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**Disciplinary Inequity: Exploring Perceptions of Discretionary Student  
Removal Among Assistant Principals in Texas**

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**Disciplinary Inequity: Exploring Perceptions of Discretionary Student Removal**

**Among Assistant Principals in Texas**

**by**

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## **DEDICATION**

I dedicate this work to Nelly, my beautiful wife. Without your love and support, I could never have achieved my professional dreams. Thank you for keeping me together whenever I thought I might fall apart. You are my best friend, confidant, and angel. I love you more than life.

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# **Disciplinary Inequity: Exploring Perceptions of Discretionary Student Removal**

## **Among Assistant Principals in Texas**

by

Troy Laine Pitsch, Ph.D.

The University of Texas at Austin, 2016

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African American students are being excluded from the classroom in public schools at rates disproportionately higher than other student subgroups. This is being done by campus administrators using a practice known as ‘Discretionary Removal’ which allows them to remove students for disciplinary purposes. These removals are damaging to student learning and achievement, and further widen the learning gap between African American students and other races. Additionally, they have been shown to contribute to additional involvement in school disciplinary processes, an increased risk of dropping out, incarceration, and limited economic opportunity for large numbers of African Americans.

In Texas public schools the implementation of certain provisions of Texas Education Code Chapter 37, namely the use of discretionary removal as a disciplinary consequence, has impacted students unequally for decades depending on their race. Current rates of removal for African American students in Texas are two-and-a-half times greater on average than any other student group. This disproportionality has been amplified by increased rates of discretionary removal overall among Texas public schools, adding yet another dimension to this complex issue. This qualitative case study attempts to demonstrate that the policies designed to help manage student behavior are not race-neutral, because the processes used to implement them are relatively arbitrary, responsive to student race and, therefore, inequitable.

The value of this study lies in the interrogation of a subjective power that is widely used by school officials in Texas more often against Black students, with the assumption that schools are better when students who violate the code of conduct are removed. As we continue to

develop an understanding about the racial gap in student discipline and the negative impact of student suspensions, it is imperative to evaluate the processes that drive decisions by school administrators to punish some students more harshly than others.

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## **CHAPTER 1: INTRODUCTION**

Public education in Texas is a huge undertaking as the state is credited with operating the second largest public school system in the United States (Holahan, 2004; Imazeki & Reschovsky, 2004). During the 2014-15 school year, Texas public schools served over five million students in their Pre-K through Twelfth Grade programs statewide, and trends show growth in student enrollment through the current decade (Fry & Gonzales, 2008; Valencia, 2000, 2002). In addition to its prominence as one of the largest educational systems in the nation, the state serves a racially and ethnically diverse student population. The enrollment of students of color is growing at a rapid rate and represents the largest portion of students attending Texas public schools.

In addition to the challenges of educating such large numbers of students, nearly two-thirds of all of the students in Texas are considered “Economically Disadvantaged” according to statistics aggregated for the 2014-2015 academic year (TEA, 2015). Students that enroll in the free or reduced-price lunch program, or qualify for other public assistance, are assigned this classification by the state. This represents a separate, but no less difficult task of mitigating the effect of poverty on students and their learning.

Within the context of such an enormous task, many laws and amendments have been crafted over the last several decades to create and preserve the opportunity for every child in Texas to go to school. These policies span the range of topics from finance and infrastructure maintenance to the development of instruction and curriculum for the huge numbers of students served daily on Texas campuses. This comes with operating costs reaching into the tens of billions of dollars annually for Texas (NCES, 2014). Once codified by state leaders, these

statutes are then provided to local education agencies (LEA's) who interpret and implement them at district and campus levels in the best way they can with all things considered, such as resource availability, training requirements, and logistics.

The Texas Education Code (TEC) is the primary body of laws that addresses Texas public education processes, and establishes standards for student conduct and disciplinary systems in schools. It also provide guidelines for a district's response to violations of their school board-adopted student code of conduct (Walsh, Kemerer, & Maniotis, 2010). The majority of statutes dedicated to this particular division of educational law are contained in TEC Chapter 37, originally drafted into law in 1995 by the 74<sup>th</sup> Texas Legislature as the *Texas Safe Schools Act*. In spite of being only two decades old, this chapter of the TEC, titled as "Discipline; Law and Order", has experienced several moderate changes in its design as amendments were added, leading to a transformation of how this collection of education statutes was applied at the district and campus level. These changes to TEC 37 appear to correlate with what was considered to be of pressing concern regarding school safety among the general public at various points during the last two decades (Bickerstaff, Leon, & Hudson, 1997; Correa, 2011).

This chapter will introduce and define the power granted to school officials found in TEC 37 known as *discretionary removal* that is used routinely in Texas public schools to manage student behavior considered dangerous to others or disruptive to the learning environment. It will illustrate how reactions by the state in response to perceived increases in school violence in the 1980's and 1990's, in conjunction with a popular approach to school discipline nationwide called *Zero Tolerance*, manifested itself in a body of law giving school officials in Texas broad powers to use exclusionary discipline against students. Skiba defined zero tolerance as a way of broadcasting messages to the public that specific behaviors will be punished harshly, regardless

of mitigating circumstances by doing just that when these behaviors occur. The intent is to predispose others not to commit the same act out of fear of receiving the same harsh punishment (Skiba & Knesting, 2001).

### *Background of Texas School Discipline Policy*

In January of 1995, the 74<sup>th</sup> Texas Legislature mulled over a report that had been recently released as part of a legislative inquiry to answer the question many were asking about the level of safety of Texas public schools. The results of the report indicated that the state's public schools were becoming more dangerous as the incidents of school violence was climbing along with the number of students caught with weapons at school, which had also been on a steady increase over the previous decade. Interestingly, this information ran contrary to juvenile crime statistics showing an overall decrease in crime rates both in Texas and the nation (Bickerstaff et al., 1997; Caldas-Coulthard & Coulthard, 1996; Network, 2002). Additionally, members of the Texas Legislature had begun to voice concerns that the systems used to deal with juvenile crime and the school discipline processes were operating almost in spite of each other. Attempts by schools to discipline students through suspension were determined to be leading those same students to become juvenile offenders. State lawmakers were also concerned about how disciplinary processes in Texas schools were contributing to increased dropout rates. This alarm seemed to touch on critical assumptions that would emerge a decade later as the "School-to-prison pipeline" conceptualization (Fasching-Varner, Mitchell, Martin, & Bennett-Haron, 2014).

The prevailing opinion among lawmakers suggested that rates of student misbehavior were not improving using the standing system of suspensions and expulsions employed by LEA's at will (Correa, 2011). A joint legislative committee examining the issue recommended that existing disciplinary practices by Texas LEA's move to a more uniform state-wide discipline

policy. This may have been influenced by the recent activity of the federal legislature which passed the 1994 Gun Free Schools Act just months earlier which stated that certain student conduct violations involving weapons in public schools merit an automatic expulsion and offered federal funding to states who wrote similar laws for their public schools (Correa, 2011). Lastly, the committee called for LEA's to provide a comprehensive disciplinary off-campus placement system that built on the existing alternative instructional programs being used by many districts. Students who had been removed from the classroom for longer terms could be instructed there, and not simply released out on to the street unsupervised. As described in the report, juvenile crime rates for students managed with this 'release and forget' model showed this approach was actually reinforcing the negative behavior of suspended students (Cortez & Robledo Montecel, 1999). According to their data, long-term removal of a student from school was being perceived among certain peer groups as "a badge of honor" to be earned rather than as a consequence, rendering it ineffective (Grona, 1999). The drafting and passage of TEC 37 by the end of the 74<sup>th</sup> session was the congressional reaction to this policy environment. At its core was a clear message mandating that teachers and administrators should remove students from the classroom who were considered to be disrupting the educational processes (Atkinson, Morten, & Sue, 2004; Malinowski, 2001; Reyes, 2006; Reyes, 2001).

Chapter 37 required that school districts develop and adopt a student code of conduct (SCC) that would be provided to every student upon enrollment. This local policy outlined formal processes for student removal from the classroom and classified student infractions based on the seriousness of the offense (Kemerer & Walsh, 2000; Tillman, 1996; Walsh et al., 2010). It also moved away from the traditional stay-out approach to student suspension and expulsion by necessitating LEA's to maintain alternate education programs for students who have been



removed for longer terms as a result of disciplinary action (Cortez & Robledo Montecel, 1999; Meier & Stewart, 1992; Reyes, 2006). This created a system of separate campuses in school districts where students were transported to receive instruction away from the school they normally attended. It further required counties with large populations to establish and operate an educational system for students expelled from school for serious criminal offenses (Cortez & Cortez, 2009; Malinowski, 2001). These were typically schools built adjacent to juvenile detention facilities that served students being processed through the juvenile justice system. Their enrollment also included students ordered to live at home under parental supervision while waiting trial, but who were not allowed to return to their normal campus until they had resolved their case (Reyes, 2001). This alternate program was to be paid out of the same funds LEA's received from the state to cover their operating costs of their regular school programs. The law also included mechanisms for negotiations of allotment amounts, and was viewed as a legitimate commitment by Texas to the education of even the most troubled students (Cortez & Robledo Montecel, 1999; Molsbee, 2007).

### *The Evolution of Chapter 37*

The intent of TEC 37 may be found within its subtitle which was what the legislature believed was the ideal place for Texas students to be educated in: a 'Safe School'. One of the primary assumptions of the law was that schools were safer when students who violated the LEA's adopted code of conduct were removed from the classroom and/or segregated from their peers at a separate campus (Costenbader & Markson, 1998; Fabelo et al., 2011; Reyes, 2001; Tillman, 1996). It also mandated that these students were not simply removed from the educational setting entirely through suspension for long periods of time, which would leave them without any access to a learning curriculum and increase their risk of dropping out of school

(Atkinson et al., 2004; Cortez & Cortez, 2009). Notably, TEC 37 also reflected the traditional view of the legislature which was that students who could not behave according to expected school norms should be segregated from those that do, and that teachers and administrators should be empowered to conduct these removals as necessary to maintain order on public school campuses (Costenbader & Markson, 1998). This is clearly noted in an opinion expressed by Texas State Senator Bivins (District 31-Amarillo):

The origin and the intent of the legislation were twofold; first, to require removal of students from the regular classroom who committed certain offenses, and second, to provide teachers with the necessary tools to restore discipline and order in the classroom by allowing them to remove disruptive students (Cortez & Robledo Montecel, 1999).

It is important to notice the words used by Blevins to describe the current state of Texas public schools, which seem to indicate his position that order had been lost in Texas classrooms and needed to be restored.

As data began to surface that students assigned to alternative programs were performing at levels far below their peers in regular campuses, Chapter 37 was amended further in 1997 to require more rigorous instruction be provided, and school districts were held responsible for their learning through state accountability testing (Fabelo et al., 2011; Reyes, 2006). In spite of the changes that provided access to basic core instruction, the overall success rate of these programs would continue to be substantially inferior in terms of student achievement (Cortez & Robledo Montecel, 1999; Fabelo et al., 2011; Molsbee, 2007).

In addition, an even more disturbing pattern had emerged in school discipline data which demonstrated that students were being disproportionally affected by Chapter 37, as it was implemented statewide, to the disadvantage of specific student groups that had been historically marginalized to begin with. Texas school disciplinary data made it apparent that student removal was being used on African-American students, children from low income households, and those

identified for special education services more often than other student group. These groups were being over-represented in the data of virtually every LEA in the state, mirroring national trends, in the number of disciplinary consequences that involved a student removal from the classroom (Fabelo et al., 2011; Reyes, 2006; Witt, 2007). The most recent data released by the state shows that the pattern continues to exist, revealing that more than one-third of the more than 475,000 out-of-school suspensions (OSS) assigned were highly over-represented among African American students during the 2014-15 school year (TEA, 2015). This alarming trend, along with new accountability pressures fueled by the No Child Left Behind Act (NCLB), contributed to a very distinct shift in local approaches to student discipline. Many districts, questioning the effectiveness of harsh discipline policies adopted by many school districts in Texas in response to the *Safe Schools Act*, began replacing these student conduct models with those centered in various positive behavior support initiatives (Clark, 2002; Garba, 2011; Holmes, 2006; Molsbee, 2007; Orpinas & Horne, 2010). This equated to more systematic approaches by staff in building positive student relationships and relied on communicating expectations and rewarding student compliance, rather than simply relying on the consequence as a means to deter student misbehavior. However, even with this tangible shift in the way student behavior was being managed in Texas schools, minority students continued to be overrepresented in the number of student removals from the regular classroom year after year. Additionally, the practice of using student removal as a disciplinary consequence had become a common response by school administrators.

### ***Targeting the Gap***

Educational leaders in Texas have largely ignored the drastic inequity in the way discipline is doled out, especially when discussing removal from classroom instruction. It is

apparent that this trend is evident nationwide, and has been happening for at least as long as data has been recorded concerning the application of punitive exclusion on student groups in Texas (Garba, 2011). It is imperative to try and understand how the implementation of TEC 37 impacts students, their social group collectively and society as a whole. In general, Chapter 37 is broken into subchapters identified with the areas of public education they are designed to address, which include laws governing school peace officers, empowering districts to create school-community guidance centers, and rules protecting school property. Subchapter A addresses many things regarding school discipline including the student code of conduct and types of consequences to be applied, which include policies on student removal which is the primary focus of this study. As with any policy, it has been subject to revision over the last twenty years, but most of those revisions have been amendments broadening the definitions of what behaviors are considered violations of TEC 37 and grounds for removal of the student from instruction. Except for the mandate to provide access to curriculum for students assigned to DAEP's, virtually no changes have been made that were influenced by, or attempted to address, the way the application of discretionary student removal was damaging the life chances of students of color and economic disadvantage.

Most scholars would agree that the more instruction a student misses, the poorer the outcome is likely going to be in terms of student achievement. Additionally, research has shown that once a student is removed from the classroom, the likelihood of them having disciplinary removals jumps substantially (Fabelo et al., 2011). It has also been shown that students who are removed from campus instruction are at an increased risk to drop out, and have brushes with the law as juveniles. There is strong evidence that the effects of these disciplinary processes, at least

in the case of the African American male student, lead to incarceration and other obstacles to living functionally in society (Noguera, 2003; Reyes, 2006).

As more districts began to submit compliance data to the state, it was obvious that discretionary removal was almost always unevenly applied in schools. During the period since the adoption of the *Safe Schools Act*, African American students were removed from the classroom at rates two to three times higher than their representation in the student body every year (Appleseed, 2007; TEA, 2015). In spite of the lopsided use of discretionary removal against students of color, its use as a disciplinary technique has steadily increased up to the current date of this research. Formal analysis of state disciplinary data released on the 2014-15 academic year continues to reveal disproportionate placements of students from marginalized groups in virtually every category of student removal, including DAEP/JJAEP placements, as compared to White students (Fabelo et al., 2011; Hilberth, 2011; TEA, 2015). This data leads to many questions about the actual campus-level processes that are responsible for managing student behavior and assigning consequences fairly across student groups.

## **Statement of the Problem**

African American students are being taken from classroom instruction in Texas public schools at rates disproportionately higher than other student subgroups through a disciplinary process known as discretionary removal (Fabelo et al., 2011; Mendez & Knopf, 2003). These removals have been shown to be damaging to student learning, and further widen the learning gap between African American students and their student peers (Losen & Skiba, 2010b; Patton, 1998; Skiba, Michael, Nardo, & Peterson, 2002). Moreover, many studies have established that these removals contribute to additional involvement in school disciplinary processes, an increased risk of dropping out, incarceration, and limited economic opportunity for large

numbers of African Americans (American Psychological Association Zero Tolerance Task, 2008; Fabelo et al., 2011; Reyes, 2006).

Studies have shown that the implementation of TEC 37 and the use of discretionary removals differ substantially, not just between LEA's, but even among campuses within the same district (Appleseed, 2007; Correa, 2011). Confusingly, there are a handful of examples of schools that have applied this policy without the same glaring disparity as compared to their campus comparison group (schools that are matched for their characteristic similarities) while still obtaining comparable student performance outcomes (Fabelo et al., 2011; Molsbee, 2007). By the same token, the alarming rise in the rates of discretionary removals in public school adds yet another dimension to this complex issue by providing a strong argument that the systems designed to manage student behavior have been ineffective and are again in need of refinement. One thing that can be gleaned with certainty in Texas is that race matters when it comes to student removal (Clark, 2002; Cortez & Robledo Montecel, 1999; Fabelo et al., 2011; Monroe, 2005, 2009). In spite of the long-term negative impacts related to the removal of so many African American students from instruction, the mere existence of the inequity itself is damaging to the relationship between the schools and the minority communities they serve (Eitle & Eitle, 2004). It leaves the impression with these stakeholders that inequity may likely be present in other areas of the school setting, such as funding and provision of district and campus resources (Kinsler, 2011).

### **Purpose of the Study**

The main purpose of this study is to examine the use of discretionary removal as a response to student misbehavior by Texas school administrators in order to identify what factors may be contributing to its disproportionate use against African American students. Although

school behavior management practices are complex, the focus of this research is on a precise decision point in the process when school administrators make the choice to remove a student from instruction and for how long. This research will look closely at how administrators make decisions about student removal in order to add knowledge to discussions about how these processes may be vulnerable to bias against a specific student group.

## **Research Questions**

To further understanding of these processes and what may be influencing the decisions of school officials, the following questions will be explored in this study. The first two questions establish that the pattern of disparity exists in Texas, as well as in the study district and individual campuses. They will be answered with descriptive statistics collected by TEA. The remaining three questions address both the systems of removal and the cognitive processes administrators use to make removal determinations. These questions will be answered using participant interviews and a survey tool to provide qualitative data to inform the study. The research questions for this study are as follows:

- 1. What patterns can be identified in rates of discretionary removal based on student demographics in the study district?*
- 2. Is there a relationship between the proportion of African American students enrolled on a campus and the student group risk ratio for that school?*
- 3. What processes do campus administrators rely on when handling student disciplinary events that require administrative review?*
- 4. What factors most influence the administrator's decision to remove a student from instruction in the study district?*
- 5. What perceptions about the discipline gap exist among administrators interviewed in the study district?*

## **Significance of the Study**

There is an enormous body of knowledge that has been written on school discipline and the gap that exists between African American and White students (Gregory & Mosely, 2004; Kinsler, 2011; Fabelo, et al, 2011). Several studies have been conducted that examined interactions and power structures within the classroom, and the impact of teacher's perceptions about student qualities and race, and found that personal history and lived experience can shape and mitigate perceived disruptions in the classroom by African American students (Noguera, 2003; Oplatka & Atias, 2007). Additionally, research has been performed on the effects of the campus climate on student learning and behavior which found that encouraging attitudes by school staff impact student learning positively (Rokeach & Denvir, 2006). Unfortunately, the problems associated with the use of discretionary placement in Texas continue to exist in the state. To date, there remains a dearth of information about interactions between administrators and students that addresses the etiology of disciplinary decisions by school officials as they relate to the perpetuation of the current system's inequities. In other words, although much research chronicles that the problem of unequal student removal exists, few have looked at the origin and nature of the actual internal systems of decision-making that campus administrators rely on to make these choices.

The value of this study lies in the interrogation of the subjective power of discretionary removal that is widely used by school officials in Texas more often against African American students than any other, with the assumption that schools are a better place when students who violate the SCC are removed from the classroom. As we continue to develop an understanding about the racial gap in student discipline, it is imperative to evaluate the processes that drive decisions by school administrators to remove students from instruction. Using posits from



*Racial Threat Theory*, centered on the relationship between demographics of a community and increases in the use of punitive measures by law enforcement agencies, I will attempt to explain the way student race may be influencing the decision-making processes of school administrators. Additionally, approaches to understanding policy implementation grounded in an administrator's cognition and sense-making which focuses on the creation of shared meanings within an institution or a professional community, and how they may hold sway over attitudes subscribed to by school officials, will lend foundation to this investigation. Lastly, *Critical Discourse Analysis*, which focuses on balances of power and agency as they are entwined in processes of communication between school administrators and students, will be offered as one framework for understanding the disproportionality of discretionary removal. In doing so, it is hoped that this research will provide guidance not only for the empirical study to follow, but also lead educators and policymakers towards finding ways to reverse the current inequity in the use of discretionary removal in Texas.

## **Review of Literature**

There is an abundance of quantitative data currently available that highlights the levels of disproportionate removal of African American students from instruction. Researchers began measuring these inequities decades ago, and longitudinally looking backward the data demonstrates that the discipline gap has gotten progressively wider over time. Nationally the literature reveals that this issue is widespread, and is translating into a staggering loss of instructional days for students of color who already suffer disadvantages in other areas that significantly influence learning outcomes. The data also reveals that involvement in the disciplinary systems of public schools is a predictor for contact with the juvenile justice system and incarceration during adulthood. In Texas public schools where nearly ten percent of all

public school students in the United States attend, the decision to remove students from instruction by school officials is almost always discretionary. It is also falling more heavily on African American students, and equates to more than a million lost instructional days for students from this group each year (Antonio Fabelo & Justice Center, 2011; Fenning & Rose, 2007). Most compelling to this research are indicators from recent studies that race as a variable is influencing the judgment of school officials on how frequently and how harshly a student is punished for misbehavior.

This research extends from that which has already been done by examining the variables may be having at least some influence on the disciplinary decisions of campus officials. The review of relevant literature will first establish patterns of disproportionate use of removal against African American students, both in Texas and across the nation. It will then develop arguments from Critical Discourse Analysis to guide the inquiry into some of the cognition used by administrators to handle student infractions and issue behavior consequences that are hypothesized in this study to be responsive to student race. The inquiry will take on a broader perspective using theories grounded in both Racial Threat and Sense-Making frameworks to ascertain the effect of shared meanings within an institution, and campus demographics, on the disciplinary decisions of school officials. Lastly, the review of literature will highlight what remains to be learned about the unequal treatment of misbehaving students based on their race, and explain the importance of campus-level inquiry into discretionary removal in Texas as an avenue to finding ways of countering the current inequity in the system.

## **Methodology**

This study will focus on the disciplinary systems and the quantitative outcomes of those processes in middle schools in a mid-sized district located in an urban center in the State of

Texas. It will use qualitative methodology to assess the influence of attitudes of the agents who handle discipline in order to answer the research questions. Descriptive statistics drawn from state and study district disciplinary data will be presented to provide context. This will be followed by a presentation of the information gathered from the study participants in order to answer the research questions.

### **Limitations of the Study**

One of the primary limitations to this study is the generalizability of the research across state, or even district boundaries. It would be very difficult to argue that all districts in Texas use identical approaches to discretionary removal. Furthermore, the data used in this study will be drawn from middle schools within the study district and therefore may only be useful for policy considerations at that level. Even so, it is of vital importance for LEA's to identify patterns in their student data in order to drive policy decisions about approaches to student discipline. By the same token, the contribution being made to the body of scholarly work that helps schools and districts to interpret their student discipline data more precisely holds substantial merit.

Another limitation may be found in the grouping of different forms of student removal under the same banner of discretionary removal for statistical analysis. An examination of Texas school disciplinary data shows that the level of disproportionate actions against certain student groups vary between the three types of removal (ISS, OSS, and DAEP). This research presumes that students not in the classroom for authentic instruction are at risk of falling behind their classmates, an unsavory derivative of discretionary removal, and that this occurs with both in-school suspensions as well as off-campus consequences. It is conceivable that the *type* of discretionary removal may carry a significant influence on the amount of damage inflicted on a

student's learning for that year and in the longer term, which should be an avenue of additional inquiry.

Lastly, it should be understood that the process of discretionary removal by a campus administrator is but one link in a chain of events involving interactions that often play out in the classroom before the administrator ever becomes involved. Teacher-student relationships on a school campus, embedded in contexts of professional and local communities, are very much a part of this sequence. While this may help to explain some of the disproportionality, removal decisions responsive to race come solely from school administrators, and therefore contribute to the problem.

## **Definition of Terms**

Terms used throughout this study should be interpreted to mean the following:

- 1) **Discretionary Removal:** For this study, it is the removal of a student from the classroom by an administrator as a consequence for a violation of the student code of conduct. This is in contrast to other disciplinary techniques, which may or may not result in the student being removed from regular instruction. They account for more than ninety-five percent of student removals annually.
- 2) **District Alternative Education Program (DAEP):** This term refers to an instructional setting created for students who have been removed from regular instruction and segregated from the student body as a result of a violation of school rules. Placements into a DAEP can be either discretionary or mandatory, depending upon the nature of the offense.
- 3) **Local Education Agency (LEA):** As defined in the Elementary and Secondary Education Act (ESEA), a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools. These entities are commonly referred to as a school district.
- 4) **In-School Suspension:** This is an instructional setting created on a school campus for students who have been removed from classroom instruction because of a disciplinary

offense. Its purpose is to separate disruptive students from others for a specific period of time, usually for at least part of the instructional day. While some consider it to be less damaging than suspension off campus because the students remain in a supervised quasi-instructional setting, research on its effectiveness is inconclusive. They are the most common type of student removal in Texas.

- 5) **Mandatory Removal:** This is a removal of a student from the regular classroom as a consequence for a serious offense committed at school, on school grounds, or at a school related event. Essentially, the response to remove the student is mandated in TEC Chapter 37 and is reserved for infractions involving weapons, controlled substances, or acts of violent aggression. Students who commit certain types of felonies outside of school can face mandatory removal under certain circumstances. These removals account for less than five percent of student removals.
- 6) **Minority Student:** Students classified by their race as other than White. Relative to this study, the three comparison groups examined are African American, Hispanic and Asian students.
- 7) **Out-of-School Suspension (OSS):** This is a disciplinary response that removes the student from the campus where he committed an infraction, and send her/him home for a predetermined period of time not to exceed three consecutive school days in the same school year. Except for students protected by special education endorsement, there is no limit to the number of OSS assignments a student can receive in an academic year.
- 8) **Student Code of Conduct (SCOC):** An outline of acceptable and expected conduct for students while on campus or at school-related events. It establishes standards for behavior and explains conditions by which a student can be removed from regular instruction as a disciplinary consequence.
- 9) **Student Discipline:** In this study, this term refers to the response choice by a campus or LEA to a violation of its SCOC by a student. These responses can range from a verbal or written warning to removal from the classroom and/or placement in a DAEP, depending upon the offense.
- 10) **Zero Tolerance:** This is a policy approach, coined initially by law enforcement agencies involved in drug enforcement, that applies harsh punishments for certain crimes to all offenders regardless of the circumstances around the event, or the actual severity of the crime. It is meant to deter others from committing the same or similar crimes through a fear of the consequences. In this study, it refers to policy approach towards school discipline that categorizes specific violations of the SCOC that warrant a mandatory removal, and in some cases expulsion, of the student. Examples of these include the possession or use of a firearm on school property, drug possession in any amount, and sexual assaults.

## **Organization of the study**

This dissertation is divided into five chapters. Chapter one provides an introduction and develops the topic and arguments that will be posited. It also discusses the importance of the study to a body of knowledge that is relatively small in spite of its commonality in public school processes, along with its foreseeable limitations. Chapter two will review the scholarly literature written on the study topic. It will explore the theoretical arguments to help explain why students are being sorted by race in disciplinary processes, and review studies done both inside and outside of Texas, in order to develop the conceptual framework used in this research. Chapter three will present the conceptual framework and qualitative methodology design that will be used to gather data and test the hypotheses of this study. In chapter four, I present the findings of my qualitative inquiry about discretionary removal in the study district along with state, district, and campus descriptive statistics, and then discuss their implications in chapter five.

## **Summary**

TEC Chapter 37, although relatively new in the context of Texas Educational Policy, has seen substantial changes from its original implementation in 1995. Over the last two decades, the trajectory of disciplinary policy in Texas Public Schools has shifted away from unmonitored, long-term student removals, while still preserving the right of school agents to separate disruptive or dangerous students from other students. Texas schools began this change more than twenty years ago by legislating school districts to abandon a more traditional disciplinary model which was contributing significantly to negative social behavior and increased rates of juvenile delinquency.

As compliance with this new policy was being monitored, a process bolstered by the additional mandates of NCLB which placed an even further emphasis on student data collection

and analysis, a picture emerged of a system which appeared to allocate a sliding scale of negative values to student characteristics of race, gender, and social class. As a student is passed through this system of discipline, we have identified a major decision point where the campus administrator is given broad powers to remove students from the classroom setting for extended periods with little or no oversight. Within this latitude offered to public school administrators to mete out student discipline arbitrarily, state discipline data has revealed that race is very much a factor in the severity of consequences administered to students using this model for student discipline.

The following analysis of the way the policy is being implemented by agents at the ground level is being conducted in order to identify connections between how discretionary removal is currently being applied by school administrators in Texas and the way student subgroups are disciplined unevenly. It is hoped that this will add to the growing body of knowledge in this area, and support campus administrators in developing ways to balance orderly school climates with social justice.

## **CHAPTER 2: REVIEW OF LITERATURE**

### **Introduction**

It should be understood that congregating large groups of adolescents in a confined area for the purposes of educating them will always generate conflict (Linden, Duke & Meckel, 1980; Johnson, 1981; Johnson & Johnson, 1979). Disciplinary incidents that arise from these conflicts are an inevitable part of the public school experience for many students, and can be resolved in many different ways depending on the policies and available resources of a school. There is an exhaustive body of work written about techniques teachers and school staff can use to manage discipline in their classrooms and in common areas of the campus (Edwards & Watts, 2010; Walker, 1995; Wolfgang, 2004). By the same token, school leaders need not look far to find approaches that are designed to help them create and capitalize on a positive school climate, which has been credited with reducing levels of student discipline in many studies (Freiberg, 1999; Kelley, Thornton, & Daugherty, 2005; Marks & Printy, 2003; Sugai & Horner, 2002). In spite of the efforts of many, students are still susceptible to making bad choices. Many end up involved in disciplinary incidents that are deemed serious enough to require an audience with a campus administrator to determine what the consequences for the violation should be.

