subsection (b)(2)(E) only if funding for these activities is not received from other Federal agencies.”</i></p> <p><i>“The court shall determine, by written finding, whether the child has successfully completed the program. If the court finds that the child has not successfully completed the program, the court may order the child to continue in an education, treatment, or monitoring program if resources and funding are available or order that the charges revert to normal channels for prosecution.”</i></p> <p><i>“the court may order the child to continue in an education, treatment, or drug testing program if resources and funding are available or order that the charges revert to normal channels for prosecution.”</i></p> <p><i>“At the secretary’s discretion, the department is authorized to pay up to \$5,000 toward the basic funeral expenses for a youth who dies while in the custody of the department and whose parents or guardians</i></p>
Discipline and achievement gap	NA
Achievement	<p><i>“and that are coordinated with related Federal, State, school, and community efforts and resources to foster a safe and drug-free learning environment that supports student academic achievement, through the provision of Federal assistance to”</i></p> <p><i>an assurance that the activities or programs to be funded comply with the principles of effectiveness described in section 4115(a) and foster a safe and drug-free learning environment that supports academic achievement</i></p>

Trustworthiness

Credibility techniques assess the trustworthiness of the results (themes). This study utilized data triangulation, dependability, and transferability. Data triangulation refers to using multiple data sources in space (collecting data on the same phenomenon in multiple sites or test for cross-site consistency); multiple policies, both federal and state, were reviewed for coding and analysis (Lincoln & Guba, 1985). State and federal policy showed a lack of language, individually and as a collective, addressing the themes of race, gender, funding and achievement. The areas where the themes were addressed was either minimal or focused on aspects not connected to discipline. Using multiple sources allowed the opportunity to compare and contrast the language between policy levels (state and federal) and types of documents (statute and policy).

Dependability is found through maintaining consistency. To ensure dependability and congruency of the project's results with those of past studies, the study followed the steps as set forth and presented in the Maryland study in 2014. In order to address dependability as a potential factor, the processes within the study were reported in detail using the Maryland study as a template. The planning and execution are defined in a deliberate manner (Shenton, 2004), the policies provide multiple points of reference, and a framework was provided in the Maryland study. The findings show that there is a lack of language or connection found in state and federal policy context. The findings of the Florida study were not identical to the Maryland study, but were quite consistent with the findings of disproportionality in discipline.

Transferability refers to the degree to which the results of qualitative research can be generalized or transferred to other contexts or settings (Trochi, W, 2006). According to Trochi, transferability is enhanced by the researcher's ability to describe the research context and the assumptions that were central to the research. The context of this study focused on disciplinary

policy at both the state and federal levels, this is easily transferrable to any state with statutes or policies that should (or do) guide school discipline. The results of the qualitative study can be transferred to other contexts, depending on the language within the policies being reviewed. The research questions and emerging themes guided the analysis and thus, the findings of the Florida study. The assumptions central to the research were that there would be policy language that focused on certain demographic groups, specifically male and Black, to help address or provide reasoning for disproportionality in discipline.

Table 10 presents representative excerpts of the federal and Florida state policies addressing the three themes, as well as excerpts from the open code.

#### Synthesis

The quantitative results clearly demonstrate that Black students are experiencing exclusionary discipline at a rate 2.3 times greater than their White peers, and males are experiencing the same type of disciplinary actions at a minimum of 2 times greater than their female peers. Clearly, according to the quantitative data, there is an issue to be addressed, however, the qualitative analysis is not likely to promote or encourage addressing these disparities due to limited content. The qualitative data does make mention of race, gender and discipline as an area to be addressed, researched or improved through policy change or district action.

#### Summary

In this chapter, the researcher presented the purpose for conducting this mixed methods study as well as the research questions used to guide this study. The study results were presented and analyzed in two phases, quantitative and qualitative. Descriptive statistics were used to help provide a full picture of the issue being studied and to further the understanding of the state of Florida.

Phase 1 included results from a relative rate ratio and showed that Black students were 2.3 times more likely to experience exclusionary discipline than their White peers, and males were at least 2 times more likely to experience exclusionary discipline than female students. These numbers, based on the descriptive statistics, accounted for approximately 2.8 million Florida students in the regular school districts.

Phase 2 results for the qualitative policy analysis and the credibility techniques were also explained. Results showed that the policy language did very little, if anything, to address race or gender disparities, nor were there any attempts within the language to focus on achievement or the gap which is connected to discipline and the disproportionality (Ahram, Fergus & Noguera, 2011). The foci of the demographic language were, identification and maintenance of historical data, while the focus of the achievement and funding language was equity and assessment.

In Chapter 5, the findings presented in this chapter are further discussed with a focus on the implications of the study and recommendations for future research.

## **CHAPTER 5 DISCUSSION OF FINDINGS**

### Introduction

In Chapter 1 of this research study, the researcher discussed the background, and provided a statement of the problem and the purpose of the study. The three research questions, 2 quantitative and 1 qualitative, were introduced along with the conceptual framework which grounded the study. Chapter 2 provided an extensive review of the literature focused on an understanding of the research of disproportionality, Zero Tolerance policies, exclusionary discipline, disproportionality/disparities in discipline, CRT, and the STPP. Chapter 3 focused on the instrumentation used to examine the data for this study and data which was examined for analysis.

Chapter 4 included the results of the mixed methods sequential exploratory study. The chapter provided descriptive statistics of the overall state student population and of the targeted demographics. Phase 1 of Chapter 4 focused on presenting the results of the quantitative analysis completed using relative rate ratio. Phase 2 presented a policy analysis using federal and state policies which inform practice.

Chapter 5 contains a restatement of the purpose of the study, an overview of the findings, a discussion of the results of the data analyses to respond to the three research questions which guided the study, implications of the study, recommendations for future research, and a conclusion.



### Purpose

This mixed methods study was conducted to investigate, expand, and deepen the work of using disproportionality models as a measure of disparity. The study also sought to examine the current discipline policies for potential biases that guide these disparities through a synthesis of quantitative and qualitative data. The analysis from this study, of both the qualitative and quantitative data, was conducted to measure if and to what degree Black males are disproportionately affected by exclusionary discipline. The researcher conducted this study in grades PK-12 in the state of Florida for the 2013-2014 to 2017-2018 school years.

### Discussion of Findings

This section contains a discussion of findings for each of the three research questions in the study, along with connections to the extant literature that provided the guiding framework for the study: zero tolerance policies, exclusionary discipline disproportionality/disparities in discipline, CRT, and the STPP.

#### Research Question 1

*Is exclusionary discipline (suspension and expulsion) administered in a way that has a disproportionate impact on Black students relative to White students?*

The results of the analysis suggest that Black students are receiving exclusionary discipline as a response to infractions at a rate that is disproportionately higher, specifically 2.3 times greater, than their White peers. This is significant, not only because of the rate at which they are affected but also because Blacks were not the numerical majority in the state.

The research presented in the review of the literature regarding disproportionality suggested that students from certain racial/ethnic groups are subjected in greater number to office discipline referrals, suspensions, school arrests, and expulsion (NASP, 2019). The disproportionality in discipline is specific to exclusionary acts which remove them from the classroom, thus potentially creating a disparity in educational outcomes (Huzinec, 2017). Black children being removed from the classroom at 2.3 times the rate of their peers provides clear evidence that zero tolerance policies which guide discipline policies, are adversely and disproportionately affecting 1 ethnic/racial group.

“Balfanz and Boccanfuso (2007) found that students suspended once in 9th grade had an increased risk of dropping out from 16% to 32%, and those students suspended twice increased to 42%. Arcia (2006) linked low academic performance with high disciplinary action rates (Huzinec, 2017).

Punitive approaches to school discipline, such as zero tolerance policies, have helped in creating the disparity in discipline, and in robbing students of needed educational opportunities, thus contributing to a wide variety of social problems (Simson, 2014) such as the schoolhouse to jailhouse pipeline. “Racial minorities--especially African Americans-- already the most vulnerable to societal maltreatment (Simson, 2014)”, are hit hardest by zero tolerance policies, as illustrated by the findings of the study. CRT states that these disproportionalities are far from surprising, “given the long history of stigmatization, dehumanization, and prejudice that American society has directed toward such minorities” (Simson, 2014).