Not every student is removed from the classroom as the result of the student conference with an administrator, and there are options available than can address the offense without penalizing the student instructionally. Detention halls, requiring students to attend on Saturday, and student restitution (where students perform chores around the school as their consequence) are just a few of the possibilities and many schools use at least some of these approaches in one form or another (Lasley & Wayson, 1982; Radin, 1988; Reyes, 2006; Ryan & Zoldy, 2011). There are also instances when it is mandatory for a student to be removed for violations of



criminal law, and school officials have only a minimal influence over these processes (Bickerstaff et al., 1997; Booker & Mitchell, 2011; Cloudt, 1994). According to the data generated in Texas public schools however, this type of consequence makes up a very small proportion of the overall events of student discipline that involve a removal consequence (Cortez & Robledo Montecel, 1999; Fabelo et al., 2011).

The focus of this literature review is on the decisions that account for more than ninety-five percent of student removals from instruction that occur in public schools across Texas. Since the decision for these removals are the exclusive domain of campus administration and have generated data so unfavorable to students of color, it seems necessary to interrogate the methods used to decide which students get removed and why (Kupchik, 2009; Noguera, 2003). As demonstrated in the literature reviewed in this study, when this decision point is reached by the school official, it can be influenced by a student's race and leads to a removal consequence more often for African American students (DeMatthews, 2016; Fabelo, et al., 2011; Witt, 2007).

The purpose of this review is to first establish patterns of data as they have historically existed at the national level, and then narrow the scope by examining parallels between national trends and those that appear in disciplinary data generated by Texas public schools. After providing a brief overview of secondary campus disciplinary processes, I develop a theoretical framework for inquiry with which to interpret this data. By examining three different explanations from academic literature, I hope to identify some of the macro-level factors that contribute to the discipline gap in Texas. At the micro level, Critical Discourse Analysis is used to guide our understanding of the individual administrator-student and administrator-staff interactions that support shared meanings of events and guide the actions of actors, as well as to highlight the power assigned to the adoption of language patterns of the dominant group. I

examine patterns of social cognition by members of an institutional community using Sense-Making Theory to explain how the formation and existence of shared meanings may influence the decisions of individual campus officials, leading them to punish African American students harder and more frequently. I will utilize these arguments to create my research questions and shape the survey and interview protocol used to collect qualitative data for this study. Additionally, these arguments will also be applied to the disciplinary data collected from the case study district in order to analyze and interpret their meaning as it applies to disproportionate discretionary student removal.

### **National Level Data**

Many studies have been conducted over the last several decades, both in Texas and in other states in the U.S., that have highlighted and examined the disproportionate removal of minority students in order to find clues about the root causes (Duke, 1976; Gregory & Mosely, 2004; Gregory, Skiba, & Noguera, 2010; Monroe, 2005). There is a great deal of confidence that unequal removal of students does exist in most levels of student disciplinary data, and the evidence has shown that there may be many causes related to this. However, less is known about the actions of the campus administrator on rates of discretionary removal from the classroom (Duke, 1978; Kinsler, 2011; Smith & Hains, 2012).

In 2011, the results of a study done in North Carolina demonstrated the inequity in student suspensions (Kinsler, 2011). Kinsler and colleagues examined the disciplinary data of 500,000 students in 1000 schools to determine whether the race of students and administrators can influence rates and lengths of student removals from campus. It confirmed the results of many other studies showing similar inequity between African American and White students nationwide (Gregory, 1995; Wallace Jr, Goodkind, Wallace, & Bachman, 2008). African

American middle school students were nearly 80% more likely to be suspended than their White peers. In similar suit, the length of the suspension term was 22% longer for African American students than White students who violated the SCC. Interestingly, Kinsler found that there was no significant effect of administrator race on the difference in suspension rates for White and African American students.

In 2010, Losen and Skiba released the results of their study of suspension rates in middle schools from the nation's 18 largest school districts. They were interested in how frequently suspension was being used in public schools, and whether the rates of its use differed by race and gender of the student. In selecting their sample group, they focused their inquiry at the middle school level because of their conviction that this information was relatively obscure in the minds of state and local education officials. Losen explained that "many educators and policymakers were unaware of the high rates of out-of-school suspension at the secondary level – especially students of color attending middle schools" (Losen & Skiba, 2010a). They also challenged the assumption that out-of-school suspensions had the combined effect of changing the behavior of the student being removed and functioned as a deterrent for other students, arguing that rates of student discipline have remained static in spite of the lengthy relationship between zero tolerance policies and public schools.

Their findings were consistent with what was already known about the use of student suspensions. For example, males were suspended more frequently than females, and African American suspensions substantially outpaced rates of all other student groups, leaving African American males caught in a type of double jeopardy within current systems of school discipline (Fenning & Rose, 2007; Gregory, Skiba, & Noguera, 2010). They discovered that almost all of the 180 schools they reviewed suspended African American male and female students at rates

that were twice that of Hispanic and White students combined. What was more telling, however, was their discovery of the difference in the type of infractions that elicited a suspension consequence by race. They found that White students were typically removed for infractions that required less interpretation of the behavior, citing infractions like smoking or leaving class without permission. Conversely, African American students were punished with suspensions for behaviors that were more subjective, such as loudness or disrespect, which required an interpretation of the behavior by a school official as to whether it exceeded the threshold of tolerance for the behavior that warranted a suspension (Losen & Skiba, 2010a).

### **Disproportionate Texas Data**

TEC 37 is notable in that it provides what was believed to be an answer to a specific concern among legislators and lobbyists for professional educators which was what to do with dangerous or disruptive students (Coburn & Talbert, 2006; Malinowski, 2001). Here was a law with a very impartial tone, echoing the zero tolerance mantra that had permeated into public education following its utilization in drug law enforcement circles (Cloudt, 1994; Molsbee, 2007; Skiba, 2008). Texas Education Code clearly established a structure for order within Texas public schools by defining what categories of infractions required the mandatory removal of the student, no matter what. What is troubling, however, is that in spite of the clarity with which Texas school laws defined mandatory removal offenses and how they were to be handled, this category of offenses make up only a minimal portion of the overall number of student removals that occur in Texas annually (Molsbee, 2007; Reyes, 2001). In fact the vast majority of student removals from Texas classrooms are categorized as discretionary, which is far more subjective and effectively puts some very serious, life-altering decisions into the hands of only a few agents of an LEA (Correa, 2011). It seems relevant to examine this procedure as part of the journey to

discover what elements of the discretionary removal policy are contributing to the current output of disproportionality in student discipline statistics every year in Texas. As this topic becomes more heated, calls are being heard for campus-level analysis to gain a better understanding of this issue (American Psychological Association Zero Tolerance Task Force, 2008; Putnam, Luiselli, Handler, & Jefferson, 2003; Welch & Payne, 2010).

TEC 37 exists to provide a structure for school officials to maintain an orderly, lawful campus environment for students to learn in. For specific violations of the SCOC, TEC 37 prescribes specific punishments that administrators must apply as part of their duties as campus duties. In a small amount of cases, administrators are simply following the law in a ministerial sense when they apply mandatory consequences as required by the state. In these few cases, Administrators are simply obeying the order of law as part of their duties of their position without any use of discretion or personal judgment. However, in most cases the TEC applies only as a guideline that order must be kept, and moves the determination of the consequence into the hands of the campus administrator with the expectation that the consequence they decide on will be fair and always be made in the best interest of students (Balderas, 2014). This is where the concern about the use of discretion rises. The fact that administrators are given discretionary powers to decide consequences does not create the issue by itself. The issue presents itself when the assumption that the administrator is making these decisions fairly for all students after assigning a value judgment to their behavior, and that the consequences assigned to a student are tailored to fit the specific event without bias, are in conflict with the data assembled on these processes.

In 2011, researchers released one of the most exhaustive investigations of student disciplinary data ever performed in the State of Texas. Researchers conducted a multivariate

analysis following approximately one million students from the seventh through twelfth grades. They were focused on the relationships found within discretionary or mandatory removals and the influence of school discipline on retention, dropout, and rates of entry into the state's juvenile justice system. Predictably, they found similar disproportions evident in other studies and were able to identify African American students as being over-represented in the discipline data of Texas (Fabelo, et al., 2011). In their study, researchers crafted more than 80 variables to test for effects on student discipline outcomes. They used them to determine whether the inequities in the data could be explained by factors other than race that were also suspected to have an influence on rates of student infractions.

The results of their analysis again illuminated a lopsided school disciplinary system where African American students were being sorted by their race, among other identifiers, and were being subjected to more severe discipline as a result. For instance, African American students outpaced all other racial groups in severity of their discretionary removal by being three times more likely as White students to be assigned an out-of-school suspension for their first discretionary violation. This is in great contrast to the much smaller numbers of students that were removed to DAEP or expelled mandatorily, which occurred at rates that were equal across student racial groups. When controlling for the identified variables researchers identified as contributors to negative student behaviors, African American students were still one-third more likely to be removed from the classroom in the ninth grade than White students, whereas the effects of race disappeared for Hispanic and White students. Of equal importance, their findings rebutted any assumptions about actual differences in student behavior by race as a possible explanation for unequal discretionary removal across the state. Their research showed that African American students were committing serious offenses at the same rate as every other

student group identified by race, results that paralleled those of similar studies nationwide (Skiba et al., 2011).

### **The Nuts and Bolts of School Discipline**

One of the notable characteristics of TEC Chapter 37 is the way in which it categorizes student offenses from minor infractions to more serious ones, even extending into designations of serious criminal offenses as contained in the Texas Penal Codes (Fabelo et al., 2011). According to TEC 37, LEA's are required to identify which behaviors are considered more serious than others in their adopted SCC, and the more severe the behavior is perceived in the eyes of the LEA, the greater the penalty. Additionally, the flexibility of the campus in terms of the options for student consequences tends to diminish as the seriousness of the misconduct graduates up this intensity scale (Bickerstaff et al., 1997; Cortez & Robledo Montecel, 1999).

The most severe violations usually involve infractions that occur on school property or at school events, but Texas students are also held accountable for any felony acts committed off campus that involve aggravated assault, murder, sexual misconduct punishable by law, or terrorism. According to TEC 37, students who have been arrested for these types of offenses are removed from their campus and assigned to a DAEP or JJAEP as a result. Removals of this nature are infrequent and average less than three percent of overall student removals from the classroom setting in the state annually (TEA, 2015). Outside of this tightly defined category of serious offenses, virtually any other misconduct as outlined in an LEA's adopted SCOC will fall into a class of violations that leave the decision for student consequences up to campus administration. Student removal is just one response that a campus can employ to address student misbehavior, and is usually spelled out in detail in a school district's SCOC. The decision to remove a student from the regular classroom setting essentially belongs to the

campus-level administrator in charge of student discipline. Discretionary student removal accounts for more than 97 percent of student removals in Texas public schools and translate into millions of lost instructional days annually.

Short-term discretionary student removals can range from a brief timeout away from the classroom talking with an administrator to an assignment in In-School Suspension (ISS). Students sent to ISS are required to serve their disciplinary consequence in a rigid type of study hall that generally prohibits them from talking or taking part in any enrichment activities during their assignment. ISS is designed to isolate these students from their peers as a punitive measure, and the state does not put a limit on the length of the term a student can be given in ISS. It also separates them from the authentic instruction occurring in the classroom, and therefore increases the likelihood that these students may not be successful academically. More serious offenses can warrant a removal of the student from the campus entirely for a designated period of time. Students who are issued Out-of-School Suspension (OSS) as a consequence are required to stay away from district property for a specified length of time that cannot exceed three consecutive school days. It is important to note that although TEC limits the term length of this type of consequence, there is no cap placed on the number of OSS assignments a student can receive during an academic year (excluding students identified for special education services who have a cap not to exceed 10 days per academic year). The most serious violations of the SCC can trigger a DAEP removal. Assignments to the DAEP typically range from 5 to 45 days depending upon the age of the student, but under certain conditions can be extended past 90 days or more when the infraction is deemed serious enough.

What is important to know about these disciplinary consequences is that although the data shows they are having a devastating effect on students who receive them, the decision to



remove students is a subjective one made by just one or two administrators. This, in and of itself, is a cause for concern because it brings in the question of whether this type of removal system can satisfy the minimum standards of due process as set forth by the United States Supreme Court in *Goss v. Lopez*. In their decision, the court established that since the state had mandated a public education of school age children within its boundaries, the rights of students to this education was a property interest protected by the Fourteenth Amendment. Therefore, this right cannot be deprived without due process for the student. Although the court did not set specific guidelines for what student due process should look like, it ruled that the procedure should be “meaningful” (Ellis, 1976).

While Texas LEA’s and individual campuses typically provide several options school administrators can use to address student misconduct, the ease with which an LEA can remove a disruptive student seems to have invited the uneven implementation of this policy between student groups. In doing so, it appears to have exposed an example of embedded bias against non-white, nontraditional students in Texas public schools. This is because in spite of consistent data released by TEA annually that shows that the disciplinary systems were working against students of color and poverty by overrepresentation, no concerted efforts have been made by the Texas legislature to correct the problem (Correa, 2011). In fact, the only measures taken by state lawmakers have been to include amendments that moved further away from equity by broadening the powers of school officials to remove students (Ayers, Dohrn, & Ayers, 2001; Fabelo et al., 2011; Hilberth, 2011; Witt, 2007).

Compliance by LEA’s to TEC 37 is maintained in section 37.020, requiring Texas public schools to submit annual discipline reports to TEA. According to Chapter 37, LEA’s are required to report the quantity and types of mandatory and discretionary student removals, and

those actions taken which were inconsistent with the guidelines of the LEA's student code of conduct. This information is then compiled by TEA and made available to state agencies and the public each year. The data is frequently connected with conversations about student achievement, LEA attendance rates and, by proxy, school funding dollars at the campus and district levels. In cases of noncompliance, LEA's that do not adhere closely to policies related to TEC 37 could become vulnerable to litigation brought by parents or advocacy groups that are potentially very expensive in terms of dollars and district resources (Walsh et al., 2010).

### **Discretionary Removal Examined**

The discretionary removal of a student in Texas is a multistep process that can be influenced by many factors that exist in the typical school setting (DeMatthews, 2016; Muñoz & Barber, 2011; Williams, 2012). To understand context one must consider the disciplinary event as it is nested in a series of environments including that of the classroom, and then of the campus, community and region which are all influenced by external socio-political forces (Gregory & Mosely, 2004; Oakes, Welner, Yonezawa, & Allen, 2005; Theriot, Craun, & Dupper, 2010). Then one must factor in the personal histories of teachers and staff, plus those of the students they serve to understand how this milieu of forces influence events of student discipline, and how they are perceived by the actors primarily involved in assigning consequences (Evans, 2007).

Other factors, including the level of professional training in student management and discipline by school employees, and the resources available to school leaders to control and optimize campus environments cannot be ignored (Gregory et al., 2010; Monroe, 2008). On a larger scale, one must reflect on the position of the school within the community and the legitimacy it is afforded, school history, the demographics of the region, and the list goes on

(Bennett & Hansel, 2008; Dupre, 1996). It is important to remember that schools as institutions are believed to replicate the social order of the group that creates and controls them, intentionally or not, and are considered to be an important tool for socializing its citizens into that order (Foucault, 1977; Kupchik, 2009; Lareau & Horvat, 1999; Levinson & Pollock, 2011; Saporu, 2012). Thusly, one has an even larger scale of influences of the dominant group's embedded normative values around the concentric rings of other more localized influences specific to person, place, and time (Anderson, 1996). It is these influences that exist in the space where student codes of conduct are designed and implemented at public school campuses in Texas.

For the purpose of this inquiry, my focus will be on a specific point within the mixture of student disciplinary interactions with adults. These exchanges can occur in the classrooms between the student and teacher or may happen in common areas with administrators and staff (Horner, Sugai, & Horner, 2000). In the event that one of these incidents leads to a decision for discretionary removal, the process will almost always be handled by a school administrator (DiPaola & Tschannen-Moran, 2003). Many Texas public schools function with an administrative team that divides duties and responsibilities between them. Each campus, depending upon its size, has at least one principal and an assistant principal assigned to it (smaller schools have only one administrator in charge of all duties). In the case of larger student populations assistant principals are assigned to manage a specific grade level within a campus, a practice common at the middle and high school levels because of their size and the workload associated with the position (Marshall & Hooley, 2006).

Accordingly, the task of student discipline typically rests with the assistant principal, making them the primary agent for implementing removal policies during campus disciplinary processes. This role requires the assistant principal to receive and review disciplinary incident

reports in multiple formats and investigate them through interviews with students and staff. Along with the obvious need to obtain information about the disciplinary event, this process is also employed to provide the student a quasi-procedural due process by allowing them the opportunity to offer their version of events (Tillman, 1996; Walsh et al., 2010). Although there are no specifics in TEC 37 as to where and how this must occur, students commonly receive at least some form of due process prior to a decision to remove the student from instruction. Typically, more serious student infractions and resulting consequences require a more formalized due process that includes a higher standard of documentation used by the campus to record the event and subsequent campus response.

In the case of a disciplinary referral of a student to the office, the staff member who refers the student must often specify the type and seriousness of the infraction and include a narrative of the events in their own words. It is then submitted to campus administration in some form where it is held in queue until reviewed and acted upon by a school official. In other cases, the administrator is called to the location where a disciplinary incident has occurred or may receive a student brought to them by a staff member who may have witnessed the student committing an infraction. It is important to note that in most cases, the school employee is the first to describe and interpret the circumstances of the infraction and the behavior of the student involved. Additionally, the staff member often gets to frame the seriousness of the event by assigning it to an identifier category which is usually a brief descriptor of the offense (See Appendix A). These processes are subjective in many cases, and can impact disciplinary decisions of school administrators.

Teachers have a measurable influence over which infractions are considered more serious than others. The relationship between the school administrator and the teacher who refers a

student may hold sway over the decisions made by the school official because the amount of collegiality and trust between staff and campus administrators can affect how the event is understood (Barth, 1990; Bird & Wang, 2011; Tarter, 1995). Also, any information about the disciplinary event a teacher includes or leaves out of their referral may influence the perceptions of the campus administrator. This may shape the conversation between the school official and the student before it ever occurs, possibly affecting the outcome of the process entirely. Although these may not be significant factors, to date no exploration of their impact, or that of the different types of infraction reporting methods on disciplinary assignments has been made. Once a student is given the opportunity to tell their version of events and the administrator gathers other available information like antecedent behavior, disciplinary history, and student disability in certain cases, the consequence is then decided based on these conditions. The resulting choice as to which disciplinary technique will be applied to the student, and the scale and intensity of removal if it will occur, rests in the decision-making power of the campus administrator. This decision point, which researchers have indicated as one of the possible causes for the disproportionate assignment of discretionary removal, is made on the assumption that the processes involved in sorting out a disciplinary event are adequate for making a fair decision (Fabelo et al., 2011; Molsbee, 2007; Reyes, 2006).

### **Critical Discourse Analysis**

A presumption exists within school discipline endeavors that the administrator in charge of discipline is savvy enough to understand disciplinary events as they occur even when they were not actually present to witness them. Since much of what has to be learned about a disciplinary event is collected through interviews, there is a great deal of importance assigned to word meanings and shared definitions between school administrators, staff, and students. This

communication piece holds at least some importance because there is little doubt about the significance of these interactions between students and administrators. In this sense, things like command of academic English, syntax, and grammar could certainly have an effect on shared meanings between the administrator and the student (Alim, 2004; Schzffrin, Tannen, & Hez'a'i, 2001). This leaves students who may still be building on their proficiency in academic English, or whose patterns of communication are not the same as the school administrator, at a clear disadvantage during their conversations with school officials as compared to their White, middle-class English speaking peers (Wodak, 2004; Wodak & Meyer, 2009). Traditionally, staffing data from Texas public schools support the notion that White, middle-class norms are highly represented within the population of educators, and it makes sense to believe that students who use register of the dominant class possess a certain advantage over those that do not (Alim, 2004; Blau, 2003; Callahan, 1962). Following this line of logic, Critical Discourse Analysis may be a valuable tool for understanding why unequal discretionary removal of students is playing out in public schools across the state.

Critical Discourse Analysis (CDA) is a model for critical inquiry that emerged in the late 1980's from European schools of linguistics. It was envisioned as a multidisciplinary tool that could interrogate social constructs of power and control enjoyed by the dominant group through a wide range of discriminatory discourse of both the written and spoken language. Teun A. van Dijk, one of the early contributors to CDA theory defines dominance:

The exercise of social power by elites, institutions or groups, that results in social inequality, including political, cultural, class, ethnic, racial and gender inequality. This reproduction process may involve such different modes of discourse power relations as the more or less direct or overt support, enactment, representation, legitimation, denial, mitigation or concealment of dominance, among others (Van Dijk, 1993).

Using a critical discourse lens to examine the due process procedures performed by school administrators as part of the student referral, CDA helps to tease out the innuendos found in the type of register being by the school official when interviewing the student (Van Dijk, 2011). It entails the use of language that is grounded in White, middle class verbiage, formal and direct academic language, and sentence structure. Students who are not proficient in its form are set at a disadvantage during the due process interview if their use of language and rhetoric does not match that of the administrator. Furthermore, the use of less structured responses to questions by a school administrator opens the door for negative attitudes to be formed about the student.

Mallinson and Brewster (2005) examined this formation of conscious and subconscious negativity towards individuals based on their ability to use “standard English” as opposed to non-standard social dialects. In their research, they highlight the fact that negative stereotypes are formed about individuals based on their ability to use the dialect of the dominant group, which is then transferred to attitudes about the speaker. Through multiple interactions with members of this “othered” group, the negative views about individuals and their actions become the basis for generalizations and stereotypes about the group to which that individual belongs. As these negative positions about all members of the othered group emerge as local, shared knowledge within an organization, it creates the space for unequal treatment and bias against all members of that group as a predisposition prior to engagement in discourse, and is ultimately used as a predictor of future negative behavior (Augoustinos & Every, 2007; Kirschenman & Neckerman, 1991).

By design, Texas public schools maintain the dominant group discourse through student instruction and assign the task of language assimilation to minority students. It suggests that

their pathway to success in life requires the acquisition of standard English because of the access it gives the user and opportunities reserved for those who can use it effectively (August, Carlo, Dressler, & Snow, 2005; Bourdieu & Thompson, 1991). Texas public schools create a setting where students of color must communicate in a manner that they may or may not be practiced in, and then hold them culpable for their own disadvantage. This communicates the message to students of color that all other types of register are not appropriate for formal discussions with school officials, which impacts their attitude about the likelihood that they will receive fair treatment from the administrator (Skiba et al., 2002). As previously shown, the tendency for one to view “othered” group members in a more negative light than one’s own group is inherent, and discourse between students and administrators is an area where this is influencing how the same policy is being applied to students differently (Spencer, Noll, Stoltzfus, & Harpalani, 2001; Taylor, 1973). This can explain why White students are being given a lighter punishment than African American students when they commit the same infraction (Gregory et al., 2010; Skiba et al., 2002). White students more often share speech patterns and common values with school administrators, making the words they use to communicate understanding and remorse resonate more. It can be speculated that the school administrator understands what the White student is communicating because word meanings aren’t being misunderstood due to any disconnect that might exist between their cultural identities, life histories, and respective normative values. Conversely, when African American students receive a harsher punishment for the same behavior, it may be because their ability to share an understanding of events with the school official is obstructed by negative stereotypes about the group to which the student belongs (Van Dijk, Ting-Toomey, Smitherman, & Troutman, 1997).



CDA is a method by which to scrutinize the meanings of language in the context of social relationships and processes by suggesting that what the dominant group believes are universals should shape “normal” student behavior and choices. These generalizations, protected through their existence in state law and school policies, could greatly influence discipline outcomes by making these processes more friendly to the student most familiar with them (Blommaert & Bulcaen, 2000; Caldas-Coulthard & Coulthard, 1996; Van Dijk, 1993). For instance, a belief system that relies on a shared understanding of what is too loud, or too disrespectful, is defined by the dominant group within a school campus or LEA. According to CDA theorists, these universalized constructs aid the dominant group in reproducing the current inequities as they exist for othered social groups so long as these biased views are taken seriously and allowed to exist within the current culture of professional educators. As long as these constructs are being used against students, especially students of color, their validity becomes more entrenched in the belief systems of students and staff (Baez, 2000; Gee, 2010). One serious danger from this lies in the legitimacy granted to this belief system linked to the dominant order by agencies within public education, in spite of a legacy of negatively impacting students of color, especially when it is being broadcast to public school students en masse on a daily basis. This legitimacy is extended further when the policy that creates such unfavorable data has rarely been, if ever, evaluated and modified in the wake of overwhelming evidence that the discretionary removal process is being used on one race more than others for many decades with such a devastating impact.

### **Racial Threat Theory**

It is assumed that Texas public school administrators, who are predominantly White, will apply consequences evenly without any bias towards race, ethnicity, or the gamut of other

student group identities (Fine, 1987; Skiba & Rausch, 2004). It is difficult to believe that a school official will always be able to successfully separate themselves from their own value systems and life experiences during disciplinary conferences with students of color. In fact, it has been shown that these very influences affect their ability to view events objectively in the school setting (Ladson-Billings, 1998; Richardson, 1996). Discretionary removal processes where the school administrator can somehow shield themselves from their own notions and biases about culture, child rearing, student behavior, and race is more of a myth than a fact. This would be complicated for even the most disciplined minds schooled in the art of critical analysis, and cannot be simply presumed to happen (Ladson-Billings & Tate IV, 1995). Gregory (1995) touches on this through his research on the disproportionate use of corporal punishment against African American students in U.S. schools by recognizing this assumption of complete objectivity by administrators when making determinations about student consequences. His remark about it provides insight about the inherent pitfalls of trying to manage student discipline equitably:

At the very minimum, then, it is imperative that corporal punishment, when it is administered, be administered in a manner free of racism and sexism. To ignore the possibility that the arbitrary and capricious govern who gets hit and why is to truly fail at fairness. (p. 455)

Gregory helps draw attention to the negative relationship between fairness and the existence of racism in the implementation of school disciplinary policy, and the difficulty for the two to coexist within the same system. State policy-makers, by and large, have elected to ignore the embedded racism that has been proven to exist in discretionary removal data, and therefore forgo any claims of absolute fairness in Texas public school disciplinary processes (Dematthews, 2016; Correa, 2011).

Although considerations around single agents of the school are necessary in calibrating individual responses to student discipline, there are studies that suggest that there may be a more macro-level explanation for the disproportionality in discretionary placements. Some clues may be found in a contextual application of Racial Threat Theory (RTT) in the public school setting. Originally offered as an explanation for the theoretical competition between White and African American communities over finite resources, RTT theorists contend that as these two groups share tighter spaces in the urban setting, Whites respond by attempting to counter a perceived threat to their powerbase through increased surveillance by law enforcement agencies (Brown, 2009; Stolzenberg, D'Alessio, & Eitle, 2004). This effort is further fueled by the perceived increase by Whites in the chance of becoming a victim of crime which they contribute to a shift in neighborhood demographics towards a minority-majority (Welch & Payne, 2010). Contributors to RTT also assert that the consequences of this perceived threat often exist in the higher rates of arrests and number of inmates per capita in communities where the African American population experienced increases in proportion to Whites (Welch & Payne, 2010).

Researchers who have explored these connections between demographics and social control by the majority agree that the effects are not universal and are responsive to micro-level perceptions by Whites about threats to person and property (Stolzenberg et al., 2004). Extending this line of reasoning into the public school sector, a shift in population within the school community, categorized by an increase in the number of African American students enrolled in relation to Whites, could lead to tighter controls being placed over students by school officials (Kinsler, 2011; Rocque & Paternoster, 2011). This type of enrollment change has been shown in some cases to amplify the severity of punishment being meted out, and an over-reliance on exclusionary punishment as a way to manage violations of the SCOC (Skiba et al., 2002).

Welch and Payne (2010) investigated the existence of RTT in the disciplinary policies and outcomes of nearly 300 schools in relation to the size of their African American student population. They hypothesized that higher concentrations of these students would correlate with elevated rates of exclusionary punishment and reduced rates of consequences that did not include a removal from the classroom. They offered the RTT explanation for these relationships which were believed to be tied closely with perceived levels of school crime and student misbehavior by school and LEA agents, and would manifest themselves independently of the actual levels of these events. The results of their study supported their assertions by demonstrating a positive correlation between the proportion of African American students within the student body of a school and the severity of disciplinary consequences and zero tolerance approaches in response to student infractions. They also found a negative relationship in the rates of school response to misbehavior that did not employ removal from instruction. In other words, their research revealed that higher proportions of African American students compared to White students translated into a more focused reliance on disciplinary responses that entailed removing students from the classroom.

Other studies have shown results mirroring those of Welch and Payne, and help to sharpen the picture of how the racial composition of the school community may influence discretionary removal by school administrators. One such study conducted in 2012 with a sample of nearly 16,000 students in 117 schools looked at the impact of campus climate on school discipline after controlling for individual student characteristics often associated with rates of student discipline, like family income, disability, and student achievement (Saporu, 2012). This research sought answers within school demographics as a way to explain the disproportionate use of punitive discipline on minority students. The results of this study not

only paralleled the RTT framework for understanding, it also revealed a curveo-linear relationship between the proportion of African American students within the student body and rates of student suspensions. It was found that while the ratios of African American students and rates of suspension increased together, once the ratio of African American students reached a certain level, the rates of suspension began to level out and decline as the African American population in the school continued to increase. This illustrates one theoretical principal of RTT, known as *benign neglect*, which states that positive relationships between proportions of African American students in relation to Whites and harsher school disciplinary practices end once the ‘threshold of concern’ is reached. This threshold is defined as the theoretical point when the African American population grows so large that they begin to primarily victimize members of their own group. According to this tenet of Racial Threat Theory, benign neglect leads to a decline in the levels of surveillance by administrators for student infractions and severity of punitive controls because of decrease in the frequency of Whites being victimized or challenged for resources (Saporu, 2012). These results were also sustained in a separate study involving 42 elementary schools that investigated how student race and gender lead to different sets of consequences (Rocque & Paternoster, 2011). The results of this research uncovered the same links with race in that schools with higher proportions of African American students have higher proportions of disciplinary referrals. This advances an argument of RTT in the school setting which suggests that that the higher the ratio of African American students compared to Whites, the more punitive measures of control become for all students (Welch & Payne, 2012; 2010). Further, once an unpredicted threshold of *benign neglect* was reached in the demographic distribution of students, according to the author, “punitive responses declined as minorities began to victimize each other.” (Rocque & Paternoster, 2011).

RTT informs this research by leading us to questions about the possible links between shifts in student demographics and the subsequent reaction by policy makers to this shift. Texas has witnessed rapid growth in its minority student populations over time while the number of White students has decreased, and student body composition has shifted not just on individual campuses but across entire districts. Additionally, the literature illustrates that the rates of discretionary removal have grown exponentially over the last three decades (Fabelo et al., 2011). Thusly, theories grounded in Racial Threat may be helpful in guiding researchers towards the answer as to why the current inequities in discretionary removal exist in the state and why this gap between White and African American students is allowed to widen.

### **Cognitive Theory and Sense Making**

There is an unspoken perception at the education policy-making level that overt racism goes against basic American values about freedom. Race-related events and negative outcomes based on race/class are believed to be isolated and reflect something more personal or individualized as if it were an ailment or social issue that can be negated through neutral policies (Oakes et al., 2005). What is starkly evident is that racism does exist within public education, but in a subtler form camouflaged within state and local policy. There is no doubt that discretionary removal policies are having a tremendous negative impact on outcomes of certain students, the cumulative effect of which we have yet to measure and comprehend (Fabelo et al., 2011). Whether the reference point is student drop-out rates, involvement in the criminal justice system, or simply life chances, minority students seem to be bearing the burden of a problematic system that is sorting students by color in plain view of both legislators and their constituency (Fabelo et al., 2011; Hilberth, 2011; Levin, 2005).

The challenge that exists for school administrators is to make the best choice for the student as to which type of consequence or behavior management technique will be most appropriate for a given infraction through school disciplinary practices. For example, it is likely that a school official may encounter similar types of student misbehaviors during any given period. While each disciplinary event is labeled the same way, no two events are identical and come loaded with all types of subtle nuances in terms of causes and extenuating circumstances. An example of this might be students referred for causing a classroom disruption, or whose behavior was viewed by staff as demonstrating overt defiance with disrespect, all of which are subjective concepts and leave a great deal of room for interpretation by school officials. Based on the myriad of events and characteristics of the students involved, it would not be inconceivable for an administrator to elect to remove a student and pass on the option of implementing a more time-consuming consequence that saps finite campus resources and time, like establishing a student behavior contract or assigning community service. Even though these types of interventions have proven successful in addressing difficult student behaviors, it is not always a first choice (Radin, 1988). It is cause for concern that a school official may apply an entirely different approach for similar infractions to different students, especially if the decisions tend to fall more harshly on one specific student group more than others. The problem exists within the subjectivity assigned to the judgments being made by school officials who are responsive to the influence of members of their professional community, as well as messages being generated through shared values among school staff (DeMatthews, 2016). The vulnerability in this process is that little guidance is provided to agents responsible for sorting through this information to make the best decision they can. Professional development for campus administrators rarely lacks the depth needed to help school officials unpack their own

biases and become aware of how they may affect their attitudes about students of color (Smith & Hains, 2012). The processing of large amounts of information about disciplinary events by school administrators, or ‘sense-making’, occurs many times per day on middle school campuses. Gilmore and Murphy (1991) defined sense-making as the “process whereby individuals attend to certain phenomena or variables more than others, so that they punctuate or punch out certain facets from complex streams of experience” (p. 394). In many cases, decisions about disciplinary events are based on hunches and gut feelings about a student or the circumstances leading up to, and during the infraction (Correa, 2011). If decisions are based on the information that is more visceral than tangible, it makes sense that public school discipline data in Texas is so disproportionate because the system relies on assistant principals successfully retraining their attitudes, even when the frequency of disciplinary events on a school campus forces haste to complete these tasks in order to move on to other administrator responsibilities. It may be important to examine the influences and attitudes found within the school environment in order to better understand how they may affect the disposition of a campus administrator to choose one disciplinary consequence over the other.

Coburn’s cognitive sense-making theory may be useful in understanding the impact shared attitudes about students by staff when she argues that the nature of informal and formal social settings of an institution have an impact on sense-making processes involving policy, and ultimately on decisions for implementation (Coburn, 2001; Coburn & Talbert, 2006). This strand of institutional theory emphasizes how norms and cultural conceptions about actors and processes in the environment are embedded within policy and governance structures. In public school, these structures are cemented in White, middle-class norms about what a public school should look and sound like (Evans, 2007; Kupchik, 2009). Because of this, the dominant group



gets to determine what is considered disruptive or dangerous in a school, and how a student should be expected to behave.

As Coburn explains, messages in the environment shape patterns of action through regulative, normative, and especially cognitive means. Specifically, cognitive means is when beliefs and practices regarding an event or situation become common sense, and taken as fact (Coburn, 2001). For example, how a student might be expected to respond to a teacher who has just given a redirection or how a student should enter a classroom can be very different depending upon who is being asked. Further, expectations about how a student responds to the infraction while conferencing with an administrator could be a huge influence in the outcomes of disciplinary processes. In a school context, the decision point for the disciplinary consequence to be assigned is vulnerable to the influences the administrator chooses to pay attention to. It is believable, then, that the greater the distance between the views of student and administrator on expected behavior, the more negative these influences are on the decision.

Sense-making theory asserts that policy implementation decisions are based on how a person notices, selects, and processes information into preexisting frames of knowledge and experience and world views (Coburn, 2005). When used as a lens to examine the results of Fabelo which showed that race, and race alone, was a significant factor in decisions about which students get removed, the picture sharpens to a degree (Fabelo et al., 2011). Campus administrators seem to be absorbing information received from the school environment, which would include the shared values on student behavior by staff, and using it as a framework to interpret when discretionary removal is warranted.

Spillane (2006) also argues that cognition shapes the implementation of policy within an institution. While implementation is manifested in the acts of single agents, is actually a broader,

distributed practice shared between professionals within the institutional space (Spillane, Reiser, & Reimer, 2002). He argues that cognitive frames can be used to analyze the influence of sense-making on policy implementation, and he presents cognition as being stretched out over multiple levels from the individual agent to the collective values of the agents in the organization with overlapping boundaries of influence between them. According to Spillane, cognition is grounded in individual schemas based upon prior knowledge and experience. Cognitive processes seek to understand causation through mental models in order to form meanings and interpret events. He offers that cognition is closely linked to formal and informal systems and practices of an institution because they shape prior knowledge and experiences.

When school administrators routinely interpret the behaviors of students, often many times per day, as Spillane explains, they utilize prior knowledge and their understanding of how the world operates to regulate what information gets noticed and considered and what does not (Spillane et al., 2002). He argues that school officials use these tools to guide how they analyze information, and bridge the distance between actual policy implementation and the original intent at the time of policy design. Spillane offers schemas as an example, being composed of knowledge structures that are used to make sense of events. They are useful in sense-making in that they embody definitions of common ideas and normative behavior, and are characterized by their culturally loaded predispositions about how people should appear and behave in various social situations (Spillane, Reiser, & Gomez, 2006). Spillane also introduces mental models which are used by agents to create scenarios and then run the model to predict cost versus benefit and causation in the real or social world. The problem that exists within these knowledge structures is that they contain embedded biases, and open up the possibility that agents who implement policy will focus only on superficial qualities of an event that simply reaffirm their

existing knowledge structures. As Spillane discusses, the problem can become a serious one when negative values assigned to groups spread and develop into a common set of shared beliefs by agents within an organization. As school administrators navigate these shared meanings, they impact how agents understand and interpret events and policy intent (Spillane, Halverson, & Diamond, 2001).

The Sense-Making framework helps us understand that the conception and crafting of an effective body of school discipline policies is just one part of a complex process. It is the during the ground-level implementation of discipline policy, which relies on administrative sense-making as a daily practice, that opens the vulnerability for institutional bias. Without the necessary training to manage this, Texas is leaving agents who implement such policies unsupported to grapple with their own world views, and those of their professional community on many levels, in an effort to assign behavior consequences fairly. The contributions of Coburn and Spillane to theories about cognition and sense-making are important to this study in that they may help to explain, at least in part, the inequity found in rates of discretionary removals in Texas schools. School officials, relying on these knowledge structures, must make decisions about student misconduct after interpreting enough information to identify moving targets like proof of guilt and motives behind student misbehavior. As these scholars suggest, the interpretation of so much information is time-consuming and complex which is not conducive to the schedules of busy campus administrators where time is at a premium. It is entirely possible that as school officials encounter discipline-related tasks at higher frequency, the routine nature of the process that follows may be allowing hidden biases encoded in knowledge structures to seep into their decision-making undetected. While this could be occurring in varying amounts from one campus to the next, the cumulative effect is demonstrated by the disproportionate use

of exclusionary punishments on African American students in Texas. As highlighted by the arguments of Coburn and Spillane, school officials may not only be influenced by internal biases that exist within themselves, but also by influences that consist of shared meanings about expectations of student behavior that exist within the school. These expectations, which can vary somewhat between staff members, make up the shared construct of a campus about how students should behave and respond to a conflict with authority in the classroom and the administrator's office.

There is research to suggest that sense-making theory can be used as an interpretive lens with which to examine the ways school administrators perceive and process considerations of student race and campus demographics. Evans (2007) investigated this in her research on how school leaders made sense of messages they received on race in the nested environment of the public school. She also looked at how demographics of a school tended to define it by actors both internally and externally. As an example, she used the stereotypes assigned to schools labeled as "African American schools" and "White schools". Evans concluded that attitudes towards race by school administrators were formed through many influences including the history and climate of the campus and contexts of the surrounding community, as well as from the norms and values centered in their own race and group membership. She concluded that there was a relationship between a campus administrator's subscription to these influences, their responses to racial and demographic shifts, and their willingness to retool traditional systems within the institution. She also stressed the importance for school officials to become aware of these influences, and how they shape their perceptions of race and can impact their own decision-making processes on students of color positively or negatively.

## **Colorblindness & Cognitive Sense-Making**

School Administrators serving students of color face additional challenges within the construct of the sense-making processes because of the added complexity of the implications of race while managing student discipline. An argument could be made that considerations about the effects of race, especially in the case where White administrators are expected to draw meaning and information from behavior incidents involving students of color, should be central to their decisions that could result in removal consequences (DeMatthews, 2016). Further, understanding how embedded meanings about race held within an organization can impact the actions of agents within it is vital to efforts towards unraveling current inequities within student discipline data. According to some education policy scholars, research focused on race in school reform has primarily targeted instructional practices and has made only minimal progress in addressing how race impacts policy activity and the sense-making of educational administrators (Turner, 2015; Welton, Diem & Holme, 2015). This becomes especially important in the face of significant demographic changes in student enrollment that many suburban schools and districts have faced in recent years.

Educational policy has undergone a prominent shift in the approach to issues of race and the inequitable gaps in student data by attempting to manage these concerns from a position of “race neutrality” (Turner, 2015; Skiba, et al., 2011; Theoharris & Haddix, 2011). In essence policy-makers have attempted to address matters by ignoring the effects of race on the actions of individual agents, taking a “colorblind” posture as they craft educational law and systems. This colorblind approach is as one scholar explains, “a willed ignorance of color that, although well intended, insists on assimilating the experience of people of color to that of Whites (Thompson, 1998, p. 524). Thompson goes on to argue that this mindset thrives in a society with established

racist practices of the dominant group, stating "...it is only in a racist society that pretending not to notice color could be construed as particularly virtuous". Instead of creating the space for policy to be designed to address the causes of inequity between students of different races, a colorblind approach allows educators to dodge the necessity of examining their own practices by viewing standing systems and procedure as race-neutral. Using the colorblind approach fosters the misconception that unequal outcomes in educational systems among races are the result of deficits within the groups who are the focus of policies of reform in public education (Decuir & Dixon, 2004).

Researchers provide several examples of how this colorblind approach manifests itself into educational policy that externally gives the appearance of addressing racial inequity by paying attention to the outcomes of student groups by race. Some national policies call attention to inequity by highlighting gaps in student group performance, but leave the work of reversing the unequal outcomes of students of color to the individual districts and schools. This virtually ignores the reality that the educational policy itself is inherently unfair and does little to address the causes of inequitable outcomes. The No Child Left Behind act of 2001 is a prime example of how colorblind policy allows educational organizations to ignore the inequity in their own systems. Through standardized testing, it calls attention to achievement gaps between students of color and White students, and approaches it as a problem that can be solved through changes in pedagogy and by harshly sanctioning districts who present inequitable outcomes in their achievement data (Leonardo, 2007). Scholars argue that this approach "treats the symptoms of school failure (e.g. poor achievement), rather than the cause (i.e., inferior schools). This characterization of the achievement gap shows a consciousness of race, but reflects a race neutral implementation. It allows dominant group ideology to declare the causes of failure among

students of color to be found within the students themselves, because the system is presumed to be “fair” for all students. The outcome of these practices lead schools to focus their efforts on addressing deficits among students and interrogating their cultural characteristics rather than examining the prospect that their practices are racially biased and inherently unfair to students of color.

A colorblind view of educational systems and policies is problematic in that it effectively hides massive inequalities within them behind perceptions of a level playing field for all students. This viewpoint looks at acts of racism as something that only occurs on an individual level, perpetrated by those who carry racial aggression with them outwardly (Schofield, 2006). Race neutrality completely ignores the reality that the effects of race manifest themselves in more broadly in a systemic fashion, especially within institutions that are structured to serve dominant group members. Further, it sees these acts of obvious racism as few and far between. With this being said, the perceived neutrality has some leaders looking elsewhere for causes of disparity besides matters of race, leaving them unwilling or unable to explore conversations about institutional racism for what it is.

Studies of demographic changes in urban school districts provide an interesting insight about how school organizations in these conditions respond. It has been shown that depending on the makeup of the community the district serves, discussions of racial inequality within their systems took on different characteristics (Evans, 2007). However, in neither case did this advance stronger sense-making about race or foster an internal look at systemic bias within their organization. One district studied, labeled a “conservative” one and was perceived by the researcher to be “un-accepting of immigrants and people of color”, and attributed this to the tendency for their leaders to use cultural deficit models in explaining inequity (Turner, 2015).

Their response to inequity was to try and “fix” teachers and students and address what they referred to as problems of culture. In the “Liberal” district, she found racial prejudice and cultural deficit thinking also dominated discourse, and was leaving them focused on changing the actions of individual managers rather than modifications to their policy approach (Turner).

A qualitative case study investigating the responses of a large and rapidly changing suburban school district in Central Texas had outcomes highlighting this cultural shift within public education towards colorblindness and race neutrality (Welton, et al., 2015). They found through their interviews that:

Responses to demographic change revealed a paradox around race within the district: the district-level leaders were largely “colorblind” in terms of race, fearful and reluctant to discuss the ways in which race and culture “matter” in schooling. At the same time, due to the intense pressure of the state and federal accountability systems, district leaders were highly focused on racial outcomes. To improve such outcomes, we found that leaders poured resources and focus into instructional responses that were mainly “race neutral.” Because district leaders provided little support to local campuses in responding in culturally responsive ways (Gay, 2010) to the demographic change that was occurring, local school leaders became focused on changing the students and families, rather than the school culture.

The results further revealed a distinct disconnect in the ways school and district leaders conceptualized their demographic changes that did not reflect the ground level realities for campuses. Her study found:

District leaders as a whole were largely uncomfortable in talking about, or “recognizing” the issue of race. Indeed, when asked about the massive demographic shifts occurring in the district, administrators responded with vague descriptions that failed to acknowledge the significance, or complexity, of the racial change that was occurring.

It is alarming to consider that in the midst of efforts at reform, namely to help students of color realize the same academic successes as White students, the agents in charge of this work have difficulty holding sensible, professional conversations about student race and inherently inequitable public education systems. This becomes even more concerning when these same actors are unwilling, or unable, to take these considerations further by reflecting on how personal bias within themselves actually impacts disparate outcomes for students of color (Mendez, Knoff, & Ferron, 2002).



The intersection of colorblindness and sense-making of school administrators in areas of student discipline offers a possible explanation for the current disparity in discretionary removals. This is a space where the impact of policy on students of color can be comfortably ignored. When administrators operate under the schema that student discipline policy is race neutral, they tend to view its primary purpose is to ensure that students align themselves with behavior expectations set forth by the organization. This mindset is further reinforced by the position of the organization that the existing policies are fair for all students and require little, if any, adjustments to be made that take into consideration the cultural characteristics of students of color in order to be truly equitable (Turner, 2015; Evans, 2007). As previously illustrated with Coburn and Spillane's arguments about the influence of standing belief systems of organizations on the actions of their agents, administrators would tend to make sense of student behavior through an institutional lens that sees all things equal for every student. The process of using this as their litmus test for interpreting the actions of students involved in perceived misconduct may help to explain why disciplinary outcomes for African American students have been inequitable for so long. It is likely, at least in part, because the effects of race on decision-making are being overlooked in a sense-making process that operates from the position of the dominant group.

### **Review of Literature Summary**

There appears to be a common misperception among lawmakers that Chapter 37 is a race/class-neutral policy that is being applied evenly across all student populations by impartial agents within public schools. Once the assumption about the neutrality piece is made, it becomes very simple to conclude that solutions to the dilemma of inequity in the application of TEC 37 lie beyond the control of public schools. In fact, it is much easier to argue with deficit theories to explain why race was such a significant factor in discretionary removals, and that the

problem is actually centered within the African American student. It was similar logic from which the cultural deficit model was given credence forty years ago, and continues to exist as an explanation within school belief systems in recycled form. It proffers that it is the student group that fits poorly into the public school institution, and ignores the possibility that the systems of the institution are inequitable for students of color. Assuming that a presumably race-neutral policy is being applied evenly, and that the data indicates the problem is centered in the student rather than the system itself is a much more comfortable place for school officials and legislators than being faced with the knowledge that the implementation of TEC 37 is flawed.

This research presents the argument that because the discretionary decision-making process is such a culturally-loaded and complex event, we may need to draw from several frameworks of understanding to determine the problems with the way current state policy is being applied in Texas public schools. Critical Discourse Analysis is important as it becomes evident that the campus-level disciplinary processes are firmly grounded in communication patterns and academic language of the dominant group. What is fact is that when a student enters this system that relies on the transmission of messages with an administrator, their race will be a predictor for how harshly they will be treated. I apply Coburn's collective sense-making theory and Spillane's Distributive Cognition Theory to an administrator's actions involving student discipline in order to identify whether decisions being made about discretionary removal reflect hidden biases. As a framework for my research, I am suggesting the possibility that this occurs because of how messages from the environment are interpreted by the agent, causing them to apply systems in a way that favors the dominant group. Finally, A Racial Threat Theory lens was used to examine my data set to determine whether the demographics of middle schools contained in my study could be a contributing factor to the

intensity with which student groups are disciplined through discretionary removal. Ultimately, the reviewed research shapes itself into a framework for inquiry that puts the focus on the decision-making processes of campus officials rather than centering the issue within the behaviors of the student. I submit that the literature reviewed leads me to conclude that the decisions by campus administrators to remove a student do not occur in a vacuum, and are responsive to macro *and* micro-level influences centered outside of the student.

## **CHAPTER 3: METHODOLOGY**

### **Introduction**

The purpose of this study is to contribute to the understanding of discretionary removal decisions by campus administrators in Texas schools and how they may contribute to current inequities in state discipline data. It searches for patterns and relationships by focusing on the decision point to remove a student from instruction in order to identify factors that may influence when students are removed and for how long. This chapter will be divided into three sections beginning with an explanation of the design and methodology used in this research. The second section will provide a description of the sites selected, participants, and sources of data. The last section will describe the data collection and analysis processes used for the study.

### **Study Paradigm, Design, and Methodology**

A qualitative methodology was chosen for this study because it helps to sharpen understanding of the cognitive decision-making processes of school administrators about when to use discretionary removal on students in the natural setting where these events occur. It was chosen because of its potential to help unpack the complex decision-making event rooted in local context, and its ability to identify common constructs held by participants through this method of data collection and analysis. The qualitative component, consisting of the administration of a brief survey followed by a series of open-ended interview questions that focused on the processes of discretionary removal, and was used to help provide context beyond what could be learned through quantitative statistical inquiry alone (Creswell, 2008; Glanz, 1998). The data collected was used to identify attitudes and perceptions by school administrators about their

disciplinary approaches, and shed light on the way they make decisions about discretionary removal.

This research assumes that not only does disproportion in disciplinary assignments exist for African American students, but that it is lopsided enough to warrant further inquiry as to why it occurs. A descriptive research design is necessary when employing a survey instrument to explore and quantify attitudes and approaches to student removal by participants, and then generalizing the information across a larger population (Glanz, 1998). Descriptive interviews allow the researcher to gain specific insight into cognitive processes that would otherwise be unobservable to the researcher, save for its raw manifestation within statistical outcomes of the process under study. Although commonly employed in educational research, descriptive methodology in the form of participant surveys holds inherent weaknesses. For instance, the validity of results can be affected by the rate of response from solicited participants. It is also noted that participant responses are subject to influence based on timing and their perceptions of confidentiality, and respondents may provide answers that match how they believe they should respond rather than how they truly feel or act (Fraenkel & Wallen, 1993; Moser & Kalton, 1971; Sandelowski, 2000).

On a cautionary note, qualitative data cannot easily be generalized over all individuals and settings. Often times these results are specific to time and place, making it more complicated to use them for quantitative predictions outside of local context (Miles & Huberman, 1994). Therefore, descriptive disciplinary statistics were gathered and included in the results to help contextualize the seriousness of the disproportionality in the district and sites chosen for the study, as well as the immensity of the problem. Additionally, this provided a clearer picture of the setting where study participants engaged in their professional practice in

terms of campus-specific demographic data and the volume of disciplinary actions they encounter in their work as campus administrators. To be clear, however, it should be noted that these descriptive statistics are not directly connected with the qualitative data because they represent actions performed by actors from within the entire study district rather than solely by the participants in this study.

### **Researcher Membership and Reliability**

When conducting any research, validity of the results is of primary importance. As a result, it is essential to consider the role of the researcher when they share membership with the participants selected for the study. It should be acknowledged that differing levels of professional and personal relationships exist between this researcher and the participants in the case study. Two of the participants in the study shared a campus with me where we worked as assistant principals, and this occurred at one of the schools under study. It should also be noted that my role as an assistant principal at both the elementary and secondary level for eight years in the district under study creates certain opportunities and challenges associated with performing research as an “insider”.

Insider research is described as that which is performed by a member of the population under study (Lofland & Lofland, 2006). The advantages of this research lie in the ability for the researcher to make sense of data in the context of the systems and environment in which they occur. In a large organization, policy is often implemented in different ways at differing levels of fidelity depending on the “area” of the organization where it occurs. The lived experience of an insider can help the researcher in the analysis of data by assembling results in the context of the systems knowledge that only inside agents have (Griffith, 1998). By the same token, the insider role often encourages more openness from the participants to speak directly and candidly

about difficult topics because there is less anxiety about how that information could be misinterpreted (Edmonds-Cady, 2011).

The insider role, especially in a study such as this, is most helpful because of the intimate knowledge I have with the processes of discretionary removal of students, especially with regard to the subjectivity of the processes, that can only be gained through practice (Hays & Singh, 2011). In contrast to these advantages, it would not be proper to proceed in this role without noting that being an insider carries some disadvantage. Critics of insider research argue that the role itself expands the level of subjectivity to the point that it can impact the data collection and analysis. The proximity that the researcher has to the setting and participants potentially increases the likelihood that the insider begins to interpret data with less objectivity because it is being processed through some other perspective than that of an impartial researcher (Dwyer & Buckle, 2009).

### **Sites, Participants, and Data**

The district selected for this study is located on the edge of a metropolitan area in Texas, and has an enrollment of more than 25,000 students with African American, White, and Hispanic students making up 17%, 24%, and 45% of the district population respectively (TEA, 2015). Asian/Pacific Islanders represent less than 8% of the student body; Native Americans contribute 0.4% of the total number of students in the district. The number of students considered economically disadvantaged exceeds 50% of the student population, although this is roughly 8% lower than the statewide average. The district is comprised of roughly 30 schools staffed by more than 1900 teachers: 70% are White, 18% Hispanic, 8% African American, 2% Asian/Pacific Islander and 0.3% Native American (TEA). The population living within the district boundaries, as of 2015, was slightly more than 50,000 comprised of 64% White, 27%

Hispanic, 15% African American, and 8% Asian/Pacific Islander (US Department of Commerce, 2015).

The district under study was chosen for several reasons including its student enrollment size, demographics, and the high rate of growth in student enrollment over the last decade. During the period between 2000 and 2015 the district added more than 15,000 students to its total enrollment, and shifted away from being a majority White district to a more diverse student population. The most rapid growth was seen among Hispanic students, with their population doubling from Year 2000 levels to become the majority within the district's student population by 2010, with continued growth to the present day (TEA, 2016). Also during that same period the proportion of students qualified as economically disadvantaged also doubled to represent more than half of all students that are served in the district. These circumstances are not unique to Texas suburban areas, and the results of this research may be useful to other districts facing shifts in demographics along with widening inequities in their discipline systems.

One factor in choosing the study district is the way student population groups are distributed across campuses within the study district. Since this study is interested in disproportionate removal rates of African American students compared to other groups, the district was chosen because it offers a large amount of quantitative disciplinary data distributed among middle schools with relatively large student populations. Additionally, there is only moderate variance in the size of student groups at each campus for a within district comparison of school disciplinary data. Among the study campuses, African American students average 21.5 percent of student enrollment with a range of eight percentage points. Depending on the study campus, most importantly, descriptive disciplinary data provided by TEA on the study district indicates the existence of the very phenomenon being investigated, which is the



overrepresentation of African Americans among discretionary student removals. It also provided support at a cursory glance that White students were receiving less severe consequences than African American students in ISS compared to OSS consequences (TEA, 2015). According to the data acquired from TEA discipline reports, this problem has existed in the study district as far back as disciplinary data has been recorded in Texas public schools.

### **Campus and Participant Profiles**

For this research, a convenience sample of four middle school campuses from the study district were selected for the purpose of examining processes used by assistant principals to decide on the discretionary placement of students. They were chosen for this research because of their large enrollment, a shared status as Title I schools, and the years the study campuses have been in operation which exceed more than a decade each. This is in contrast to the two other middle schools in the study district which were excluded from the study because they have been operating for less than two years at the time this research was conducted, do not qualify as Title I campuses, and have substantially smaller enrollments. Campus longevity can lend to the stability of the campus climate and entrenchment of value systems after many years in operation. The newer middle schools in the study district were built on the fringes of the attendance zone as the district continued its rapid growth and are not representative of district averages in terms of demographics or socio-economic levels of its students. They also tend to suffer from a certain degree of growing pains as they work to establish their own learning cultures with new staff and students, and design efficient systems to carry out their role as a middle school. The selected middle schools provided a very rich sample of discipline data and were staffed by a large pool of administrators who could be interviewed about campus-specific processes for student removal.

This allowed for the collection of multiple viewpoints on disciplinary removal by actors responsible for the implementation of TEC 37 on a daily basis.

### **Limitations of the Study Design**

One limitation of the study design is centered in the fact that the study district's discipline data is an aggregate of three levels of operation: elementary, middle and high school. Since the inquiry is only being performed at the middle school level, there is a risk that important information which could impact data analysis might not be noticed in the aggregate disciplinary data of the district. However, rates of removal events at elementary and secondary schools are tied into what we know about the developmental level of students and the appropriate techniques used to manage their behavior. While it is important to understand student discipline as it occurs at all levels of education, this study assumes there is an innate difference in disciplinary processes between elementary and secondary campuses. This is due primarily to the wide array of age groups present on elementary campuses, the various developmental levels of elementary-age children, and the ability of the student to comprehend events fully (Evans & Tribble, 1986; Mayer, 1999). As a result, elementary campuses contribute only a small portion of the discretionary removals assigned in the study district. Although middle and high schools are two vastly different creatures, they both fall within the definition of a secondary school. In order to narrow the scope of this inquiry and perhaps provide deeper understanding in a specific level of student education, only disciplinary events and processes generated at our study middle schools (Grades 6-8) from the chosen district will be included the school-level analysis. The four campuses selected for this study are all Title I school-wide program schools that share many characteristics that will potentially increase reliability of study results. In spite of the previously mentioned limitations, I believe that there is value to be drawn from focusing on this specific

level of school and the perspectives of agents working in this area. By doing so, we can impact an area of education that researchers have pointed to as worthy of inquiry as to how disciplinary policies impact students. By collecting data taken in the narrower context of just four middle schools that possess some commonly found characteristics among Texas schools, it will ideally add efficiency in generalizing the results.

### **Campus Profiles**

It is important to note that the smaller sample size of four middle school campuses within a district of nearly thirty K-12 campuses does more to provide context to this study as opposed to providing an opportunity to generalize the results outside of the study campuses. It should be considered, however, that the four middle schools under study represented approximately 35 to 43 percent of the total discretionary removals in the district depending on the removal type, which is not an insignificant amount. This adds strength to the decision to select only middle school campuses for the study, because these schools experience a higher volume of student infractions that may call for more incidents of student removal from the classroom. Skiba and others have indicated in their research that the secondary level is prime ground for discipline research, and have centered their research at the middle school level for this reason (Skiba et al., 2011; Skiba & Knesting, 2001). Lastly, based upon the experience of this researcher serving as a campus administrator at both elementary and secondary levels in the study district, elementary campuses tend to use discretionary removal as a consequence at substantially lower rates than secondary campuses.

#### ***Campus MC109***

Campus MC109 has been open for almost 20 years, serves a diverse student community, and is located in an area of the district that contains both affluence and poverty. In 2013-14 there

were around 1,000 students enrolled at the snapshot. The campus population is split almost equally among African, White and Hispanic students, with a difference of 7 percentage points between them. It also has the highest proportion of African American students enrolled compared to the other middle schools in the study district of roughly 30%. Its data reflects the same disproportionality as seen in both state and district data: African Americans are starkly over-represented in every category of discretionary removal, and the number of removal incidents is marginally higher than both district and state averages. It is also notable that while African American students rank third in student enrollment, they lead Whites and Hispanic students in the number of overall ISS, OSS, and DAEP actions for 2012-13. These students consistently run the risk of receiving a removal consequence at levels two or more times what students from other groups face. Interestingly, Hispanic students are underrepresented in all three removal categories.