Alignment of this study with prior data confirms and expands the literature; focusing on Florida, a state that is affected by the discipline issue at a rate higher than the national average, 5.1 to 2.6 (CRDC, 2014).

## Research Question 2

*Is exclusionary discipline (suspension and expulsion) administered in a way that has a disproportionate impact on males relative to female students?*

The results from the extant discipline data from the regular public schools revealed that suspension and expulsion are disproportionately impacting male students relative to female students, at least 2 times more.

Daniel Losen (2017) stated that “our nation cannot close the achievement gap if our educators ignore the discipline gap”. Disproportionality in discipline contributes to the achievement gap, which can be connected to the discipline gap (Guerra, J. 2013). For male students, especially African American males, who are far more likely to be subjected to harsh discipline policies than their white peers, this gap has unintended consequences (COSEBOC, 2019).

The research from this study supports current findings, but also broadens the knowledge surrounding disproportionality and exclusionary discipline affecting gender groups, specifically males.

## Research Question 3

*How do federal and state policies contribute to racial and gender disparities in school discipline?*

The qualitative policy analysis, the second part of this sequential exploratory study, revealed that there exists very little policy language at either the state or federal level to address the issue of disproportionality, especially in how it affects Black males. Unfortunately, lack of policy language doesn't diminish the numbers of Black males experiencing exclusionary discipline. Policy language did address their entrance into the juvenile justice system, which is

the next step in the schoolhouse to jailhouse pipeline, supporting the theoretical framework (Bidwell, A 2015).

The research and findings from this study support and broaden the investigations of zero tolerance policies, which disproportionately affect minorities (Black males specifically), through the lack of policy language addressing the disparity in exclusionary discipline. Exclusionary discipline, steeped in zero tolerance policies which were created to keep students safe (Gun Free Schools Act, 1994), helps to increase the disparity in discipline, expanding the literature.

### Limitations

1. Results from Phase 1 of the study were limited to the “regular” public schools of Florida, as data were not available for the 7 “special districts”.
2. Results from Phase 1 of the study are not generalizable beyond FL to other states.
3. Students who may have fit into both White and Black racial (biracial) categories are either counted as multiracial or may be counted as one or the other, skewing the data. The state also does not count any group with less than 10 students represented from a school, which is a measure used to protect students.
4. Florida discipline data is not exact in numbers, allowing for a .5 to 1 percent margin of error. With 2.8 million students, that is approximately 2800 students with missing or misidentified data.

5. There may be disparities in ISS vs OSS since suspension was grouped for relative rate ratio.
6. In Phase 2 of the study, the policies examined were not district specific and generalizable to the state or country, therefore limiting the ability to address individual school district issues.
7. Differences between schools/districts and their approaches to discipline and how that affects the disparity were not considered within the parameters of this study.

### Implications for Policy and Practice

Study results showed that Black students and males experience exclusionary discipline at rates at least 2 times higher than their peer subgroups. This study was undertaken so that state policymakers and school district stakeholders would devise strategies to engage and address the needs of all students equitably by being more inclusive and more strategic in their disciplinary actions, through the realization that certain groups are more affected. Based on these findings, policymakers should:

Create policy that focuses on race/ethnicity and gender: The current policies at the federal and state level, as found in the policy analysis, have little to no language that focuses on specific demographic groups. Black and male students, based on the data presented in Phase 1, are at-risk groups and thus require special consideration. However, if the policy language allows for focus on subgroups then the data will be clearer. Also, based on the findings of the research a change in policy language or a change in practice, to improve the current unacceptable culture.

Research and address reasons for disparities: If policymakers, ensure that data is gathered to focus on demographics and the opportunity to compare data and address issues is presented:

policy is written, research is completed, disparities are shown, and opportunities to address disparities are taken when they present themselves.

Create opportunities within policy to address and disparities/disproportionalities: When demographic groups are affected disproportionately, special consideration needs to be taken to not only measure those differences, but also to address what the potential issues are within policy language as this is may be a factor in the disparity. How can policy be used to ameliorate the issues that are being raised at the state level (particularly in Florida), and how can policy be used to ensure that all students are receiving equitable treatment? These policies can be used to guide practice and address malpractice.