### ***Campus MM109***

Campus MM109 shares similarities in size, demographics and the type of affluence found in the community as MC109. Situated in the central part of the district, this campus serves both a middle-class neighborhood and sections of low income housing in the form of apartment complexes and mobile homes. In 2013-14 there were around 1100 students in attendance at the snapshot date. Of the four schools in the study, MM109 has the smallest proportion of African American students enrolled at 17%. Although this campus does share the same challenges with disproportionality between groups as the other three campuses in the study, it was discovered that their overrepresentation in removals among African American students is substantially less than the other campuses, and much closer to district and state averages. Hispanics receive more than half of removal consequences, by category, and Whites and Asians remain under-

represented across the board. This campus is notable, not only for its smaller disproportionality, but because it also carried the lowest removal rates out of the four study schools. It was also the only school in the study found to have an *under-representation* of African American students in any removal category, meaning that the proportions of removals in some cases were smaller for African American students than their actual representation in school enrollment, which makes it unique in a very important way.

### ***Campus MD109***

This campus is located in an area of the district that serves a suburban middle class community, as well as a particularly economically depressed area of the district. Nearly 80% of its students qualify as economically disadvantaged and at the 2013-14 snapshot it served around 1100 students. The data shows that this campus demonstrates the trend noted in both state and district data, in that as the consequence moves from ISS to OSS, the level of disproportion increases among African American students, while reducing for the three other groups. The similarity stops there, as the gap in removals experiences another increase when the consequence is escalated to a DAEP removal. It is also interesting to note that African American students at this campus ran a higher risk of receiving either an OSS or DAEP placement than any of the other study schools.

### ***Campus MV109***

This campus is located on the more urban edge of the district and serves the smallest number of students at around 900 during the 2013-14 school year. It has the highest population of English Language Learners and students considered as at-risk of not graduating high school, exceeding both state and district averages. This campus is also notable for a higher number of

students considered economically disadvantaged compared to the rest of Texas, and the study district. African American students make up 20% of the enrollment, while Hispanic and White students comprise 60% and 18% respectively on this campus. MV109 shares similar traits as the other study campuses in that it has the same stark disproportions in its discretionary removals, and the risk for African American students is the highest in the district in every removal category assessed in this study.

### **Participants in Qualitative Analysis**

A convenience sample of assistant principals assigned to the four middle school campuses in the study district were the participant pool for the qualitative portion of this research. This group has been identified as the primary agents of policy implementation because managing student discipline is one of their chief responsibilities at this level of campus administration. It is an assumption of this researcher that they will provide the most insight into decision-making events by school officials to use discretionary removal on students at this level of education. This is because they are deeply familiar with the processes behind discretionary removal, and can also speak to their own perspectives on the systems they use and what influences their decisions on discretionary removal. The contextual information will be useful when attempting to draw conclusions from the descriptive data of the study district and the information gleaned through the qualitative interviews.

The administrators selected to participate in this study were chosen by their tenure on the campus, requiring them to have served in their current role more for than one year to capture as much professional experience as possible in the qualitative data. Some campuses had seen movement during the year this study was conducted within their administrative teams, and as a result there were some interim administrators that were assigned to support the campus during

these transitions. The study district frequently relies on retired former campus or district administrators as a source of reliable support for campuses facing this type of need. These educators possess a great deal of expertise in the field, but their terms on campuses tend to only last a few weeks to a semester and were therefore excluded from the study. The participants themselves brought a diverse array of professional backgrounds and experiences to this study, and added a great deal of depth to the discussion about discretionary placement. Having been through the selection process to serve as a campus administrator on several occasions, and from service on interviewing committees for campus administrators on several others, this researcher can attest to the rigor of the vetting process. Each of these assistant principals is a dedicated educator with invaluable experience in both campus and student management.

The participants were given a survey to complete that collected general information about race, gender, and years of experience as a campus administrator and professional educator. The results of the survey showed that within our participant group there were five males and four females. Four of the participants were White, three were African American, and two were Hispanic. Collectively, they had 154 total years of experience in public education with the average length of professional experience being roughly 17 years. The survey responses showed that there were 54 years of experience in campus administration within the participant group, with an average of 6 years in this position.

### ***Assistant Principal Ortiz***

Mrs. Ortiz is the 6<sup>th</sup> grade administrator for MM109, and has worked in her current position for more than two years. She is a Hispanic female who described at one point in the interview details about her conservative upbringing in a “low-middle class” household where education was highly valued. She has worked as an administrator for 6 years, and has spent

more than ten years in public school education. About one half of the students that attend her campus are considered Title I, which is moderately below the state average. During her tenure the campus has been rated Academically Acceptable by the state, and she spoke very highly of the students and staff on her campus. She described them both as “great kids and positive adults who are here because they want to teach kids”.

Mrs. Ortiz’s indicated in her questionnaire that she spends an average of 75-100 percent of her day on student discipline, and described her approaches to working with student discipline as keeping with ideas of supporting growth and teaching skills. She strongly agreed that student achievement and income help explain student behavior, and agreed that gender also played an important role in this. When deciding on a discretionary removal, she indicated that the student’s discipline history and campus behavior expectations are her two most important considerations but also weighs in student remorse and their understanding of events as part of her decision.

### ***Assistant Principal Smith***

Ms. Smith, an African American female, works as the 8<sup>th</sup> Grade administrator at MD109, and has served her four year career as an assistant principal at the same campus. Her site has a Title I population much higher than the state average, and educates a student community where Hispanics make up more than one half of the enrollment. Her career in public education spans over 18 years, and she has taught in both elementary and secondary levels. In her interview, she described a childhood of poverty where education was valued and considered a non-negotiable. Ms. Smith talked about her experiences in public education as a happy time for her where she formed her opinion of education:



I was bussed to that [Affluent] school...I was living in a poor area and bussed to the rich side of town. The great thing was that I never felt differently going through all of that. I didn't even know I was of color because I was treated very equally amongst my peers, and my teachers never made me feel that way.

She talked about how her new-found awareness of the life privileges available to the affluent students she attended with led her to set high standards for herself to do well in school. Because of this, she stated, "There wasn't any room for drama."

On her questionnaire, Ms. Smith indicated that she spends approximately 75-100 percent of her work day on student discipline management. She identified student achievement and disability status as the two things she most believes influence student behavior choices. When it came to the factors that influence her decision about discretionary removal, her responses showed that she considered each of the factors listed as part of the consideration. Ms. Smith stated during her interview that she believes a good administrator can navigate through issues that can be made more complex because of cultural differences. She stated that she relied heavily on the deep exposure she has had in many cultures to help her understand events and make the best decision for the students.

### ***Assistant Principal Marquee***

Mr. Marquee is the 6<sup>th</sup> grade administrator at MC109, and has served all four years as an assistant principal on a rotating cycle. This is a practice where a campus administrator follows the same cohort of students as they promote to the next grade each year, and relies on the principle of building relationships with students, and becoming more familiar with a set of students. About half of the campus qualifies as Title I, placing them at or near district and state averages, and his campus serves a mix of both affluent and low-income homes. It is notable that this campus has the most equally divided student enrollment by race of any other middle school

in the district, and has long history of meeting or exceeding standards on state testing each year. Mr. Marquee, who is a White male from an upper-middle class background, has spent all of his eight years in public education at the middle school level, and describes his administrative style for working with students as "...all about building relationships with all different kids."

According to Mr. Marquee's responses on the survey, he spends roughly 50 to 75 percent of his day managing student discipline on his campus. He also indicated that he believed the only influencer of student behavior from the available choices was the student's level of academic achievement, but that this was something that doesn't influence his decision to remove a student. Instead, he relies on campus behavior expectations (discipline matrix) as the primary influence on his decision. He also acknowledged that the student's discipline history, understanding of events and the level of remorse were also important considerations for him when deciding whether or not to use discretionary removal.

#### ***Assistant Principal Walker***

Mr. Walker, a White male, is the 8<sup>th</sup> grade administrator at MM109 where he has served for two years at two different grade levels. Previously to this, he worked as an assistant principal at campuses where large proportions of the students were either from wealthy homes or economically disadvantaged ones, and credits both experiences as making him a better administrator for his students. Overall, Mr. Walker has dedicated more than 10 years to his professional career in public education. His current campus hovers at around 50% Title I enrollment, and around half of the students are Hispanic, with the remaining students divided primarily between African American and White students.

In his survey responses, Mr. Walker believes he spends anywhere from 25 to 50% of his day managing student behavior. He strongly disagreed that race or gender have any influence on

student behavior, but agreed that student achievement level and disability status do play a part. He also indicated that he does not believe that income level impacts a student's behavior. When Mr. Walker makes decisions about using discretionary removal, he considers student discipline history to be the most important concern followed by the level of student remorse.

### ***Assistant Principal Brown***

Mrs. Brown is a 7<sup>th</sup> grade administrator at MC109 where she has worked for two years with the same student cohort because of the cycling referred to earlier. She is a White female who has spent 13 years in education, five of them as an assistant principal, all at the secondary level. She works at a campus that serves an even distribution of low, middle, and upper economic classes that recently qualified as a Title I school-wide campus because of its growing number of students who qualify for free and reduced lunches. During our interview, Mrs. Brown communicated that she firmly believed that the solution to student behavior at the secondary level is early academic intervention at the elementary level.

Mrs. Brown indicated that she spends roughly 25-50% of her daily work processing student referrals and assigning consequences. In her questionnaire, she indicated that the only influence from the choices listed as having any effect on student behavior was a student's achievement level. Interestingly, this was something she did not consider as part of her decisions about whether to remove a student. Instead, she relied on the level of understanding of the event by the student and the campus discipline matrix as the two main considerations.

### ***Assistant Principal Martin***

Ms. Martin serves as the 8<sup>th</sup> Grade administrator at MC109, where she has spent all of her more than 20 years in public education as both a teacher and currently an administrator. She is a

white female, and is somewhat new to the role of assistant principal, having only two years of experience in the position. Her campus serves a smaller than average Title I population compared to the district, although it is high enough to be qualified as a school-wide Title I program school, it has been very successful meeting standards in state testing throughout its history. During her interview, she spoke of the eye opening experience she underwent when she left the classroom and received what she described as a “bird’s eye view” of the campus that she thought she understood so well.

In her survey responses she noted that on average she spent around 25 to 50% of her day handling student discipline at her grade level. She rated gender as having the strongest influence over student behavior, followed by race, student achievement and family income. She strongly disagreed that a student’s disability status has an effect on their behavior. When Ms. Martin makes decisions about discretionary removal of a student, she indicated that her strongest considerations are about the student’s disciplinary history and the campus behavior expectations, but also included a student’s remorse and their understanding of the event. She agreed with the vast majority of the participants that student achievement was not something she considered in her decision on consequences.

#### ***Assistant Principal Crowder***

Mr. Crowder, an African American, is a the 8<sup>th</sup> Grade assistant principal at MD109 and has a long history in public education spanning 36 years, including 18 of them as a school administrator at the secondary level. He has served in the position of both principal and an assistant principal on different campuses, and was, in fact serving as interim principal for his campus at the time of this interview. His current campus contains a very high Title I population compared to the district average and serves a community with a Hispanic majority. In recent

years the campus has struggled to meet state accountability standards, and has undergone several changes in leadership. Several times during the interview he spoke fondly of his students and he was very adamant that student relationships are the major key to his approach as an administrator.

On his questionnaire, Mr. Crowder noted that he spent 25-50% of his day processing student discipline. He strongly disagreed with the suggestion that race or student achievement have any effect on how students behave. He ranked student disability as the biggest influence on student choices, followed by gender and family income level. When considering a discretionary removal, Mr. Crowder strongly agreed that a student's level of remorse, his understanding of the event, and campus behavior expectations drove his decisions. To a lesser degree, he indicated that a student's disciplinary history was also a part of the decision, but that he never considered student achievement level as a factor.

#### ***Assistant Principal Edwards***

Mr. Edwards has been in education for a decade, and has been an administrator at MV109 for two years. His assigned campus has a very high Title I enrollment compared to the state average, and three quarters of the students qualify for free or reduced lunches. The campus is one of the smallest middle schools in the study district and has struggled to meet standards on state assessments over the last several years. Mr. Edwards is an African American male who described his experiences as an African American student who did well in public school:

I grew up in East Texas and was one of seven African Americans in my graduating class. I was ranked 13th in my grade level, but none of my teachers knew it. My white friends said I wasn't African American and African Americans told me the same thing...I was very angry. As a family, we embraced education and what it could do for us. My parents were very clear on that.

Mr. Edwards mentioned that he had many examples in his extended family of the success that getting a good education could bring in life growing up, and worked very hard to follow that model. He spoke very highly of his administrative team, and discussed the differences in student management styles he recognizes between them and how they worked well together.

According to Mr. Edward's questionnaire, he spends less than 25% of his day working with student behavior, and was only one of two administrators who indicated this smaller proportion out of the nine participants. His response to what influences student behavior was that only student achievement and disability status have an effect on how students behave. When asked about what influences his decisions on student removal, he cites campus behavior expectations and student history as the two most significant, but also considered student's understanding of the event as part of the equation.

### ***Assistant Principal Luna***

Mr. Luna serves as the 7<sup>th</sup> grade administrator at MM109 and has worked for five years as an assistant principal there. He is a Hispanic male who has administrator experience at both the elementary and secondary levels, and has spent 22 years total working in public education. His school has received an "Academically Acceptable" rating on their state assessments for each year of his tenure, and serves a diverse community in terms of culture and economic resources. During the interview, Mr. Luna described a very methodical routine that he used to manage discipline at his grade level, and placed much of the reason for his success with students on cycling (administrator follows the grade level) assistant principals on the campus. He stated that it allowed him to develop personal relationships with each student. Mr. Luna also mentioned that it was an opportunity to develop longitudinal histories of students through his notes and documentation as part of his own sense-making about behavior events.

According to Mr. Luna's survey responses, he spends only a small part of his day (he wrote in 20%) managing student discipline on his grade level. He also indicated that the only factor from the available choices that influenced student behavior was gender. His response to the question about what influences his decisions around student removal showed that only the student's academic standing was not a consideration. He responded that remorse, student history, understanding of the event and campus discipline expectations are all part of his decision on whether to use discretionary removal as a consequence.

**Table 1: Administrator Participant Data**

Administrator	Campus	Race	Gender	Years as an Asst. Principal	Years in Education	Percentage of Day Spent on Discipline
CROWDER	MD109	B	M	18	36	25-50
SMITH	MD109	B	F	4	18	75-100
MARTIN	MC109	W	F	1	21	25-50
BROWN	MC109	W	F	5	13	25-50
MARQUEE	MC109	W	M	3	8	50-75
LUNA	MM109	H	M	9	22	>25
WALKER	MM109	W	M	6	12	25-50
ORTIZ	MM109	H	F	6	14	75-100
EDWARDS	MV109	B	M	2	10	>25
TOTAL	9	2 Hispanic 3 Af Am 4 White	4 Females 5 Males	54 YRS	154 YRS	
AVERAGE				6 YRS	17 YRS	

## Data Sources

The primary source of district student disciplinary data is collected by the study district electronically through a web-based system used to manage and process student discipline referrals. The district switched to a different web-based student data collection system in 2015, but this did not impact the availability of student disciplinary data. The advantage of these systems is that they included the capability to disaggregate vast amounts of data for consumption in many different formats. These data can be sorted by campus for actions and frequency by specific student groups and spans backward eight school years, making it a rich source of

information for cross-sectional and longitudinal comparisons that campus and district officials can employ.

## **Data Analysis**

*Research Question 1: What patterns can be identified in rates of discretionary removal based on student demographics in the study district?*

In order to answer this question, descriptive statistics on rates and types of discretionary removal was evaluated for patterns and compared to state averages. Distributions of discretionary removals sorted by race and disciplinary action type are the primary focus of this research question. This research question assesses the descriptive disciplinary data of the study district and its middle and high schools during the 2014-15 academic year. The purpose is to establish that an inequity in the way discretionary removal is being applied does exist in the district being researched. It is important to remember that although this methodology can show general relationships and provide a quantified representation of district and campus disciplinary outputs, it does not offer any information regarding the causes of these relationships. Since the intent of this study is to investigate the subjectivity involved in removal decisions that may identify causes of the disproportionate removal of African American students, it is relevant to determine first that the disproportionality exists, and how it compares to state averages before going further.

*Research Question 2: Is there a relationship between the proportion of African Americans enrolled on a campus and the student group risk index for that school?*

In order to answer this question, risk indices for the study campuses were compared to determine if any discernible patterns occurred for each of the three types of discretionary



removals (ISS, OSS, and DAEP). This information provided a district and campus specific risk index for each student group considered in the study. The group risk index has been used in previous research to demonstrate the percentage of students from a specific group suspended in one school year and the estimated risk for suspension by group members. It is calculated by dividing the number of students in a group removed at least one day by the total number of students enrolled in that group. It is significant for the ease with which to recognize the risk members of each student group run for receiving a discretionary removal (Fabelo et al., 2011; Losen & Skiba, 2010a). These figures will be compared to the actual enrollment percentages of student groups in the study district and campuses to determine if a relationship between the two exists.

*Research Question 3: What processes do campus administrators rely on when handling student disciplinary events that require administrative review?*

*Research Question 4 What factors most influence administrator decisions to remove a student from instruction in the study district?*

*Research Question 5: What perceptions about the discipline gap exist among administrators interviewed in the study district?*

To address questions 3 through 5, qualitative methodology was used to collect and evaluate information about the systems used by administrators to process student removals and learn the factors that may influence these removals. The participants selected for this portion of the study were school officials charged with making decisions of discretionary removal on a day-to-day basis. Qualitative methodology is considered useful in this study because it allows the ability to describe complex phenomenon, especially when questions about how and why a phenomenon occurs are to be answered. Additionally, it can promote an understanding of

environmental and social contexts that may be related to the phenomena (Marshall & Rossman, 2010).

A self-administered survey that employed Likert Scaling and a face-to-face interview with a series of open-ended response questions was the primary instrument used (Appendix B). The survey tool assisted in measuring the influential factors school administrators from the study district considered when deciding about discretionary removal, within the context of their views on student removal and the discipline gap in general. In order to gather participants for this portion of the inquiry, all assistant principals from the study campuses were invited to participate initially through phone contact and a follow-up email. Assistant principals who carried less than one year of experience were omitted from the sample. Interviews of each participant were conducted in the private setting of their office after school had dismissed to allow for adequate time to conduct field interviews without interruption. The responses collected from the open-ended questions were recorded with the consent of the participant on a digital recorder for later transcription. Their responses to each question were assigned to subject groups and then coded for analysis using a process categorization, organizing them into themes, and interrelating them in the context of the setting to interpret their meaning (Glanz, 1998; Miles & Huberman, 1994). For purposes of assessing reliability of the instrument, a field test was performed on a separate set of campus administrators from campuses both in and outside of the study district. The purpose of this test was to determine the general presentation of the survey and gather information on whether the open-ended questions required modification for length or clarity.

Validity of this study is strengthened through triangulation of data drawn from multiple sources including both qualitative data and the descriptive statistics that help to describe demographic and environmental characteristics of the study sites. Triangulation is the

comparison of independent measures of a finding to determine whether they are similar, but at the minimum do not run counter to each other (Miles & Huberman, 1994). In this case, this study benefits from both quantitative and qualitative data as a means to create numerical comparisons between study campuses along with district and state averages, but also to draw contextual understanding of the same policy event through the eyes of multiple actors. It is believed that any information that can be pulled from the responses, even if they are contradictory, are helpful as a way to determine ranges of understanding about the same theme from campus administrators within the same organization performing similar tasks.

## **Summary**

This chapter opened with a description and explanation of the rationale for using a qualitative methods design in this study in order to answer the research questions. This research applies both qualitative and quantitative components, using data triangulation to further understanding of both the process and perceptions that surround the use of discretionary student removal. The procedures followed to collect, organize, and analyze the data are detailed in order to support the validity of conclusions drawn from their results. In the following chapter, findings from the two types of inquiry will be presented.

## CHAPTER 4: ANALYSIS AND FINDINGS

### Introduction

It has widely been argued that the discipline gap occurring between African American and other student groups has existed in Texas public schools for more than two decades (Garba, 2011). While many studies have looked at the various effects of this gap on student outcomes, there is a need for more research that examines the level of influence campus administrators have on this issue when it comes to the application of discretionary placement. This study presumes that because of the nature of discretionary removal policies and the systems used to carry them out, campus administrators wield a great deal of authority over when and how this policy is applied. It therefore searches to understand the approaches being used to make these decisions, and explores general perceptions of campus officials most directly involved in these subjective processes. In the literature reviewed it was revealed that there may be a variety of influencers causing administrators to use discretionary removal unevenly. Many of these are cognitive in nature, and susceptible to internal and external socio-cultural and environmental influences. This creates a problem when it intersects with the subjective processes of the discretionary removal policy and causes one or more groups to be placed at a disadvantage. The study design allows this researcher to compare disciplinary data with the perspectives of school officials in order to answer the following questions:

- 1. What patterns can be identified in rates of discretionary removal based on student demographics in the study district and how do they compare to state averages?*
- 2. Is there a relationship between the proportion of African Americans enrolled on a campus and the student group risk index for that school?*
- 3. What processes do campus administrators rely on when handling student disciplinary events that require administrative review?*

*4. What factors most influence administrator decisions to remove a student from instruction in the study district?*

*5. What perceptions about the discipline gap exist among administrators in the study district?*

This chapter presents both qualitative and quantitative data drawn from sources at multiple sites within the study district. It will begin by quantifying the extent to which the discipline gap exists in the study district and how that compares to state averages. Then disciplinary data of each study campus will be examined to provide insight on the general characteristics of the study campuses to see how patterns in the district data extend to those schools. The remaining sections will highlight the findings derived from the interviews conducted with nine assistant principals about how they process disciplinary referrals, what influences their decisions about when and how to use discretionary removal, and on whom they should use it. At the end of this chapter, a summary of results that are discussed in the last chapter will be given.

## **State Discipline Profile**

In order to answer Research Questions 1 and 2, we first examine a broader view of discipline data from the State of Texas for the 2014-15 school year in order to get perspective on the amount of disproportion that exists for Texas students. It is commonplace for schools and districts to compare their assessment and other academic data to state averages for the purpose of identifying similarities and differences in performance levels. This is a normal approach many district and school officials use to see how they “measure up” in comparison to other schools, and among the rest of the state. By examining state averages in disciplinary placements, we can recognize whether or not the disproportions in discipline data in our study district mirror what is happening in other school districts. Similarities in the data regarding disproportionate use of an

exclusionary discipline practice on one particular group would not mean that this was something to be considered normal or expected, and thusly, tolerated. Rather, it gives us perspective on how pervasive this issue is across the state, and the amount of effort and focus by education policy-makers that will ultimately be required to fix the problem.

**Table 2: ISS Actions by Student Group in Texas (K-12th Grade) 2014-15**

State of Texas	Student Enrollment	Percent of Total Enrollment	Number of ISS Actions	Total Number of Students receiving at least one ISS	Student Action Ratio (SAR)	Percent of Total Actions by Group	Group Risk Index (GRI)
Total	5,371,933	100	1221538	469497	0.38	100	8.7
Af Ams	684601	13	310218	113757	0.36	25	16.6
Whites	1551791	29	259907	117090	0.45	21	7.5
Hispanic	2789715	52	612822	248507	0.4	50	8.9
Asian	209492	4	7980	4593	0.57	0.6	2.1

Table 2 provides information about the number of ISS actions taken against students in the 2014-15 school year. In that year, roughly 1.2 million ISS actions were assigned to 470,000 students in public schools across Texas. Of those discretionary removals, 25% of them were taken against African American Students while they comprised only 13% of all students enrolled in Texas. Hispanic students were assigned ISS at a rate nearly equal to their representation in state student enrollment, and both Asian and White students were underrepresented in this category by relatively large margins compared to the other two groups. What is both interesting and alarming in these figures is the quantity and range among action rates and group risk index scores, and how they compare to actual student enrollment. It is also important to consider the “expected” ratios versus the actual figures. One might expect that group representation in student enrollment would be reflected in rates of discretionary removal. The data reflects that Hispanic student enrollment matches their representation in removal data and is therefore proportionate. However, the figures show that two groups remain largely under-represented in

the data, and because of this the representation of Hispanic students in the data should actually be viewed as disproportionality along with that of African American students.

The Student Action Ratio (SAR) helps us to estimate the amount of students in a group who are receiving multiple removal consequences by showing what proportion of placements are going to the same students. It operates on the presumption that if students do receive a consequence, it is hoped that it will be enough to deter any further misbehavior that would cause the same student to be referred to campus administrators again. A lower figure indicates that the disciplinary actions are spread more evenly across a student population, while higher numbers are indicative of single students receiving multiple consequences. In other words, it reflects the use of discretionary removals as a standard practice against certain groups versus assigning this type of consequence to students who are chronic violators of the SCOC. This ratio shows how these groups compare to the district/state average and to each other in the percentage of removals given to students who have already served a removal consequence. When comparing the severity of the consequence the state data shows that as the seriousness of the consequence increases, the number of students receiving multiple consequences appears to decrease, and this plays true across all groups. Even within this category, however, African American students generally fall beyond the average, and it appears that more students from that group receive consequences more broadly across the group than students from other groups.

The Group Risk Index (GRI) provides additional context about the risk that students from a particular group run of receiving a removal consequence. It represents the number of students who will receive at least one removal consequence out of every one hundred students from that group. In the case of ISS actions taken by school administrators, an African American student

faced nearly twice the risk of serving this consequence at least once during 2014-15 compared to White students in Texas, and three times that of Asian students of during that year.

**Table 3: OSS Actions by Student Group (K-12th Grade) 2014-15**

State of Texas	Percent of Total Enrollment	Number of OSS Actions in 2014-15	Total Number of Students Suspended	Student Action Ratio (SAR)	Percent of Total Actions by Group	Group Risk Index (GRI)
Total	100	475,529	232,769	0.49	100	4.3
Af Ams	13	165,546	74,655	0.45	35	10.9
Whites	29	64,361	35,734	0.55	14	2.3
Hispanic	52	232,998	115,706	0.5	49	4.1
Asian	4	2,358	1,578	0.67	0.4	0.7

Table 3 shows the data comparing Out of School Suspension Actions against group enrollment. The overall number of OSS actions taken against students in 2014-15 was markedly less than ISS actions, and this would be expected because OSS is generally considered to be a more severe consequence for students. Of the nearly half million OSS actions taken during that year, 35 percent of them were taken against African American students. This is both an increase from their share of ISS assignments, and nearly three times their representation in state enrollment. All other groups are underrepresented in their distribution and occur at lower levels than those seen among ISS actions. In other words, when the consequence increased in intensity, the proportions decreased among all groups except African American students, who *increased* their representation in the ratio of student suspensions by 10 percentage points. The SAR indicates that the gap in the use of OSS multiple times against the same students increased slightly among African Americans, but was wider compared to the other student groups. Lastly, the risk index fell for all groups, but not at the same rate. An African American student still ran more than twice the risk of being suspended from school compared to students overall, and at five to ten times the risk of White and Asian students, respectively.



**Table 4: DAEP Actions by Student Group (K-12th Grade) 2014-15**

State of Texas	Percent of Total Enrollment	Number of DAEP Actions in 2014-15	Total Number of Students Placed	Student Action Ratio (SAR)	Percent of Total Actions by Group	Group Risk Index (GRI)
Total	100	93,798	75,208	0.8	100	1.4
Af Ams	13	22,903	17,960	0.78	24	2.6
Whites	29	18,802	15,589	0.82	20	1
Hispanic	52	49,370	39,444	0.79	52	1.4
Asian	4	528	443	0.83	0.5	0.2

Table 4 shows how these rates change in the distribution of placements to DAEP campuses across the state, which would be considered to be one of the most severe discretionary removal consequences a student can receive. The overall number of DAEP placements is substantially less than both ISS and OSS actions. Also, how those actions are distributed across student groups returns to proportions nearly identical to those of ISS actions. Unfortunately, African American students still claim shares of these actions at twice their representation amongst Texas students, and they run a risk of being removed at rates anywhere from two to thirteen times more than any other student groups in the study.

### ***State Data Summary***

When looking at state discipline data, we see indisputable evidence that African American students get removed from class at much higher rates than students from groups who make up much larger proportions of enrolled students in Texas public schools. Of even more concern is what can be observed when comparing ISS and OSS actions across the student groups. When moving to a more severe form of discipline (ISS to OSS) that removes the student from campus entirely, the proportion of overall actions that went to African Americans increased by 10% while decreasing for the other four comparison groups. What was also very notable about the data coming from OSS actions was the risk an African American student had of being

suspended from school, and how much higher it was than the other comparison groups. To put it in perspective, one in 100 Asian students was suspended at least once during the 2014-15 school year across Texas on average. For White students, the rate drops to one in fifty students. Hispanic students in Texas possessed about a one in twenty-five risk of being suspended from school at least once during that year. They run the same risk as the overall average of all students in Texas. Unfortunately for African American students in Texas, nearly one in nine was suspended during the 2014-15 school year. Furthermore, the increase in their share of suspensions seems to indicate that removing an African American student from the campus using OSS as a discipline consequence is a prevailing choice for campus administrators in Texas. Another interesting find in the state's data was the shift in distributions that occurred when the consequence was changed to a DAEP placement. We saw the proportions migrate back to their original ISS levels, although African American students still ran much higher risks and continued to be largely overrepresented.

### **District Discipline Profile**

In Chapter 3 student data for the study district was reviewed in order to establish the amount of representation each student group has in district enrollment. As with state data, these proportions become important when they are compared to the representation level of those same student groups in the disciplinary data of the study district. In theory, if discretionary removal was being applied equitably, there should be an approximate match between group representation and the quantity of discretionary removals assigned to that group. Differences between these two values would indicate that a group is being either over or under-represented in the use of discretionary removal on students from that group. An examination of discipline data for the study district demonstrates the existence of disproportionality among the three main types

of discretionary removals (ISS, OSS & DAEP) in their order of intensity. It also answers the first research question in this study, which looks for patterns in the data based on group membership.

**Table 5: Study District ISS Actions by Student Group (K-12th Grade) 2014-15**

ISS	Student Enrollment	Percent of Total Enrollment	Number of ISS Actions	Total Number of Students Assigned ISS	Student Action Ratio (SAR)	Percent of Total Actions by Group	Group Risk Index (GRI)
All Students	25702	100	13220	3366	0.25	100	13.09
Af Ams	4490	17.5	4303	1040	0.24	32	23.16
Whites	6059	23.6	1533	468	0.31	12	7.72
Hispanic	12153	47.3	6721	1650	0.25	51	13.58
Asian	1882	7.3	215	78	0.36	2	4.14

Table 5 shows the amount of ISS actions by student group in the study district for 2014-15 school year. During that year, there were more than 13200 ISS assignments given to students in the study district. While African American students represent only 17.5% of student enrollment in the district, their representation among ISS actions is nearly twice that amount. It also shows that Hispanic students are over-represented in this category compared to their enrollment, and White and Asian students are significantly under-represented in the number of ISS assignments received. These data demonstrate differences in the intensity with which ISS assignments are used against student groups in the study district. The SAR value for African American students is a point below the district average. Asian and White students, however, are both well above the mean for all students with a seven point gap between African American and White students. Again, this indicates that within the White student group, there are students who have received multiple removal consequences, versus a broader use of removal as a disciplinary consequence represented among African American students. The GRI, which estimates the risk of suspension for students from a particular group, shows that one in four African American students will receive an ISS assignment. Furthermore, they are the only group whose risk factor

falls far above the average risk for all students, and does so by 10 points. This is in contrast to the risk for White students which are one in thirteen. For Asian students, the risk of receiving a discretionary removal shrinks further to one out of every 24 students.

**Table 6: Study District OSS Actions by Student Group (K-12th Grade) 2014-15**

OSS	Percent of Total Enrollment	Number of OSS Actions in 2014-15	Total Number of Students Suspended	Student Action Ratio (SAR)	Percent of Total Actions by Group	Group Risk Index (GRI)
All Students	100	2721	1120	0.41	100	4.36
Af Ams	17.5	971	418	0.45	36	9.31
Whites	23.6	332	141	0.42	12	2.33
Hispanic	47.3	1256	497	0.39	46	4.09
Asian	7.3	36	23	0.64	1	1.22

Table 6 shows the quantity of OSS actions that occurred by student group for the 2014-15 school year. African American representation in overall OSS actions is two times their ratio in the study district's enrollment. All other student groups are underrepresented in the amount of OSS actions when compared to their student enrollment figures. When comparing the SAR, Hispanic students are the only group found below the mean, by a difference of two points indicating that the distribution of removal consequences is spread across their student group compared to others. All other groups are fall above the average for students overall. The GRI levels for African American students indicate that they are more than twice as likely to be suspended from school compared to students overall. One out of every eleven African American students in the study district was suspended from school. For Hispanic students, the number declines to 1 in 24 students. For White students that figure becomes 1 out of 43, and for Asian students it was 1 in 82.

Table 7 provides data on discretionary placements made to DAEP in the study district during the 2014-15 school year by student group. There were 652 discretionary placements made to the DAEP during that year and 35 percent of those went to African American students. Hispanic students received DAEP placements at the same level as their overall representation in

the district, and White students made up only 15% of these compared to their enrollment which represents one quarter of all students in the district. The SAR indicates recidivism is much higher for all student groups for this type of placement, and show them clustered around the mean for all students with a range of only 4 pts. In this case, however, both African American and White students fall slightly below the mean with the latter being the lowest at 0.81. The GRI shows that the risk of receiving a DAEP placement for African American students climbs to nearly twice that of students overall in the district, and reaches rates three times higher than White students.

**Table 7: Study District DAEP Actions by Student Group (K-12th Grade) 2014-15**

DAEP	Percent of Total Enrollment	Number of DAEP Actions	Total Number of Students Placed	Student Action Ratio (SAR)	Percent of Total Actions by Group	Group Risk Index (GRI)
All Students	100	520	417	0.8	100	1.62
Af Ams	17.5	188	151	0.8	36	3.36
Whites	23.6	57	46	0.81	11	0.76
Hispanic	47.3	254	202	0.8	48	1.67
Asian	7.3	0	0	0	0	0

### ***State/District GRI Comparison***

In Table 8, the GRI for the three different types of discretionary removals in the study district by group is compared to state figures in order to determine what patterns are shared, and to identify any obvious differences. The data shows that the risks of removal for both ISS and DAEP are higher for the district than the state average for all students, while the GRI for OSS in the district is equal to the state average. It is notable that while the GRI for African American students for ISS assignments is noticeably higher than state averages, it is also lower than state averages for OSS removals. This table clearly indicates that the disparity in the use of discretionary removals existing in the study district is comparable to the same patterns found in many state averages.

**Table 8: Group Risk Index Comparison for State and Study District**

Race	District ISS GRI	State ISS GRI	District OSS GRI	State OSS GRI	District DAEP GRI	State DAEP GRI
All						
Students	13.09	8.7	4.36	4.3	1.62	1.4
Af Ams	23.16	16.6	9.31	10.9	3.36	2.6
Hispanic	7.72	7.5	2.33	2.3	0.76	1
Whites	13.58	8.9	4.09	4.1	1.67	1.4
Asian	4.14	2.1	1.22	0.7	0	0.2

***District Data Summary***

Research Question 1 searches for patterns in the use of discretionary student removal on students in the study district. According to 2014-15 data, students in the district ran a higher risk on average of serving an ISS consequence compared to state levels, but the inequity within the distribution of placements was not shared across all student groups. Although the risk for most groups is at or below state averages for OSS actions, it increases once again when being compared to DAEP placements on average in Texas. In this data, we see very stark patterns of disproportionate use of discretionary removals against African American students by rather large margins across the study district. They are consistently overrepresented in all forms of discretionary placement as compared to their district enrollment, and often in severe contrast to their peer student groups. They faced a higher risk of being removed from the classroom as compared to any other student group, and the margins that separate them from groups with the lowest risk are substantial. Lastly, study district data suggests that administrators give preference to out of school suspension when deciding on consequences for African American students compared to their use of ISS or DAEP consequences.

**Campus Level Data**

Comparing disciplinary data from our study schools can help to clarify what the gap in the use of discretionary removal looks like in actual quantities of students at the campus level,

and gives us an idea of its prevalence. This is important as one tries to sort out which student groups are removed compared to other student groups in middle schools in the study district. The campus-level data (Appendix D) from the study campuses elicited identical patterns showing African American students are highly over-represented in virtually every category of discretionary removal on every middle campus in the study. When the consequence is escalated from ISS to OSS, African American representation seems to lurch forward while levels for all other groups generally move in the opposite direction. This is unexpected because it is normal to assume that as consequences become more severe, this number should actually be decreasing which is a principal that plays true for the other student groups in this study. In most cases, Hispanic student actions are near their ratios as seen in student enrollment, while White and Asian students generally remain at levels well below their actual representation in school numbers. Although the inequity in the study campus data is substantial, mirroring both district and state averages, it should not be overlooked that there were some instances on one campus (MM109) where the gap was much smaller or completely absent in certain removal categories. These occurrences, however, were rare among the study campuses.

At our study middle schools, the data collected demonstrates that one of every two African American students served an ISS consequence in 2014-15 on average. In that same year, 1 in 5 was suspended from school at least once, and 1 in 15 African American students were punished with one of the heaviest subjective penalties (DAEP) available to school administrators. This is in stark contrast to averages even for the group that faced the second highest risk for discretionary removal. Among the campuses evaluated for that same year, one of every three Hispanic students was issued an ISS consequence. Additionally, 1 in 10 Hispanic students was suspended from school, and 1 out of every 21 was sent to the alternative campus.

For both Whites and Asians, the risks are much smaller in comparison. White students were assigned to ISS at a rate of 1 in 4 students, while the risk to Asian students was about 1 in 13. White students received the more severe OSS consequence at a rate of 1 in 11, while the risk of getting a DAEP assignment was approximately 1 in 25. For Asian students, one of every 15 students was issued an OSS consequence during the year, and only about one in every hundred Asian students received a discretionary removal to the DAEP.

One of the most telling pieces of quantitative data in this study is the GRI, and what it means when trying to develop a more essential understanding of what the disparity in discretionary removal looks like for students of color. One of the features of the risk index is that data from smaller populations is not buried within the collective school data and thus lost among disciplinary data generated by students from much larger groups on the study campuses. It exists independent of this by showing the risk a student runs compared to students from any other group, and is not directly influenced by student enrollment proportions. These findings show that the risk of being removed from the classroom is higher for African American students than any other group in middle school, and outpaces both district and state averages at levels two to three times the risk to the other groups.

**Table 9: GRI Comparison for African American Students at Study Campuses**

	Percent of Enrollment	ISS GRI	OSS GRI	DAEP GRI
District	19	23.1	8.6	3.97
PC109	26	43.5	19.1	4.6
DM109	22	43.9	27.6	12.1
WM109	19	58.2	25.9	8.8
PM109	18	36.1	10.8	1.7



Research Question 2 requires an analysis of Group Risk Index (GRI) scores in order to determine whether they are responsive to student enrollment percentages of African American students on the study campuses. Table 9 presents a comparison of the GRI for each of the three discretionary placement categories examined in this study for African American students enrolled there. All four study campuses carry a risk for African Americans to be suspended that is higher than the district average for all campuses in the district, and in three of the four study campuses that risk is more than double the district average for African American students. Among the study campuses, there does appear to be a small correlation between enrollment and the GRI for ISS consequences in that the higher the percentage of African American students, the greater the risk-index for that group. It is interesting, though, that the campus with a comparatively lower African American student enrollment, MV109, has the highest risk for assigning an ISS removal in the study group at averages that are more than double the district average for all schools. It is also important to note that this weak correlation disappears with the increase of the severity of consequences to OSS and DAEP removals.

### **Findings of Study Campus Descriptive Data**

Research Question 1 searches for patterns that can be identified within discretionary removal data from the study district. Trends are evident, and match the data found in other districts across the State of Texas, in that African Americans are overrepresented in every category of removal discipline compared to students of other races. In nearly every dataset that was examined, this disproportion was at rates generally ranging from two to six times higher than those for all other student groups in the study district. These patterns hold true especially when examining both ISS and OSS removals, but in the case of DAEP removals this gap seems to shrink between the study groups. This pattern is comparable to state data when making the

same comparison, with gaps between groups shrinking slightly when moving from OSS removals to DAEP removals.

The results show that there was disproportion in the assignment of OSS to African American students at state, district, and campus level data. As discussed in previous chapters, the difference between an ISS and DAEP consequence versus OSS is that with the first two consequences the student remains in a supervised setting, either at their home campus or the district alternative campus. Although the quality of instruction has been shown to diminish in these settings, it still exists in some form (Reyes, 2012; Cortez et al., 1999). In contrast, students who are given OSS consequences are sent home where there may be little or no supervision at all for a period of up to three days. As one moves between the proportions of these assignments given to a particular group based on race, the data shows that this consequence is reserved more often for African American students than any other group. At the state level, this was seen as an increase in the proportion of OSS assignments compared to ISS assignments by ten percent. At the study district level, it is represented by a smaller margin of increase of four percent. Still, this is unexpected as these numbers should be declining at both levels. These assignment rates and proportions are happening even when the overall numerical representation of African American students in state, district and campus levels is dwarfed by those of White and Hispanic students, and continues to decline in the study district.

Research Question 2 inquires as to whether the proportion of African American students on a campus predicts the GRI ratios for that campus. At our study campuses, a loose relationship between African American student enrollment and the GRI score for those students does appear to exist for three of the four study campuses when comparing ISS removals. However this relationship becomes less apparent among OSS and DAEP removal rates.

## Pre Interview Survey

Prior to conducting the interview, the participants were given a survey to complete that asked them to estimate the amount of time they spent each day handling disciplinary referrals. According to the questionnaire, about half of the participants spend roughly 25 to 50% of their day on student discipline. There was no discernible pattern however, as two of the participants indicated that they spent as much as 75-100% of their day on discipline, while two others marked that they spent less than 25% of their day in this area of their responsibilities.

In the survey, they were asked to identify the level at which they either agreed or disagreed with a series of proposed influences on two areas of student discipline: what influenced student behaviors and what influenced their own decision to remove a student from the classroom. Participant responses were gathered using a four point Likert scale to eliminate a neutral response: 1 (Strongly Agree), 2 (Agree), 3 (Disagree), and 4 (Strongly Disagree). The averages for participant responses can be seen in the tables below in order of strongest agreement to strongest disagreement by the participants.

**Table 10: Participant Response Averages about Influencers of Student Behavior**

<b>Please indicate to what extent you believe any of the following characteristics influence student behavior:</b>	<b>Response Averages</b>
<b>Student Achievement</b>	<b>2.1</b>
<b>Family Income</b>	<b>2.6</b>
<b>Gender</b>	<b>2.6</b>
<b>Disability Status</b>	<b>2.6</b>
<b>Race</b>	<b>3.1</b>

Table 10 shows the general agreement or disagreement among the participants about the amount of influence each of the student characteristics has on their behavior. Seven of the nine participants agreed that the strongest influence from the list was the student's level of academic achievement. Eight of the participants agreed that a student's race was not an influence on a

student's behavior; however, disagreement appears to exist within the group about the role of gender, disability, and economic status in how students behave.

**Table 11: Participant Response Averages on Student Removal**

Please indicate whether any of the following influences your decision (Non-Mandatory Offense) to remove a student from the classroom setting:	Response Averages
Campus Behavior Expectations	1.5
Student Discipline History	1.6
Student Understanding of Events	2
Student Remorse	2.1
Student Academic Standing	3.2

Table 11 reflects the average responses from the participant group about the different factors that influence their decisions on whether to use discretionary removal. Eight of nine participants agreed that campus behavior expectations and the student's disciplinary history play a part in their decision to remove a student, but a student's academic standing did not. Eight of the nine respondents also agreed that student understanding of the event contributed to their decision to remove a student from the classroom, while seven administrators indicated that student remorse influenced their decisions on student removal. The results also show that while administrators generally believe that student achievement wields the strongest control over student behavior, it is the student quality they attribute least when considering a discretionary removal. Most of the participants also agreed that beyond student history and a set of expectations for behavior a campus may subscribe to, two other important influences on discretionary removal are centered in subjective interpretations about the level of understanding and remorse a student demonstrates. These results drawn from the survey questionnaire act as a foundation for the interpretation of the findings that follows.

## **Participant Interviews**

At the beginning of this chapter it was discussed that campus administrators carry the heavy responsibility to make determinations about whether to use discretionary removal on a student. In this section, I will highlight the key findings gathered from the interviews with study participants about the methods and approaches used to process student discipline and make these decisions. Following the pre-interview questionnaire, principals were then asked a series of open-ended questions to encourage them to share details about the methods they use and discuss what they believed to be the biggest influences on their decision to remove students. The interviews were conducted in their offices and they ran from around 45 minutes to over two hours in some cases. From the information they provided, patterns of commonality in the approaches used by the participants and what factors influence their decision to remove a student emerged. The results of these interviews also revealed where approaches diverged and some of the reasons why administrators prefer one method of making sense of disciplinary referrals over another.

As discussed in the literature review, administrators are required to undergo sense-making processes frequently when they are faced with a stream of information many times per day regarding disciplinary events (Correa, 2011; Gilmore & Murphy, 1991). The participant interviews were intended to help identify what details and information about a disciplinary event, and the students involved, received attention by administrators in order to decide on a removal consequence. By examining where these approaches intersect, overlap, or differ, it is hoped that valuable information can be added to our understanding of such a complex mix of policy and social forces. In doing so, this research will ideally shed light on how certain strategies and

approaches to processing referral meanings may affect the sorting of African American students towards receiving a higher proportion of discretionary removal consequences.

### **Processes Used to Manage Referrals**

Research Question 3 seeks to examine the sense-making processes assistant principals use to manage student discipline since the majority of discretionary placements begin with a referral to a school administrator. While teachers and staff are responsible for writing discipline referrals, they cannot formally remove a student from the classroom beyond sending them to the office to meet with a campus official. Only administrators have the authority to assign students to a setting outside of their regular classroom. The following sections highlight the main themes drawn from participant responses during this phase of the interview.

#### ***Sense-Making about Referral Meanings***

Six of the participants discussed two different timeframes for how quickly a referral was received and addressed by an administrator. Certain referrals receive immediate attention, it was learned, and are normally paired with a serious behavior event: a physical altercation between students or angrily leaving class without permission during instruction or a student being found in possession of drugs or weapons were given as examples of these. Other referrals are submitted to administrators but not processed immediately because they do not pose a threat to student safety. Mr. Marquee discussed several examples of these lower-level infractions, such as skipping Friday detention hall or leaving campus without permission. Another example provided that demonstrated a delayed response by administrators was a referral written at the end of the day when the teacher had time to enter it, where it was held in electronic queue in the online referral management system until the administrator could attend to it the following day.

Several of the participants indicated that they check this queue frequently during the day in order to ensure a timely response for infractions, and at least one (Mr. Luna) had a set time each day that he opened referrals and began processing them. It was interesting to note that he was also one of the two participants who indicated that they spent the smallest amount of time on campus discipline each day among the study participants, and he shared a campus with Mr. Walker, who responded with the second lowest proportion of time spent processing referrals. Ms. Smith discussed referral timing when she stated, “Sometimes the referral is an immediate...they have been kicked out of a class or a fight in contrast to ones written a day or more before.” This can sometimes delay the administrator’s ability to address the referral in the immediate depending on other pressing responsibilities like testing, or an absent student or administrator. As a general rule it was learned through participant interviews that the more serious the referral in “triage” was perceived, as coined by Mr. Walker, the sooner it was addressed.

**Table 12: Administrator Participant Data**

Administrator	Campus	Race	Gender	Years as an Asst. Principal	Years in Education	Percentage of Day Spent on Discipline
CROWDER	DM109	B	M	18	36	25-50
SMITH	DM109	B	F	4	18	75-100
MARTIN	PC109	W	F	1	21	25-50
BROWN	PC109	W	F	5	13	25-50
MARQUEE	PC109	W	M	3	8	50-75
LUNA	PM109	H	M	9	22	>25
WALKER	PM109	W	M	6	12	25-50
ORTIZ	PM109	H	F	6	14	75-100
EDWARDS	WM109	B	M	2	10	>25

According to Mr. Edwards, timing is important to his sense-making of the discipline referral and its seriousness. In his response on the approaches he uses, he mentioned the significance of time in an interesting way:

I look at the time of day the referral was written...was it during the middle of the day or did they [teacher] wait until the end of the day to write it? I compare this with how it’s coded. If it was coded as disrespect and was entered at 5:45 PM, this is an account that bothered the teacher during the day...still bothering the teacher at the end of the day. What I expect to see is a general account of the incident now that the teacher has had time

to cool off and reflect about the situation. If it's written at 9:42 AM on the same day then this teacher stopped what they were doing to write the referral, so therefore the teacher felt it necessary and serious enough to stop their instruction long enough to write it.

He went on to say that this information helped him in determining the urgency of addressing the incident, as well as the amount of disruption it likely caused in the classroom.

### ***Interpreting the Behavior Event***

Most of the participants acknowledged during their interview that the majority of discipline events are not witnessed by the assistant principal, but rather by a teacher, and the referrals that they receive are typically written by someone else. It should also be noted that a presumption existed among participants about the inferred fairness a teacher employed when making the decision to write a student referral. It relates well with Coburn and Spillane's views on the belief systems that exist within an institution, and is clearly articulated in an excerpt from Page 12 of the staff handbook at Campus MC109:

The primary responsibility of the administration at MC109 is to facilitate teaching. One way that is done is by backing up teachers in the discipline process. From time to time, it will be necessary for a teacher to refer a student to the office for disciplinary action. When this happens, it will be assumed that the teacher, as the professional in charge of the situation, has made an accurate and fair assessment of the events taking place and is only referring it to the office because it is in the best interest of the student, the teacher, or the school to do so.

This schema standardized across a campus demonstrates a presumption of guilt on the part of the student that prefaces the due process interview with the administrator. Although all students are required to be given due process, it still leaves any student group that receives office referrals at higher rates than other groups more susceptible to being assigned a discretionary removal consequence because the presumption is that they *should* have been removed from the classroom in the first place. As Spillane (2006) argues, this is an example of a shared construct distributed across an organization, but acted upon in a ministerial sense by individual actors.



Regardless of the circumstances surrounding the event, this policy within the organization presumes guilt on the part of the student by the administrator. By doing so, it provides an avenue for negative attitudes towards the student to develop because it dictates that the student did something wrong that was serious enough to be removed from the classroom and therefore is deserving of a consequence.

Participant responses indicated that the language used in a referral narrative is very important to an administrator because it not only conveys the circumstances of the event, but it also relates the severity with which the offense was perceived in the eyes of the author. According to Mr. Crowder, some referrals are clearly written when the teacher was under duress or experiencing a lot of frustration and would contain emotional language that could portray the incident differently from how it actually may have occurred. He felt that this would sometimes cause the teacher to code referrals as a particular infraction that would be considered more serious than a lesser offense. He believed that this was intended to elicit a stronger response from campus administrators in the form of the assigned consequence. For example, he described an incident he encountered the day his interview was conducted which involved two African American students who had been referred for pushing and insulting one another as they entered the classroom. The teacher in whose classroom the incident occurred had coded it as a fight when she submitted the referral, and used language to relay what she believed was a fight between two students. After his interview with the two students and witnesses, he changed it to roughhousing which did not require a discretionary removal according to the campus matrix. Mr. Crowder concluded that they were not engaged in a fight as the referral indicated, but were involved in a ritualistic insulting of each other that occurred because they were longtime friends who often engaged in this behavior when they greeted each other. He explained the

misunderstanding as a difference in cultural expectations between the students and the teacher in that particular case and used it to demonstrate that teacher perceptions can be influenced by their own constructs about how students should and do behave. Townsend (2000) refers to this phenomenon as a cultural mismatch, which describes a characterization strategy often used by White teachers which leads to a misinterpretation of behaviors by African American male students as aggressive and combative. As a result, the teacher responds with a consequence because of these racially conditioned stereotypes (Skiba, et al., 2011).

Six of the participants acknowledged that getting the teacher's input beyond what was written in the referral was part of their routine for processing a disciplinary event. For at least two subjects, these conversations with the staff member would occur prior to ever meeting with the student. In many cases, participants indicated that they sought additional information about the student's history which could involve conversations with both the teacher, other teachers who had the student, and the school counselor. It was also learned that the study participants placed a heavy reliance on video surveillance footage when behavior events occurred in common areas.

Mrs. Brown remarked that part of her approach involved having the teacher describe their version of events in front of the student when they had been referred from the classroom. She found this to be an important part of her method of processing a discipline referral, because she considered it helpful when having conversations with students. She believed that it was important for the student to see how their behavior was perceived by the person responsible for the classroom as a way of enhancing their understanding of the event before the due process interview had occurred. She offered that in her eyes it deepened the conversation between the student and the administrator by making it more about why this behavior was addressed with an

office referral. This would hopefully lead to a better discussion with the student about what they could do differently to improve the outcome.

### ***The Role of Due Process***

For any discretionary removal to occur, it is expected that some type of due process for the student will happen prior to the assignment of the consequence. In essence, participants understood this as an opportunity for the student to be informed of the offense(s) they were accused of, and to give them an opportunity to provide their version of events to the administrator. It also offered the administrator a chance to seek out additional information about an event from the student's perspective for comparison with what was discovered through all other sources of information. The timing and structure of due process differed somewhat among study participants, as did the depth of this process and the focus of the dialogue between the administrator and student. Two of the study participants explained that the last person they talked to was the student, once they felt they have gathered a complete understanding of the discipline event from staff and student witnesses. Five of the participants shared that they required students to provide a written statement of events that held different purposes. Ms. Martin said she used the written statement when the parents had questions about the events. This would address the issue of students relaying a different version of events to parents than what may have actually occurred. She offered that she felt students were often more honest when they had to write out the event, and it was harder for parents to reframe the incident based only on their student's version. Mr. Edwards and Mr. Walker both mentioned that these written statements were compared with what the students said during their interview with the administrator in order to determine whether the student was being honest with their version of events. Mr. Luna explained that he used them as a method to search for hidden information by

asking students to use their written statement to “tell me everything the office referral didn’t tell me”.

The structure of the due process conversation between the student and administrator had a common theme in that six of the nine participants stated in some fashion that part of the purpose was for the student to admit to the infraction(s) and take responsibility for their behavior. While discussing his approach to due process, Mr. Edwards stated:

I want the student to describe the event without excuses. When I have a student who admits to the infraction, but then gives reasoning for choosing behavior they know was wrong, my fear is that they are therefore excusing the behavior and it will happen again. In their mind, it’s situational...I can act this way if the situation calls for it. I need to be sure they understand this isn’t the case.

Mrs. Brown also echoed the use of the due process dialogue to encourage the student to admit to the offense and take ownership. “That way the kids know they are choosing a consequence through their actions rather than being given a punishment by a person.”

More than half of the participants interviewed mentioned various strategies learned through campus-wide professional development on building student relationships. They helped to guide what they experienced could sometimes become a difficult exchange and try and reduce the potential for the student to escalate the conversation to the level of a contentious argument. One method mentioned by four of the participants was from a program called *Capturing Kids Hearts* which relies on short, open-ended questions to guide students, given in a certain order. Mrs. Ortiz clarified it when she said “By using the CKH strategies...you know, ‘What are you doing? What are you supposed to be doing? What should you do differently?’ It can sometimes prevent things from getting too emotional, causing a frustrated student to make additional mistakes once they make it to the office.” Mr. Crowder mentioned that he would open the discussion with something off topic to get a relationship started if he did not know the student,

and then begin his line of questioning. He believed it could sometimes put a student more at ease during due process, and more receptive to the conversation being held with the administrator.

### **Factors that Influence Removal**

Research Question 4 attempts to identify the factors that contribute most to administrator decisions to use discretionary removal as a consequence in the study district. In the survey questionnaire, participants were asked to identify which of the factors listed had an effect on the type and length of discretionary removal they choose for a student. This was again revisited with open-ended questions about the same subject during the second phase of the interview in order to extend understanding beyond the numerical results of the survey. The participant responses were transcribed and organized into themes to identify patterns and commonalities. This provided a clearer picture of the four main influencers the participants felt held the most sway over their decision to remove a student from the classroom.

### ***Campus Behavior Expectations***

According to the survey, a reliance on behavior expectations for students determined by the campus had the strongest agreement among the participants about what factor held the most influence over their decisions. Seven of the participants discussed during the interview portion of the study how the campus behavior expectations were the main determinant for choosing a removal consequence. To clarify, they were referring to the organization and categorization of consequences based on the seriousness of the offense used by all four campuses. Some also referred to this as the “discipline plan” or “discipline matrix”, but most were adamant that this was their first consideration when determining the student consequence. Appendix A is an

example of a campus discipline matrix provided by MC109, and it demonstrates how offenses and the recommended consequences are tiered by intensity and frequency of the offense by the student. It shows that the consequences increase with each occurrence of the same offense by a particular student. This matrix covers a broad range of violations, and further reveals that some offenses have an exact response while others provide an element of flexibility for the administrator to select a consequence, presumably based on severity. The intent of the matrix, as explained by Mr. Edwards, is an attempt by campus administrators to make consequences uniform across the grade levels so students are not receiving different consequences for committing the same offense:

The number one factor is based on a calibration between administrators [matrix]...if a student does X they will get Y as a consequence. Consistency across administrators is important so that students know what is going to come if they make a poor choice.

Mrs. Brown extended this notion further by discussing the importance of separating the administrator from the consequence for the sake of building relationships with students, and to foster better conversations in the office:

If you take the part out where I decide what is going to happen to you, then it becomes a situation where the student cannot blame you for assigning the standard consequences everyone else receives. Then it turns more into, ‘When you made this choice, you chose to take this consequence as well.’ What kinds of choices can you make instead next time?

She went on to say that the more consistent administrators are across the team, the better the campus discipline plan works. This was because both the students and the parents have less room to try and “haggle”, as she described it, the interpretation of the seriousness of the incident in order to reduce the consequence.

Five of the participants acknowledged the value of their campus discipline matrix, but appeared to disagree that it presents a one-size-fits-all response for student misbehavior. The

position they shared was that for students who commit offenses more frequently, it is not practical because of the implied outcome for the student. In other words, because the frequency of discipline events was as high as several times during the same day, or even during the same class period, the student would rarely be present in their regular class for instruction if the matrix was adhered to exactly as it was set forth in campus policy. Each of the five discussed their approach to these students as more of a strategy to extinguish negative behavior over time. Mrs. Ortiz reported, “I tend to be a little more flexible with the kids with lots of discipline issues. If I *consequenced* them for everything, it would be impossible. For those students it’s a bit different.” Mr. Marquee also supported this approach with certain students who several study participants referred to affectionately as ‘frequent fliers’ during their interviews, a term used to describe students who receive multiple disciplinary actions without the desired effect of modifying their behavior (Kennedy-Lewis, 2016). He remarked:

For example, the kid who didn’t attend ZAP [Homework Detention Hall] but who has been trying. He normally should have gone to ISS but instead I had that conversation that said “Hey I know you’re trying. This is what I need to happen and if that can’t happen then I will follow through”. I personally try and give as much leeway as I can and try and have that conversation.

Mr. Luna echoed this sentiment almost exactly:

It’s not just the incident I need to consider, but the follow-through on whether they had learned from a previous episode. If I see them trying, then I am going to be more lenient on them. If not, I tell them the real reason is not because of the referral, but because I coached you on how not to do this and you’re not doing what I coached you on already.

All five participants recognized that this approach did not necessarily follow the discipline matrix, but also felt like it did not undermine the effectiveness because of the smaller numbers of students who receive this type of administrator support. Conversely, Mrs. Brown saw little room for subjectivity, and by doing so she keeps relationships between students and the instructional staff intact. Mrs. Brown argued, “My number one priority is to be responsible for

Tier 3 behavior students and protect the integrity of the student-teacher relationship”. She argued against inconsistency in assigning consequences, and defended the practice of remaining consistent on moral grounds regardless of extenuating circumstances like poverty or a difficult home environment:

It’s wrong when you change in your consistency. If someone comes to you and says, “Well he has this going on...” That’s wrong. They need something consistent. It is like you’ve just changed their standard...that to me...that’s awful. That’s prejudice...you’ve changed the expectation because of what you assume to be something you need to pity.”