In considering such policy changes, it is important to reflect on the fact that policy actions do not occur in a vacuum but reflect (and influence) the broader socio-political context in which they are enacted. The zero tolerance policies that are salient to the inequities disclosed by this study were enacted within the context of a supportive socio-political context (i.e., the era of the *1994 Crime Bill* and the *War on Drugs*). The incarceration rates, most particularly for Black males, have been the long-range result of those policies (Advancement Project, 2005). The 2018 passage of Florida Amendment Four (ACLU Florida, 2017) restoring voting rates to most non-violent felons (including, presumably, many who were processed through the schoolhouse-to-jailhouse pipeline) might signal a shift in the policy context that could support or facilitate the recommended policy changes emerging from this study.

#### Recommendations for Future Study

This study presented many limitations, which in turn provide opportunities to delve deeper while broadening existing knowledge. Florida's 7 special districts were not considered as part of the study, with many of the students falling under the ESE umbrella, providing data on how discipline affects students in this demographic group. Students who may fit into both White

and Black racial (biracial) categories are often misidentified. A study that reviews how discipline affects all the ethnic groups would provide a larger picture. It would also be as important to see if Black females are as affected as are their male counterparts. The book PUSHOUT (2016) provided data that shows the numbers of females affected is on the rise.

The schoolhouse to jailhouse pipeline begins within the school walls and is supported by policy and school level action; it is important to compare and contrast the numbers receiving exclusionary discipline with the rates of those entering the juvenile justice system. This study would extend the work looking into the schoolhouse to jailhouse pipeline through developing the research to include the paths taken by those experiencing exclusionary discipline.

It is also recommended that a study be conducted exploring the recurrence of exclusionary discipline by student. To answer the question, are the students receiving repeat suspensions? If a study is conducted on the background of the repeat suspensions to determine if there are similarities, it is possible to be proactive in addressing the underlying issues this could also lead to research into punishment being based on type of incident. Are similar infractions receiving differing disciplinary actions?

It is also recommended that the study be expanded to determine the disproportionality of student discipline at various grade levels (elementary, middle and high school) and take into consideration the difference in disparities between ISS vs OSS since suspension was grouped for relative rate ratio in this current study. As part of the limitations in this study, the research did not account for differences between schools/districts and their approaches to discipline and how that affects the disparity, a study in this regard would help to address the differences as well as model practice after the districts that have made changes to address the disparities. It is hard to

pinpoint where small changes versus wide sweeping change is needed based on this statewide data.

### Conclusion

Disproportionality in discipline is an issue in the state of Florida. Florida, according to the 2013-2014 school year data released by the United States Department of Education's Office for Civil Rights (2015), posted the highest suspension rate in the country for both elementary and secondary school students. Florida suspended 19 percent of its secondary school students — a category that includes middle, junior high, and high schoolers — during the same time (UCLA, 2012). This percentage is well above the national average. Florida's exclusionary discipline percentages are even above states within similar locality with comparable demographics like Alabama, Mississippi and South Carolina, who suspended 16 percent of secondary students.

Disparity in discipline is an issue because discriminatory discipline practices impact student learning when they are removed from class, losing opportunities to learn, through the suspension or expulsion practices of exclusionary discipline (USDOE, 2015).

“Often these youth also have disproportionate rates of contact with the juvenile justice system, particularly when being arrested at school or referred to court from school. This initial contact can lead to deeper involvement in the juvenile and criminal justice systems and reduce the likelihood that these youth will return to school or graduate” (USDOE, 2015).

To research the issue of disproportionality a sequential exploratory design (SED) was used. This methodology is a mixed methods research design that employs both quantitative and qualitative approaches to gather and analyze data (Creswell 2003). The sequential form uses one type of data, which then informs or provides a basis for collection of another type of data.



Exploratory sequential research examines both methods types of data and makes connections between the two.

The findings of Phase 1 in this study suggest the association between exclusionary discipline, Black students and males is not the same or proportional to that of White students or females. Phase 2 of the study upheld that there are few policy measures in place to focus on either the groups being affected or the disparities that afflict them. The findings of the study align with the literature from Chapter 2 focused in the following areas: CRT, zero tolerance policies, exclusionary discipline, disproportionality, and the STPP. Collectively, these areas of literature and data findings support the researcher's initial hypothesis that Blacks and males are experiencing disproportionality, due to zero tolerance policies, at a higher rate than their peers. This experience puts them at risk to be part of Schoolhouse to Jailhouse pipeline and thus supports the claims of CRT that there are inequities in education (Decuir & Dixson, 2004; Ladson-Billings & Tate, 1995) rooted in the racial inequities in society.

These findings suggest to policymakers and practitioners that guidance, through changes in policy, regarding improving school climate and school discipline must be provided. While schools must meet their legal obligations under federal and state laws to administer student discipline and maintain safe schools, they must do so without discriminating against students on the basis of race or gender. With the Civil Rights Data Collection (CRDC, 2014) documents proving the pervasive nature of disparities in school discipline, policy language would provide direction to schools, districts, communities, and states that would potentially improve school climate and safety while reducing exclusionary discipline and address disparities in school discipline in a strategic and sustainable manner (USDOE, 2015).



**APPENDIX A**  
**INSTITUTIONAL RESEARCH BOARD APPROVAL**



UNIVERSITY OF CENTRAL FLORIDA

Institutional Review Board  
FWA00000351  
IRB00001138  
Office of Research  
12201 Research Parkway  
Orlando, FL 32826-3246

NOT HUMAN RESEARCH DETERMINATION

March 15, 2019

Dear [Manouchka Pierre](#):

On 3/15/2019, the IRB reviewed the following protocol:

Type of Review:	Initial Study
Title of Study:	Pushing Out? A Study on Discipline Disproportionality in the State of Florida
Investigator:	<a href="#">Manouchka Pierre</a>
IRB ID:	STUDY00000155
Funding:	None
Grant ID:	None
IND, IDE, or HDE:	None
Documents Reviewed:	<ul style="list-style-type: none"> <li>• Disclosure of extant data , Category: Other;</li> <li>• HRP-250 MPierre, Category: IRB Protocol;</li> <li>• Faculty Advisor Review MPierre, Category: Faculty Research Approval;</li> </ul>

The IRB determined that the proposed activity is not research involving human subjects as defined by DHHS and FDA regulations.

IRB review and approval by this organization is not required. This determination applies only to the activities described in the IRB submission and does not apply should any changes be made. If changes are made and there are questions about whether these activities are research involving human in which the organization is engaged, please submit a new request to the IRB for a determination. You can create a modification by clicking [Create Modification / CR](#) within the study.

If you have any questions, please contact the UCF IRB at 407-823-2901 or [irb@ucf.edu](mailto:irb@ucf.edu). Please include your project title and IRB number in all correspondence with this office.

**APPENDIX B**  
**STATE OF FLORIDA DISCIPLINARY ACTION CODES**

FLORIDA DEPARTMENT OF EDUCATION DOE INFORMATION DATABASE  
REQUIREMENTS VOLUME I:  
AUTOMATED STUDENT INFORMATION SYSTEM  
AUTOMATED STUDENT DATA ELEMENTS  
Year: 2018-19

Data Element Number: 114425

Data Element Name: Discipline/Resultant Action Code

A one-character code representing the type of disciplinary action taken. The discipline code will be associated with the corresponding School Number, Where Discipline/Referral Action Occurred.

Code Definition/Example

C Corporal Punishment

Corporal punishment is defined as the moderate use of physical force or physical contact by a teacher or principal to maintain discipline or to enforce school rule. (Maintained for students in grades PK-12 only.)

E Expelled, Without Continuing Educational Services

Student expelled from regular school without continuing educational services provided by the district. (Maintained for students in grades PK-12 and adult)

F Expelled, With Continuing Educational Services

Student expelled from regular school with continuing educational services, which may include a disciplinary program or second chance school, and/or referred to the criminal justice or juvenile justice system. (Maintained for students in grades PK-12 and adult)

H Suspension Extended, Pending Hearing

Suspension (out-of-school) extended beyond 10 school days pending School Board hearing for expulsion. (This code should only be used when the district Superintendent grants an extension for suspension beyond 10 school days as per Ch. 1006.08, F.S.).