She followed up with an explanation of how the non-traditional students are becoming more and more of the student population, and stated “we would be on a slippery slope morally if we reduced expectations for any one group”. In her words, “It is immoral to make excuses for someone because of their disadvantage”.

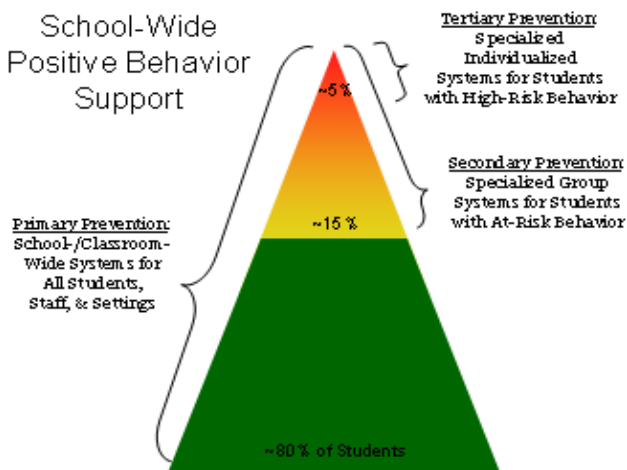
It is noteworthy to unpack some of the hidden meaning in her use of the term *non-traditional students* as compared to traditional ones. During our interview, Mrs. Brown made reference to the change in the student population at MC109 over time using a popular model adopted from PBIS methodology that illustrates how students are divided by their at-risk behavior that warranted office referrals. This model (see Figure 1) divides students into primary, secondary and tertiary students, and assigns proportions of expected divisions of these students within a given school enrollment. It designates that within a given student body, twenty percent of these students designated as secondary and tertiary students would fall within categories that require targeted behavior intervention support to be successful (Horner, Sugai, Todd, & Lewis-Palmer, 2005).

During her interview, Mrs. Brown made reference to this model as she described how she perceived that school populations have changed for campuses in the study district:



For a lot of campuses that have seen shifts in their enrollment, the RTI (Another term frequently used to refer to the PBIS model) triangle has shifted a lot. Before, we could look at our student and say “Yes, our students fit this model and it does look like a triangle.” What has happened is that this triangle has become top-heavy with students who fall into the upper two tiers. In a sense, what we now have in a lot of schools is no longer a triangle. In fact, it looks a lot more like a trapezoid.

**Figure 1: Positive Behavior Intervention Support Triangle**



By labeling students categorized for targeted behavior intervention as non-traditional students, one effectively “others” these students, leaving room for teachers and administrators to form certain negative opinions about them, leading to harsher consequences by characterizing these students as different from the rest of the student body because of unexpected behavior compared to normative behavior. Drawing context from her interview responses, Mrs. Brown characterized these students as disadvantaged, but states that they should be treated exactly the same as traditional ones.

### ***Student Discipline History***

A student’s disciplinary history was indicated by eight of the participants as having a strong influence over their decisions about using a discretionary removal consequence. During the interview process, it was noted that four of the participants mentioned this first when asked about their routines for handling a discipline referral, and discussed why the name of the student

was the first thing they examined. Mr. Walker explained that he checked the name of the student first and immediately began to think about interactions he had with the student, and how recently they occurred. Many of the participants mentioned using a student's discipline history in their sense-making of events to develop a 'profile', and then comparing that with the misbehavior. As Mr. Walker put it, "I then compare the referral with what I know about the student and try and see if my understanding of the incident matches what I know about the student and what I have seen them do in the past". These four study participants also discussed using it like a frequency test, and based the severity of the consequence on how often the student had been sent to the office for the same offense. Mr. Crowder explained his reasoning behind this:

"I have to go back to the incident...you'll have to have been in my office three or more times before you're going to get removal. In my book every kid gets a second chance and sometimes you get a third chance. At some point in time though, if you are starting to develop a history with me, guess what? We are going to have to talk more about a harder consequence."

Mr. Marquee explained this practice in another way with a little humor:

"It's kind of like at home when you ask mom if you can do something and she says no and you do it anyway. The second time it happens you get grounded and the third time you get the 'pop'."

Nearly every participant who reflected on the use of student history in making disciplinary decisions during the interview portion included some description of using it as a way to scale out consequences for a student who had made several trips to the office for similar infractions. Three participants in the group mentioned that this was an efficient and fair way of assigning consequences and linked this process to their use of the campus discipline matrix. Their responses describe a form of approach to discipline, known as a *graduated discipline* which some scholars have attributed to being more successful when compared to zero tolerance policies which call for a response to any infraction within a designated category exactly the same. Instead, this approach pairs infractions with frequency and interpretations of severity to

determine the weight of the disciplinary response from administrators (Skiba, Homer, Chung, Rausch, May, & Tobin 2011; Skiba & Knesting, 2001).

### ***Student Honesty, Understanding, and Remorse***

The results of the survey showed that a student understanding of events around a behavior incident, and the level of remorse they display, have some part in the decision about the type and seriousness of the consequences assigned. Interestingly, seven of the participants discussed this subject in depth during the interview portion of the study, acknowledging that it was part of their process. The interviews did not reveal a shared definition of what this should look and sound like, nor did there seem to be a consistent measure of the weight this information carried when they weighed considerations about consequences.

Five of the participants mentioned that they were mostly concerned that the student understood the event as a problem that needed to be fixed, and it was important to these participants that the student admitted guilt and took responsibility for the misbehavior. The participants believed this was a necessary step in their processes and would attempt to talk through this with students who were unable to do it by themselves. For example, Mrs. Ortiz mentioned the importance she placed on the student “owning up” to their mistake:

“I talk to the child about what happened from A to Z. Do they understand what the problem is? Sometimes they do and sometimes they don’t. I feel it’s important to talk through it with the student. Ninety-nine percent of the time, by the time I am through talking with a student, they get it. They know that they screwed up.”

Mr. Crowder explained that sometimes it’s not simply whether or not the student made a mistake, “but whether the student can recognize how major or minor it was. For many students, things that aren’t even allowed at school are commonplace at home or on the street.” He went on to describe examples of behaviors that may seem like a normal reaction or response to the

student, but can also be a source of trouble when they get on campus because “... for them it doesn’t even register as something you are doing that is wrong”.

Seven of the administrators from the group discussed how the version of events and the understanding from the student should be centered in “the truth”. The interview responses suggested that determining the level of student honesty was a significant when trying to find facts and determine if the student understood they were doing anything wrong. Mr. Marquee cautioned that it is easy to jump to conclusions, especially when the volume of referrals is higher than normal and the administrator is pressed to complete the referral process in order to move on to other tasks. He explained that experience in the field helped him develop a sense for whether or not a student is being forthcoming with him, “Obviously there are kids that lie”, he pointed out, “but you can catch on to it pretty quick with just a few questions”. He went on to state the importance of sitting down and getting the whole story from the student, because it provided him more of an opportunity to gauge honesty. Ms. Smith explained how the level of perceived honesty affected her decisions about removal consequences during her due process with a student:

“If the students come in and are respectful and honest...guess what? Let's fix it and move on. You come in and you try to manipulate...you need to understand it makes it hard for me to make good decisions...if you aren’t going to be truthful then I am going to give a hundred percent to the teacher.”

She also mentioned several times during the interview that one of her strategies was to convince the student that she “already had all the information and just wants to see how honest the student will be with her over the situation”. She explained that she used this as a bluff to encourage the student to share important details about the event with her she still needed as part of her inquiry.

Remorse, as used in the context of this study refers to the cognitive reflection of a student about their behavior. Goodman (2006) describes this response by a student as a process where

“the recipient acknowledges culpability and experiences remorsefulness; there is rebalancing of the moral scales, and reaffirmation of the standard that was violated’. He continues with skepticism about whether this phenomenon is significant in modifying behavior, because in some cases the student reacts with indifference to the feedback about their behavior from administrators, in some cases even taking pride in their disobedience. This indifference is also seen in the student’s perception of the consequence which he states has “punitive intent, but no punitive effect”. Pairing this with the remarks by Mr. Crowder who explained that students may sometimes deem their own behavior as normal, it is easier to understand why the consideration of remorse as part of the administrator’s sense-making about a disciplinary event may be problematic. In the event where a cultural mismatch associated with differences in race between school staff and the student in terms of what behaviors are considered to be okay, it would be difficult for a student to feel remorseful when they are unable to see their behavior as inappropriate for the setting or circumstances. Without the presence of this state of mind within the student and an ability to communicate it clearly, the student will likely receive harsher consequences at the study schools based upon the responses of the participants.

There were mixed responses about how administrators define remorse and its significance when deciding a consequence. At least two participants stated that this was part of their consideration for what would be the best consequence for the student. In her response on whether she took the level of student remorse into consideration when deciding on a punishment, Mrs. Ortiz stated:

“Absolutely, a child’s reaction is important to me...I want to know. Were they remorseful? Did they take ownership of it? If the child is willing to have a grown up conversation with me, and take the time to reflect...that says a lot to me. I value that and I tell them I value that. I want them to know that it makes a difference.”

Ms. Smith also discussed the value that she placed on the amount of remorse a student displays. She stated that the presence or lack of it can actually change the tempo and nature of the conversation. She described several encounters with students where the student did not show any remorse over their misbehavior. She used the example of a female student she had met with that afternoon who had sworn at another student in front of staff. She described how the student entered her office, confrontational and defiant, and refusing to show any concern about her behavior:

“This kid came into my office, looked me straight in the eye and said ‘Yes I did cuss her out...oh well’. That automatically becomes another talk about remorse, and humbleness, and adults and children...and about respect. It also changes the way I handle that student when I decide what to do with her.”

One participant openly disagreed with the use of this information as a means to determine a student consequence. Mr. Edwards, an African American, felt that it was too difficult to try and read how remorseful a student was, and for what reason:

“Remorse and understanding do not affect consequence. In my mind remorse should not lessen a consequence for that behavior...so that if a student stabs a kid in the shoulder with a pencil and acts remorseful, I cannot tell if the remorse is from stabbing the kid or because they are getting punished.”

Because of this, he preferred to keep the same consequence but used the information as the basis for his conversation, which was a discussion about how the student is coming across, and how he is being perceived by the adults in charge. He explained his approach in the following way:

“I use a holistic approach and get all the information in front of us. I pull up grades and discipline data to review with the student. X behavior equals Y consequence... now tell me what kind of student you look like based on this information?”

Mr. Edwards’s description of his considerations about student remorse matched that of Mrs. Brown, who also denied that remorse was important to her decision about student consequences. In their responses one can see evidence in the value they place on following their schools’

expectations of what is considered normative behavior. In Mr. Edward's case, he places an importance on the student reflecting how he is being viewed by those in control of the organization, and requires the student to see himself as "othered" by his own behavior. It also reflects that in his view, the student is required to "rebalance a moral scale" as Goodman put it so that these behaviors do not continue. While this approach is understandable as a methodical attempt to modify student behavior, it leads to questions about whether a student has the ability to change over to a set of behavior standards that do not make sense to him. This is especially problematic when considering that subjective infractions and shared definitions by school agents of disrespect or aggressive behavior may in some cases conflict with that student's own cultural expectations about what would be considered acceptable behavior under the same circumstances.

### ***Purpose of Discretionary Removal***

During the interview, the administrators were asked what they felt was the purpose of discretionary removal. Six of the participants led with similar responses in which they believed it was to support the teacher, and protect instruction and the learning of the majority of the students in the class. Mr. Edwards summed it up when he responded:

"It's number one to support the teacher...to show the teacher that what you do is important enough to remove this type of disruption from your classroom so that you can do your job better, and so the students can learn better. Number two, to show the students that this is so severe that I am willing to remove you from what I know is the best environment for you, which is the classroom environment."

It was learned that discretionary removal is used for other purposes as well, and this could vary from one campus to another. Mr. Walker talked about using it to give teachers a break from a student who has caused multiple days of disruption in the same class, but whose consequence escalated because of frequency. He believed that this was only useful purpose for discretionary removal. He included that he wanted to make sure his teachers knew he supported them, and

would have check-in type conversations with them about referrals where he would ask them about the consequences they thought were appropriate. “That’s a good conversation to have so you’re not throwing a kid back into the classroom when the teacher expects them to be gone for a day or two.” Mrs. Ortiz talked about one form of removal, an assignment to ISS, as a tool needed to bridge the gap between minor consequences a teacher can provide in the classroom and the more severe consequence of home suspension. She was one of seven participants who mentioned a lack of options for dealing with students who commit moderately serious offenses during their interview.

“It’s a more severe consequence...we can’t spank, ground, or take things of theirs away. We do not have many tools we can use. I made my own detention after school for two months, and it was brutal for me. It didn’t work, but I was trying to find a medium consequence.”

Discretionary removal was also used as a means to “cool down” students after a fight before due process would occur or when threats to student safety had been made that were determined to hold no actual threat. In other words, students were removed from the classroom and held in the office or placed in ISS for a period of time prior to being interviewed by the administrator. It was also learned that removal was a frequent practice while the district, or law enforcement, conducted an investigation about a serious behavior event that involved the commission of a crime. One example shared by Mr. Marquee was that of a student who was being accused of inappropriate behaviors with an elementary-age student off campus a few days before school ended. Because the charges filed were serious enough to consider him a risk to other students, he was suspended for the three days left in the school year while authorities investigated the incident. Ms. Smith mentioned that her campus uses this practice of using home suspension, and sometimes even ISS, as a form of “administrative leave” while an inquiry on a serious violation of the SCOC was conducted.



## ***Teacher Influence and Deterrence***

The subject of teacher influence came up many times during with participants in several forms. Some talked about it while explaining their sense-making processes when handling a referral, and what part the teacher played in this procedure. Five participants reported that the weight of this input was relative to what they perceived as teacher quality and that teacher's ability to successfully manage a classroom. Mr. Walker provided an example when he talked about starting his referral process with a consideration of classroom teacher:

When I see a referral, I note the teacher to see if it is from a teacher I would expect a referral to come from. If it comes from a teacher who writes a lot of referrals, then I consider that in my deliberations as to how I will process the referral. There are some teachers who have low tolerance for certain things like disrespect or talking without permission, and I can guess what the incident was going to be about.

Mr. Edwards supported this approach with his explanation about what he considered as he built his knowledge of a referral event. He said that he pauses initially to consider the teacher who processed the referral, how often that teacher submits discipline referrals, and the kind of prior relationship that exists between the offending student and the teacher that he is aware of. Four of the study participants remarked that certain teachers did have different effects on their disposition about a referral and the level of consequences that should probably be applied. As Mr. Crowder put it:

Politics has something to play in all this. For example, if you have a teacher who never sends a student to the office in six months, there is this feeling of...hey, she has done me a favor by managing this kid as long as she has. I need to hammer him. I have got to hammer him no matter what his race is or how many times he has been to the office. I have to send a message to the other students to treat this teacher with respect.

He continued to discuss the importance of the message that was broadcast to students through the consequences the administrator used which he said were often times deliberately harsh. He asserted that this performed the dual role of being a consequence to the student for committing

the offense, and as a deterrent for other students. Mr. Luna explained it further: “I need the students to know that if you perform certain behaviors...I don’t want the kids to say ‘Oh that’s not that big of a deal’. I want them to see that those are unacceptable things that will get you removed. At middle school it’s also about the people around you.”

### ***Effects of Administrator Race***

One theme identified during the participant interviews that wasn’t intended to be part of the study was the interesting relationship between the administrator’s race and their approach to managing student discipline of students from the same race. It is an important facet of student discipline based on what was learned from participant responses, but because the case study structure does not provide a large enough sample to draw any solid generalizations from the information, it will only receive a brief discussion. All three African American participants offered during the interview that they felt like they tended to discipline African American students harder than students of other races. One of these, Mr. Crowder, described it like this:

I am the type of administrator that when I am going to get an African American in my office, I am going to be harder on him and I tell them you got lucky. I tell them when you go on to high school you are not going to see this face when you get there. Eighty percent of all administrators and teachers are white and females and they need to be ready to deal with that.

Mr. Edwards, another African American participant, explained that he becomes more intense when he meets with an African American student, but it only affects the dialogue as opposed to the student consequence:

I...my expectations...I get frustrated with those students because I know how we are perceived and I want them...but like I said...I don't change my consequence, I change my discussion. I am more blazon, confrontational, and more cut and dry. I have less patience for excuses from my African American...from all my minority students.

Ms. Smith, the third African American administrator, described her very difficult childhood and how it has made her less tolerant of excuses from other African American students, or their parents. She reported that she used her own life experiences to hold up and say, “You know what? There are a lot of us that have made it with the same problems. It’s time for you to wake up.” when she encounters parents that attempt to blame the school, or their own disadvantage, for behavior issues their student may be having.

It is interesting to note that these three participants indicated that race was a factor in their discussions in the sense that their own life experiences set up the context of the conversation, which centered on the idea that African American students they met with were going to be confronted about expectations about race. All three described being harsher in their conversations with these students during due process, although it was unclear whether or not this translated into harsher consequences as well. The responses of the African American administrators in this research are also supportive of the findings of studies indicating that the race of a school official had some effect on how students were handled, with the tendency for African American administrators to give harsher consequences to students from their own race (Kinsler, 2011). This positionality reflects a role that many African American administrators can sometimes find themselves in, especially when they are females, which Moore (2013) describes as being a “Race Specialist”. Because of their own experiences, they believe that they may possess more knowledge about the backgrounds and sensitivity to the issues facing African American students. It is clear among these three study participants that this role is embraced and these administrators see a value in having discussions with students about the meaning of race in the context of what they see as the existing social order in the public school setting. It can be assumed that in the case of these participants, they felt that this was a necessary part of their due

process conversation with African American students and felt that these students benefitted from the knowledge.

### **Summary of Phase I Interviews**

Research Questions 3 and 4 both examine the practices of administrators as they perform one of the most important tasks of their role as assistant principals: the management of student behavior and discipline. Specifically, they address questions regarding the use of discretionary removal by following the participants through their process of making sense of the events surrounding a disciplinary referral. More importantly, however, the research questions are intended to further dissect the decision point where the administrator makes the choice to remove a student from instruction as a consequence and examine their cognition for possible clues to explain why there is such disproportionality in discretionary removals.

I found through participant responses that referral interpretation was an important part of the discretionary removal process. This sense-making was responsive to a variety of factors including timing. The chronology of when the behavior event happened, when the referral was submitted by staff, and when it was reviewed had an effect on the way referrals were interpreted by study participants. I also learned that most of the referrals that administrators review were not witnessed by the administrators themselves, and the details often appeared in the form of a narrative written by the staff member which was responsive to the disposition of the teacher. Therefore, I discovered that one primary challenge in this process for administrators was to make clear sense of referral meaning when the event was described by someone else, and then assign a fair consequence. Based on participant responses, three sources of information were found to be especially important when making interpretations about referral meaning. They were: 1) Student disciplinary history and personal knowledge of the student. 2) The narrative and offense coding

included in a discipline referral, and subsequent dialogue with the teacher about the behavior event. 3) An individual schema the administrator held about the teacher based on their immediate recall of the frequency of referrals, and the perceived ability of that staff member to manage students. I found that many of the participants anchor some of their decision based on how effective they believed the teacher is in the classroom. The more referrals a teacher submitted, the more difficult it was to center the problem only with the student because it opened up consideration that at least some of the issue may lie in teacher behavior. When a teacher who never writes a referral does submit one, responses suggested that it was responded to swiftly with significant force in order to punish and deter any student in proximity. It appeared through participant responses that while each of these components were important in this sense-making, their rank order shifted from one participant to the next for reasons that were not entirely clear, but seemed to be linked to professional experiences or campus history.

The next stage of the decision-making process could be described as one of investigation and fact finding by the administrator, and included the point where a student's due process occurs. When the different perspectives of the study participants were reviewed, there was a great deal of variance between administrators as to what due process should look and sound like. One area where many of them seemed to agree was that they wanted the student to admit to the offense in some way, and this admission would be the talking point for the verbal coaching that would follow. Where they tended to differ on was how this conversation sounded, and what parts of the conversation, if any, were factored into the consequence when the decision is finally made. There were distinct differences in the way participants attempted to lead the conversations. Some used them to fish for the truth and ferret out dishonesty, while others relied on a pattern of questioning borrowed from a district-adopted program to improve campus climate

as a means of coaching the student through their own sense-making. Most of the participants used this as a venue to gauge the level of understanding and remorse about the event with the student. This information was normally determined through observation of the student's composure during due process, the student's visible posture, and through the ability of the student to communicate "honestly" with the administrator verbally or in writing.

Part of this study examines the various forces that influence the decision to remove a student from instruction in an effort to identify areas where subjectivity in the process may lead to disproportion. Through participant responses it was found that there is an intersection of several primary influences that feed into this decision. According to their survey and interview responses, participants relied at varying levels on the campus discipline matrix which was often paired with the student's discipline history. I learned from participant responses that these matrices tiered consequences upwards in severity based on the seriousness of the infraction and its impact on student learning or school safety. It was a general consensus that the matrix should be used, but in several cases this was situational based on particular students and was sometimes adhered to loosely in certain cases depending on the administrator. I also found that perceptions about a student's understanding of events and their level of remorse, communicated verbally, physically, and in written form had an influence on the severity of the consequence, although at different levels from one participant to the next. Lastly, the personal philosophy of the administrator on the purpose of discretionary removal was also determined to be an important factor. There was a general consensus that discretionary removal was being used for lack of a better tool, and was responsive to demands on administrator's other responsibilities. Also, its use had spread into other purposes that included cool-downs before due process and segregation from other students while investigations were conducted.

One of the most interesting things I learned from the this portion of the interview process was about the way race was avoided entirely as a consideration for disciplinary consequences, excluding the responses from the three African American participants in one important way. Within their interview responses it was found that they had a specific agenda that would be employed during their conversations with students from their race, but not much attention was paid to how the actuality of race was considered as a factor for applying specific consequences for the African American student.

For all other participants, race was not ever brought forth by the other six participants who were either White or Hispanic. Several, including Mrs. Brown, a White Administrator brushed against it in her description of her approach towards what she deemed as “non-traditional students” by sharing that students from this group should be treated in the same way as other students because by lowering expectations she would be doing them a disservice. In her response, it may be necessary to infer that in her case she was reflecting her views specifically for this group. I cautiously interpreted these non-traditional students as African American ones. From her response, she attempts to treat all students from the colorblind approach to student management.

Ms. Martin, a White female, did not speak about it during her interview, but in her survey she listed race as the second highest indicator about effecting student behavior. During her interview responses, it seemed strangely absent from what she described about student behavior and factors that would impact her decisions. Mr. Marquee, a White male, also did not touch on this subject, and discussed with me primarily how he focused on poor student achievement as a predictor of unexpected student behavior. Mr. Luna, the Hispanic administrator, who made connections between student language and their ability to communicate effectively with

administrators during due process, was able to draw a line between race and consequences when it came to Hispanic students he served. It is worth noting that when you have a group like Hispanic students that are generally represented in disciplinary data at the same levels as their enrollment, but also have other groups whose representation falls far below their enrollment, it is not necessarily something to celebrate. Still this demonstrates that the system responsible for this disproportionate data is inequitable to more than just one group. Even when this group finds they are not as disproportionate in the same way African American students are, it isn't an acceptable practice to settle for being second from the last. I have to infer from this absence of pointed discussion by non-African American participants that it was an area that they either did not consider during decision-making, or were too uncomfortable to discuss the topic directly during this interview phase.

I draw immediate concerns from either position because on hand you have a complete discount on the effects of institutionalized racism, with these administrators seeing themselves in the form of ministerial agents of the school who simply follow a set of school rules and prescribed responses. Conversely, you have a group of administrators who may reflect on it but do not feel that they are able to share their thoughts with others, many of which may require them to reveal self-incriminating glimpses of their own socialization and unconscious stereotypes to others. A shorter description of this would be the emotion of fear. This may be an indicator that targeted and thoughtful dialogue in a safe space might help bring hidden stereotypes to the forefront as White educators take their journey down the path of racial awareness and the way society others non-dominant groups, especially in the African American sense.



## **Second Phase of Participant Interviews**

In the last phase of the interview I shared more details about the study with the participants, including my own proposed connections about causes of the disproportionality. To frame the discussion, we reviewed the results of the *Breaking School Rules* study discussed in Chapter Two, and had an informal discussion that would resemble what is often referred to as “shop talk” between school administrators. The conversations were to determine if arguments made in the study made sense to others with similar experience in the field, and function as a type of litmus test for relevance and logic. It also created an opportunity to hear explanations for the disparity between student groups from the perspective of other experienced assistant principals. The two main areas of these discussions centered on the role of language during due process, and the role of race in our decision-making as administrators. The intent of this structure was to relax the setting to a less formal discussion in order to ensure that participants were comfortable talking about very sensitive issues and encourage more openness in their responses.

### ***The Language Disadvantage***

Several of the conversations that were held with participants turned in the direction of how important the student’s language and presentation was to the administrator during the due process portion of a disciplinary action. It was learned that this was a very important piece to most of the participants and actually held sway over the student’s outcome in many cases. Mr. Luna, one of two Hispanic participants, described how language ability impacts his students’ due process by using an example of how an English Language Learner (ELL) can be hampered by their language ability:

I see that with my Hispanic students that don't have command of English. When I see this I switch over to Spanish and then they...and it's like oh...and then they are able to tell their story and it's so much more detailed and impassioned. Then I am able to focus on the nuances of what the kid is saying. When I am talking to someone, I am listening to not just the message, but how it's being portrayed and how it's being said. Basically I am trying to figure out is this kid is trying to tell the truth or not?

It was very interesting to learn participant perspectives on how and why due process may be sorting students in such drastically unequal amounts. Several administrators led with their expectations for how a student should or shouldn't behave during their due process. In several cases, this hidden standard was part of the administrator's sense-making as the student was scanned for posture, tone, and voice-level. Both Ms. Martin and Mrs. Ortiz mentioned that they measured the level of respect being given to them by the student; in one case, it drove the direction of the due process conversation while on the other it had a direct impact on outcomes. As Ms. Martin put it, "That's going to pull me a lot as far as what I am going to decide to do". In her remarks as to why students may not act a certain way, or even be purposefully disrespectful to the administrator, Mrs. Brown stated:

There is a part of them that wants to look hard in order to save face. Because of the way they have been handled through the system that is the only way they can save face. It doesn't matter that they might make it worse, as long as they feel like they can at least control the amount of respect they give you.

It was mentioned by six participants that they did not feel that students knew how to communicate with adults well, and further, did not understand how they were being perceived during behavior events and due process conversations. Mrs. Ortiz stated that she felt that most students who came to her for discipline did not have the communication tools, and echoed the suggestion from several participants that students need coaching in this area as part of the disciplinary process. Responding to my questions about what that should look like, participants

seemed to agree that students needed support in being empathetic and understanding how they can be perceived differently depending on the observer.

Mr. Marquee had a different perspective on this coaching piece and why it needs to occur grounded in student achievement. He felt that the majority of behavior referrals are because a student has fallen behind in learning, and that poor student behavior is a byproduct of this:

They are frustrated in class is them acting out and they don't know how to verbalize why they are acting out. So they continue. A lot of it is frustration. "I don't want you to think I am stupid". Some still don't know how to verbalize it and they just say "I don't care." I am going to act out but not tell you why. We need to have conversations with kids about why are you frustrated? Why are you doing what you are doing? Really getting to know the kid, and trying to teach them how to verbalize their frustration. Until they can figure out how to tell you what's going on and I think the bigger gap comes from that they don't know how to verbalize it.

Although the positions on the way behavior coaching should look for students and even why it was necessary in the first place differed among the participants, where most agreed was that this was important and was not happening as often or effectively as it should. One point that was not discussed but warrants further understanding would be how and when this information should be provided and to whom. It interesting to note the of this perspective by the participants with facets of critical discourse analysis which point to the formation of negative attitudes about people who communicate in a way other than the group that holds power within an organization (Malinson & Brewster, 2005). By coaching students in order to modify how they behave in a given setting (ex. the administrator's office during due process), the dominant group maintains the social order by requiring changes from the othered group rather than in the system which is shown to be unfair. This works to legitimate the current system in the administrator's office as fair in the minds of those in power, while at the same time justifying the condemnation of certain styles of communication, and viewing the inequitable consequences that result as a *choice* by the actor who is being disciplined (Gee, 2010; August, et al., 2005).

## ***Race as a Determinant***

The intent of this study is to uncover reasons why the discipline system in our state's public schools is sorting students by race, and this debate inevitably came up in the second phase of interview questions with participants. Race had to be a part of the conversation, and it was evident during the interview that some of the participants were more comfortable talking about their views than others. It should be noted that while all participants acknowledged the existence of disparity in the data, not all of the participants contributed it entirely to race. All but one participant agreed that the figures demonstrated there were strong biases at work.

The majority of the participants offered that they were aware of their own potential to be biased because of their life experiences and the culture with which they identify with the most. Mr. Luna, for example, argued that much of the cause for disparity comes down to hidden racial biases within the adults who are in charge of the students. He believes that we all share the same responsibility for the problem:

“Race plays an important part in everyone's life and no one is truly able to say I am 100 percent free of racism or prejudice. To ever say I am so evolved that I am 100 percent equal to all races is not really possible.”

This was an important point that was brought up by five of the participants and it opened the window for discussion about how this might translate into the disparity in student removals. Mr. Edwards suggested an example of how this may affect decisions administrators make in the office:

“I believe it comes out in our expectations. I believe we all have an internal schema that is set by society that it's not a surprise when an African American does something they are not supposed to do. As a result, we don't feel guilty appointing a consequence because it fits within our expectation for a student of color. It's not that we don't expect some students to behave better than others, it just that you just don't feel as guilty applying the consequence when you are not surprised the behavior occurs.”

Survey responses and participant interviews seem to suggest that while race is not an overt consideration by an administrator when applying consequences, data appears to show that it does seem to “seep out” in the way the administrator *responds* to students based on color, among other factors. Mr. Crowder, an African American participant, echoed this opinion when he lamented the lack of training administrators received, in his experience, as one of the causes for the disparity:

One of the problems is the lack of training for administrators...they are just sent in without support and a check for understanding about managing nontraditional student behavior. You have people coming in that want to serve kids. They are going in with no intention of hurting a student, but do when they apply their own personal standards and judgments, even if they are different from the students.

Mr. Crowder was very resolute that although administrators are a link in the chain of events and reactions that cause the disparity, the problem begins at the classroom level with the fact that many teachers were unprepared to manage students outside of their own cultural group. He mentioned that this problem was caused by a clash of several forces at work, that included gender, income, and unstable family structures that combined with race to create a challenging setting for some students more than others. All nine participants tended to agree that these challenges often accompany students at a Title I campus, and required training and skills to help students with different needs learn that many teachers lack. As an example, Mr. Crowder described a scenario that he felt repeated itself many times in classrooms across the state:

What I have learned in thirty years....majority of teachers are females...majority of students who are in the pipeline to (DAEP) and drop out are African American. To them ‘The only female I am going to listen to or respect is my mother’...to the teacher they are thinking ‘You don’t look like my mother...you haven’t earned my respect so at this point in time you’re not getting any of my respect.’ For the Anglo female teacher, their first inclination is...‘I am going to get you back, and the way I am going to get you back is to write you a referral. I am going to send you to the office, and constantly do that.’ The student ends up getting pigeon-holed into the role of the bad student that really needs a lot of behavior help. I don’t know how to deal with it so I will send the student to the office.

While this statement does move outside of the considerations of this study by focusing more so on the teacher-student relationship, it is important because it shows that some administrators are actively considering conflicts over race to be occurring in the classroom. All of the participants in the study made mention during Phase II that they felt some teachers had a difficult time managing students of race more than others. Mr. Luna (a Latino administrator) stated that this was even part of his calibration on the amount of influence the input from the teacher had on his sense-making processes:

It's all adult perceptions. Every time I get a referral I have to go back and think about who wrote this referral because I don't care how diverse we are or how open we are...the truth comes down to that we all have these hidden beliefs about kids and they come out in how we react to students.

This is important because it demonstrated a different way that race may be impacting administrator decisions in a completely different way. Based on the remarks of Mr. Luna, it is reasonable to believe that some administrators may actually be adjusting their consequence in favor of a student of color based on the perceptions about a teacher's bias against race.

One African American administrator, Mr. Edwards, suggested that institutional bias may need to be a point of conversation for students based on their race:

I think it's a matter of having those discussions with students. I think students need to understand how they are perceived. I think a lot of times they just don't know how they are coming across. A lot of times we try to candy coat ourselves to the students that we are fair and don't have any bias and that bias doesn't exist. I think it's important to have discussions with students and tell them you have to be careful...for students of color a bias can exist and you may need to work harder at being a student...you do. I think that this is a discussion that doesn't happen. I think when it does happen it comes across more like it's okay to feel like you're a victim, because there is a bias against you. I think you should give that talk in an empowering stance rather than a victimize yourself. I think when you categorize yourself like that, you start to act like that.

Once again, this leads back to earlier arguments provided by CDA researchers about the way the current social order in schools is perpetuated by the actors assigned to perform the roles,

ironically so in the best interest of all students. The message Mr. Edwards attempt to communicate to an African American student in this way speaks to an affirmation that racism does exist within administrative decision-making. Rather than acting as an apologist for the inequity, he places the burden on the student to adopt themselves into this imbalanced system and challenges them to work harder to learn how to work around administrator bias against race. I interpreted his approach as one he has internalized through his own life experiences and now wishes to share as a practical means of keeping African American students in his charge from being affected by a disciplinary system that he understands as the status quo.

### **Findings of Qualitative Study**

The participants in this study identified a very complex process that accompanies a discretionary removal of a student that was centered within the cognitive processes of the campus administrator, and was responsive to the influence of numerous forces. The pre-interview survey showed that as a group, most felt that student achievement was the main cause of student misbehavior, and that the race of the student did not influence this. There was a certain amount of disagreement between the participants as to whether other variables like gender, disability status or income had measurable effect or not.

In the first half of Phase II of the interview, the participants highlighted the systems and approaches they used to manage student referrals and make determinations for consequences. This was done to directly address Research Question 3 about processes campus administrators use to manage student referrals. It was learned that initial opinions were immediately formed based on a combination of the information included in the referrals, the history of the actors involved, and referral timing and frequencies in some cases. Participants then identified that the inquiry piece, which included the student's due process, as the next step in this decision process.

Due process, which has been defined as the investigatory interview process of a disciplinary referral, held a great deal of significance in this system. Not only did it provide a source of information to help administrators in their sense-making of the event, it was also used by study participants to extensively scan the student for levels of honesty, understanding, and remorse. There was no consistent methodology for due process, with some participants being guided by program scripts and others using their own strategic approach to the student interview. It was confirmed through participant interviews that these processes rely heavily the student's ability to communicate with the administrator in several ways. The last stage in the referral procedure was the decision about the student consequence, and whether disciplinary removal would be used. This decision was responsive on a scale that ranged from strict adherence to a campus discipline matrix to the campus administrator making the decision through their own sense-making process.

In the second half of Phase II, participants helped to address Research Question 4 which seeks to identify main influences on the decision to use discretionary removal. Four factors were discovered to have significant influence over the decision to remove a student. They were (1) what was determined based on the campus discipline matrix, (2) perceptions about teacher ability, (3) levels of discernible honesty, understanding and remorse, (4) and the personal philosophy of the participant about the purpose of discretionary removal. It was discovered that each of the four influences carried different weight depending on the administrator, and seemed to indicate that a student could receive different consequences depending on the administrator who is responsible for the decision.

In Phase III, participants helped to answer Research Question 5, which seeks to identify perspectives about the discipline gap held by middle school administrators in the study district. The findings revealed that all the participants had an awareness of the discipline gap in state and



district data, but it was not necessarily a consensus that this was entirely due to a bias against a certain race. All of the participants agreed that teachers have differing abilities to manage their own student biases against race, but only a few identified that some of the problem was centered in the administrator's office. In other words, a deliberation about how race may be affecting decisions is one consideration an administrator makes, but the focus appeared to be more about the decisions of the teacher, and was less often a self-reflection about the administrator's own world views and potential bias.

Lastly, the data revealed the way a student presented themselves to the administrator during due process was a significant influence on an administrator's decision to use discretionary removal as a consequence. More importantly, responses in the interviews support the argument that language ability is critical in the level at which a student can communicate sincerity, understanding, and remorse. Further, it appeared to have a direct impact on the severity of consequences applied by the majority of participants, although this occurred in differing amounts and was also subject to a myriad of influences both internal and external to the student and administrator.

One other interesting discovery was the responses by all three African American study participants that supported the findings of other studies showing that African American administrators tended to discipline students of the same race more harshly. Their responses about their approaches to managing student discipline were indirectly supportive of the results of previous studies on this subject.

## **Summary of Findings from Chapter 4**

In this chapter, I report the findings of a qualitative study about the use of discretionary removal in Texas public schools, and how it is being used with inequity against African

American students more than any other. It was anchored in the theory that the processes administrators use to decide whether to remove a student comes with a sizeable amount of subjectivity, creating the space for disparity to occur. It was proposed that the student is required to navigate a system that is responsive to language ability and expectations for normative student behavior by the administrator. The argument is made that this places students who are not members of the dominant group at a disadvantage because of their unfamiliarity with certain normative expectations for behavior controlled by the dominant group, and legitimized by the campus through the SCOC. It is proposed that this may be at least one reason that leads to the disparity in removal data by race. Another explanation examined in this study was linked to how important sense-making by the administrator was to the decision to remove a student from instruction. The interviews conducted with nine administrators who were intimately involved with student discipline processes on their campuses revealed commonalities in how this sense-making occurred during the process of addressing a discipline referral. Through this inquiry, I attempted to answer five research questions about the existence of the discipline gap, and why the risks were higher for African American students to be removed from instruction. I also sought to define and identify the steps and qualities of the discretionary removal processes to learn more about the forces that can create the huge disparities found in student disciplinary data each and every year.

According to the descriptive statistics examined in this study, a very distinct inequity emerges in state, district and campus level data. It shows that African American students are removed from instruction at 2-3 times the rate of other student groups when compared to their actual representation in enrollment at these levels. Further, the data shows that African American students have discretionary removal used more broadly to manage their behavior than

other student groups, and that the disparity actually increased when escalating the consequence from placing the student in ISS to suspending the student from school entirely. This indicates that the preferred method of dealing with African American students is by sending them home, and at significantly higher rates compared to students of other races. Lastly, we see that the risk that a student from a given group will be removed from instruction is much higher for African American students, and it can be more than three to five times that of other student groups depending on the type of removal consequence. Although this risk was always higher for African American students, the data was inconclusive as to whether the percentage of African Americans enrolled on a campus affected the GRI score.

Using the case study interviews, I was able to answer the three research questions that explored what the processes of discretionary removal of a student look like, what influences their outcome, and the awareness of administrators about factors that may contribute to the disparity. The participant interviews revealed a multi-step process leading to the decision to remove a student that is vulnerable to different influences and predispositions by campus administrators. This process was not uniform across the study campuses and was heavily dependent on the specific approaches used by administrators in charge of implementing the campus discipline policy.

Lastly, it was learned from the participants that there was an awareness of the problem itself, but a wide variety of beliefs among them about the causes. It was also notable that much of the consideration about race and bias, when it did occur, seemed to be more about its perceived existence within the individual teacher or staff member who was involved in the disciplinary event. This was much less the part of any systematic reflective process the

participants used to consider how their own personal biases, even hidden ones, may be affecting their decisions.

In the Chapter 5, I discuss my findings about the processes for student removal, what influences them, and how they fit into the CDA and Cognitive Sense-making frameworks introduced as explanations for the disproportionate use of discretionary removal on African American students. I will then discuss how these findings inform the growing body of research in this area and could be used to guide the transformation of future attitudes about discretionary removal. The intent is to help foster productive changes in policy and implementation of discretionary removals at state and local levels.

## **CHAPTER 5: STUDY IMPLICATIONS**

### **Introduction**

In Chapter 4 I presented the descriptive data on state, district, and campus disciplinary actions with a focus on the difference in discretionary removal rates between African American students and students from other groups. I also reported the qualitative findings about the processes by which discretionary removal occurs from the perspective of the campus administrators most closely involved with this procedure. It was revealed that the sense-making processes involved in decisions about student removal are very complex. Campus officials are faced with innumerable circumstances and conditions surrounding this decision point, and must review large amounts of information as they move through this disciplinary process. I discovered that factors influencing their decisions are centered in several different areas, such as student history, the behavior event, and the perceptions about teacher ability and campus-specific policy to name a few. This multitude of variables is then sorted based on the administrator's own positions on the use of discretionary removal, causes of student misbehavior, and their own approaches on how student behavior should be addressed.

It was learned through the literature examined on Sense-making Theory that this is a multifarious process of cognitive sorting where administrators pay attention to certain variables more than others in order to draw specific information from multifaceted streams of experience. This information must be processed through a lens of shared organizational beliefs and practices of the institution and then combined with those of the administrator as an individual actor, with the end result being a decision on a student's disciplinary action (Bertrand & Marsh, 2015; Kupchik, 2009; Coburn & Talbert, 2006; Gilmore & Murphy,

1991). From the information provided through interviews with campus administrators familiar with these processes as part of their professional responsibilities, these decisions often looked different. They depended on multiple student-based qualities and their response to the procedures of due process conducted by the administrator.

I discovered that during due process, most of the participating administrators relied heavily on their ability to determine the level of student remorse and understanding of events, and in many cases these qualities had an impact on the consequences participants assigned. Nearly all of these administrators indicated that campus behavior matrices and student disciplinary history were the most important influencers on whether to use discretionary removal in their survey responses. However, it appeared that the use of these factors was subject to interpretation by assistant principals. Wide differences were observed in approaches to student discipline, both between middle schools studied and between administrators assigned to the same campus. Further, I found that administrators were hesitant to engage in conversations about systemic bias, and the effects of race on their sense-making processes and the inequitable outcomes in student removal data.

In Chapter 5, I restate the problem that remains the focus of this study, and the method and purpose of this research to contribute to the standing body of knowledge about the discipline gap. I then position the findings of the case study within the theoretical frameworks of critical discourse analysis and institutional theories on cognitive sense-making in the context of the school settings that informed this study. This is followed with a discussion about the potential implications of the study findings for the field of public education, and concludes with suggestions for additional research in the area of discretionary removal policies in Texas.

## **Restatement of the Problem and Study Intent**

In Texas public schools the implementation of provisions of Texas Education Code Chapter 37, namely the use of discretionary removal, differs substantially depending upon student race. Current rates of removal for African American males are more than two and a half times greater on average than any other student group. This disproportionality has been amplified by increased rates of discretionary removal overall among Texas public schools, adding yet another dimension to this complex issue (Correa, 2011; Fabelo et al., 2011; Mendez & Knopf, 2003). These removals are damaging to students because they remove the student from instruction for extended terms, and further widen the learning gap between African American students and those of other races (Nesbitt, 2016; Losen & Skiba, 2010). Moreover, they have been shown to contribute to additional involvement in school disciplinary processes, an increased risk of dropping out, incarceration, and limited economic opportunity for large numbers of African Americans (Fabelo, et al., 2011; Reyes, 2006). This research demonstrates that the policies designed to help manage student behavior in Texas public schools are not objective or neutral, because the processes used to implement them are responsive to student race and, therefore, inequitable.

The purpose of this study is to examine the way in which TEC 37 is being implemented in Texas public schools, with a specific focus on the discretionary removal powers of campus administrators. I explored the decision-making processes campus administrators utilize to determine which students will be removed from instruction and for how long. Understanding these processes from the standpoint of the assistant principal is important because it reveals among the study schools the heavy subjectivity involved in discretionary removal decisions. Because this research seeks to uncover factors that contribute to the removal of African

American students more often and for longer terms than White, Latino, and Asian students, it is important to comprehend how this may be happening. The value of this study lies in the interrogation of a subjective power used more often against African American students. As we continue to develop an understanding about the racial gap in student discipline, it is imperative to identify variables that influence decisions by school administrators to remove African American students from instruction more than other races. With the existing data showing the dismal consequences of its use on African American student achievement and subsequent life chances, educational leaders now carry the moral responsibility to act quickly to change current policies on discretionary removal in order to reduce its disproportionate use.

## **Summary of Research Methods**

This research used a qualitative case study design to examine the processes of discretionary student removal, and the perceptions of administrators about how they use it and why. I selected a convenience sample of nine assistant principals from four middle schools based on their length of the term they had served at their assigned campus and their level of experience with using discretionary removal as part of their professional duties. I also evaluated descriptive data from the study campus, district, and state for the 2014-15 academic year to provide context as to the prevalence of the issue at these levels. Qualitative data was gathered from the study participants using both a survey tool and a series of interviews using open-ended response questions. They were collected and interpreted in order to develop an understanding of the steps involved in removing a student and the situational realities experienced by the study participants during this process.



## **Comparison of the Findings with the Literature**

In the review of literature in Chapter 2, I indicated three proposed connections between the discipline gap and the existing literature surrounding student discipline. Racial threat theory, sense-making theory, and critical discourse analysis were each discussed in the context of the public school setting in order to make connections with what we already know about student discipline and administrative responses to violations of the SCOC. I will now examine the extent to which the findings of this study are consistent with the determinations of other scholars on the subject.

### ***Patterns of Disparity in Discretionary removals***

The review of existing literature on student discipline in Texas, and nation-wide, revealed that African American students have endured much harsher consequences for their behavior than students from other groups. They are subject to being suspended from school more often, and for longer terms, than students from other groups. In my study I sought to first determine whether this pattern existed in Texas public schools, and whether or not it transferred to the district and campuses chosen for my research.

The descriptive data from this study confirmed that there was a significant disparity in rates of discretionary removal for African American students in Texas schools, and in the case study district and campuses selected. I also found that rates among the case study schools, four middle school campuses, were much higher when compared to district and state averages. These findings were consistent with previous research that identified the highest rates of suspension as being reserved for African American students, and that this was occurring most often at the middle school level (Morris & Perry, 2016; Fabelo, et al., 2011, Losen & Skiba, 2010a). They demonstrate that this inequality is still as much a pervasive

and systemic problem in our public schools Texas today as it has been in many previous years.

My analysis also found that the disproportionality in the use of OSS against African American students increased when compared to ISS assignments, demonstrating that one of the most damaging forms of behavior consequences available to school administrators is reserved more for African American students than any other. This is consistent with research which found that race has a significant effect on rates of student removal from the classroom, showing that they happen more often, and for longer terms for African American students compared to White students (Nance, 2016; Wallace Jr et al., 2008). My results also support extensive research conducted in Texas public schools showing that African American students were receiving harsher consequences than other students for similar infractions (Correa, 2011; Fabelo et al., 2011).

### ***Campus Demographics and Racial Threat Theory***

Existing research has attempted to identify relationships between student enrollment ratios and rates of student suspension, especially among students of color like African Americans. This is a huge concern as suburban schools continue to experience abrupt changes in their student enrollment in the same way as the district examined. Some studies have suggested a relationship with Racial Threat Theory, and that the higher the proportion of African American students enrolled at a campus, the more punitive the campus becomes to address student misbehavior (Payne & Welch, 2012; Payne & Welch, 2010; Roque & Paternoster, 2011). Although patterns of this type were assessed within the selected campuses, this study did not find any conclusive evidence that would lend support to arguments about the relationship between enrollment and rates of exclusionary punishment.

I found that both higher and lower proportions of African American students at the campuses studied were paired with heavy disproportionality in discretionary removals, although there was some inconsistency to this principle found within the study campuses. In fact, Campus MM109, which had the highest enrollment of African American students among the study campuses, and within the study district overall, had noticeably lower rates of disparity between African American students compared to the others. This is important in that it indicates, at least in the case of my study schools, that the proportion of African American students on a campus did not appear to predict the rate of disproportion in the use of discretionary placement. In doing so it centers the issue more in the systems and practices involved with the discretionary removal policy, rather than on the quantity of African American students enrolled on a campus. For example, from my middle school sample campus MM109 employed approaches that appeared to reduce the inequity in the use of discretionary removal, which is an exciting prospect for further study.

Lastly, it is important to note that the demographic make-up of the study district included large proportions of Hispanic students compared to smaller ratios of African American students which leads to questions about the ability to draw strong conclusions about RTT in these data. In the research reviewed on RTT and its effects on inequitable student data, relationships were established based on the binary of African American versus White student enrollment. There was little mention about whether or not the addition of large proportions of students of color from other groups held any sway over disproportionate outcomes in disciplinary data. Because the case study schools selected for this research did not include those with exclusively large White or African American students, it is extremely difficult to interpret the effects of African American student enrollment in isolation from other student

groups included in the data. This subsequently leads me away from looking towards Racial Threat theory as an explanation for unequal discretionary removal against African American students in the study district.

### ***Discretionary Removal as a System***

With Research Questions 3 and 4 of this study I attempt to capture the essence of the specific processes my study participants used to address disciplinary events that could warrant a removal of a student from instruction. I was able to establish through this inquiry that many factors, both internal and external to the campus administrator, have influence over whether to use discretionary removal as a consequence, and they differed among the participants of this research. The assistant principal is the primary actor who carries out this policy at high frequency levels each day across campuses in the state (Smith & Hains, 2012). In the schools evaluated in this study, a majority of the administrators indicated that they spent at least half of their day managing student discipline. This demonstrates the importance of examining the discretionary removal process from the perspective of campus administrators assigned to middle schools, because of the investment in time required to manage behavior that can take away from other important responsibilities (Gregory et al., 2010).

It was learned through this research that one of the most critical points in the determination on the use of student removal occurs when the school official merges information from several different sources into a final decision on whether to remove a student for a disciplinary event. This study found that at the campuses reviewed, this information is collected by school officials in two stages. The first stage is centered in the sense-making of the referral by the administrator through the gathering of information about

the event from several sources, while the second stage involved the student's due process interview which also entailed assembling information from the students themselves. This procedure concluded with the decision about the consequence to be assigned being formed by the campus administrator.

### ***Administrator Sense Making***

In the literature reviewed, sense-making was defined as a process where certain details about an event are given precedence in order to develop meaning out of a complicated stream of information (Bertrand & Marsh, 2015; Gilmore & Murphy, 1991). This process is heavily influenced by the setting of the institution within which they occur, which maintains a set of normative values and expected behaviors from the actors within. According to the literature, administrators often rely on their own predispositions to construct meaning from information that tends to reshape it into "common sense" schemas that reinforce shared values of agents within the organization (Correa, 2011; Spillane et al., 2006). In Texas schools, these schemas and the messages they broadcast are grounded in White, middle-class values that are embedded in expectations for student behavior, and how they are expected to interact and respond to conflict in the school setting (Kupchik, 2009). As campus administrators navigate through this cognitive process of determining meaning about a referral event, it appears that decision outcomes are as connected to meanings prescribed by the institution, such as their application of a behavior matrix, as they are to the actual behavior event (Coburn & Talbert, 2006).

The findings of this study show that sense making of the referral event is very important to the implementation of the discretionary removal policy because administrators rely on this process as a substitute for first-hand observation of the behavior event. As explained in this

research, the vast majority of disciplinary events occur when the administrator is not present. As a result, they must depend upon the perspectives and accounts of other staff members provided through the referral narrative and interviews to gather relevant details about the event. It was learned that at the study campuses, this process of gathering information about disciplinary events is influenced most predominately by the timing of the referral, the language used by the staff member to describe and code the behavior event, and what could be viewed to as the “teacher/student affect”. This refers to the prior knowledge about the students and staff involved in the incident, and included student disciplinary history in the school, and previous interactions with campus officials. I found that administrators include their perceptions about a teacher’s ability to manage student behavior, and the specific messages that campus officials intended to be broadcast to other students in order to inhibit similar violations of the SCOC. These messages emphasized what behaviors will receive the harshest consequences as a form of deterrent to all students. I found that each of these factors is weighed by the participant administrators in differing amounts, and that they do appear to hold a sizeable amount of influence over their disposition about the event. It is important to understand that this first stage in the discretionary removal decision precedes student due process and sets the stage for how the administrator will conduct the student interview by setting up a series of prejudgments that were primarily centered in prior experiences with the student and/or the staff member involved in referring the student to the office. It also determined the harshness of the consequence if the right circumstances are in place before the student ever gets a chance to respond with their version of events.

One finding of this study showed that while all of the participants agreed that the policy of discretionary removal was having a disparate impact on specific student groups, not all of

the administrators contributed at least some of the cause in an embedded systemic bias against certain students because of race. Considerations on the effects of race were discussed by participants, but the majority of these conversations were focused on interactions in the classroom rather than the processes they themselves used to decide on consequences. Although it cannot be assumed that they did not incorporate an acknowledgement of their own biases into their decision-making, it was not at the forefront of their responses during the interviews. This awareness of the possibility that an administrators own biases may be a contributing factor to the discipline gap may offer additional information about systemic problems with the current policies on discretionary removal.

### ***Student Due Process & Critical Discourse***

The second phase of discretionary removal involves conducting the student due process portion of the investigation. It was learned in the literature reviewed that it is a legal requirement that a student be given the opportunity to answer the allegations made about their behavior and be allowed to provide information about the event from their perspective (Walsh et al., 2010). It should be noted that with the absence of guidelines for how this is to occur, administrators at our study campuses approached this with varying methods shaped by their own idea of what the end to the means should be. Study participants described using an oral interview of the student to fulfill this requirement, and some also required students to provide a written statement as part of the procedure.

It was learned through participant responses that due process frequently involves an attempt by the administrator to determine whether or not a student understands the behavior event as wrong-doing, and the level of remorse a student feels about their behavior. It was proposed in the review of literature on critical discourse analysis that there may be a sizeable

disconnect between what a student of color says and what the administrator hears, and vice versa during this procedure (Alim, 2004; Schzffrin, Tannen, & Hez'a'i, 2001). The results of my interviews with participants showed that there is, in fact, a space for this dissonance to occur built into the disciplinary processes on a campus. I learned that many of the study participants relied on what the student said and how they said it to determine subjective concepts like how remorseful the student was, and how well they understood the event as doing something wrong. Among our study participants I found this to hold heavy influence over the due process conversation with the administrator and in some cases the decision to apply discretionary removal. According to the literature reviewed on Critical Discourse Analysis, this is problematic because of the way it places the burden on the student to become an expert in discourse. They are, in essence, required to navigate through a process that requires them to adopt positions determined to be normative by the dominant group. As demonstrated in study participant responses, African American students, along with other students of color, are expected to conform to this posture in spite of the fact that it can run counter to the norms of their own cultural group. Descriptive data of study campuses confirms that African American students are being treated unequally in the outcomes of the standing disciplinary system.

In Texas, academic English language acquisition is a priority and there is a large amount of effort and resources assigned by public schools in Texas to ensure that students learn become proficient in this style of English. Fluency in this style of language is critical to being successful in the school setting, offers distinct advantages, and is included in the state metric used to measure student performance each year in Grades K-12 which is an indicator of its priority (August et al., 2005). Based on theories about language in CDA frameworks



reviewed in Chapter 2, the reliance on dominant group discourse styles of communication should be scrutinized as a way in which due process is inadvertently shaped to the disadvantage of non-White students. Reliance by administrator's language is central to making meaning and connecting information with existing knowledge. It is argued that information embedded in language connects with existing knowledge, values, and beliefs in ways that simplify, condense, and organize events into meaning. This meaning-making causes administrators to focus their attention on certain aspects of a situation and direct attention away from others (Benford & Snow, 2000; Zald, 1996). Shared definitions and cultural norms in this space shape the fidelity of the feelings and ideas being communicated by the student, and these messages are used as a subjective measure during due process. (Blommaert & Bulcaen, 2000). CDA theorists assert that by not acting to alleviate this issue in spite of the historical knowledge that disproportion exists with the current system only acts to falsely legitimize the inequity in student removal in Texas public schools (Baez, 2000). This damages the ability of public schools to establish a strong and trusting relationship with students of color and their families. When coupled with research about the impact of lost instruction on learning and the long existence of gaps in assessment performance levels between student groups, there becomes a sense that Texas school officials and the legislators who decide on public school policy do not truly understand what equity in education should look like for its students.

### ***The Language of Remorse***

In this study, I sought to identify what factors influenced the decision to remove a student from the classroom as a way of exploring whether discourse and language-meaning held a role in its disproportionate use. The results of the survey and interview responses from

administrators indicated that language ability is very much a force that can impact the decisions by assistant principals to remove a student. In the campuses that were studied, all but one participant administrator evaluated a student for remorse and understanding in some way, while also making judgments about the student's perceived level of honesty when explaining their version of the event. These results suggest that a student's consequences are linked to the ability of the student to steer through a process that informally weighs language performance, and participants in the study tended to agree that the ability for students to communicate well plays an integral part in making discretionary removal decisions. In my survey results, participants indicated that student remorse influenced their decision to remove a student or at least shaped how they conducted their due process interview as well.

In their responses to whether a student's understanding of events had any bearing on their decisions, all but one agreed that it did. This is an important detail in the findings because it further pushes the argument that language and communication, along with the constructs about normative behavior they are meant to convey, are powerful influences. This type of information can only be drawn directly from the student's words and the perceived attitude they display during due process, and are subject to interpretation that differed between the study participants. This could help to explain why gaps in student removal existed at varying levels between the study campuses. It indicates that certain approaches used by campus administrators to make removal decisions may, or the specific information they pay attention to, may be more successful than others in eliminating bias in the filtering of what and how a student communicates during due process. An example of this would be a decision by the administrator to remove a student with the intention of modifying the student's behavior because they did not show remorse during due process, which is not likely to be successful.

Research has demonstrated that remorse and apology are culturally loaded concepts that carry different meanings and outward appearances dependent upon culture (Maddux, Okumura, & Brett, 2011; Everett & Nienstedt, 1999). For an African American student who is expected to demonstrate remorse and experience a rebalancing of his moral scales, as Gilmore (2006) explains, the consequence will not have the same effect. This is caused by the difference between what norms about “appropriate” student behavior the administrator is trying to reinforce and those of the student who subscribes to an entirely different set of expectations derived from their own cultural experiences. Study participants reported that they sometimes rely on the use of discretionary removal to effectively send a message to all students about behaviors they deem inappropriate. For the student involved in the disciplinary event, this message is not received, thereby increasing the likelihood that it may reoccur. Additionally, for all other students with the same group membership, it is unlikely that this intent will translate in a change in their behavior as well, adding the possibility that they, too, will engage in similar behaviors with the same results.

### **Implications for State Policy**

This study reviewed the history and evolution of the discretionary removal policy in Texas and illustrated how school officials came to rely more and more on it as a means to address student misbehavior. The disproportionate use of this disciplinary policy on African American students has been quantified in student data each year, nation-wide. The problem is not new for the state, as its existence has been given frequent attention within academic research, but it has continued to deal incredible amounts of damage to student outcomes for many decades running. With so much attention being paid to the achievement gap between African American students and other groups, it would be reasonable to expect that actions

would have already been taken years ago to reduce the time students were being removed from instruction as a consequence for subjective interpretations by school officials about student behavior. Unfortunately the State of Texas has failed to address this issue head on, and has largely dismissed the problem as being centered with the student rather than in its own education policies through its inaction. In fact, the continued expansion of the use of discretionary removal as a way to address most types of student infractions shows that policy-makers may not understand that the existing policies are doing more damage than good.

It was learned from study participants that limited options are available to campus administrators to address student misbehavior, and are subject to things like the demand placed on available resources and the time an administrator can devote to their implementation. Recent attention to the overuse of discretionary removal in Texas schools is hopeful, and some districts are beginning to explore alternatives to reduce their number of discretionary removals. Where these progressive approaches to campus discipline do exist is the result of district or campus initiatives, as opposed to a state sponsored one, and require the commitment of resources that may be difficult for many districts.