I Suspension, In-School

In-school suspension is defined as the temporary removal of a student from the school program not exceeding ten days. (Maintained for students in grades PK-12 only.) In accordance with the Individuals with Disabilities Education Act, this code must be used for all instances in which a child with a disability is temporarily removed from his/her regular classroom(s) for disciplinary purposes but remains under the direct supervision of school personnel.

L Seclusion

The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

#### M Mechanical Restraint

The use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as: Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; Restraints for medical immobilization; or Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

#### O Suspension, Out-of-School

Out-of-school suspension is defined as the temporary removal of a student from a school and the school program for a period not exceeding ten days. (Maintained for students in grades PK-12 only.)

#### P Placement in Alternative Educational Setting

Student is removed from the school for an offense, i.e., disobedient, disrespectful, violent, abusive, uncontrollable or disruptive behavior, not expelled, and placed in an alternative educational setting

#### R Physical Restraint

A personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out to walk to a safe location.

#### S Other SESIR Defined

Other SESIR defined is all other types of disciplinary action administered for a SESIR defined incident that cannot be reported using any other code in this element. For example, this code may be used when districts require students to attend additional activities such as "Saturday School", tobacco cessation programs, drug prevention programs, counseling, anger management programs, or community service while they continue their regular course of study. (This code is to be used only when the action is related to a SESIR defined incident).

#### U Change in Placement

Change in placement (not to exceed 45 days) due to a unilateral decision by school personnel following a drug, weapon or serious bodily injury offense. (This code is for students with disabilities only.)

Notes:

CODE U: Use Code “U” only for those students with disabilities involved in drug, weapon or serious bodily injury offenses who were unilaterally removed to an interim alternative education setting by school personnel other than the IEP team, in lieu of suspension/expulsion.

LOCAL USE ONLY CODE D: Districts may record other district-defined disciplinary/resultant actions which cannot be reported using any other code in this element and may assign them the code D in their local systems. These district-defined disciplinary/resultant actions should not be included on the Student Discipline/Resultant Action format. This code is to be used only when the action is related to a non-SESIR defined incident.

CODE H: For survey 5, most students with a record coded with H should also have a record coded E, F or P based on School Board action. This note is a reminder to districts that Code (H) – Suspension Extended, Pending Hearing will be followed by a record with (E) – Expelled, Without Continuing Educational Services, (F) – Expelled, With Continuing Educational Services, or (P) – Placement in an Alternative Educational Setting code for survey 5, based on the final school board decision.



## REFERENCES

- Addressing the Root Causes of Disparities in School Discipline: An Educator's Action Planning Guide (2015). *American Institutes for Research as contracted by US Department of Education Contract Number EDESE12O0035*
- Advancement Project in partnership with Padres and Jovenes Unidos Southwest Youth Collaborative Children & Family Justice Center of Northwestern University School of Law. (2005). *Education on Lockdown: The Schoolhouse to Jailhouse Track*. Retrieved from [https://b.3cdn.net/advancement/5351180e24cb166d02\\_mlbrqgxlh.pdf](https://b.3cdn.net/advancement/5351180e24cb166d02_mlbrqgxlh.pdf)
- ACLU Florida. (2017, October 16). Voter Restoration Amendment Text. Retrieved November 12, 2019, from ACLU of Florida website: <https://www.aclufl.org/en/voter-restoration-amendment-text>
- Allen, A. (2010). A Critical Race Theory Analysis of the Disproportionate Representation of Blacks and Males Participating in Florida's Special Education Programs
- Anderson, K.P., Ritter, G.W (2017). Disparate Use of Exclusionary Discipline: Evidence on Inequities in School Discipline from a U.S. State. *Education Policy Analysis Archives*.
- Anderson, K.P., Ritter, G.W. (2015). Do School Discipline Policies Treat Students Fairly? A Second Look at School Discipline Rate Disparities. *SSRN Electronic Journal*.
- American Psychological Association Zero Tolerance Task Force. (2008). Are zero tolerance policies effective in the schools? An evidentiary review and recommendations. *American Psychologist*, 63(9), 852-862.
- Ball, S. J. (1991). Politics and policy making in education. *London: Routledge*.
- Ball, S. J. (1993). What is policy? Texts, trajectories, and toolboxes. *Discourse: Studies in the Cultural Politics of Education*, 13(2), 10–17.

- Ball, S. J. (1994). At the cross-roads: Education policy studies. *British Journal of Educational Studies*, 42(1), 1–5.
- Balfanz, R., Byrnes, V., & Fox, J. (2012). Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade.
- Barros, A. J., and Hirakata, V. N. (2003). Alternatives for logistic regression in cross-sectional studies: An empirical comparison of models that directly estimate the prevalence ratio. *BMC Medical Research Methodology*, 3(21).
- Brown, Owen. (2014) From the Philadelphia Negro to the Prison Industrial Complex: Crime and the Marginalization of African American Males in Contemporary America.
- Children's Defense Fund – Ohio (2012). Zero tolerance and exclusionary school discipline policies harm students and contribute to the cradle to prison pipeline (Issues Brief, November 2012). Retrieved from: <http://www.cdfohio.org/assets/pdf-files/issue-brief-zero-tolerance.pdf>.
- Civil Rights Data Collection. (2014). Data Snapshot: School Discipline.
- Curtis, Aaron (2014). "Tracing the School-to-Prison Pipeline from Zero-Tolerance Policies to Juvenile Justice Dispositions". *Georgetown Law Journal*.
- Creswell, J. W. (2013). Research design: Qualitative, quantitative, and mixed methods approaches. *Sage Publications, Incorporated*.
- Creswell, J. W., & Clark, V. L. P. (2007). Designing and conducting mixed methods research.
- Creswell, J. W., Plano Clark, V. L., Gutmann, M. L., & Hanson, W. E. (2003). Advanced mixed methods research designs. *Handbook of mixed methods in social and behavioral research*, 209-240.

- Curran, F.C. (2016). Estimating the effect of State Zero Tolerance Laws on Exclusionary Discipline, Racial Discipline Gaps, and Student Behavior.
- Delgado, R., & Stefancic, J. (2001). Critical race theory: An introduction. *New York: NYU Press.*
- Dixson, AD., & Rousseau, C.K. (2006). Critical race theory in education: All God's children got a song. *New York: Rutledge.*
- Disciplinary Actions for SESIR Incidents. (2018-2019). Retrieved from <http://www.fldoe.org/safe-schools/sesir-discipline-data/>
- Every Student Succeeds Act of 2015, Public Law No: 114-95. (2015).
- Fite, P.J., Evans, S.C., Pederson, C.A. et al. Child Youth Care Forum (2017) 46: 825.
- Florida Statute. Title XLVI Chapter 790 § 115 (2018).
- Florida Statute. Title XLVI Chapter 985 § 101 (2018).
- Florida Statute. Title XLVIII Chapter 1002 § 20, 22, 22 (2018).
- Florida Statute. Title XLVIII Chapter 1003 § 02, 04, 31, 32, 42, 573 (2018).
- Florida Statute. Title XLVIII Chapter 1006 (2018).
- Gallagher, K. S., Goodyear, R., Brewer, D. J., & Rueda, R. (2012). Urban education: A model for leadership and policy. *NY: Routledge.*
- Gay, G. (2000). Culturally responsive teaching: Theory, research, and practice. *New York: Teachers College.*
- George, J.A. (2015). "Stereotype and School Pushout: Race, Gender, and Discipline Disparities". *Arkansas Law Review.*
- Gregory A., Noguera, P., Skiba, R. (2010). The Achievement Gap and the Discipline Gap Two Sides of the Same Coin?