In order to counter continued disparity in the use of student removal as a consequence, education officials and legislators have an obligation to take immediate steps that could conceivably have an impact on the rates of discretionary removal in Texas. The most important of these would require revisions to language Chapter 37 that identifies discretionary removal as a last resort for addressing student behavior, and reserve its use in response to more subjective infractions only after documented attempts to provide behavior and/or academic support for a student has been made. There are SCOC violations that should

absolutely require a student to be removed from regular instruction because they threaten the safety of other students or are so disruptive that they prevent other students from learning. Many of these violations where mandatory removals are necessary already exist in Chapter 37, and the data clearly speaks to the infrequency of their actual occurrence in Texas schools. There are other types of student infractions that are not very subjective, such as tobacco use and truancy, and can easily be scaled by frequency with built in attempts at intervention by the campus before the student reaches the level where a removal may be called for. In a state where a student may actually receive a discretionary removal consequence for skipping class, lawmakers must move quickly through policy change by narrowing when discretionary removal can be considered by campus administrators as a disciplinary tool.

Another suggested change to existing state policy is to examine and clarify the definitions of subjective infractions such as disrespect or disruptive classroom behavior, which are two very common referrals that administrators receive. An improvement to TEC 37 would require that alternatives which include a brief timeout, or “cool-down” period, be employed by schools to initially address these concerns with a student. The length of this time-out should be clearly articulated in policy, and function primarily to allow for due process to occur by removing the student from a contentious setting for the short term while they receive feedback and behavior coaching. Disrespect and disruption are two constructs that differ not just between races or income levels, but also between the different teachers a public school student encounters in the same instructional day. Tighter definitions of these terms could lead to a reduced amount of discretionary removals by developing a common understanding of (1) exactly what these look like and (2) what identifiers would cause the seriousness of the behavior to rise to the level of warranting a student removal from

instruction. Most middle school students travel to a different classroom setting several times per day. It could be more constructive to remove the student from instruction temporarily, assign an alternative consequence, and then enter the student into the next class to see if they will be able to move on without further incidents during the day.

### ***Restorative Justice Practices***

Restorative Justice Programs emerged in the early 1990's to address the harmful outcomes of disciplinary policies in schools that depend on punitive measures (Cameron & Thorsborne, 2001). Gonzalez (2012) defines this style of behavior management:

Within the school context, restorative justice is broadly defined as an approach to discipline that engages all parties in a balanced practice that brings together all people impacted by an issue or behavior. It allows students, teachers, families, schools, and communities to resolve conflict, promote academic achievement, and address school safety.

She provides several examples of what this might look like in the school setting and provided examples of focused relationship building between staff and students, the use of peer mediation for conflict resolution, and formation of youth courts to decide on student consequences. This approach could allow administrators to manage subjective infractions involving disrespect and disruption specific to a certain subject or teacher the student has difficulty with, or was less severe, without the student losing the remainder of the day's instruction in the process. Although the risk exists that the student may continue with unexpected behavior when they are returned to instruction, it places an emphasis on providing some type of intervention as a means to refocus the student. This communicates a different type of message to a student, changing it from one we know is not resonating well based on the increased rates of removal to one that implies support for learning from behavior and encouraging positive change (Dunn & Kaufman, 2015).

Community conferencing was another example of restorative justice practices that provided an avenue for staff and community to come together to negotiate normative understandings about compliance and acceptable behavior. This is a productive extension beyond what is only determined by the school, in isolation, about normative student behavior which is then conveyed through the SCOC. Historically, approaches to behavior management have relied on the punitive responses to student behavior by increasing the severity based on the perceived seriousness of the infraction. In the school context restorative justice views misconduct not as breaking a school rule which is therefore viewed as defiance against the school institution, but rather as “a violation against people and relationships in the school and wider school community” (Cameron & Thornesborne).

### ***The Role of Out-of-School Suspension***

Lastly, Texas schools should be required to eliminate the use of home suspension except for cases of extreme misconduct that would need to be clearly defined. The current body of knowledge on the effects of out-of-school suspension provides a great deal of evidence showing that this type of consequence is extremely damaging to student outcomes, and maintains a strong correlation with the potential for incarceration of those same students later in life (Daly, Hildenrand, Haney-Caron, Goldstein, Galloway, & DeMatteo, 2016; Smith, 2015; Fasching-Varner, Mitchell, Martin & Bennett-Haron, 2014). It has also been established conclusively that home suspension does not improve student behavior or function as a deterrent for other students. In fact, the exact opposite has been shown to occur in many studies of its affect in this regard (Cuellar & Markowitz, 2015; Kohistani, Dougherty, & Klofas, 2015). It must not be ignored that even the most serious offenses that mandate student removal requires the student to receive instruction in some form, whether it occurs in

a DAEP or some other alternative setting. In contrast, home suspension is considered a mid-level consequence by many campus administrators, and is used to bridge the gap between in-school suspension and a DAEP placement. This consequence does not provide any instruction for the student during the term of suspension and leaves them in a setting where little or no supervision of the student may occur at all. It is because of these qualities of out-of-school suspension that the option to remove a student in this way must be abandoned by school districts. This is of vital importance when one considers that the results of the descriptive data included in this study show that in the study district, as well as in state averages, this consequence receives preference specifically when it is being assigned to African American students. As demonstrated in the results of this research, the proportion of suspensions assigned to African American students *increased* from their levels of in-school suspensions, while for every other group these levels decreased. This fact alone is extremely damaging to the credibility of Texas public schools to be able to provide an equitable education for all students.

Although any of these actions could potentially have an impact on the overall number of discretionary removals recorded by Texas public schools, it would remain to be seen whether they would also reduce the disproportionality in its use against students of color. It is possible that these efforts could actually decrease the number of removals overall, but have no effect on the disparate use among African American students. On a cautionary note, it could also be that representations of African American students might actually increase among other disciplinary measures the same way as they did when moving from in-school to out-of-school suspension consequences. A student group that is seen as being more



disrespectful and disruptive than others will still be perceived that way, and this policy change may only work to exclude just that group.

## **Implications for Practitioners**

School districts in Texas face an equal imperative as the state to evaluate their own practices in the face of overwhelming evidence that extensive reliance on discretionary removal is not only damaging to student outcome, but worse is being used on student groups unevenly. The absence of an effort originating at the state level to remediate this problem does not free a district from the responsibility of making improvements in the way it approaches student discipline in order to address the current inequities in the system. While major overhauls of this type may involve more resources than a district can muster on its own, there are actions that can be taken that could have an impact on the disproportionate data without the need for securing large amounts of resources for this purpose.

### *Professional Calibration*

The findings of this study showed that there is a wide difference between administrators in everything from how they process a removal, to what things they pay attention to in order to make decisions about discretionary removal. It was also learned that these differences can occur between administrators assigned to the same campus, thereby making it challenging for students to understand behavior expectations when inconsistency exists. In order to prevent these differences from creating a situation where student behaviors are viewed and reacted to differently dependent upon which administrator addresses them, it may be wise for campuses to begin a process of internal alignment with the way campus officials process referrals and assign discretionary removals. This should not happen in isolation to avoid huge differences

between campuses within the same district, creating additional problems for students who transfer from one campus to another. It would certainly require the input of stakeholders, including students, parents, educators and administrators in order to align the definitions of offenses, and clearly identify exactly which ones should require a student to be removed from instruction using which type of removal.

For the study district, the format of the discipline referral and the way the information is collected and relayed to the administrator has undergone very little redesign for over fifteen years. With that in mind, it seems important that part of the systems evaluation should include an examination of the way information about a student behavior event is collected. For example, a referral requires a teacher to label a specific behavior using complicated lists with many terms that could describe different student behaviors as the same thing, leaving teachers to code referrals as they see fit. A teacher who witnesses a loud confrontation between two students where the students shove one another could easily interpret that behavior as a fight and code it accordingly. A different teacher may watch the same event and determine that it was roughhousing, two very different behaviors in the eyes of a campus administrator, that could mean the difference between a home suspension versus another type of consequence. Administrators who rely on the referral language to understand behavior events, which often conveys the emotion of the author, rather than providing careful due process leaves the possibility of misinterpretation all the more real. The response to this might be to simply remove the need for the teacher to pre-code a referral as a specific behavior, or reduce the infraction labels to broader categories that guide the administrator's understanding of the events without predetermining them.

## *Campus Data Evaluation*

With the current system of accountability established for schools by the state of Texas, they are required to engage in data analysis of student achievement frequently throughout the school year in order to determine what instruction is having an impact on student achievement. With the rigor of state curriculum and the way it is assessed, operating a school that does not subscribe to frequent data review would likely land it on a list of low performing schools and wreak havoc on student learning. Disciplinary data collection and analysis by districts and the schools they supervise should be a priority, and occur at numerous points during the academic year. This would allow administrators and staff to pinpoint areas they need to focus on for growth, and make determinations about the things they are doing that might be working. It fosters an action research approach to campus improvement that is more proactive because the evaluative cycle can occur several times throughout the year. For example, a campus might revisit its disciplinary data each nine weeks to determine problem areas and make necessary plans to address them. This is far more effective than viewing their disciplinary behavior as something to be reviewed at the end of each year as a matter of routine. The data from these efforts may also lead to important discussions during staff development that examine campus normative beliefs about certain student behaviors, and effective ways to address them without losing instructional minutes. There is no shortage of information for these entities to review, and the language of discipline referrals themselves can provide even further insight for school officials to act on. Annual trainings at the beginning of each school year with staff on how record events in a referral impartially may sound very simplistic, but could yield less subjectivity in the referral process.

### *Countering “Colorblind” Sense-Making*

The results of this research and the literature reviewed show that the problem of inequity occurs in most schools in the state at varying degrees of intensity, and a general awareness about it exists among most campus administrators. However, studies have demonstrated that the ability of educational leaders to wrestle with the contributions of race to inequitable student outcomes has been handicapped by race-neutral attitudes about school policies and systems (Turner, 2015; Welton, 2015). The Fabelo study (2011) revealed that institutional bias against race was at the core of disproportionate disciplinary removals against students of color, however district administrators tend to look at student cultural characteristics or environmental factors external to the school as the cause.

In my study I found that most of the administrator participants articulated that a problem of disproportionality did exist for African American students, but tended to center these inequities within student characteristics or the teacher. Conversations about ways the systems and strategies employed by administrators might contribute to the inequity because of race were volunteered much less frequently, with some respondents indicating a race-neutral approach to managing student discipline. This was supportive of the results of other research reviewed for this study in that race-neutrality was a notable stance among school leaders, and that reflective discussions about embedded racism as an explanation for inequity can be very difficult. Study participants mentioned certain aspects of student race in their responses, but very few explored ideas about how their own sense-making could be impacted by constructs of race contained within themselves, and the systems established to manage student discipline. The absence of this subject in participant responses indicates that while student race is fundamental to understanding the issue of disproportionate removal, there

may be a need for guidance in helping school leaders identify areas where race-neutral approaches contribute to disparate impact on students of color, and support the dialogue on addressing the issue.

There is an old adage that describes knowing what is important to school leaders by the professional development they pursue, and the literature speaks to the scant training administrators receive in managing school discipline processes. Administrators are faced with the very difficult task of managing a discipline system prone to inequity, while simultaneously working to ensure that student misconduct is addressed in an effective and equitable fashion. Gooden (2012) emphasized this notion when he concluded that “Principals are in the precarious position of needing to be critical of the current system but needing to experience some level of success within it.” He offers several steps school leaders can take as they move their organizations in the direction of delivering a more inclusive program. He suggests that practitioners should begin by developing a working understanding of individual, institutional, and societal racism as path-way to stronger sense-making, and emphasized the importance of completing a racial autobiography as fundamental to better understanding. He also recommended performing an equity audit of the school guided by critical frameworks that explore race and inequality in order to deepen the awareness of the embedded systems of bias against students of color in existing school practices. He offers that these efforts may help lead to more inclusive structures within schools and, driven by what he described as an ethic of care, “urge principals to reconsider and recast the adversarial relationships that have been created with African American children”.

## **Contributions to Theory**

The intent of this research, including the use of a case study model supported with descriptive data, was to bring light to a process that is known only to a select few who have elected to assume the responsibilities of campus administration. By doing so, I was able to identify where processes may be “weak” in that they are having a disparate impact on African American students in Texas. My study results do not delineate everything there is to know about the cognition behind discretionary removal decisions, but they do show that there are many commonalities and differences in approaches among the study participants, and therein may lie some of the vulnerability for the process to sort students unequally. Most importantly, these results support the argument that language and communication between the student and campus administrator is an important part of the process. This research is designed more to map out the process of discretionary removal and these approaches as a way to begin the dialogue about practice among administrators who are using discretionary removal to address student behavior. The intent is to further the development of a disciplinary system in schools that does not strive to treat everyone the same, but rather to recognize that students are coming to school with differences that are causing them to be treated unequally by the systems meant to care for them.

## **Limitations and Alternative Explanations**

It is important in any research to make every effort to ensure the reliability of the study by considering alternative explanations for the findings of the research based on the methods employed to select the study sample, and processes for the collection of data. To follow is a discussion of these limitations and a consideration of alternative explanations that could have impacted the reliability of this research.

### ***Sample Selection***

One of the primary limitations of this study is the relatively small sample size in terms of the participants and campuses studied. Only four of the middle schools were selected for the study, which only highlights the practices of those schools and cannot be generalized beyond those campuses. A larger sample could provide further details about the processes involved in making decisions about discretionary removal that may not have been evident in the processes used by the study participants. Therefore my findings are mainly representative of the perspectives and lived experiences of the participants at the intermediate level, rather than a collective opinion of all administrators in the district as a whole.

### ***Researcher Positionality***

It is important to concede specifically about areas within the study design where I may have influenced outcomes with my own personal biases while analyzing the data collected, especially during the process of interpreting participant responses from the interviews. The following have been identified as areas of weakness in the study, and should be considered when developing a methodology framework for continued research in this area as a way to negate their effect.

As a White male, I am perpetually faced with the task of mitigating my own racial biases that are inherently part of my socialization as a member of this group. I must always assume that my perceptions and experiences are limited in this regard, and leave the possibility open of misinterpretation of the perspectives presented by others, especially when they are held by others from outside of my group. Further, my lived experiences growing up as a White, middle-class male have certainly shaped my own schemas on normative student behavior and impact my ability to make sense of the information I gathered from study participants. It

should be noted that my interpretation of this data is susceptible to bias because of these factors.

As a campus principal in the study district, there were several participants with whom I have developed a professional relationship with during my past assignments. Four of the participants were more familiar with me because we have been assigned to the same campus as administrators, or because of past positions delivering classroom instruction at the same school. Although my current role as a principal at the elementary level does not place me in a supervisory position over any of the participants, it is reasonable to consider whether the participants crafted their survey and interview responses to match my own ideas or those of their supervisors rather than from their own opinions. It is also possible that they may have not been forthcoming because of their familiarity with me in our professional circle. It is just as possible that the opposite of this is true, and there is probably no way to be absolutely certain.

Second, as a former assistant principal with several years of experience in this area, I came to this study with my own prejudgments about the role of race in discretionary removals based on my professional experiences. I feel that it is important to acknowledge that my views about discretionary removal experienced a transformation over time serving in this role as I became more and more interested in my own data, and the inequity it showed. I feel that my convictions changed for the better, in the sense that my data changed as well, and I hold opinions about the nature of disciplinary inequity that I have gained through my nearly a decade of experience in the role. I believe that it may have been problematic to completely separate myself from these perspectives, even when consciously approaching the task of interpreting interview data with a neutral mindset. These views could have ultimately



caused my interpretation and organization of participant responses to be influenced in spite of my conscious effort to prevent this. By conceding this, it must also be assumed that each of the participants may have been at different points along this same continuum of administrative experience, and that their responses might have been different based on their time in the field.

Lastly, as a novice researcher I may have failed to notice information that was missing in my pursuit of understanding about the disparate impact of discretionary removal on students of color. Additionally, I may have missed opportunities to dig deeper during my interviews that would have normally been capitalized on by more a more experienced researcher. Because I am relatively new to the process of compiling large quantities of interview data, I may have failed to recognize patterns in the responses or interpreted them as succinctly as is possible in order to develop the themes they represented. All of these represent errors of omission, and could lead to entirely different conclusions about the processes and problems associated with discretionary removals.

## **Recommendations for Further Study**

The recommendations for further study are centered in three areas which could extend these results into action research and site-based inquiry on alternatives to the standing process of discretionary removal. As discussed earlier in the chapter, restorative justice approaches to student discipline are being piloted in many large school districts and showing promising results. More ideas that provide an alternative to discretionary removal should be considered and tested by campus leaders to provide a response when students are disruptive to the educational process without having to remove the student from the classroom for extended terms.

Another area recommended for study relates to the participant sample, and the results which showed that study campuses were staffed with administrators who had vastly different approaches and views on discretionary removal. It is suggested that these differences should be measured to determine whether their alignment has any effect on frequencies and disproportionality at the campus level. Additionally, it would be informative to evaluate the relationship between these differing styles and how they play out in removal data, with a close eye on how each quality or style in approaching student discipline either increases or decreases the gap in discretionary removal data. This would be especially useful if it could be determined that one approach contributes less to the disproportionate assignment of discretionary removals to students of color, or identifies specific qualities that can be measured and assessed on many campuses.

Lastly, further inquiry about the reliance on the ability of students to communicate subjective concepts, such as remorse, with administrators during the due process phase of a discretionary removal decision should be scrutinized for its possible affect on disproportionate removal. It would be very important to learn if the methods described by study participants in this research are widespread among school officials who manage disciplinary processes. More importantly, it would be essential to understand how sensitive these processes are to different students by race, and determine how significantly they contribute to the current levels of disproportion in discretionary removal.

## APPENDICES

### Appendix A: Study Campus P109 Disciplinary Matrix

#### Administrator's Discipline Matrix

##### **Failure to Comply**

1 <sup>st</sup> Offense	ISS- 1 day
2 <sup>nd</sup> Offense	ISS- 2 days
3 <sup>rd</sup> Offense	Range ISS-2 days to OSS- 1 day

##### **Electronic Devices/ Cell Phones (see district policy)**

1 <sup>st</sup> Offense	Devise will be sent to front office for parent/guardian to pick up
2 <sup>nd</sup> Offense	Devise sent to front office for parent/guardian plus a \$15 return fee
3 <sup>rd</sup> Offense	Devise will be held until the end of the school year

##### **Altercation: Physical**

Fight (no citation)	OSS- 2 days/ISS- 3 days
Fight (citation)	OSS- 2 days/ISS- 3 days
2 <sup>nd</sup> Offense	OSS-3 days; citation; OC hearing

##### **Altercation: Verbal**

Minor Offense	Contact parent/guardian; detention assigned
Major Offense	ISS-2-3 days; possible citation; Stay-Away Agreement if repeated behavior
Towards staff	OSS-1-3 days; possible citation

##### **Profanity**

General Use	
Towards Students	Warning; possible detention; ISS if repeated behavior
Towards Adult(s)	ISS-1 days
2 <sup>nd</sup> Offense	Range ISS- 2 days- OSS

##### **Tardies (see campus policy)**

1 <sup>st</sup> Offense	Documented Warning
2 <sup>nd</sup> Offense	Stand Quietly for 15 minutes or classroom consequence
3 <sup>rd</sup> Offense	After School Detention
4 <sup>th</sup> Offense	Office Referral/ ISS- 1 day

##### **Classroom Disruptions**

1 <sup>st</sup> Offense	Range from Detention to ISS; per The Book Step
Subsequent Offenses	ISS-1-2 days; possible OSS

##### **Dress Code**

1 <sup>st</sup> Offense	Warning, Change Clothing
2 <sup>nd</sup> Offense	Change clothing; parent phone call regarding warning

3rd Offense	Change clothing; Detention; contact parents
4th Offense	Change clothing; ISS- 1 day
<b>Failure to Serve Detention</b>	
1st Offense	Assign another day; parent contact
Subsequent Offenses	ISS-1 day; contact parents
<b>Weapons</b>	
Legal Knife	ISS-2 days
Illegal Knife	OSS-3 days; possible Arrest; possible OC Hearing
Illegal Weapon(s)	OSS-3 days; possible Arrest; possible OC Hearing
<b>Theft</b>	
1st Offense	Range from ISS to OSS
2nd Offense	Range from ISS to OSS; possible citation; possible OC Hearing
<b>Inappropriate Use of Internet</b>	
1st Offense	Termination of computer use 10 school days; detention
2nd Offense	Termination of computer use 9 weeks; ISS 1 day
3rd Offense	Termination of computer use for remainder of year and ISS
(Pictures)	Automatic ISS -1day
<b>PDA(Public Display Of Affection)</b>	
1st Offense	Warning
2nd Offense	Detention; contact parents
3rd Offense	ISS- 1 day
Kissing	ISS
<b>Bus Referral</b>	
1st Offense	Bus referral mailed home
2nd Offense	Transportation Dept. contacts parents removal from bus for week
3rd Offense	Bus removal-semester
<b>Academic Dishonesty/Cheating (no double jeopardy)</b>	
Assessment	ISS-1 day; opportunity to take another version of the assessment
Practice	Detention 1 day; contact parents
<b>Tobacco</b>	
1st Offense	ISS-1-3 days; citation
2nd Offense	OSS-1-3 days; citation
3rd Offense	OSS-1-3 days; citation
<b>Graffiti</b>	
<b>School Property</b>	
2nd Offense	Range from detention to ISS
	Range from 2 days ISS to OSS; restitution of charges
<b>Student Property</b>	Range from ISS to OSS
2nd Offense	Range from ISS to OSS; filed with SRO
<b>Sexual Harassment (Verbal/Non Verbal)</b>	
1st Offense	ISS- 1 day

2nd Offense

**Gang Activity**

Clothing/Representing

1st Offense

2nd Offense

3rd Offense

**Refusal to sign Book**

1st Offense

2nd Offense

**Failure to Attend ZAP**

1st Offense

2nd Offense

Range from ISS- 2 days to OSS

Warning and change clothing; item  
removal; parent contact

ISS; parent phone call and conversation  
with SRO

OSS; parent phone call

OSS; possible OC placement

Warning and talk with AP; if still refusing  
to sign- ISS

ISS

ISS- 1 day

ISS- 2 days

## **Appendix B: Survey Instrument Questions**

- 1. Race/Ethnicity\_\_\_\_\_**
- 2. Gender\_\_\_\_\_**
- 3. Years as a campus administrator\_\_\_\_\_**
- 4. Years in Education\_\_\_\_\_**
- 5. On average, what percentage of a typical school day do you spend on student discipline?**
  - A. Less than 25%**
  - B. 25%-50%**
  - C. 50% to 75%**
  - D. 75%-100%**
- 6. Please indicate whether any of the following characteristics influence student behavior:**  
**Likert Scale 1=Strongly Agree 2=Agree 3=Disagree 4=Strongly Disagree**  
**Gender**  
**Race**  
**Student Achievement**  
**Disability Status**  
**Family Income**
- 7. Please indicate whether any of the following influences your disciplinary decision:**  
**Likert Scale 1=Strongly Agree 2=Agree 3=Disagree 4=Strongly Disagree**  
**Student's remorse**  
**Student's discipline history**  
**Student's current academic standing**  
**Student's understanding of the event**  
**Campus behavior expectations**

### **Open-Ended Questions**

- 1. Describe your approach to processing a student discipline referral.**
- 2. Identify the factors that most influence your decision on the type and duration of a discretionary removal?**
- 3. What is your view on the purpose of discretionary removal?**
- 4. Discuss what you believe to be the cause(s) of the discipline gap between student groups.**
- 5. In your view, what will help to close these gaps?**
- 6. What is your reaction to the results from the the *Breaking School Rules* study? What, if anything, do you take away from what you learned from the results?**

## **Appendix C: Consent to Participate**

My name is Troy Pitsch. I am a doctoral student at the University of Texas at Austin in the Executive Public School Leadership Program. I am pursuing a Ph.D. in Educational Policy and Planning. My research interests focus on the intersection of school discipline policy with student and campus characteristics. Specifically, this study focuses on what influences discretionary removal decisions by school administrators. Through this research, I hope to contribute to the growing body of knowledge about how Texas schools are interpreting and implementing disciplinary policies at the campus-level and the subsequent student outcomes.

I would like to invite you to become a part of this research and let you know what it will entail. Participants in this study will be asked to meet for an interview that will take approximately 1 hour. The potential risk to the participants is no greater than everyday life. Only I will know who you are and I guarantee that your responses will not be identified with you personally, and all research data will be stored in a locked safe. Your participation in this study is voluntary and there is no penalty if you do not participate. It is only important that you be as open and honest with your responses as you can. You may decline to answer any question and you have the right to withdraw from participation at any time. Withdrawal will not affect your relationship with The University of Texas in anyway. If you do not want to participate just simply stop participating. Please contact me at [troy.pitsch@utexas.edu](mailto:troy.pitsch@utexas.edu) or call me at 512 594-5411 if you would like to become part of this study. If you have questions about your rights or are dissatisfied at any time with any part of this study, you can contact, anonymously if you wish, the Office of Research Support by phone at (512) 471-8871 or email at [orsc@uts.cc.utexas.edu](mailto:orsc@uts.cc.utexas.edu).

Troy Pitsch, B.S.E., M.Ed.  
University of Texas at Austin



## Appendix D: Study Campus Disciplinary Data for 2014-15

### *Campus MC109*

MC109	Student Enrollment	Percent of Total Enrollment	Number of ISS Actions	Total Number of Students receiving at least one ISS	Student Action Ratio	Percent of Total Actions by Group	Group Risk Index
Total	990	~	956	291	0.3	~	29.39
Af Am	262	26	387	114	0.29	40	43.51
Hispanic	349	35	307	94	0.3	32	26.93
White	274	28	199	65	0.35	21	23.72
Asian	69	6	28	8	0.29	3	8.69

MC109	Percent of Enrollment	Number of OSS Actions	Total Number of Students Receiving at least one OSS	Student Action Ratio	Percent of Total Actions by Group	Group Risk Index
Total	~	229	113	0.49	~	11.4
Af Am	26	91	50	0.55	40	19.1
Hispanic	35	76	31	0.4	33	8.9
White	28	51	25	0.49	22	9
Asian	6	1	1	1	1>	1>

MC109	Percent of Enrollment	Number of DAEP Actions	Total Number of Students Receiving at least one DAEP	Student Action Ratio	Percent of Total Actions by Group	Group Risk Index
Total	~	36	29	0.81	~	2.9
Af Am	26	13	12	0.92	36	4.6
Hispanic	35	12	8	0.67	33	2.3
White	28	10	8	0.8	28	2.9
Asian	6	1>	1>	1>	1>	1>

***Campus MM109***

MM109	Student Enrollment	Percent of Total Enrollment	Number of ISS Actions	Total Number of Students receiving at least one ISS	Student Action Ratio	Percent of Total Actions by Group	Group Risk Index
Total	1101		889	255	0.25		23.1
Af Ams	194	18	230	70	0.3	26	36.1
Hispanic	515	47	516	146	0.28	58	28.3
Whites	271	25	80	29	0.36	9	10.7
Asian	80	7	18	4	0.02	2	2.5

MM109	Percent of Enrollment	Number of OSS Actions	Total Number of Students Receiving at least one OSS	Student Action Ratio	Percent of Total Actions by Group	Group Risk Index
Total		149	77	0.52		7
Af Ams	18	34	21	0.62	23	10.8
Hispanic	47	80	42	0.53	54	8.2
Whites	25	20	13	0.65	13	4.8
Asian	7	1	1	1	1>	1>

MM109	Percent of Enrollment	Number of DAEP Actions	Total Number of Students Receiving at least one DAEP	Student Action Ratio	Percent of Total Actions by Group	Group Risk Index
Total		40	36	0.9		3.2
Af Ams	18	4	4	1	10	1.7
Hispanic	47	30	27	0.9	75	5.8
Whites	25	2	2	1	5	2.5
Asian	7	0	0	0	0	0

***Campus MV109***

MV109	Student Enrollment	Percent of Total Enrollment	Number of ISS Actions	Total Number of Students receiving at least one ISS	Student Action Ratio	Percent of Total Actions by Group	Group Risk Index
Total	886	~	1343	353	0.26	~	39.8
Af Am	170	19	397	99	0.25	30	58.2
Hispanic	515	58	806	201	0.25	60	39
White	99	11	97	33	0.34	7	33.3
Asian	70	8	20	8	0.4	1	11.4

MV109	Percent of Enrollment	Number of OSS Actions	Total Number of Students Receiving at least one OSS	Student Action Ratio	Percent of Total Actions by Group	Group Risk Index
Total	~	242	133	0.55	~	15.01
Af Am	19	95	44	0.46	39	25.9
Hispanic	58	106	69	0.65	44	13.4
White	11	24	13	0.54	22	13.1
Asian	8	10	4	0.4	4	5.7

MV109	Percent of Enrollment	Number of DAEP Actions	Total Number of Students Receiving at least one DAEP	Student Action Ratio	Percent of Total Actions by Group	Group Risk Index
Total	~	57	47	0.82		2.5
Af Am	19	21	15	0.71	37	8.8
Hispanic	58	24	23	0.96	42	4.5
White	11	8	6	0.75	14	6.1
Asian	8	3	2	0.67	5	2.8

***Campus MD109***

MD109	Student Enrollment	Percent of Total Enrollment	Number of ISS Actions	Total Number of Students receiving at least one ISS	Student Action Ratio	Percent of Total Actions by Group	Group Risk Index
Total	1095		848	316	0.37		28.9
Black	239	22	292	105	0.36	34	43.9
Hispanic	592	54	458	162	0.35	54	27.3
White	117	11	50	25	0.5	6	21.3
Asian	112	10	23	9	0.39	3	8

MD109	Percent of Enrollment	Number of OSS Actions	Total Number of Students Receiving at least one OSS	Student Action Ratio	Percent of Total Actions by Group	Group Risk Index
Total		304	165	0.54		15.1
Black	22	127	66	0.51	42	27.6
Hispanic	54	141	79	0.56	46	13.3
White	11	17	10	0.58	6	8.5
Asian	10	15	8	0.53	5	7.1

MD109	Percent of Enrollment	Number of DAEP Actions	Total Number of Students Receiving at least one DAEP	Student Action Ratio	Percent of Total Actions by Group	Group Risk Index
Total		86	76	0.88		6.9
Black	22	37	29	0.78	43	12.1
Hispanic	54	41	37	0.9	48	6.2
White	11	7	6	0.86	8	5.1
Asian	10	1	1	1	1	1>

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