- Heilbrun, A. (n.d.). Racial Disproportionality in Exclusionary Discipline: School Factors and Disciplinary Practices.
- Herb, Kohl, (1990). "Text – S.2070 – 101st Congress (1989–1990): Gun-Free School Zones Act of 1990". *www.congress.gov*.
- Hines-Datiri, D., & Andrews, D. J. (2017). The Effects of Zero Tolerance Policies on Black Girls. *Urban Education*.
- Hiraldo, P. (2010). The Role of Critical Race Theory in Higher Education. *The Vermont Connection*, (31).
- Individuals with Disabilities Education Act, 20 U.S.C. § 1414 Evaluations and IEPs. (2004).
- Johnson, B., & Turner, L. A. (2003). Data collection strategies in mixed methods research. *Handbook of mixed methods in social and behavioral research*, 297-319.
- Johnson, J. (2016). The Every Child Succeeds Act (ESSA) and Rural Schools: A Policy Analysis.
- Korstjens, I., & Moser, A. (2017). Series: Practical guidance to qualitative research. Part 4. Trustworthiness and publishing. *European Journal of General Practice*, 24(1), 120-124.
- Leighton, Paul (2001). Class, Race, Gender, and Crime: The social realities of justice in America.
- Lincoln YS, Guba EG (1985). Naturalistic inquiry. *California: Sage Publications*.
- Lopez, G.R. (2003). The Racially Neutral Politics of Education: A Critical Race Theory Perspective. *Educational Administration Quarterly*, 39(1), 68-94.
- McCray, C., & Beachum, F. (2006). A Critique of Zero Tolerance Policies: An Issue of Justice and Caring.

- Noguera, P.A. (n.d.). Schools, Prisons, and Social Implications of Punishment: Rethinking Disciplinary Practices.
- Noltemeyer, A., & McCloughlin, C., (2010). Patterns of Exclusionary Discipline by School Typology, Ethnicity, and their Interaction.
- Porowski, A., O'Conner, R., Passa, A. (2014). Disproportionality in school discipline: An assessment of trends in Maryland, 2009-2012.
- Public Law PL 107-110, the No Child Left Behind Act of 2001 Title 4.
- Raffa, A. (2018). Policy Snapshot: Suspension and Expulsion. Education Commission of the States.
- Ritter, G. (2018). Reviewing the Progress of School Discipline Reform, *Peabody Journal of Education*, 93:2, 133-138.
- Rocque, M. (2010). Office Discipline and Student Behavior: Does Race Matter?
- Rousmaniere, K. (1994). Losing Patience and Staying Professional: Women Teachers and the Problem of Classroom Discipline in New York City Schools in the 1920s.
- Rudd, T. (Feb 2014). Racial Disproportionality in School Discipline Implicit Bias is Heavily Implicated. Education and Emerging Research Kirwan Institute for the Study of Race and Ethnicity.
- Saldana, J. (n.d.) *The Coding Manual for Qualitative Researchers*.
- School-to-Prison Pipeline. (n.d.). Retrieved from <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline>.
- School Discipline State Profile. Retrieved from the Education Commission of the States.
- Shenton, A. K. (2004). Strategies for ensuring trustworthiness in qualitative research projects. *Education for Information*, (22), 63-75.

- Silverman, D. (2001) *Interpreting qualitative data: methods for analysing talk, text and interaction*, 2nd ed. *London: Sage*.
- Skiba, R. (2000). The color of discipline: Sources of racial and gender disproportionality in school punishment. *Indiana Education Policy Center*.
- Skiba, R. J. (n.d.). Zero Tolerance. *Encyclopedia of School Psychology*.
- Skiba, R.J., Arrendondo, M., Williams, N. (2014) More Than a Metaphor: The Contribution of Exclusionary Discipline to a School-to-Prison Pipeline. *Equity & Excellence in Education*, 47(4), 546-564.
- Steinberg, W. J. (2011). *Statistics alive!* 2nd ed. *Sage Publications, Inc*.
- Wallace, K.N. (2017). Intersection of Race, Gender, and the School to Prison Pipeline: A Case Study on the Impact of Exclusionary Discipline on African American Girls.
- Tracy SJ. (2010). Qualitative quality: eight ‘big-tent’ criteria for excellent qualitative research. *Qual Inq*, 16, 837–851.
- Voulgarides, C.K. & Zwerger, N. (n.d) Identifying the Root Causes of Disproportionality. *New York University Technical Assistance Center on Disproportionality*.